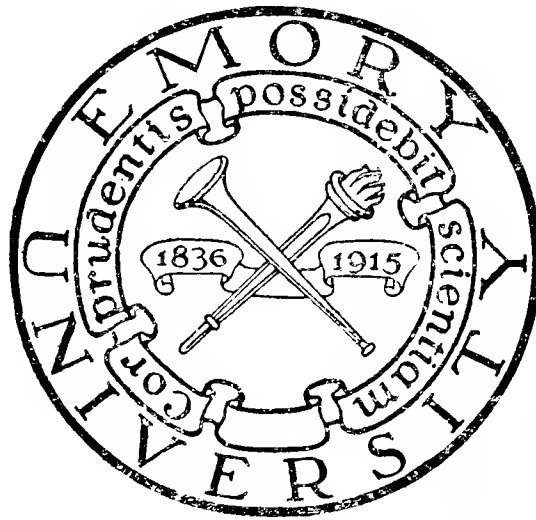




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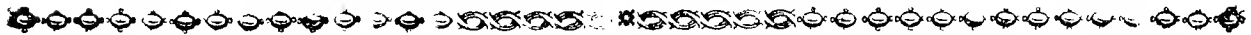
# JOURNAL

OF THE

## SENATE

OF THE STATE OF GEORGIA.

AT THE ANNUAL SESSION IN NOVEMBER AND DECEMBER, 1808.



*Monday, Nov. 7, 1808.*

At an annual session of the General Assembly of the State of Georgia, begun and held at the State House in the town of Milledgeville, on the first Monday, being the 7th day of November, in the year of our Lord one thousand eight hundred and eight, and in the thirty third year of the Independence of the United States of America: Present the following members elect; who produced their several credentials, and the oath, agreeably to the constitution of this State and that of the United States, being administered by John M. Devereaux, Esq. a Justice of the Inferior Court of Baldwin county to them respectively; took their seats; viz:

From the county of Morgan, the Honorable William Brown.

From the county of Wilkinson, the Honorable John Ball.

From the county of Glynn, the Hon. John Burnett

From the county of Columbia, the Hon. Thomas Carr.

From the county of Randolph the Hon. Joseph Carter.

From the county of Chatham, the Hon. Francis Courvoisie.

From the county of Washington, the hon. John E. Dawson.

From the county of Burke, the hon. John Davies.

From the county of Tattnall, the hon. Jesse Embre.

From the county of Warren, the hon. Shadrach Fluellen.

From the county of Richmond, the hon. Thomas Flournoy.

From the county of Clarke, the hon. Davis Gresham.

From the county of Jackson, the hon. Samuel Henderson.

From the county of Camden, the hon. John Hardie.

From the county of Laurens, the hon. Edmund Hogan.

From the county of Walton, the hon. Sterling Hightower.

From the county of Jefferson, the hon. Abner Hammond.

From the county of Elbert, the hon. Patrick Jack.

From the county of Putnam, the hon. William D. Lane.

From the county of Franklin, the hon. Samson Lane.

From the county of Hancock, the hon. Henry Mitchell.

From the county of Montgomery, the hon. Patrick McGuff.

From the county of Oglethorpe, the hon. George Moore.

From the county of Wayne, the hon. Allen B. Powell.

From the county of Jones, the hon. Jesse McKinne Pope.

From the county of Greene, the hon. Ezekiel E. Park.

From the county of Bulloch, the hon. John Rawles.

From the county of Liberty, the hon. Daniel Stewart.

From the county of Effingham, the hon. Jesse Scroggs.

From the county of McIntosh, the hon. Thomas Spalding.

From the county of Baldwin, the hon. Benjamin Taliaferro, jun.

From the county of Wilkes, the hon. Matthew Talbott.

From the county of Lincoln, the hon. Robert Walton.

On motion of Mr. Spalding, the hon. Daniel Stewart, from the county of Liberty, was nominated to the

chair and took his seat.

The Senate then proceeded by ballot to the choice of their President, and on counting out the votes it appeared that the hon. Henry Mitchell was duly elected; who was conducted to the chair.

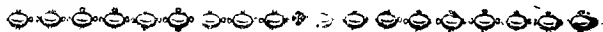
They also proceeded to the choice of Secretary, and on counting out the votes it appeared that William Robertson, was unanimously elected.

Also, to the choice of Door Keeper and Messenger, and on counting out the votes it appeared that Alexander Greene, was elected Door Keeper and Henry Williams, Messenger.

A message from the House of Representatives, by Mr. Holt their clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate, that they have formed a quorum and are ready to proceed to business, having appointed the hon. Benjamin Whitaker, their Speaker, and Hines Holt their clerk. And he withdrew.

*The Senate adjourned till 10 o'clock to-morrow morning*



*Tuesday, Nov. 8, 1808.*

The hon. Clement Lanier, a member elect from the county of Scriven; and the hon. Thomas Watts, a member elect from the county of Telfair, attended, produced their credentials, and the oath agreeably to the constitution of this state, and to support the constitution of the United States, being administered to them respectively, took their seats.

On motion of Mr. Hammond,  
Resolved That the Senate be governed by the rules of the last session.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have appointed a committee on their part consisting of Messrs Hutchinson Williams and Bryan, to join such committee as may be appointed by Senate, to wait on his Excellency the Governor, and inform him that the Legislature is now convened, and ready to proceed to business—and he withdrew.

The Senate took up the message, which was read and agreed to, and added Messrs. Spalding and Talbot a committee on their part.

A petition was received from Little Bercy Bostick, Esq. on the subject of the election of the hon. Abner Hammond, of Jefferson county; which being read, was ordered to lie on the table.

Mr. Embre presented a petition from Wilson Conner, Esq. Tax Collector of Tazewell county, with sundry affidavits accompanying the same; which being read, was ordered to lie on the table.

A message from his Excellency the Governor, by Mr. Bozeman, his Secretary:

Mr. President—I am directed by his Excellency the Governor, to lay before this branch of the Legislature his communication, with the documents accompanying the same—and he withdrew.

The Senate took up the message, and the communication is as follows, viz:

*Fellow-citizens of the Senate, and of the House of Representatives,*

Five months only have elapsed since the Legislature was in session, during that short period nothing materially affecting or changing the interest and policy of the state has occurred: I shall therefore proceed to lay before you a statement of the events, with which by the constitution, it becomes my duty to make you acquainted.

Shortly after the adjournment of the Legislature in December last, I wrote the Governor of North-Carolina, and inclosed him copies of the resolutions passed at that session relative to the northern boundary of this state but did not receive any answer till after the adjournment of the extra session in May last. The commissioners appointed on the part of this state to attend to that business have not as yet proceeded to the duties of their appointments, in consequence I believe of the request made by the Governor of North-Carolina in a letter to myself, that it should be deferred till after the meeting of the next General Assembly of that state; a copy of which, together with copies of my letter to him on this subject you will find marked No. 1.

At the last Superior Court held in the county of Hancock, a man by the name of Osborne Randle was convicted of murder, and was sentenced to be hung on the 16th of September last, but in consequence of applications in his favor I was induced to suspend the execution of the sentence until Friday the 9th day

of December next; and have thereby afforded you an opportunity of exercising towards him that clemency, which by the constitution, no other branch of the government can extend. The documents on which I granted the suspension you will find marked No. 2.

In packet No. 3, you will find copies of resolutions of the General Assemblies of the states of Virginia & Vermont, proposing amendments to the constitution of the United States, which if concurred in by two thirds of the Legislatures of the respective states, may become a part of the federal constitution.

Agreeably to a concurred and approved resolution, passed at the extra session of the Legislature in May last, I directed David M'Cord, Esq. on the 20th of June to proceed to re-survey the fractional surveys on the Ocmulgee river, in the seventh district of Baldwin county, and to ascertain the quantity of surplus land therein; and on the 14th of September he reported to me his proceedings, by which it appears that there is 1895 acres, one rood and 36 poles of land more in the said fractions than was represented by the surveyor of that district; it remains with you to say how the same shall be disposed of, and to make Mr. M'Cord such compensation as you may think his labor and exertions entitle him to, as I have only made him advances sufficient to enable him to prosecute his enquiries with as much ease and comfort to himself as the nature of the undertaking would admit of. — A copy of his report you will find marked No. 4.

In the year 1806, there was a law passed imposing a tax on the capital of the branch bank of the United States in the city of Savannah; at the proper time for collecting the same, the Collector for the county of Chatham distrained for it, and the President and Directors of the Bank paid the money, and then instituted an action against the officers who levied the warrant for a trespass;—The defendants plead to the jurisdiction of the court, and sustained the plea; but the plaintiffs obtained a writ of error and have taken the proceedings to the supreme court of the United States. I deemed it advisable to employ counsel to defend the rights of the State in that court; and wrote to Philip B. Key and Walter Jones, Esquires, in the city of Washington, to attend to the suit.—For your further information in this case, I have sent you a copy of the decision of the court, which will be found marked No. 5.

Under the authority of the law passed at the last annual session of the legislature, providing for the arming of the militia, I dispatched William Robertson, Esq. with a letter to our Senators in Congress, constituting them agents on the part of the state to contract for the arms, &c. mentioned in the aforesaid law, and directed him to await their instructions and to be ready at all times to execute any orders which he might receive from them in relation to that business. And upon their closing the contract with the United States, they sent Mr. Robertson to the Arsenal at Philadelphia, where 4000 stand of the arms and 4000 cartouch boxes were to be received, and by his great industry



perseverence and attention to the business, he arrived at Savannah with them, clear of insurance, about the 20th of May last. I still kept him in service in getting them shipped from that place to Augusta, and in attending to the waggoning them from thence to the Arsenal in Louisville, where they are now safely deposited, except 150 which I have had brought to this place. One thousand stand yet remain to be received, which will be delivered on application to the United States' agent at the Magazine in the city of Savannah. In justice to Mr. Robertson I must say, that he deserves great credit for his exertions in carrying into effect the instructions which I gave him, the wishes of myself & the wishes and intention of the legislature in this regard, and must recommend to you to make him a liberal compensation for his services, as I have made him no advances except a sufficiency to defray expenses. A copy of his report to me you will find marked No. 6.

The warrants drawn on the Treasurer during the political year 1808, amount in the aggregate as you will perceive by the statement herewith presented and marked No 7, to the sum of sixty-two thousand eight hundred and twenty-nine dollars thirty five and three quarter cents. Out of the fifteen thousand dollars appropriated to me as a contingent fund, I have drawn the sum of eleven thousand four hundred and twenty-six dollars, fifty three and one quarter cents. The sum drawn for on this fund in compliance with concurred and approved resolutions of the last annual and extra session of the legislature, and the expenses attending

the bringing of the arms from Philadelphia, have contributed very considerably in making this amount.

I have lately received a Map of the State of Virginia, which was sent as a present by the legislature of that state to the legislature of Georgia, and is now in the executive office, to be disposed of as you may direct.

A list of executive appointments made under the 9th section of the 2d article of the constitution and subject to legislative interference you will find marked No. 8.

To you gentlemen is confided the high trust of selecting the Electors of President and Vice President of the United States for four years, to commence on the 4th day of March next.—Through the public prints we have been made acquainted with the candidates for those important offices, and I entertain not a doubt, taking into view the talents, integrity and pure republican principles of Mr. Madison, and the uniform and estimable character of Mr. Clinton, but, that your choice of Electors will be such as to ensure them from this state an unanimous vote.

That you may enjoy health while at the seat of government, attending to your public duties, is the sincere wish of your fellow citizen,

JARED IRWIN,

State House, Milledgeville. }  
7th November, 1808. }

Whereupon the communication, together with the accompanying documents, were read—and,

Ordered. That documents No. 1 & 3, be referred to the committee on the state of the republic. Document No. 2, be referred to a special committee, consisting of Messrs Spalding, Stewart, Park, Gresham, Jack, Flueller and Laliaferro. Document No. 5, 6 & 7, be referred to the committee on finance. Document No. 4, referred to a special committee, consisting of Messrs. Burnett, Embre & Rawles. And Document No. 3, ordered to lie on the table.

On motion,

Resolved, That Messrs. Lane (of Putnam) Scruggs, Lanier, Burnett and Hardie, be a committee on privileges and elections, and that a copy of the returns of the general election be furnished them.

Resolved, That Messrs. Davies, Spalding, Park, Dawson and Henderson, be a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to compose a committee on the state of the republic.

Resolved, That Messrs. Carr, Flournoy, Moore, Courvoisie and Jack, be a committee on the part of Senate to join such committee as may be appointed by the House of Representatives, to compose a committee on finance.

A petition was received from Joel McClendon, on the subject of the election of Jones county which was read and referred to the committee on privileges and elections.

On motion.

Resolved, That Messrs. Embre, Hammond, Walton, Hogan and Carter, be a committee on petitions.

Mr. Scruggs presented a petition from Matthew Rhan, which was read and referred to the committee on finance.

The petition of Wilson Conner, Esq. Tax Collector of Tattnall county, was taken up and referred to the committee on petitions.

Mr. Courvoisie presented a petition from the members of the Union Society of the city of Savannah, which was read and ordered to be referred to a special committee.

Ordered, That Messrs. Courvoisie, Lanier and M'Griff, be that committee.

On motion,

Resolved, That Messrs. Park, Hammond and Talbot, be a committee to contract for the printing the Journal of Senate, and that they be printed daily, and that each member be furnished with a copy.

On motion of Mr. Flournoy,

Resolved, That the door keeper and messenger arrange the tables and seats nearly as may be in a circular manner, in front of the tribunal, and procure as many chairs for the members as they conveniently can.

Mr. Stewart presented a petition from Hipworth Carter, which was read and referred to the committee on petitions.

The Senate adjourned till 10 o'clock tomorrow morning.

Wednesday, Nov. 9, 1808.

The petition of Little Berry Bostick, Esq. laid on the table yesterday, on the subject of the election of Jefferson county, was taken up, read and ordered to be referred to the committee on privileges and elections.

Mr. Lanier notified the Senate, that he will on to-morrow move for leave to report a bill, to be entitled an act to alter and change the name of Eliza Moriah Dixon, to that of Eliza Moriah Hughes.

Mr. Embre presented a petition from a number of the inhabitants of Liberty county, which was read and ordered to be referred to a special committee, consisting of Messrs. Stewart, Embre and Spalding.

Mr. Powell presented a petition from a number of inhabitants of Wayne county, which was read and ordered to be referred to a special committee consisting of Messrs. Powell, Hardie and Burnett.

Mr. Spalding presented a petition from Laban Beckcom, which was read and referred to the committee on Finance.

Mr. Powell notifies the Senate, that he will on to-morrow move for leave to introduce a bill to be entitled an act to repeal 'an act to compel the clerks to keep their offices at the Court Houses or within one mile thereof,' so far as the same respects the counties of Wayne and Talladega.

Mr. Carr presented a petition from the commissioners of the Columbian Academy, which was read and ordered to be referred to a special committee, consisting of Messrs. Carr, Flournoy and Fleuellen, and that they report by bill or otherwise.

Mr. Lane (of Putnam) from the committee on privileges and elections reported in part, which was read and ordered to lie on the table.

Mr. Park from the committee to contract with a printer to print the journal of Senate, reported to wit:

The committee to whom was confided the duty of contracting with a printer to print the journal of Senate, beg leave to submit to Senate the following propositions, made to them by the Printers, to wit:

"I will furnish 150 copies of the journals of the Senate daily at ten cents per copy. A. M'MILLAN.

"Nov. 9, 1808."

Milledgeville, Nov. 9, 1808.

"The undersigned is willing to undertake the printing of the journal of Senate of the present session, at and after the rate of one cent per page of the usual journal size, provided the number required is not less than 150 copies, and deliver them daily, or as nearly so as the rules of Senate will admit.

"I am your humble servant;  
D. L. RYAN."

Whereupon—

The Senate closed with the proposition of Dennis L. Ryan—And,  
On motion of Mr. Hammond,  
Whereas the Senate have closed with

the proposals of D. L. Ryan for printing daily their journal :

Resolved, That the said Ryan do give bond with such security as may be approved of, to his Excellency the Governor, in the sum of five hundred dollars, and that the secretary be required to furnish copies of the journal for the performance of that duty.

Mr. Spalding notifies the Senate, that he will on to-morrow move for leave to bring in the following bills, to wit :

A bill to authorize the Justices of the Inferior Court of M'Intosh county, to appropriate a certain portion of the county tax to the discharge of the debts contracted for the support of the poor—and,

A bill to admit Murdock McCleod, and others, to plead and practice as an attorney in the several courts of law and equity in this state.

Mr. Lanier presented a petition from Timothy B. Humphreville, which was read and referred to a special committee, consisting of Messrs. Lanier, Courvoisic and Walton.

Mr. Jack notifies the Senate, that he will on to-morrow move for a committee to be appointed, to prepare and report a bill to alter and amend the 2d section of the 4th article of the constitution, so far as respects elections by the General Assembly.

On motion of Mr. Hammond,

Resolved, That a committee be appointed to join such committee as may be appointed by the House of Representatives, to prepare and report a bill to estab-

lish a fund for the redemption of the public debt of this state, and to fix a value on the different species of out-standing evidences of debt agreeably to merit.

Ordered, That Messrs. Hammond, Park, Pope, Jack and Moore, be the committee on part of Senate.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have concurred in the resolution appointing a committee on finance, and have appointed a committee on their part—also, in the resolution appointing a committee on the state of the republic, and joined a committee on their part—and they have passed a resolution appointing managers to conduct the impeachment of Abadiah Echols, Reddick Simms and Francis Flournoy, commissioners of fractional surveys. And he withdrew.

On motion of Mr. Flournoy,

Resolved, That a committee be appointed to prepare and report rules of proceeding to be observed on the trial of the impending impeachment of Echols, Simms and Flournoy, and to make the necessary arrangement and preparation in the Senate Chamber for the same :

Whereupon—

Ordered, That Messrs. Flournoy, Spalding, Carr, Talbott and Burnett, be that committee.

Mr. Jack presented a petition from J. F. Nunnellee & Walton Nunnellee, which was read and referred to a special committee.

Ordered, That Messrs. Jack, Gre-  
sham and Ball, be that committee.

On motion of Mr. Hammond,

Resolved, That Thomas Fulton, be,  
and he is hereby appointed a Justice of  
the Inferior Court for the county of Jeffer-  
son, in lieu of Josiah M. Steritt, resigned.

Mr. Lanier, from the committee on  
the petition of Timothy Butler Humphre-  
ville, reported, that they recommend the  
following resolution :

Resolved, That the said Timothy  
Butler Humphreville, be, and he is here  
by appointed Inspector of Lumber for the  
city and harbor of Savannah.

On motion of Mr Carr,

Resolved, That a committee be ap-  
pointed on the part of Senate, to join any  
committee on the part of the House of Re-  
presentatives, to confer and agree on  
what laws of a public nature are necessa-  
ry to be passed at the present session, and  
in which house the same shall originate.

Ordered, That Messrs. Carr, Scruggs,  
Stewart, Hammond and Moore, be the  
committee on part of Senate.

Mr. Scruggs presented a petition  
from Benjamin Kennedy, which being  
read, was referred to the committee on pe-  
titions.

*The Senate adjourned till 10 o'clock to-mor-  
row morning.*



*Thursday, Nov. 10, 1808.*

Mr. Flournoy from the committee to

prepare and report rules for the govern-  
ment of Senate, on the trial of the im-  
pending impeachment against Obadiah  
Echols, Reddick Simms & Francis Flour-  
noy, reported as follows, to wit :

**RULES**

To be observed in the trial of the Impeach-  
ment of Echols, Simms and Flournoy—

First. Before any proceedings shall  
take place in said impeachment, the Sen-  
ate shall adjourn, or postpone legislative  
business. The secretary shall then ad-  
minister the following oath to the presi-  
dent :

You do solemnly swear (or affirm)  
that in all things touching or appertaining  
to the trial of the impeachment of Obadiah  
Echols, Reddick Simms and Francis  
Flournoy, you will do impartial justice,  
without favor or prejudice, according to  
the constitution and laws of the state—  
So help you God.

Second. The President shall then  
administer the same oath to each of the  
Senators.

Third. As soon as the legislative  
business is postponed, for the purpose of  
proceeding with the trial, the president  
shall take the seat provided for him, and  
call to order. The Senators shall then  
take their seats on his right and left.

Fourth. Whenever the court is or-  
ganized and ready to proceed, the secre-  
tary shall inform the house of representa-  
tives, when directed by the president so to  
do, that the Senate is ready to proceed up-  
on the impeachment of Echols, Simms and  
Flournoy ; and on giving notice the first

time shall add : and have prepared seats for the accommodation of the House of Representatives, the managers, the state's counsel and the counsel of the respondents, within the bar of the Senate.

Fifth. The parties accused shall not appear within the bar of the Senate, but may have seats without the bar near their counsel.

Sixth. When all parties are ready to proceed with the trial, the leading manager on the part of the House of Representatives shall open the prosecution, and examine the testimony. And after notice is given that the party introducing a witness is done with him, the cross examination may take place on the other side in the usual way : provided that there shall not be more than one examining counsel on the part of the accused to every witness.

Seventh. All motions shall be made to the president, and if he, or any member of the court shall require it, shall be reduced to writing, and read by the secretary ; and all decisions shall be had by ayes and noes, without debate.

Eighth. The oath administered to the witnesses shall be as follows : " You do solemnly swear (or affirm) that the evidence you shall give, in the case now depending between the state of Georgia & Obadiah Echols, Reddick Simms and Francis Flournoy, for high crimes and misdemeanors, shall be the truth, the whole truth, and nothing but the truth, so help you God." Which oath shall be administered by the secretary.

Ninth. If any Senator shall be called as a witness, he shall be sworn, and give testimony standing in his place.

Tenth. At all times during the trial, silence shall be enjoined on the part of spectators. And when a majority of the court shall think proper, all persons shall retire from the Chamber, Lobby and Gallery.

Eleventh. The President shall have the right, and it shall be his duty, at all times when application shall be made to him for that purpose, to grant subpoenas to witnesses for or against the parties accused, in the following words, viz :

The Honorable the House of Representatives of the State of Georgia,	}	IMPEACH- MENT.
vs.		
O. Echols, R. Simms and F. Flournoy,	}	

To GREETING :

You are hereby commanded, that laying all other business aside, you be and appear before the Honorable the High Court of Impeachment, at the seat of Government, on the day of then and there the truth to say, in the above case, as a witness in behalf of the state or the defendants, as the case may be. Herein fail not on the penalty of one thousand dollars.

WITNESS, The Honorable HENRY MITCHELL, President of the Senate. the day of 1808.

Twelfth. When the arguments are

closed on all sides, the President shall put this question, are you now ready to decide on the several articles of Impeachment? If the majority should reply *no*, the Court shall adjourn till the next day. If a majority should reply *yea*, the President shall direct the Secretary to read the first article, and then call on each member by name, and propose the following question, viz:

Mr. — how say you, are the respondents Obadiah Echols, Reddick Simms and Francis Flournoy, guilty or not guilty of a high crime, or misdemeanor, as charged in this article of impeachment.

Whereupon each member shall rise in his place, and say, "*guilty*" or "*not guilty*."

And the same proceedings shall take place on each and all the articles.

Thirteenth. Any thing not provided for in the foregoing rules, may at any stage of the proceedings, be altered, added to or amended as a majority may think fit, so that the same is not done, or attempted, whilst the managers of the House of Representatives and the counsel of the accused are present, and acting in their official capacity.

The Senate took up the report by paragraphs, which were read and agreed to

Mr. Lanier agreeably to notice, introduced a bill to alter and change the name of Eliza Moriah Dixon to that of Eliza Moriah Hughes, which was received and read the first time.

On motion of Mr. Scruggs,

Resolved, That William Bird and George Nowling, Esquires, be, and they are hereby appointed commissioners of the Effingham Academy.

Mr. Hardie presented a petition from the commissioners of the Camden county road, which was read and referred to a special committee, consisting of Messrs. Hardie, Brown and Powell.

On motion of Mr. Spalding,

Resolved, That the committee to whom was referred the document No 2, relative to the proceeding against Osborn Randle, be considered as a joint committee on the part of Senate, and that the House of Representatives be informed thereof.

Mr. Embre from the committee on petitions, reported on the petition of Willson Conner and Hepworth Carter, which was read and ordered to lie on the table.

Mr. Lane (of Putnam) from the committee on privileges and elections, reported to wit:

The committee on privileges and elections, to whom was referred the memorial of Little Berry Bostick, and accompanying documents respecting the election of Abner Hammond, as Senator to represent the county of Jefferson,

Report, That the said Abner Hammond is constitutionally entitled to a seat in the Senate of the State of Georgia, as represented therein from the county of Jefferson, as far as appears from any evidence adduced before this committee,

Which was read and ordered to lie on the table.

On motion of Mr. Embre,

Resolved, That Clement Briant, be, and he is hereby appointed a Justice of the Inferior Court of Tattnall county, in the room of James Perry, resigned.

On motion of Mr. Scruggs,

Resolved, That John Goldwire, Esq. be, and he is hereby appointed a Justice of the Inferior Court in the place of John King, Esq. deceased, and Robert Berton, Esq. a Justice of the Inferior Court in the place of Mathew Rahn, esq. resigned, for the county of Effingham.

Mr. Powell agreeably to notice. introduced a bill to repeal "an act to compel clerks to keep their offices at the Court Houses in the respective counties or within one mile thereof," so far as respects the counties of Wayne and Tattnall—which was received and read the first time.

Mr. Hogan presented a petition from a number of the inhabitants of Laurens county, which was read and referred to a special committee.

Ordered, That Messrs. Hogan, Ball, McGriff, Dawson and Embre, be that committee.

Mr. Park notifies the Senate, that he will on to-morrow move for a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives. to prepare and report a bill to be entitled an act supplemental to the judiciary law now of force in this State,

and to render more easy the practice and proceedings in the Superior and Inferior Courts.

Mr. Hardie presented a petition from a number of the inhabitants of Camden county, which was read and referred to the committee on the state of the republic.

Mr. Brown presented a petition from Cornelius Murphy, Tax Collector of Morgan county, which was read and referred to a select committee.

Ordered, That Messrs. Brown, Walton and Powell, be that committee.

Mr. Henderson presented a petition from a number of the inhabitants of Jackson county, which was read and referred to a select committee.

Ordered, That Messrs. Henderson, Lane of Franklin, and Gresham, be that committee.

Mr. Jack, agreeably to notice, moved for a committee to be appointed to prepare and report a bill, to be entitled an act to alter and amend the 2d section of the 4th article of the constitution, so far as respects elections by the General Assembly.

Ordered, That Messrs. Jack, Talbot and Carr, be that committee.

Mr. Powell agreeably to notice, introduced a bill to be entitled an act to add part of Camden county to the county of Wayne; which was received and read the first time.

Mr. Stewart presented a petition from Thomas Bradwell, which was read and referred to a special committee.



Ordered, That Messrs. Stewart, Hammond and Jack, be that committee.

Mr. Courvoisie agreeably to notice, introduced a bill to be entitled an act to vest in the Union Society of the city of Savannah, the moiety of the real estate of Justus H. Scheuber devised to them by the said J. H. Scheuber, in his last will— which was received and read the first time.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have passed a resolution, appointing John Ross a Justice of the Inferior Court for the county of Camden. A resolution appointing Archibald S. Bulloch and Jeremiah Cuyler, Esquires, Notaries Public for the county of Chatham. A resolution appointing Griffin L. Lamkin a Notary Public for the county of Chatham. A resolution appointing William A. Dunham, Vendue Master for the town of Darien. A resolution confirming the executive appointment of John P. Williamson, Esq. a Justice of the Inferior Court of Chatham county. A resolution appointing a committee on the part of the House of Representatives, on enrolled bills. A resolution appointing a committee on the part of the House of Representatives, on so much of his Excellency the Governor's communication as respects the resolutions from the legislatures of Virginia and Vermont. And a resolution appointing a committee on the part of the House of Representatives, to take into consideration document No. 2,

accompanying the Governor's communication. And he withdrew.

The Senate took up the message, and concurred in the said resolutions, and appointed a committee on their part on the resolution appointing a committee on enrolled bills, consisting of Messrs. Stewart, Moore and Lane (of Putnam.)

Ordered, That the committee already appointed by the Senate, be added to the resolution appointing a joint committee on document No. 2, which accompanied the Governor's communication.

Also—Ordered, That their committee on the state of the republic, together with Messrs. Spalding, Hammond, M'Griff and Walton, be joined to the committee on the Virginia and Vermont resolutions.

The Senate then postponed legislative proceedings, and the president having taken the seat prepared for him, the secretary administered to him the oath prescribed in the rules to govern their proceedings in the impeachment against Obadiah Echols, Reddick Simms and Francis Flournoy; and the president in turn administered it to each member, except Mr. Courvoisie who was absent.

The High Court of Impeachment being opened by proclamation, Obadiah Echols, Reddick Simms and Francis Flournoy, were severally solemnly called, and the two first answered, and appeared at the bar of Senate, who were by the President asked if they were ready to proceed. Mr. Flournoy answered that they

counsel was absent attending Wilkes court, and they prayed indulgence.

The President thereupon adjourned the court until 12 o'clock to-morrow.

The President returned to the chair, and adjourned the Senate till to-morrow morning 10 o'clock.



*Friday, Nov. 11, 1808.*

On motion of Mr. Carr, to reconsider the minutes of yesterday, so far as respects the referring of the petition of a number of citizens of Camden county, praying an amendment to the constitution, so far as relates to Justices of the Inferior Court; on the question it was agreed to.

Whereupon—

Resolved, That the journal of yesterday, so far as respects that petition, be reconsidered, and that the petition be referred to a joint committee.

Ordered, That Messrs. Hardie, Carr, Gresham, Flournoy and Moore, be that committee.

Mr. Lanier notifies the Senate, that he will on to-morrow move for leave to report a bill to be entitled an act to continue in force an act passed the 23d of May, 1808, entitled "an act to alter and amend an act to dispose of and distribute the late cession of lands obtained from the Creek Nation of Indians, by the United States, in a treaty concluded

at the city of Washington, on the 14th day of November, 1805."

The Senate took up the report of the committee on privileges and elections, on the subject of the election of Walton county; which is in the words following, to wit:

TO THE HONORABLE THE SENATE OF THE STATE OF GEORGIA :

The committee on privileges and elections, beg leave to submit the following circumstances to the consideration of the House, as matter of information, and report in part:

Your committee were induced from a variety of considerations, to entertain serious doubts as to the legality of the election for the county of Walton; and also as to the members elect from that county being constitutionally qualified to occupy a seat in this legislature.

It appears from the examination of Sterling Hightower, Esq. (who has furnished this information with a candor that reflects the highest honor upon himself) and other sources also.

1. That the election for said county, was held in the county of Franklin, fifty miles distant from the place designated by law for holding the courts of the said county.

2. That the managers of said election were persons formerly commissioned from this state; one of whom resides in the state of South-Carolina, and the others in Franklin county in this state, and have done so for the three years last past

3. That the reasons for holding the

election in an adjoining county was for fear of interruption from persons attached to the government of North Carolina.

4. That the laws of this state are in no part or respect executed in said county; while those of North-Carolina are by usurpation in operation.

5. That no taxes have been paid by its citizens towards the support of this government since the year 1799, as appears by a certificate of G. R. Clayton, Esq. Treasurer; nor can we discover that any officer has ever been appointed, or authorized to demand and receive the same; especially since the complete disorganization of the said county by the violence and outrage of persons attached to the government of North-Carolina, and officers commissioned by that state.

6 It appears further, that the citizens of this county pay a tax regularly to the state of North-Carolina, and that it is coerced from that description of them attached to this government.

7 In said county it is estimated that there are upwards of two hundred persons entitled to vote for representatives; and agreeable to a certified copy of the returns from the Executive office for this county, there was no more than twenty two votes at the late general election.

8. It further appears, that the emigrants or refugee citizens late of said county, who exercise the privileges of electing members to this legislature, are in the habit of voting for members from the county of Franklin; as well as from the county of Walton.

From a consideration of all the circumstances of the case, your committee

are of opinion, that agreeable to the 1st section of the 4th article of the constitution of this state, a representative in the legislature thereof is inadmissible from persons so circumstanced, and of such a description; and that the seat of Sterling Hightower, Esq. senator from the county of Walton, ought to be vacated. All of which is respectfully submitted

WILLIAM D LANE, Chairman,

And on the question to agree to the report, it was determined in the affirmative. And the yeas and nays being required, are yeas 20, nays 13.

Those who voted in the affirmative are,

Messrs. Ball,	Lane, of Putnam,
Brown,	Lane, of Franklin,
Burnett,	Lanier,
Carter,	Pope,
Carr,	Rawles,
Davies,	Stewart,
Embre,	Scruggs,
Flournoy,	Taliaferro,
Gresham,	Talbott and
Jack,	Watts.

Those who voted in the negative

are,

Messrs. Dawson,	M'Griff,
Fleuellen,	Moore,
Henderson,	Powell,
Hardie,	Park,
Hogan,	Spalding and
Hightower,	Walton.
Hammond,	

On motion of Mr. Flournoy,

Whereas the Senator elect from Walton county, having been declared not constitutionally elected—

Resolved, That the Governor be informed thereof, that writs of election may be issued in due time.

On motion of Mr. Lanier,

Resolved, That the President be requested to give a warrant on the Treasurer for the sum of seventy-five dollars, in favor of Sterling Hightower, for his services in Senate, his coming to and returning from the seat of government.

The following letter was received from the Treasury Department, to wit :

Treasury Office, Georgia,  
Milledgeville, 10th Nov. 1808.

Sir,

Herewith I do myself the honor to transmit you an abstract of the Treasury of this State, at the close of the political year 1808 ; to be laid before the branch of the General Assembly over which you preside.

I am Sir,

With great respect,

Your obt<sup>h</sup> humble servant,

(Signed) GEO: R. CLAYTON,  
Treasurer.

Hon. Henry Mitchell, President of the Senate of the State of Georgia.

Which being read, was, together with the accompanying document, referred to the committee on finance.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have passed a resolution, allowing each individual who may be required by subpoena to attend and give evidence on behalf of the State against Obadiah Echols, Reddick Simms and Francis Flournoy, impeached of high crimes and misdemeanors, a compensa-

tion of two dollars each per day, during his or her attendance as a witness, and also the sum of one dollar for every thirty miles they, and each of them may be traveling to and from the seat of government.

A resolution appointing a committee to join such committee as may be appointed on the part of Senate, to contract with a printer for printing the laws and Journals of the present session.

A resolution appointing Abraham F. Powell and Reuben King, Lumber Measurers for the town of Darien.

And a resolution appointing Tuesday next, at 12 o'clock, for each branch of the Legislature to convene in the Representative chamber, and then and there proceed by joint ballot to the choice of Electors to vote for President and Vice-President of the United States. And he withdrew.

The Senate took up the message, and the resolution for the appointment of Electors was taken up, amended in part, and ordered to lie on the table.

They concurred in the resolution compensating witnesses who may attend the impeachment of Obadiah Echols, Reddick Simms and Francis Flournoy.

Ordered, That the remainder of the message do lie on the table.

The Senate postponed all further legislative proceedings; and the President having taken the tribunal seat; and the members their seats; the High Court of Impeachment was opened by proclamation.

Ordered, That the Secretary inform the House of Representatives, That the Senate is ready to proceed upon the impeachment of Echols, Simms and Flournoy, and have prepared seats for the accommodation of the House of Representatives. The Managers and State's Counsel, and the Counsel of the respondents, within the bar of the Senate.

The House of Representatives and their Managers having attended, and being seated, Obadiah Echols, Reddick Simms and Francis Flournoy, were called and attended at the bar of Senate; and being asked by the President if they were ready for trial, Francis Flournoy answered, that Mr. Dooly was still absent—employed Seaborn Jones, Esq. who was not present, but momentarily expected—and had also employed Thomas Fits, Esq. who resided in this place—and prayed further indulgence.

Whereupon,

John M. Dooly, Seaborn Jones and Thomas Fits, Esquires, were severally called, and Mr. Fits, alone answered and took the seat assigned for the counsel of the accused.

Ordered, That the messenger return a list of the witnesses summoned.

On motion of Mr. Carnes, Chairman of the managers,

Ordered, That the managers be furnished with copies of the articles of impeachment, the answer of the defendants, and a list of the names of such witnesses as have been summoned to testify in behalf of the state.

The messenger returned the follow-

ing list of witnesses on behalf of the state, who had been duly summoned, viz:

**BALDWIN COUNTY.**

Daniel Wadsworth—left at his house  
October 18th, 1808.

Elijah Clarke—executed Oct. 13th.

Hiram Storrs—executed Oct. 13th.

John Scott—executed Oct. 18th.

Thomas Mounger—executed Oct.  
14th.

William Watson—executed Oct. 13th.

Thadeus Holt—executed Oct. 13th.

William D. Martin—executed Nov.  
6th.

Zachariah Lamar—executed Oct. 14th.

Augustin Harris—executed Oct. 13th.

Joseph Stovall—executed Oct. 14th.

Abraham Borland—executed Oct.  
13th.

John W. Devereux—executed Oct.  
14th.

John Mathews—executed Oct. 13th.

Allen Greene—executed Oct. 13th.

Philip Cook, Esq—executed Oct.  
13th.

Mr. Goshee—executed Oct. 17th.

**PUTNAM COUNTY.**

Martin Kendrick—left at his house  
16th October.

Hugh Hall—left at his house 16th  
October.

Barnes Halliday—executed 15th  
October.

Thomas Napier—left at his house  
16th October.

William Freeman—executed 15th  
October.

William Broadnax—left at his house  
15th October.

Leonard Abercrombie—left at his house 16th October.

**RANDOLPH COUNTY.**

Thomas Cargill—executed 20th October.

William Hammett—left at his house 20th October.

Elijah Cornwall—executed 20th October.

Jacob Laughtridge—left at his house 20th October.

Matthew Duncan.

Joshua Hagerthy—executed 20th October.

Jesse Evans, sen.—left at his house 20th October.

**HANCOCK COUNTY.**

John Bailey—left at his house 28th September.

John Coffee—left at his house 28th September.

David Adams—executed 27th September.

Bolling Hall—executed 28th September.

William R. Allen—left at his house 13th October.

**CLARKE COUNTY.**

David Cresswell.

Col. Davis Gresham—executed 26th September.

Dr. Thomas Wingfield—left at his house 27th September.

**MONTGOMERY COUNTY.**

James Alston—executed October 10th.

**TATTNALL COUNTY.**

John Hill Bryant—executed 11th October.

**GREFNE COUNTY**

Gabriel A. Gun—executed 22d October.

**JONES COUNTY.**

Joel Langham—executed 18th October.

Job Springer—executed 18 October.

**RICHMOND COUNTY.**

Robert Johnson—executed 20th September.

Mr. Armitstead, (at the Garrison)—executed 18th October.

**MORGAN COUNTY.**

Col. J. Philips—executed 27th September.

Thomas Loyd—executed 10th November.

**ELBERT COUNTY.**

Abner McGee—executed 24th September.

The above executed on the days annexed to their names.

HENRY WILLIAMS, Messenger.

Who were severally called, and the following persons answered, viz:

Daniel Wadsworth, John Scott, Thomas Meunger, William D. Martin, Joseph Stovall, John Mathews, Allen Greene, Thomas Napier, Thomas Cargill, Joshua Hagerthy, John Bailey, Bolling Hall, William R. Allen, Col. Davis Gresham, James Alston, John Hill Bryant, Joel Langham, Job Springer and John W. Devereux.

On motion of Mr. Carnes,

That it be ordered that the several witnesses summoned on the part of the state, who now do, or may hereafter attend, be recognized to attend this honorable court from day to day until discharged.

The opinion of the Court being taken, it was decided in the negative.

Those who decided in the affirmative,

are

Messrs. Brown,  
Burnett,  
Carter,  
Gresham,  
Hardie,  
Hogan,  
Lane, of Putnam,

Lanier,  
M'Griff,  
Powell,  
Pope,  
Park and  
Stewart.

Those in the negative, are

Messrs. Ball,  
Carr,  
Dawson,  
Davies,  
Embre,  
Fuellen,  
Flournoy,  
Henderson,  
Hammond,  
Jack,

Lane, of Franklin,  
Moore,  
Rawles,  
Scruggs,  
Spalding,  
Taliaferro,  
Talbot,  
Watts and  
Walton.

The President adjourned the court until to-morrow 12 o'clock.

The President having returned to the chair, the Senate resumed legislative proceedings—And

Mr. Carr from the committee to whom was referred the petition of the commissioners of the Columbia county Academy, reported by bill; which was read the first time.

*The Senate adjourned till 10 o'clock to-morrow morning.*



*Saturday, Nov. 12, 1808.*

Mr. Spalding from the joint committee to whom was referred so much of the Governor's communication as relates to the case of Osborn Randle, for mur-

der, reported a bill to be entitled an act to pardon Osborn Randle; which was received, and read the first time.

On motion of Mr. Flournoy,

Resolved, That the General Assembly will propose no amendments to the state constitution during the present session. The said resolution was read, and ordered to lie on the table.

Mr. Flournoy presented a petition from the Thespian Society of the city of Augusta; which was read, and referred to a special committee.

Ordered, That Messrs. Flournoy, Carr and Davies, be that committee.

Mr. Davies presented a petition from John Steptoe; which was read, and ordered to be referred to the committee on finance.

On motion of Mr. Embre,

Resolved, That Archibald Smith and James Rountree, be, and they are hereby appointed Justices of the Inferior Court for the county of Telfair, the former in the room of Thomas Rains, not resident of the county—the latter in the room of James Alston, resigned.

Mr. Lane (of Putnam) notifies the Senate, that he will on Monday next, move for leave to introduce a bill to suspend and discontinue for a time, an act passed on the 10th day of December, 1803, entitled "an act to lay out and establish a county in the territory lately acquired by cession from the general government."

Mr. Park, agreeably to notice, moved for a committee to be appointed on the part of Senate, to join such committee as may be appointed by the House of Representatives, to prepare and report a bill to be entitled an act supplemental to the judiciary law now of force in this state, and to render more easy the practice and proceedings in the Superior and Inferior Courts.

Ordered, That Messrs. Park, Spalding and Dawson, be that committee.

Mr. Lanier, agreeably to notice, introduced a bill to be entitled an act to extend the time for taking out grants of the late land lottery; which was received and read the first time.

Mr. Embre presented two petitions from a number of the inhabitants of Wilkinson county; which were read and referred to a special committee, consisting of Messrs Embre, Ball and Rawles.

Mr. Lane, of Putnam, from the committee on privileges and elections, reported on the subject of the elections of the counties of Jones and Telfair; which was read and ordered to lie on the table.

Mr. Flournoy notifies the Senate, that he will on Monday next move for a committee to be appointed, to prepare and report a bill, to be entitled an act to repeal an act passed at the last session of the General Assembly, entitled "An act to point out the mode and punish such persons as have made fraudulent returns under the former laws disposing of the territory lately ac-

quired from the Creek Nation, &c." and to point out a more legal and proper mode for punishing such persons.

On motion of Mr. Burnett,

Resolved, That Joseph Turner and Isaac Abrahams, be, and they are hereby appointed Notaries Public for the county of Glynn; and that John Cowper, William Page and Joseph Turner, be, and they are hereby appointed commissioners of pilotage for the port of Brunswick.

On motion of Mr. Embre,

The Senate took up the report of the committee on petitions, so far as respects their report on the petition of Willson Conner; which is as follows, to wit:

On the petition of Willson Conner, your committee are of opinion, that the petition and document ought to be referred to the committee on finance.

Whereupon the same was agreed to, and ordered to be reported accordingly.

Mr. Jack, agreeably to notice, introduced a bill to enable the executors of the last will and testament of William Nunnellie, deceased, to carry the same into effect; which was received, and read the first time.

Mr. Spalding, agreeably to notice, introduced a bill to be entitled an act to authorize the Justices of the Inferior Court of the county of M'Intosh, to appropriate a certain portion of the county tax to the support of the poor; which was received, and read the first time.

Mr. Powell notifies the Senate, that



he will on Monday next, move for leave to introduce a bill, to be entitled an act to amend " an act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne," so far as respects the county of Wayne.

Mr. Hogan. from the committee to whom was referred the petition of a number of the inhabitants of Laurens county, reported. Which was ordered to lie on the table.

On motion of Mr Jack,

The Senate again took up the report of the committee on privileges and elections, so far as respects the election of Jefferson county—And

On motion of Mr. Carr,

Resolved, That the further consideration of the same be postponed for the present.

Mr. Henderson from the committee to whom was referred the petition of a number of the inhabitants of Jackson county, reported as follows, to wit :

On the petition of the inhabitants of the county of Jackson, your committee report it as their opinion, the petition ought to be referred to the committee on the state of the republic.

Whereupon the same was agreed to and ordered to be referred accordingly.

Mr. Stewart from the committee to whom was referred the petition of Thomas Bradwell, reported as follows, to wit :

On the petition of Thomas Bradwell, late Adjutant of the Liberty county

battalion, praying compensation for services rendered in his line of duty, in the space of six years :

Your committee have taken the same under consideration, and taking into view the arduous services, his exertions on attending the guards for the prevention of the spreading of the small-pox, and also his attention to other important guards, such as respects the preventing the landing of the Brigands ; together with his attention in training the different companies of militia in said battalion.—All these facts are certified by the proper commanding officer, the colonel commandant.—Your committee are of opinion, that the petitioner's prayer ought to be granted, and beg leave to recommend the following resolution, to wit :

Resolved, That his Excellency the Governor be, and he is hereby required to pay out of the contingent fund, the sum of one hundred and seventy-six dollars, in favor of Thomas Bradwell ; the same being in full of all demands as Adjutant of the Liberty county battalion.

The Senate took up the report, and on the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 18—nays 13.

Those who voted in the affirmative are

- |                |                |
|----------------|----------------|
| Messrs. Brown, | Jack,          |
| Burnett,       | Lanier,        |
| Dawson,        | M'Griff,       |
| Davies,        | Moore,         |
| Flournoy,      | Powell,        |
| Henderson,     | Stewart,       |
| Hardie,        | Spalding,      |
| Hogan,         | Taliaferro and |
| Hammond,       | Talbot,        |

Those who voted in the negative are,  
 Messrs. Bill, Pope,  
 Carter, Park,  
 Carr, Rawles,  
 Fiellen, Scruggs,  
 Gresham, Watts and  
 Lane, of Putnam, Walton,  
 Lane, of Franklin,

William H. Gross, removed.

Mr. Carter notifies the Senate, that he will to-morrow move for the appointment of a committee to prepare and report a bill, to be entitled an act to make permanent the seat of the public building in the county of Randolph, at Monticello.

Mr Lane, of Franklin, notifies the Senate, that he will on to-morrow move for leave to report a bill, to be entitled an act to amend an act entitled "an act to regulate the town of Carnesville."

Mr. Flournoy, agreeably to notice, moved for the appointment of a committee to prepare and report a bill to be entitled an act to repeal an act passed at the last session of the General Assembly, entitled "an act to point out the mode and punish such persons as have made fraudulent returns under the former laws disposing of the territory lately acquired from the Creek Nation"—and to point out a more legal and proper mode for punishing such persons.

On motion of Mr. Walton,  
 Resolved, That the minutes of the High Court of Impeachment, on the trial of Obadiah Echols, Reddick Simms and Francis Flournoy, be entered on a separate journal, and read in its proper place.

On motion of Mr. Spalding,  
 Resolved, That the Senate do now postpone legislative proceedings, and form themselves into a High Court of Impeachment.

The President returned to the Senatorial seat, and adjourned till Monday morning 9 o'clock.

Ordered, That Messrs. Flournoy, Carr and Dawson, be that committee.

Monday, Nov. 14, 1808.

On motion of Mr. Moore,  
 The Senate again took up the resolution from the House of Representatives, appointing Electors for President and Vice President of the United States, and the same being read was agreed to with the following amendments: Strike out from the word 'States' in the second page to the end of the clause—Strike out the word 'Constitution' and insert 'act of the Congress'—and, strike out from the word 'States' to the word 'for' in the last resolution.

Mr. Henderson notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare and report a bill to be entitled an act to amend an act entitled "an act to compensate the Justice of the Inferior Courts of this State," passed at the annual session of the General Assembly in 1806.

On motion of Mr. Lanier,  
 Resolved, That William Lucas and William Black, Esquires, be, and they are hereby appointed Justices of the Inferior Court for the county of ... in the ... of Clements Lanier, resigned, and

Mr. Flournoy, from the committee

to prepare and report a bill for incorporating the Thespian Society and Library Company of Augusta, reported by bill. Which was received and read the first time.

Mr. Hammond notifies the Senate, that he will on to-morrow move for leave to introduce a bill, to be entitled an act to authorize the Commissioners of Louisville to lay out in lots and dispose of the common (or part of the common) of said town, and to appropriate the monies arising from the sale of such lots to the use of the Academy of Louisville.

On motion of Mr. Hogan,

Resolved, That Ashley Wood, Esq. be, and he is hereby appointed a Justice of the Inferior Court for the county of Laurens, in the room of Edmund Hogan, resigned.

Mr. Hogan, from the committee to whom was referred the petition of the inhabitants of Laurens county, reported the following bill, to wit :

A bill to be entitled an act to divide the county of Laurens, and to form one other new county.

Which was received and read the first time.

Mr. Burnett presented a petition from John and Mary Batting. Which was read and referred to the committee on finance.

Mr. Powell notifies the Senate, that

he will on to-morrow move for leave to introduce a bill, to be entitled an act to alter and amend " an act to appoint commissioners for the purpose of carrying into effect the building the Court-House and Jail for the county of Wayne.

The bill to be entitled an act to vest in the Union Society of the city of Savannah, the moiety of the real estate of Justus H. Scheuber, devised to them by the said J. H. Scheuber in his last will, was read the second time.

Ordered for a committee of the whole.

Mr. Lane, of Franklin, notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare and report a bill, to be entitled an act to alter and amend an act, entitled " an act to carry into effect the sixth section of the third article of the constitution." And to amend an act, entitled " an act to carry into effect the sixth section of the fourth article of the constitution, touching the distribution of intestate estates ; directing the manner of granting letters of administration, letters testamentary, and marriage licenses, and to prevent entails.

On motion of Mr. Scruggs,

Resolved, That the Senate do now postpone legislative proceedings, and form themselves into a High Court of Impeachment.

The President returned to the Senatorial Chair, and adjourned till to-morrow morning 9 o'clock.

*Tuesday, Nov. 15, 1808.*

Mr. Lanier notifies the Senate, that he will on to-morrow move for leave to report a bill, to be entitled an act to secure to Jane Cone formerly Jane Cason, any property which she may hereafter acquire by deed, will or otherwise.

Mr. Henderson, agreeably to notice, moved for a committee to be appointed to prepare and report a bill, to be entitled, an act to alter and amend an act, entitled "an act to compensate the Justices of the Inferior Courts of this State, passed at the annual session of the Legislature, in 1806.

Ordered, That Messrs. Henderson, Talbott and Lane (of Franklin) be that committee.

The following bills were severally taken up, and read the second time, to wit:

A bill to alter and change the name of Eliza Moriah Dixon, to that of Eliza Moriah Hughes. Ordered for a third reading.

A bill to add part of the county of Camden to the county of Wayne. Ordered for a committee of the whole.

A bill to repeal an act, entitled an act, to compel clerks to keep their offices at the Court-House of the respective counties, or within one mile thereof, passed the 7th December, 1807, so far as respects the counties of Wayne and Tatnall.— Ordered for a third reading

A bill to authorize the Trustees of the

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

Ordered for a committee of the whole.

A bill to continue in force an act, passed the 23d day of May, 1808, entitled an act to alter and amend an act, entitled, "an act to dispose of and distribute the late cession of land, obtained from the Creek Nation, by the United States, in a treaty concluded at the city of Washington, on the 14th day of November, 1805."

Ordered for committee of the whole.

A bill to authorize the Justices of the Inferior Court of the county of McIntosh, to appropriate a certain portion of the county tax to the support of the poor.

Ordered for a third reading.

A bill to enable the executors of the last will and testament of William Nunnellie, deceased, to carry the same into effect.

Ordered for a committee of the whole.

A bill to pardon Osborn Randle.

Ordered for a committee of the whole, on to-morrow.

A bill for incorporating the Thespian Society and Library Company of Augusta.

Ordered for a committee of the whole.

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

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to vest in the Union Society of the city of Savannah, the moiety of the real estate of Justus Hertman Scheuber, devised to them by the said J. H.

Scheuber, in his last will—Mr. Moore in the chair—Mr. President resumed the chair, and Mr. Moore reported, that the further consideration of the said bill be postponed until the first Monday in November next.

The Senate took up the report—which was read and agreed to.

On motion,

The Senate took up Mr. Flournoy's resolution, laid on the table; which is in the words following:

Resolved, That the General Assembly will propose no amendments to the State Constitution during the present session.

Which was read, and on the question to agree to the same, it was resolved in the negative. And the yeas and nays being required, are yeas 11, nays 13.

Those who voted in the affirmative are,

Messrs. Burnett,	Scruggs,
Davies,	Spalding,
Embre,	Taliaferro,
Flournoy,	Talbott and
Lane, of Franklin,	Watts.
Pope,	

Those who voted in the negative are,

Messrs. Ball,	Hammond,
Brown,	Jack,
Carter,	Lane, of Putnam,
Carr,	Moore,
Courvoisier,	Powell,
Dawson,	Park,
Fleuellen,	Rawles,
Henderson,	Stewart and
Hardie,	Walton.

Mr. Carter, agreeably to notice, moved for a committee to be appointed to prepare and report a bill, to make permanent the seat of the public buildings in the

county of Randolph, at Monticello.

Ordered, That Messrs. Carter, Park and Pope, be that committee.

Mr. Hammond, agreeably to notice, introduced a bill to be entitled an act to authorize the commissioners of Louisville, to lay out in lots and sell such part of the common of said town as they may think proper, and to appropriate the proceeds of such sales to the use of the Academy of Louisville.

Which was received and read the first time.

Mr. Jack notifies the Senate, that he will on to-morrow move for a committee to be appointed on the part of Senate, to join such as may be appointed by the House of Representatives, to prepare and report a bill to revise, amend and consolidate the several militia laws now of force in this state.

Mr. Lane, of Franklin, agreeably to notice, introduced a bill, to be entitled an act to amend "an act to regulate the town of Carnesville."

Which was received and read the first time.

Mr. Watts notifies the Senate, that he will on to-morrow move for leave to report a bill, to be entitled an act, to amend "an act securing to Ebenezer Jenckes an exclusive right of fixing a turnpike Gate on the Newington road, between Joshua Loper's and the city of Savannah."

Mr. Hardie, from the committee to prepare and report a bill, to be entitled an act to continue in force for two years the sixteenth section of "an act to amend the several acts regulating roads in this state," so far as respects the operation of said acts

in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne," reported said bill.

Which was received and read the first time.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have concurred in the resolution from Senate, appointing Thomas Fulton, a Justice of the Inferior Court of Jefferson county.

In the resolution appointing William Bird and George Nowling, Esquires, commissioners of the Effingham Academy.

In the resolution appointing John Goldwire and Robert Berton, Esquires, Justices of the Inferior Court of the county of Effingham.

In the resolution appointing a Justice of the Inferior Court for the county of Tattnall.

In the resolution appointing a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to prepare and report a bill, to be entitled an act to establish a fund for the redemption of the public debt of this State, and to fix a value on the different species of outstanding evidences of debt, agreeably to merit--and have added a committee on their part.

In the resolution appointing a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to confer and agree on what laws of a public nature are necessary to be passed at this session, and in which House the bills for the same shall

originate--and have added a committee on their part.

They have added a committee on their part, to join the committee appointed on the part of Senate, to take into consideration the petition of the inhabitants of Camden county, relative to Justices of the Inferior Courts.

They have passed the following resolutions, to wit:

A resolution appointing a committee on their part, to join such committee as may be appointed by Senate to draft an address to the President of the U. States, containing the sense that both branches entertain of the rectitude of the present administration, and the correctness of the measures pursued by the government of the United States.

A resolution appointing Thomas Barrett and James Frazer, Vendue Masters for the city of Augusta.

A resolution appointing Samuel M. Mordecai, a Vendue Master for the town of Milledgeville—And,

A resolution appointing Edward Quinn, Francis S. Miller, John Bacon, Thomas Jones and Isaac Delyon, Lumber Measurers for the port of Savannah.

And they have passed a bill for the relief of David Terrill and John Holliday.

A bill for the relief of John McConnell and James Elmore.

A bill granting leave to John Landrum, to bring three negroes, purchased by him in the state of Virginia, to this state.

And,

A bill to alter "an act to regulate the pilotage of vessels in the several ports of this state, so far as relates to the num-

ber of commissioners therein named, for the port of Savannah. And he withdrew.

The Senate took up the message, and concurred in the said resolutions from the House of Representatives, except the resolution appointing a joint committee to draft and report an address to the President of the United States, which was ordered to lie on the table—and the said bills were severally read the first time.

Mr. Powell, agreeably to notice, introduced a bill, to alter and amend an act, entitled "an act to appoint commissioners for the purpose of carrying into effect the building the Court-House and Jail for the county of Wayne; which was ordered to lie on the table.

A message from his Excellency the Governor, by Mr. Bozeman, his Secretary:

Mr. President—His Excellency the Governor has directed me to inform the Senate, that he has received notice from the board of Trustees of the University of this state, that they are ready to join the Board of Visitors, in order to form the Senatus Academicus; and requests to know if it will be convenient for the Senate to convene at four o'clock this evening in the Senate Chamber, as a Board of Visitors. And he withdrew.

The Senate took up the message, and appointed Messrs. Carr and Flournoy, a committee to wait upon his Excellency the Governor, and inform him that it would be convenient for them to form the Senatus Academicus this even-

On motion of Mr. Park,

Resolved, That the President of Senate be, and he is hereby requested to nominate one or more persons to summon evidences on the part of the state, as well as on the part of the accused, in the case of the Impeachment now pending before the High Court.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—I am directed by the House of Representatives to inform the Senate, that they are now ready to receive them in the Representative Chamber, for the purpose of proceeding by joint ballot to the choice of Electors for this state, to vote for President and Vice-President of the United States. And he withdrew.

The Senate then repaired to the Representative floor, and being seated, proceeded by joint ballot to the choice of Electors for this state, to vote for President and Vice-President of the United States; and on counting out the votes, it appeared that John Rutherford, John Twiggs, Henry Graybill, David Meriwether, Christopher Clarke and James E. Houston, Esquires, were duly elected.

The Senate returned to their chamber, took their seats, and adjourned till to-morrow morning 10 o'clock.



*Wednesday, Nov. 16, 1808.*

Mr. Embre, from the committee to

whom was referred the petition of a number of the inhabitants of Wilkinson county, reported.

Which was read and ordered to lie on the table.

Mr. Brown presented a petition from a number of the inhabitants of Morgan county

Which was read, and,  
On motion of Mr. Park,

Resolved. That a committee be appointed on the part of Senate, to join such committee as may be appointed by the House of Representatives, to take into consideration the petitions and documents relative to the site of the public buildings in Morgan county, with power to report by bill or otherwise.

Ordered, That Messrs. Brown, Carter, Park Lane of Putnam, and Gresham, be the committee on the part of Senate.

On motion of Mr. Scruggs,

Resolved, That a committee be appointed to examine the journal of Senate, the present session.

Ordered, That Messrs. Scruggs, Jack and Talbott, be that committee.

Mr. Hammond presented a petition from Gen. David Dickson, relative to Wafford's settlement.—And

On motion,

Resolved, That a committee be appointed on the part of Senate, to join such committee as may be appointed by the House of Representatives, to take the said petition into consideration.

Ordered, That Messrs. Hammond, Henderson, Spalding, Flournoy and Mes-

ham, be the committee on the part of Senate.

Mr. Watts, agreeably to notice, introduced a bill, to be entitled an act to authorize Ebenezer Jenckes to erect a turnpike Gate, on the road leading from Joshua Loper's, in the county of Effingham, to Savannah, and for other purposes therein mentioned.

Which was received and read the first time.

The bill which was laid on the table yesterday, to alter and amend "an act to appoint commissioners for the purpose of carrying into effect the building the Court House and Jail for the county of Wayne, was taken up and read the first time.

On motion of Mr. Hammond,

Resolved, That the messenger of Senate be directed to furnish each member of the House of Representatives, with a copy of the journal of Senate, as they are daily printed.

Mr. Dawson presented a petition from John Barns, James Gilmore and Simon Salter, of Washington county.

Which was read and ordered to be referred to the committee on petitions.

Mr. Park, from the committee to prepare and report a bill, to be entitled an act to make permanent the site of the public buildings for the county of Randolph, at Monticello, reported said bill.

Which was received and read the first time.



The Senate resolved itself into a committee of the whole on the bill to be entitled an act to pardon Osborn Randle ; Mr. Walton in the chair--Mr. President resumed the chair--and Mr. Walton reported that they had gone through the said bill with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon,

The said bill was read the third time, and on the question, Shall this bill now pass under the title just read ?

Mr. Hammond called for the previous question--that is, Shall the main question be now put ?

Which was determined in the affirmative.

The question being again put, Shall this bill now pass under the title ?

It was determined in the affirmative.

And the yeas and nays being required are, yeas 25, nays 8.

Those who voted in the affirmative are,

- |               |                    |
|---------------|--------------------|
| Messrs. Ball, | Hogan,             |
| Brown,        | Jack,              |
| Burnett,      | Lane, of Franklin, |
| Carter,       | Lanier,            |
| Carr,         | M'Griff,           |
| Courvoisier,  | Moore,             |
| Dawson,       | Stewart,           |
| Embr.         | Scruggs,           |
| Fleuellen,    | Spalding,          |
| Flournoy,     | Talbott,           |
| Gresham,      | Watts and          |
| Henderson,    | Walton.            |
| Hardie,       |                    |

Those who voted in the negative are,

- |                  |             |
|------------------|-------------|
| Messrs. Davies.  | Pope,       |
| Hammond,         | Park,       |
| Lane, of Putnam, | Rawles, and |
| Powell,          | Taliaferro. |

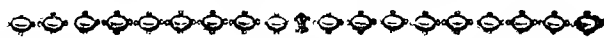
The Senate took up the resolution from the House of Representatives, on the subject of printing the laws and journals of the present session, and added a committee on their part, consisting of Messrs. Flournoy, Hammond and Stewart, to join the committee appointed on the part of the House of Representatives.

Mr. Jack, agreeably to notice, moved for a committee to be appointed on the part of Senate to join such committee as may be appointed by the House of Representatives, to prepare and report a bill to revise, amend and consolodate the several militia laws now of force in this state,

Ordered, That Messrs. Jack, Carter, Taliaferro, Flournoy, Carr, Davies, Henderson, Gresham and Stewart, be the committee on the part of Senate.

The Senate having postponed all further legislative proceedings, and the President having taken the Tribunal Seat, the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial Seat, the Senate adjourned till 10 o'clock to morrow morning.



Thursday, Nov. 17, 1808.

Mr. Talbott presented a petition from a number of the inhabitants of Wilkes county. Which was read and referred to a special committee.

Ordered, That Messrs. Talbott, Park and Moore, be that committee.

Mr. Lanier from the committee to prepare and report a bill to be entitled an act to secure to Jane Cone, formerly Jane Cason, any property which she may hereafter acquire by deed, will or otherwise. reported said bill. Which was received, and read the first time.

Mr. Powell, agreeably to notice, introduced a bill to alter and amend "an act to amend the several acts regulating roads in this state, so far as respects the counties of Bryan, Liberty, M<sup>c</sup>Intosh, Glynn, Camden and Wayne," so far as respects the county of Wayne. Which was received, and read the first time.

On motion of Mr. Hammond,

Resolved, That his Excellency the Governor be, and he is hereby requested to notify the Electors of President and Vice President for this state, of their elections, as early as possible, by express; and that they be requested immediately to notify the Legislature of their acceptance or refusal of said appointments.

Mr. Embre, from the committee to whom was referred the petition of Benjamin Kennedy, reported on said petition. Which was read, and ordered to lie on the table.

Mr. Jack, from the committee to prepare and report a bill to alter and amend the second section of the fourth article of the constitution, so far as it respects elections by the General Assembly, reported said bill. Which was received, and read the first time.

The Senate resolved itself into a committee of the whole, on the bill to incorporate the Thespian Society and Library Company of Augusta—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same, with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon the said bill was read the third time, and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole, on the bill to divide the county of Laurens, and to form one other new county—Mr. Park in the chair—Mr. President resumed the chair—and Mr. Park reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon the said bill was read the third time; and on the question shall this bill now pass, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 26—nays 5.

Those who voted in the affirmative are,

Messrs. Ball,	Jack,
Brown,	Lane, of Putnam,
Carter,	Lanier,
Carr,	M <sup>c</sup> Griff,
Courvoisie,	Powell,
Davies,	Rawles,
Embre,	Stewart,
Fleuellen,	Scruggs,
Floinnoy,	Spalding,
Henderson,	Taliaferro,
Hordie,	Talbot,
Hogon,	Watte and
Hammond,	Walton.

Those who voted in the negative are,  
*Messrs.* Gresham, Pope, and  
 Lane, of Franklin, Park.  
 Moore,

The Senate resolved itself into a committee of the whole, on the bill to enable the executors of the last will and testament of William Nunnellie, deceased, to carry the same into effect—Mr. Talbott in the chair—Mr. President resumed the chair—and Mr. Talbott reported, that they had gone through the same with an amendment.

The Senate took up the report, and the amendment was agreed to with an amendment.

Whereupon the said bill was read the third time, and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole, on the bill to extend the time for taking out grants of the late land lottery—Mr. Burnett in the chair—Mr. President resumed the chair—and Mr. Burnett reported progress, and had leave to sit again.

On motion,

Mr. Spalding had leave to be absent the remainder of the day.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to authorize the trustees of the Columbia county Academy, to establish a lottery for the purpose of raising the sum of two thousand dollars, for the support of that institution—Mr. Stewart in the chair—Mr. President resumed the chair—and Mr. Stewart reported, that they had gone

through the same with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon,

The said bill was read the third time and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole on the bill, to be entitled an act to add a part of Camden county to the county of Wayne—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress, and had leave to sit again.

The following bills were severally taken up, read the third time and passed, to wit:

A bill to be entitled an act to repeal an act, entitled “an act to compel clerks to keep their offices at the Court-Houses of their respective counties, or within one mile thereof”—passed 7th December, 1807—so far as respects the counties of Wayne and Tattnall.

And,

A bill to be entitled an act to alter and change the name of Eliza Moriah Dixon, to that of Eliza Moriah Hughes:

A message from the House of Representatives by Mr. Holt, their clerk:

Mr. President—The House of Representatives have concurred in the resolution from Senate, appointing a committee on their part, to join such committee as may be appointed by the House of Representatives, to take into consideration the memorial of Gen. David Dickson, and

have added a committee on their part.

They have passed a resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county.

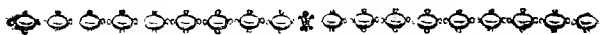
They have passed a bill to prevent any person or persons from placing obstructions in or over the rivers, creeks or water courses of Chatham county.

And he withdr w.

Ordered. That the said message do lie on the table.

The Senate having postponed all further Legislative proceedings, and the President having taken the Tribunal Seat—the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial Seat, the Senate adjourned till 10 o'clock to morrow morning.



*Friday, Nov. 18, 1808.*

Mr. Lane (of Franklin) notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to prevent the barbarous and inhuman practice of duelling in this state; also the mode and manner of punishment for such offences.

Mr. Talbott from the committee, reported a bill to be entitled an act to pardon Russell Bailey.

Which was received, and read the first time.

Mr. Embre, from the committee to whom was referred the petition of John Barnes, James Gilmore and Simon Salter, reported as follows to wit:

On the petition of John Barnes, James Gilmore and Simon Salter, praying to be discharged from the penalties of a bond for the appearance of Eli Barnes,

Your committee are of opinion, the prayer of the petitioners ought not to be granted, on any proof laid before them.

The Senate took up the report—which was read and agreed to.

On motion of Mr. Lane (of Franklin)

Resolved, That Benjamin King, Esq. be, and he is hereby appointed a Justice of the Inferior Court of Franklin county, in the place of James Hooper, Esq. resigned.

Mr. Embre, from the committee to whom was referred the petition of a number of the inhabitants of Wilkinson county, reported as follows, to wit:

The committee to whom was referred the petition of sundry citizens, inhabitants of the county of Wilkinson, stating that they were imposed upon in fixing on the site for the public building of said county, by the commissioners aforesaid,

Report, That they have proceeded to examine the true situation of said choice made by the commissioners, and calling upon the Surveyor General for the centre of said county, find after the utmost exactness in ascertaining the centre, that lot number one hundred and

eleven, in the twenty-sixth district of said county, which was pointed out to us as the lot which the public site is fixed on, is within one mile of the actual centre of the county; and it is the opinion of your committee, that the commissioners have acted strictly in conformity to the law.

The Senate took up the report— which was read and agreed to.

Mr. Carr presented the following as an additional rule to those which govern the High Court of Impeachment, to wit: Additional rule to be observed on the trial of the Impeachment of Echols, Simms and Flournoy.

Rule 14. When any motion shall be made either on the part of the managers, or the counsel for the accused, the opposite party shall be at liberty to answer by one counsel only, and argument shall cease when the person making the motion shall be heard in reply, except when new matter is advanced, and then the other side may answer the new matter by one counsel only, and then argument shall cease.

Which was received, read and agreed to.

The Senate took up the report of the committee which was laid on the table yesterday, which is in the words following, to wit:

On the petition of Benjamin Kennedy, praying the establishment of a ferry at the Sisters, on Savannah river,

Your committee recommend that the petitioner be referred to the Inferior Court of Effingham county, who are by law authorized to grant the prayer of the petitioner if they may think proper, and

who we judge (from their near residence to the place where the ferry is prayed for) may be better able to judge of the propriety of granting the prayer of the petition.

Mr. Park presented a petition from William Sharp.

Which was read, and referred to the committee on finance.

The Senate took up the message from the House of Representatives,

And,

Concurred in the resolution appointing Abraham F. Powell and Reuben King, Lumber Measurers for the town of Darien.

They disagreed to the resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county.

And,

The bill to prevent persons from placing obstructions in or over the rivers, creeks or water courses of Chatham county, was read the first time.

Mr. Hardie notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare and report a bill to be entitled an act, supplementary to the act for the limitation of actions.

Mr. Lane (of Franklin) notifies the senate, that he will on to-morrow move for the appointment of a committee, to prepare and report a bill to regulate the admission of persons to practice Medicine and Surgery in this state.

Mr. Park notifies the Senate, that he will on Monday next, move for leave to report a bill to be entitled an act to alter

The fifteenth section of the fourth article of the constitution.

Mr. Jack notifies the Senate, that he will on to-morrow, move for the appointment of a committee, to prepare and report a bill to authorize the commissioners of the different county Academies in this state, to receive one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed on the 20th day of December, 1793.

Mr. Henderson, from the committee to prepare and report a bill to be entitled an act, to amend "an act to compensate the Justices of the Inferior Courts," passed the 8th day of December, 1806, reported said bill.

Which was received, and read the first time.

Mr. Pope presented sundry petitions from a number of the inhabitants of Jones county.

Which were severally read and referred to a special committee.

Ordered, That Messrs. Pope, Park, Carter, Taliaferro and Walton, be that committee.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have concurred in the resolution appointing a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to take into consideration the petitions and documents relative to the site of the public buildings of Morgan county—and have added a committee on their part.

In the resolution appointing a com-

mittee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to prepare and report a bill, to be entitled an act supplemental to the Judiciary law now of force in this State, and to render more easy the practice and proceedings in the Superior and Inferior Courts—and have added a committee on their part.

In the resolution appointing Archibald Smith and James Rountree, Justices of the Inferior Court, for the county of Selfair.

In the resolution appointing Ashley Wood, Esq. a Justice of the Inferior Court, of the county of Laurens.

In the resolution appointing Joseph Turner and Isaac Abrams, Notaries Public for the county of Glynn, and John Couper, William Page and Joseph Turner, Commissioners of Pilotage for the port of Brunswick.

And,

They have passed the following bills, to wit:

A bill authorizing and requiring the conveyance of a lot, on the common of Augusta, to certain trustees and their successors, for the purpose of building a new church.

A bill to change the name of Edney Robertson.

A bill to alter the name of Thomas Ryan, to that of Thomas Coram.

A bill to establish a ferry over the Alatamaha, at Fort Barrington.

A bill to extend the time for taking out grants, &c.

A bill to alter and amend the 10th section of the 3d article of the constitution.

A bill to separate and divorce Robert Rudolph, and Mary his wife.

A bill to establish a ferry in the county of Effingham.

And,

A bill amendatory of the 7th section of the Judiciary act, passed the 16th February, 1799.

And he withdrew.

Ordered, That the said message do lie on the table.

The following bills were severally taken up and read the second time, to wit :

A bill to alter and amend "an act to appoint commissioners to carry into effect the building the Court House and Jail in the county of Wayne."

Ordered for a 3d reading.

A bill to make permanent the site of the public buildings in the county of Randolph.

Ordered for a 3d reading.

A bill to alter an act to regulate the pilotage of vessels in the several ports of this state, so far as relates to the number of commissioners therein named, for the port of Savannah.

Ordered for a third reading.

A bill for the relief of David Terrell and John Holliday.

Ordered for a third reading.

A bill granting leave to John Landrum to bring three negroes, purchased by him in the state of Virginia, to this state.

Ordered for a third reading.

A bill to amend an act to regulate the town of Carnesville.

Ordered for a third reading.

A bill to authorize the commissioners of Louisville to lay out in lots and sell

such part of the common of said town as they may think proper, and to appropriate the proceeds of such sales to the use of the Academy of Louisville.

Ordered for a third reading.

A bill to alter the 2d section of the 4th article of the Constitution; so far as respects elections by the General Assembly.

Ordered for a committee of the whole.

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

Ordered for a committee of the whole.

A bill to amend "an act to authorize Ebenezer Jenckes to erect a turnpike Gate, on the road leading from Joshua Loper's, in the county of Effingham, to Savannah," and for other purposes therein mentioned.

Ordered for a committee of the whole.

A bill for the relief of John M'Connell and James Elmore.

Ordered for a committee of the whole.

A bill to continue in force for two years the 16th section of "an act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne."

Ordered for a committee of the whole.

And,

A bill to alter and amend an act, entitled, "An act to amend the several acts regulating roads in this State, so far as respects the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne."

Ordered for a committee of the whole.

The bill to be entitled an act to authorize the Justices of the Inferior Court of the county of McIntosh, to appropriate a certain portion of the county funds to the support of the poor, was read the 3d time and passed under the title aforesaid.

Mr. Flournoy introduced the following resolution, to wit:

Resolved, That it is the sense of the Senate, that all additional articles of impeachment, made by the House of Representatives, should be reported to the Senate before they can be received, and answered unto in the High Court of Impeachment.

And on the question to agree to the same, it was resolved in the negative.

And the yeas and nays being required are yeas 6, nays 27.

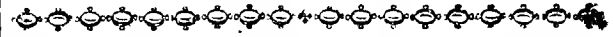
Those who voted in the affirmative are,  
Messrs. Flournoy, Park,  
Hardie, Taliaferro and  
Powell, Walton.

Those who voted in the negative are,  
Messrs. Ball, Jack,  
Brown, Lane, of Franklin,  
Burnett, Lane, of Putnam,  
Carter, Lanier,  
Carr, M'Gill,  
Courvoisier, Moore,  
Dawson, Pope,  
Davies, Rawles,  
Embre, Stewart,  
Fleuellen, Scruggs,  
Gresham, Spalding,  
Henderson, Talbott, and  
Hogan, Watts,  
Hammond,

On motion,  
Mr. Hogan had leave of absence until Tuesday next,

The Senate postponed all further Legislative proceedings, and the President having taken the tribunal seat, the High Court of Impeachment was opened by proclamation.

The President returned to the Senatorial seat, and the Senate adjourned till to-morrow morning 9 o'clock.



Saturday, Nov. 19, 1808.

Mr. Dawson presented a letter from Col. John Rutherford, notifying the Legislature, that he had accepted the appointment of Elector for President and Vice-President of the United States.

Ordered, That the Secretary inform the House of Representatives thereof.

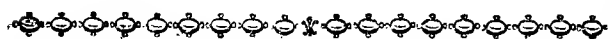
Mr. Carr notifies the Senate, that he will on Monday next move for leave to bring in a bill to be entitled an act to alter and amend an act entitled "an act to repeal an ordinance passed at Augusta, the 26th day of January, 1786," so far as respects fixing the seat of the University of this State, and "an act for the more full and compleat establishment of a public seat of learning in this State," so far as respects the appointment of Trustees—passed at Savannah the 27th day of January, 1785, and to appoint a board of Trustees, and to define the board of Visitors, and to fix a permanent seat for the said University.

The Senate having postponed further Legislative business, the president took the tribunal seat, and the High Court of Impeachment was opened by proclamation.



The President having returned to the Senatorial Seat, adjourned the Senate till 5 o'clock this evening.

The High Court having met at 5 o'clock, and adjourned,—The President adjourned the Senate till Monday morning 9 o'clock.



*Monday, Nov. 21, 1808.*

Mr. Taliaferro presented a petition from a number of the inhabitants of Wilkinson county.

Which was read, and referred to a special committee.

Ordered, That Messrs. Taliaferro, Ball and Dawson, be that committee.

Mr. Lane, of Franklin, agreeably to notice, moved for the appointment of a committee, to prepare and report a bill, to regulate the admission of persons to practice Medicine and Surgery in this state.

Ordered, That Messrs. Lane, of Franklin, Gresham and Spalding, be that committee.

On motion of Mr. Hardie,

Resolved, That George Ker, be, and he is hereby appointed a Notary Public for the county of Camden.

The bill to pardon Russell Bailey, was read the second time—And

Ordered for a committee of the whole on to-morrow.

The following bills were severally taken up, read the third time, and passed under their respective titles, to wit:

A bill to regulate the pilotage of vessels in the several ports of this state, so far as relates to the number of commissioners therein named, for the port of Savannah.

A bill granting leave to John Landrum, to bring three negroes purchased by him in the state of Virginia, to this state.

A bill for the relief of David Terrell and John Holliday.

A bill to make permanent the site of the public building for the county of Randolph, at Monticello.

A bill to alter and amend an act entitled “an act to appoint commissioners for the purpose of carrying into effect the building the Court House and Jail for the county of Wayne.”

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

And,

A bill to amend an act to regulate the town of Carnesville.

The following bills were severally read the second time, to wit:

A bill to prevent persons from placing obstructions in or over the rivers, creeks or water courses of Chatham county.

Ordered for committee of the whole.

And,

A bill to amend an act to compensate the Justices of the Inferior Courts of this state—passed 3th December, 1806.

Ordered for a third reading.

Mr. Hardie, agreeably to notice, moved for a committee to be appointed, to prepare and report a bill to be entitled an act supplementary to the "act for the limitation of actions."

Ordered, That Messrs. Hardie, Flournoy and Carr, be that committee.

Mr. Moore, from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, an act to pardon Osborn Randle.

Whereupon,

The President signed the same.

Ordered, That the committee of enrollment do carry the said act to his Excellency the Governor for his revision.

The Senate having postponed further legislative business, the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial seat—the Senate adjourned till half after nine o'clock to-morrow morning.



*Tuesday, Nov. 22, 1808.*

A letter was received from General John Twiggs, notifying the Legislature, that he had accepted the appointment of Elector for President and Vice-President of the United States.

A letter was received from David M'Cord, on the subject of re-surveying the 7th district of Baldwin; which was read and referred to the committee on finance.

On motion of Mr. Spalding

Resolved. That a committee be appointed by Senate, to join such committee as may be appointed by the House of Representatives, to take into consideration the propriety of continuing or of amending a law passed at Milledgeville, entitled "an act to alleviate the condition of debtors, and afford them temporary relief."—And that the committee be authorized to report by bill or otherwise.

Ordered, That the said resolution do lie on the table.

A message from the House of Representatives, by Mr. Holt their clerk:

Mr. President—The House of Representatives have passed a resolution, appointing George Poythress, Jeremiah W. Williams and William Stone, commissioners for the town of Waynesborough, to fill the vacancies occasioned by the resignation of John Davies, John Whitehead and George Poythress.

A resolution confirming the executive appointment of Samuel W. Goode, a Justice of the Inferior Court of Columbia county.

They have passed a bill to regulate toll-bridges, ferries and turnpike roads.

And,

They do still adhere to their resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county.

And,

They have appointed a committee of conference on their part, to join such committee as may be appointed on the part of Senate, to take the same into consideration. And he withdrew.

Ordered, That the said message do lie on the table.

Mr. Carr, agreeably to notice, introduced a bill to be entitled an act to alter and amend an act, entitled "an act to repeal an ordinance, passed at Augusta, the 26th day of January, 1786," so far as respects fixing the seat of the University of this state; and "an act for the more full and complete establishment of a public seat of learning in this state,"—so far as respects the appointment of trustees; passed at Savannah the 27th day of January, 1785; and to appoint a board of trustees, and to define the board of visitors, and to fix a permanent seat for the said university.

Which was received and read the first time.

Mr. Park presented a petition from a number of the inhabitants of Putnam county.

Which was read and referred to the committee on petitions.

Mr. Taliaferro presented a petition from a number of the inhabitants of Washington county.

Which was read and referred to a special committee.

Ordered, That Messrs. Taliaferro, Dawson and Walton, be that committee.

The Senate resolved itself into a committee of the whole, on the bill to pardon Russell Bailey—Mr. Embre in the chair—Mr. President resumed the chair, and Mr. Embre reported, that they had gone through the same without any amendment.

Ordered, That the said report do lie on the table.

Mr. Jack, agreeably to notice, moved

for the appointment of a committee to prepare and report a bill, to authorize the commissioners of the different county Academies in this state, to receive the amount of one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed on the 20th day of December, 1793.

Ordered, That Messrs Jack, Davies, and Burnett, be that committee.

Mr. Lane, of Putnam, presented a petition from Reuben F. Bennett.

Which being read, was referred to the committee on petitions.

Mr. Stewart called up the resolution, from the House of Representatives, appointing a joint committee to draft an address to the President of the United States.

Ordered, That Messrs. Stewart, Flournoy, Spalding, Carr and Moore, be the committee on the part of Senate.

Mr. Burnett, from the committee to take into consideration so much of his Excellency the Governor's communication as relates to document No. 4, reported.

Which was read and ordered to lie on the table.

Mr. Lane, of Franklin, agreeably to notice, moved for a committee to be appointed to prepare and report a bill, to be entitled an act to prevent the barbarous and inhuman practice of duelling in this state—also the mode or manner of punishment for such offences.

Ordered, That Messrs. Lane, of Franklin, Walton and Henderson, be that committee.

A message from his Excellency the Governor, by Mr. Bozeman, his Secretary:

Mr. President—His Excellency the Governor has assented to and signed, "an act to pardon Osborne Randle." And has directed me to return the same to this House, it being the branch of the General Assembly in which the said act originated.

And he withdrew.

Ordered, That the committee of enrollment do carry the said act to the office of the secretary of state, and have the great seal affixed to the same.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to secure to Jane Cone, formerly Jane Cason, any property which she may hereafter acquire, by deed, will, or otherwise—Mr. Carr in the chair—Mr. President resumed the chair—and Mr. Carr reported, that they had gone through the same with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon,

The said bill was read the 3d time, and passed under the title aforesaid.

On motion of Mr. Park,

Resolved, That the President of Senate do appoint an assistant clerk, to take down the merits of the testimony given to the High Court of Impeachment, on the trial of Echols, Simms and Flournoy.

Whereupon,

The President appointed A. S. Clay-

ton, Esq. who accepted said appointment.

On motion of Mr. Flournoy,

Resolved, That in consequence of the defalcation of the printer, D. L. Ryan, the Senate consider the contract rescinded.

Ordered, That the said resolution do lie on the table.

Mr. Flournoy introduced the following resolution, to wit:

Resolved, That it is the sense of the Senate, that A. S. Clayton, Esq. shall have for his services, in taking down the evidence, in the trial of the pending impeachment, the sum of four dollars per day.

And on the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 19—nays 14.

Those who voted in the affirmative are,

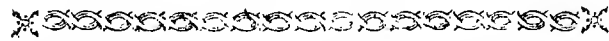
<i>Messrs.</i> Brown,	M'Griff,
Burnett,	Moore,
Carr,	Powell,
Courvoisie,	Rawles,
Davies,	Stewart,
Embre,	Scruggs,
Flournoy,	Spalding,
Hardie,	Talbott, and
Hammond,	Watts.
Lanier,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Jack,
Carter,	Lane, of Putnam,
Dawson,	Lane, of Franklin,
Fleuellen,	Pope,
Gresham,	Park,
Henderson,	Taliaferro and
Hogan,	Walton.

The Senate having postponed further legislative proceedings, the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial Seat, the Senate adjourned till to-morrow morning 9 o'clock.



Wednesday, Nov. 23, 1808.

The Senate took up the message from the House of Representatives, which was laid on the table on Friday last, and the bills therein contained were severally read the first time.

A message from the House of Representatives, by Mr. Holt their clerk :

Mr. President—The House of Representatives have concurred in the resolution from Senate, appointing William Lucas and William Black, Esquires, Justices of the Inferior Court of Scriven county, with the following amendment, to wit: Strike out " William Lucas," and insert " George Williamson."

They have passed a resolution appointing David Witt, a Justice of the Inferior Court of Jackson county, in the room of George Cowen, resigned.

And,

They have re-committed the resolution appointing a committee to contract with a printer for printing the Laws and Journals, and added Messrs. J. R. Brown and Adams to the committee on their part.

And he withdrew.

Ordered, That the said message do lie on the table.

The Senate took up the report of the committee of the whole, on the bill

to be entitled an act to pardon Russell Bailey.

Which was read and agreed to.

Whereupon,

The said bill was read the third time.

And on the question shall this bill now pass, it was resolved in the affirmative.

And the yeas and nays being required are, yeas 28, nays 4.

Those who voted in the affirmative are,

- |               |                    |
|---------------|--------------------|
| Messrs. Ball, | Hogan,             |
| Brown,        | Hammond,           |
| Burnett,      | Jack,              |
| Carter,       | Lane, of Franklin, |
| Carr,         | Lanier,            |
| Courvoisie,   | M'Griff,           |
| Dawson,       | Moore,             |
| Davies,       | Rawles,            |
| Embre,        | Stewart,           |
| Fleuellen,    | Scruggs,           |
| Flournoy,     | Spalding,          |
| Gresham,      | Talbot,            |
| Henderson,    | Watts and          |
| Hardie,       | Walton.            |

Those who voted in the negative are;

- |                          |             |
|--------------------------|-------------|
| Messrs. Lane, of Putnam, | Park and    |
| Pope,                    | Taliaferro. |

Mr. Spalding called up the resolution laid on the table yesterday, to appoint a committee on the part of Senate, to join such committee as the House of Representatives may appoint, to take into consideration the propriety of continuing or amending a law passed at Milledgeville, entitled " an act to alleviate the condition of debtors, and to afford them temporary relief."

Which was read and agreed to,

Whereupon,

Ordered, That Messrs. Spalding, Moore, Burnett, Gresham, Jack, Talbott, Henderson, Lane, of Putnam, and Stewart, be the committee on the part of Senate.

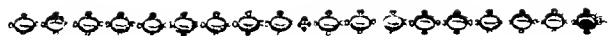
On motion of Mr. Lane, of Putnam, Resolved, That a committee be appointed to audit the accounts of attendant witnesses in behalf of the state, in the pending trial of the state vs. Echols, Simms and Flournoy; and that the President be, and he is hereby authorized to draw a warrant on the Treasury for the amount respectively due the said witnesses, as shall appear due them by said report.

Ordered, That Messrs. Lane, of Putnam, Powell and Walton, be that committee.

On motion of Mr. Moore, Resolved, That the Senate will regularly, and every day (Sundays excepted) form themselves into a High Court of Impeachment on the trial of Echols, Simms and Flournoy; at the hour of 10 o'clock in the forenoon, and sit until the hour of 2 o'clock in the afternoon, unless otherwise ordered.

The Senate having postponed further legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial seat—the Senate adjourned till to-morrow morning 9 o'clock.



Thursday, Nov. 24, 1808.

On motion of Mr. Jack, To re consider the journal of yesterday, so far as respects the resolution which is in the words following to wit:

Resolved, That the Senate will regularly, and every day (Sundays excepted) form themselves into a High Court of Impeachment, on the trial of Echols, Simms and Flournoy, at the hour of 10 o'clock in the forenoon, and set until the hour of 2 o'clock in the afternoon, unless otherwise ordered.

It was resolved in the affirmative.

He then moved, that the same be rescinded Which was agreed to.

Mr. Hardie, from the committee appointed reported a bill supplementary to the act of limitations.

Which was received and read the first time.

Mr. Embre, from the committee on petitions, reported on the petition of Reuben F. Bennett.

Which was read, and ordered to lie on the table.

Mr. Hammond, from the committee appointed, reported a bill to appropriate the funds heretofore set apart for the redemption of the Public Debt.

Which was received, and read the first time.

On motion of Mr. Hammond,

Resolved, That the Treasurer and Comptroller-General, be authorized and required to open a chest now in the Treasury Office, said to contain papers relating

give to the late Auditor's Office, and to examine and furnish this Legislature with any papers therein found, relative to the outstanding evidences of the public debt.

Mr. Brown, from the committee appointed, reported on the petition of Cornelius Murphy, as follows, to wit:

We the committee, to whom was referred the petition of Cornelius Murphy, respectfully report, that we are of opinion that the prayer of the said Cornelius Murphy ought to be granted, and that a committee be appointed to prepare and report a bill for his relief.

The Senate took up the report.— Which was read, and agreed to.

And,

Ordered, That the said petition be referred to the committee who first had the same under consideration, and that they report by bill accordingly.

Mr. Park presented a petition from a number of the inhabitants of Greene county:

Which was read, and referred to a special committee.

Ordered, That Messrs. Park, Gresham and Rawles, be that committee.

Mr. Dawson notifies the Senate, that he will on to-morrow, move for the appointment of a committee to prepare and report a bill, authorizing the appointment of County Treasurers throughout this state:

Mr. Courvoisie presented a petition from Joseph Maria Lequinio Kerbley.

Which was read, and referred to a special committee:

Ordered, That Messrs. Courvoisie, Lanier and Taliaferro, be that committee.

Mr. Lane, of Franklin, from the committee appointed, reported a bill for

prescribing the mode of admitting persons to practice *Medicine* and *Surgery* within this state.

Which was received, and read the first time.

Mr. Jack, from the committee appointed, reported a bill to authorize the commissioners of the different county Academies in this state, to receive the amount of one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed on the 20th day of December, 1793.

Which was received, and read the first time.

Mr. Moore notifies the Senate, that he will on to-morrow move for a committee to prepare and report a bill to be entitled an act to repeal an act, entitled "an act to lay out and identify six new counties out of the counties of Baldwin and Wilkinson,"—so far as it respects the place of holding courts, elections and other county business, in the county of Baldwin.

Mr. Courvoisie presented a petition from the Justices of the Inferior Court of Chatham county and members of the city council of Savannah.

Which was read and referred to a joint committee.

Ordered, That Messrs. Courvoisie, Spalding and Moore, be the committee on the part of Senate.

The Senate having postponed further legislative proceedings, the president took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial seat—the Senate adjourned till to-morrow morning 9 o'clock.

*Friday, Nov. 25, 1808.*

Mr. Lanier presented a petition from Benjamin Daly.

Which was read and referred to a special committee.

Ordered, That Messrs. Lanier, Lane, of Franklin, and Powell, be that committee.

Mr. Moore, agreeably to notice moved for the appointment of a committee to prepare and report a bill to repeal "an act to lay out and identify six new counties, out of the counties of Baldwin and Wilkinson,"—so far as it respects the place of holding courts, elections and other county business, in the county of Baldwin.

Ordered, That Messrs. Moore, Taliaferro and Fluellen, be that committee.

Mr. Park presented a petition from Matthew M'Kenny.

Which was read and ordered to be referred to the committee on petitions.

Mr. Pope notifies the Senate, that he will on to-morrow move for leave to introduce a bill to authorize the Justices of the Inferior Courts to draw Grand and Petit Jurors for the Superior and Inferior Courts, in certain cases.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to alter and amend an act, entitled "an act to amend the several acts regulating roads in this state,—so far as respects the operation of said act in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne,"—so far as said acts respects the county of Wayne—

Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon,

The said bill was read the third time, and passed under the title aforesaid.

Mr. Dawson, agreeably to notice, moved for the appointment of a committee to prepare and report a bill to authorize the appointment of County Treasurers throughout this state.

Ordered, That Messrs. Dawson, Hammond and Walton, be that committee.

The Senate having postponed further legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having resumed the Senatorial Chair,

Mr. Carr gives notice, that he will to-morrow move for leave to report a bill, to be entitled an act to admit John Greene Willingham, to plead and practice law, in the several courts in this state.

Mr. Moore, from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker,

An act to pardon Russell Bailey.

Whereupon the President signed the same. And,

Ordered, That the committee do carry said act to his Excellency the Governor, for his revision.

Adjourned till to-morrow morning 9 o'clock.



*Saturday, Nov. 26, 1808.*

Mr. Moore, from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

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

An act granting leave to John Landrum, to bring three negroes, purchased by him in the state of Virginia, to this state.

And,

An act for the relief of David Terrell and John Holliday.

Which said acts were severally signed by the President.

Ordered, That the committee do carry the said several acts to his Excellency the Governor, for his revision.

A message from his Excellency the Governor, by Mr. Bozeman, his secretary :

Mr. President—His Excellency the Governor has assented to and signed the act to pardon Russell Bailey.—And has required me to return the same to this House ; it being the branch of the General Assembly in which the said act originated.

And he withdrew.

Ordered, That the committee of enrollment do carry the act to the office of the secretary of state, and have the great seal affixed to the same.

Mr. Courvoisie, from the committee appointed, reported a bill to be entitled an act to authorize Joseph Maria Lequinio Kerbley, a subject of France, but now a Denizen of South Carolina, to purchase, and to hold in his own right, real estate, reported said bill.

Which was received and read the first time.

A letter was received from A. S. Clayton, Esq. notifying the Senate of his resignation of the appointment to take down the evidence in the case of the state vs. Echols, Simms and Flournoy, impeached for high crimes and misdemeanors.

Whereupon,

The President appointed John Hammill, Esq. to fill that vacancy.

Mr. Spalding, from the joint committee to whom was referred the petition of the Justices of the Inferior Court of Chatham county, and the members of the city council of Savannah, reported a bill to incorporate the Savannah Poor House and Hospital society.

Which was received and read the first time.

On motion,

Mr. Ball had leave to be absent till Monday next, 12 o'Clock.

The Senate resolved itself into a committee of the whole, on the bill to amend "an act to authorize Ebenezer Jenckes to erect a turnpike gate on the road leading from Joshua Loper's, in the county of Effingham, to Savannah, and

for other purposes therein mentioned—  
Mr. Jack in the chair—Mr. President resumed the chair—and Mr. Jack reported progress, and asked leave to sit again.

Mr. Jack presented a petition from John Ham, Absalom Stinchcomb, Thomas S. Carter, and Thomas Smith.

Which was read and referred to the committee on petitions.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act for the relief of John M'Connell and James Elmore—Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone through the bill without any amendment.

The Senate took up the report, and,  
On motion of Mr. Carr,

That they amend the report, and that the Senate strike out "350 dollars," and insert 200 dollars.

On the question to agree, it was determined in the negative.

And the yeas and nays being required are, yeas 8, nays 20.

Those who voted in the affirmative are,  
*Messrs.* Carr, Lane, of Franklin,  
Fleuelien, Pope,  
Gresham, Stewart, and  
Jack, Taliaferro.

Those who voted in the negative are,  
*Messrs.* Brown, Hogan,  
Burnett, Hammond,  
Carter, Lanier,  
Courvoisie, M'Griff,  
Dawson, Moore,  
Flournoy, Powell,  
Henderson, Park,

Rawles,  
Scruggs,  
Spalding,

Talbott,  
Watts and  
Walton.

The Senate took up the message from the House of Representatives, and concurred in the resolution appointing David Witt, a Justice of the Inferior Court of Jackson county.

In the resolution appointing George Poythress, Jeremiah W Williams and William Stone, commissioners for the town of Waynesborough.

They agreed to the amendment made by the House of Representatives, to the resolution appointing Justices of the Inferior Court for the county of Scriven.

And,

They have agreed to a committee of conference on the resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county—and have added a committee on their part.

Ordered, That messrs. Courvoisie, Stewart and Burnett, be that committee.

Ordered, That the remainder of the message do lie on the table.

The Senate having postponed further legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair,

On motion of Mr. Carr,

Resolved, That Samuel W. Goode, Esq. be, and he is hereby appointed a Justice of the Inferior Court of the county of Columbia, in place of Benjamin Leigh, Esq. who refuses to qualify.

Mr. Jack gave notice, that he would on Monday next move for the appointment of a committee, to prepare and report a bill to limit and define the period within which grants for land, other than that disposed of by the two late State land lotteries, may be issued.

Mr. Powell, from the committee to audit the accounts of the witnesses attending the High Court of Impeachment, in the trial of the State vs. Echols, Simms and Flournoy, reported in part.

Which was read and ordered to lie on the table.

The Senate adjourned till Monday morning half past 9 o'clock.



*Monday, Nov. 28, 1808.*

Mr. Spalding moved to re-consider the journal of Saturday last, so far as respects the appointment of a committee of conference, to take into consideration the resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county.

Which was resolved in the affirmative.

Mr. Powell moved to re-consider the journal of Saturday, so far as respects the report of the committee to whom was referred the power of auditing the accounts of witnesses in the trial of the impeachment against Echols, Simms and Flournoy.

Which was resolved in the affirmative. And,

Ordered, That the same be recommended to the same committee.

Mr. Hammond presented a petition from the Volunteer Company of Artillery, attached to the 9th Regiment of the Militia of this State.

Which being read, was referred to the committee on petitions.

Mr. Embre, from the committee on petitions, reported on the petition of John Ham and Absalom Stinchcomb, executors of Tabitha Holliday, late of Elbert county, deceased, and Thomas S. Carter and Thomas Smith, Guardians of negroes Pharoah and Sarah, as follows, to wit:

“On the petition of John Ham and Absalom Stinchcomb, executors, &c.” of the will of Tabitha Holliday, your committee recommend that the petitioners be referred to the next Legislature.”

Which was read, and ordered to lie on the table.

Mr. Carr presented a petition from Jonathan Embre.

Which was read and referred to the committee on petitions.

Mr. Lane, of Franklin, from the committee appointed, reported a bill to prevent the barbarous and inhuman practice of duelling in this state—also the mode of punishment for such offences.

Which was received and read the first time.

Mr. Scruggs presented a petition from the Trustees of the German Lutheran Congregation at Ebenezer.

Which was read and referred to a select committee—to report by bill or otherwise.

Ordered, That Messrs. Scruggs,

Stewart and Courvoisie, be that committee.

Mr. Moore moved the following resolution, to wit :

Resolved, That the printer who prints the journal of Senate, be requested to print one hundred and fifty copies of the testimony taken down by order of the Court, in the impeachment against Echols, Simms and Flournoy.

And on the question to agree to the same, it was resolved in the negative.

And the yeas and nays being required are, yeas 15, nays 15.

Those who voted in the affirmative are,

<i>Messrs.</i> Brown,	Lanier,	
Burnett,	M'Griff,	
Davies,	Moore,	
Henderson,	Park,	
Hammond,	Scruggs,	
Jack,	Spalding,	and
Lane, of Putnam,	Talbott.	
Lane, of Franklin,		

Those who voted in the negative are,

<i>Messrs.</i> Carr,	Powell,
Courvoisie,	Pope,
Embre,	Rawles,
Fleuellen,	Stewart,
Flournoy,	Taliaferro.
Gresham,	Watts and
Hardie,	Walton.
Hogan,	

The yeas and nays being equal, the President determined in the negative.

A message from the House of Representatives, by Mr. Holt their clerk :

Mr. President—The House of Representatives have passed a resolution appointing Richard W. Habersham, a Notary Public for the county of Chatham.

A resolution appointing Daniel Miller, Vendue-Master, for the town of Jefferson, in the county of Camden.

A resolution appointing Abraham Bessent, David Lewis, James Smith and James Hannay, commissioners, in addition to those already appointed, to carry into effectual operation a lottery for the benefit of the town of St. Mary's.

A resolution appointing William Neeley, James Smith, Abraham Bessent and William Mickler, commissioners for the Camden county Academy, in addition to those already appointed

A resolution appointing Thomas Pace, a Justice of the Inferior Court of Washington county, in the place of John E. Dawson, resigned.

And,

They have passed a bill to repeal "an act to compel clerks to keep their offices at, or within one mile of Court-Houses of the respective counties in this state."—So far as respects the county of Warren.

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

A bill to regulate the town of Jefferson, in the county of Camden.

And,

A bill to carry into effect the first section of an act respecting bastardy, and other immoralities, and the more fully to empower the Inferior Courts of the several counties in this state, to provide for the maintenance of bastard children.

And he withdrew.

Ordered, That the said message do lie on the table.

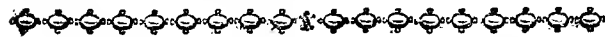
The Senate having postponed further Legislative proceedings, the President took the tribunal chair, and the High Court of Impeachment was opened by proclamation.

The President having resumed the Senatorial Chair,

Mr. Carr, agreeably to notice introduced a bill to admit John Greene Willingham, to plead and practice in the several courts of law and equity in this state.

Which was received and read the first time.

The Senate adjourned till half past 9 o'clock to-morrow morning.



*Tuesday, Nov. 29, 1808.*

On motion of Mr. Hammond,

To reconsider the journal of yesterday, so far as respects the printing of one hundred and fifty copies of testimony, in the impeachment against Echols, Simms and Flournoy.

It was resolved in the affirmative.

He then moved, that the said resolution be agreed to.

And on the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 18—nays 13.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Hogan,
Brown,	Hammond,
Burnett,	Jack,
Carter,	Lane, of Putnam,
Courvoisie,	Lane, of Franklin,
Henderson,	Lanier,

M'Griff,  
Moore,  
Spalding,

Talbott,  
Watts and  
Walton.

Those who voted in the negative are,

*Messrs.* Carr,  
Embre,  
Fleuellen,  
Flournoy,  
Gresham,  
Hardie,  
Powell,

Pope,  
Park,  
Rawles,  
Stewart,  
Scruggs, and  
Taliaferro.

Mr. Spalding, from the joint committee appointed, reported a bill to amend "an act to alleviate the condition of debtors and to give them temporary relief."

Which was received and read the first time.

Mr. Park, from the committee appointed, reported a bill, to be entitled an act supplemental to the Judiciary Law now of force in this State, and to render more easy the practice and proceedings in the Superior and Inferior Courts.

Which was received and read the first time.

Mr. Park, agreeably to notice, introduced a bill to extend the town of Greenesborough, and the corporate jurisdiction thereof.

Which was received and read the first time.

Mr. Embre, from the committee on petitions, reported on the petition of Jonathan Embre.

Which was read and ordered to lie on the table.

Mr. Flournoy, from the committee appointed, reported a bill to point out the

mode of rendering void all grants or other proceedings, founded on false or fraudulent returns made by persons not entitled to draws in the late Land Lotteries in this State, and to repeal an act passed at the last General Assembly, on that subject

Which was received, and read the first time.

A communication, together with the accompanying documents, were presented from the honorable J. Meigs, President of the University of Georgia.

Which were read, and referred to a select committee.

Ordered, That Messrs. Spalding, Park and Carr, be that committee.

Mr. Jack, agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to limit and define the period within which grants for land (other than that disposed of by the two late State Land Lotteries) may be issued.

Ordered, That Messrs. Jack, Lanier and Gresham, be that committee.

The Senate having postponed further legislative proceedings—the President took the tribunal chair, and the High Court of Impeachment was opened by proclamation.

The President returned to the Senatorial chair, and the Senate adjourned till to-morrow morning 10 o'clock.



*Wednesday, Nov. 30, 1808.*

On motion,

Ordered, That Mr. Gresham be ad-

ded to the committee to whom was referred the communication of the President of the University of Georgia, in place of Mr. Carr, who was excused from serving on that committee.

A letter was received from J. B. Spivey.—Which being read, was together with accompanying documents, ordered to lie on the table.

The following communication was received from his Excellency the Governor, by Mr. Bozeman, his Secretary, accompanied with a copy of the following letter from the Secretary of War, viz:

Mr. President, and gentlemen of the Senate, and Mr. Speaker, and gentlemen of the House of Representatives,

I have lately received a communication from the Secretary of War, requiring this States' quota of one hundred thousand militia, to be assembled and mustered, and held in readiness to march at a moment's warning, well armed and equipped, including blankets and knapsacks.

It is not contemplated to muster the men in larger bodies than regiments; under which arrangement, there will be mustered in each division its own quota of 3,242 militia; which will constitute nearly a full regiment to each division.—Permit me to suggest to you, whether it would not be proper to distribute the arms among the several divisions, or at least so many of them as will be sufficient for the apportionment of each division; to be safely deposited in some dry and secure building, and under the particular care of some discreet person, subject to the

**calls of the different Major-Generals.**

Our quota is required as you will perceive by a copy of the letter from the Secretary of War herewith transmitted, to be furnished with blankets and knapsacks. Whether those articles can be furnished by the men called to this service, or whether they shall be furnished by the government, upon their being ordered to take the field, is a subject for your deliberation.

It will be necessary in my opinion, that some mode for furnishing the men with rations while they are mustering agreeably to general orders of this date, should be adopted by the Legislature.

JARED IRWIN.

29th November, 1808.

**WAR DEPARTMENT,**

29th October, 1808.

**His Excellency the Governor of the State of Georgia,**

**SIR,**

The President of the United States, by virtue of an act of Congress, passed on the 30th day of March, 1808, entitled "an act authorizing a detachment from the militia of the United States," has directed me to call on the Executives of the several states and territories, to take effectual measures to organize, arm and equip, according to law, and hold in readiness to march at a moment's warning, their respective proportions of one hundred thousand militia, officers included: this therefore is to require of your Excellency to take effectual measures for having three thousand two hundred & forty-two of the militia of the State of Georgia (being her quota) detached and duly organized

into companies, battalions, regiments, brigades and divisions, within the shortest period that circumstances will permit, and as nearly as practicable in the following proportions of Artillery, Cavalry, Riflemen and Infantry, viz: One twelfth Artillery, one sixteenth Cavalry, and from one sixteenth to one twelfth Riflemen, and the residue Infantry; to be completely equipped with arms and accoutrements, fit for actual service, including blankets and knapsacks.

Any corps of volunteers who previous to orders for taking the field, may tender their services conformably to the second section of the aforesaid act, will be considered a part of the quota of said State, according to their numbers; and your Excellency is also authorized to accept as a part thereof, any company or companies of volunteers, either of Artillery, Cavalry or Infantry, who may associate and offer themselves for the service, agreeably to an act of Congress; a copy of which is inclosed—passed on the 24th February, 1807.

And I have to request that your Excellency will endeavor to inspire as general a disposition as possible for voluntary offers of service, especially under the last mentioned act. Permit me also, to suggest the importance of having of such general and field officers selected as can in all respects be relied upon in case the detachment should be called into actual service.

When the detachments and organization shall have been completed, the respective corps will be exercised under the officers set over them, but will not remain embodied or be considered in actual ser.

vice until by subsequent orders they shall be directed to take the field.

Your Excellency will please to direct that correct inspection returns be made of the respective corps, and that copies thereof be transmitted to this department as early as possible. Separate returns should be made of those who have heretofore volunteered and may volunteer under the last mentioned act.

I have the honor to be,

Very respectfully,

Your Ex'cy's ob't serv't,

(Signed) H. DEARBORN.

Which were read and referred to the committee on the State of the Republic.

Mr. Flournoy presented a petition from Thomas Cumming, Administrator of William Poe, deceased.

Which was read and referred to the committee of Finance.

A message from the House of Representatives, by Mr. Holt their clerk:

Mr. President—The House of Representatives have concurred in the resolution from Senate, appointing Benjamin King, a Justice of the Inferior Court of Franklin county—with the following amendment: Strike out 'Benjamin King,' and insert Edmund Henly.

They have concurred in the resolution requiring the Treasurer and Comptroller General to open a chest in the Treasury Office, said to contain papers relative to the late Auditor's Office.

They have passed a resolution appointing William Terrell, a Justice of the Inferior Court of Hancock county.

And,

A resolution confirming the Executive appointment of Patrick Houston, as a Justice of the Inferior Court of Bryan county.

They have passed a bill to keep open Great Ogechee river and Brier Creek.

A bill to extend the limits of the city of Savannah.

A bill to authorize the Inferior Court of Franklin county to levy an extra tax, for the purpose of remunerating Wilson Strickland.

A bill to amend an act more effectually to punish persons guilty of stealing horses, asses or mules; passed 9th Dec. 1793—or so much thereof as relates to the 3d and 4th sections of said act.

A bill empowering Justices of the Peace, with three freeholders, in their several districts, to bind out to service male free negroes and persons of color, minors, above the age of eight years, to artizans or farmers.

A bill to divorce and separate John Fitzpatrick, and Elizabeth his wife.

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

A bill supplemental to the several tax laws of this State.

And they have passed the following bills from Senate:

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



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

A bill for incorporating the Thespian Society and Library Company of Augusta. With amendments.

And,

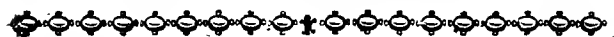
A bill to authorize the Justices of the Inferior Court of the county of M'Intosh, to appropriate a certain portion of the county tax to the support of the poor.

And he withdrew.

Ordered, That the said message do lie on the table.

The Senate having postponed further Legislative proceedings—the president took the tribunal seat—and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial chair—the Senate adjourned till to-morrow morning half past 9 o'clock.



### Thursday, Dec. 1, 1808.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives, passed a resolution confirming the contract of the committee, with the several printers therein mentioned.

And he withdrew.

The Senate took up the report, and concurred in the said resolution.

Mr. Davies from the committee on the State of the Republic, reported as follows, to wit :

The committee on the State of the Republic, beg leave to report, in part,

On document No. 1, referred to in the Governor's communication, relative to the existing differences between this State and North-Carolina, to wit :

Resolved, That his Excellency the Governor be requested to renew his application to the government of North-Carolina, for an appointment of commissioners, to meet such commissioners as have already been appointed on the part of the State of Georgia, to settle the existing differences between the two States, and in case he does not receive an answer in the affirmative, that the state of North Carolina will co-operate in designating the 35th degree of North Latitude, by the first day of February next, that his Excellency take such measures to carry that object into effect, as directed by a previous resolution.

The Senate took up the report.

Which was read and agreed to.

The following bills were severally read the 2d time, to wit :

A bill to incorporate the Savannah Poor House and Hospital Society.

Ordered for a committee of the whole on to-morrow.

A bill to appropriate the funds heretofore set apart for the redemption of the public debt.

Ordered for a committee of the whole on Monday next.

Letters were received from the honorable David Meriwether, Henry Graybill, and Christopher Clark, respectively notifying the Legislature of their accept-

ance as Electors for President and Vice-President of the United States.

Ordered, That the Secretary notify the House of Representatives thereof.

Mr. Lane, of Putnam, from the committee to examine and correct witnesses accounts, reported the sums annexed to the following several names, to wit:

	D.	C.
Abner M'Gee, .	21	75
Charles Gachet, .	16	80
John Mathews, .	39	00
Bolling Hall, .	23	33 1-4
Robert Johnson, .	22	00
Hugh Hall, .	36	20
Thomas Winkfield, .	20	67 1-2
Richard Fretwell, .	12	00
Thomas Napier, .	30	75
John Jaredson, .	14	00
Thomas Cargill, .	49	31 1-4
Elijah Cornwall, .	47	31 1-4
Thomas Loyd, .	47	31 1-4
Jacob Laughthridge, .	13	31 1-4
Joel Langham, .	50	00
Job Springer, .	48	00
Joseph Phillips, .	12	66 1-2
Daniel Wadsworth, .	44	00
John H. Bryant, .	46	33 1-2
Richard Castlebury, .	16	66 1-2
Thadeus Holt, .	34	00
Joshua Hagarthy, .	37	33 1-2
William Hammitt, .	45	33 1-2
Gabriel Gunn, .	23	33 1-2
Mereman Pounds, .	27	33 1-2
Barnes Hollaway, .	29	38 1-2
Thomas H. Kenan, .	2	00
Abner Bankston, .	8	00
Jesse Evans, .	51	00
Mathew Duncan, .	5	00

John Coffee, .	64	00
William Corley, .	35	33 1-2
William R. Allen, .	42	00
Philip Cook, .	38	00
Daniel Nunan, .	36	00
Jos. Glass, .	25	20
Edward Moore, .	2	00
Sherwood Strong, .	7	00
Charles Stewart, .	7	00
David Fluker, .	20	00
Wm. Freeman, .	48	75
Francis Powell, .	7	00
	<hr/>	
	1196	38 1-4

On motion of Mr. Lane, of Putnam, Resolved, That the President be requested immediately to grant his warrant upon the treasury for their immediate compensation—and that they be relieved from further attendance to obtain the same.

Which was agreed to.

Mr. Jack, from the committee appointed for that purpose, reported a bill to be entitled an act to limit and define the period within which grants of land, other than those disposed of by the two late land lotteries, may be issued.

Which was received and read the first time.

Mr. Scruggs, from the committee appointed for that purpose, reported a bill to be entitled an act to authorize the Trustees of the German Lutheran Congregation at the town of Ebenezer, to sell the Glebe land, and for other purposes therein mentioned.

Which was received, and read the first time.

Mr. Henderson notifies the Senate, that he will to-morrow move for leave to report a bill to be entitled an act to amend the judiciary of this state, so as to explain and define the duty of the Sheriffs of this state.

Mr. Courvoisie called up the re-consideration of the minutes of last, so far as relates to the appointment of a committee of conference, which was appointed by the House of Representatives, and the Senate, on the resolution appointing Francis Doyle, a Justice of the Inferior Court of Chatham county, and

Resolved, That the rescinding of the appointing of the committee of conference, on the part of Senate, be disagreed to—and that the appointment of that committee be confirmed.

Mr. Carr presented a petition from Josiah Durden.

Which was received, read and referred to a special committee.

Ordered, That Messrs. Carr, Taliaferro, — be that committee.

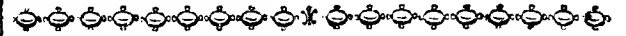
The Senate having postponed further Legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair, and

Mr. Lane, of Putnam, moved that the President do now sign the warrant on the Treasury for the amount of the several sums due the witnesses on the impeachment of Echols, Simms and Flournoy.

On motion,  
Ordered, That the warrant do lie on the table.

The Senate adjourned till to-morrow morning half past 9 o'clock.



*Friday, Dec. 2, 1808.*

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have concurred in several resolutions from Senate, and have passed sundry resolutions to which they desire concurrence.

They have passed the following bills:

A bill to be entitled an act to divorce Roderick Easley and Esther his wife.

A bill to be entitled an act to keep open the main channel of Broad river, from the confluence of the same with the Savannah river, to the mouth of Blue-stone creek.

A bill to alter and amend an act, entitled "an act to appoint commissioners for to carry into effect the building the Court-House and Jail for the county of Wayne."

A bill to divide Laurens county.

A bill to repeal an act to compel clerks to keep their offices at the Court-House, or within one mile thereof, so far as respects the counties of Wayne and Tattnall, with an amendment.

A bill to be entitled an act to regulate the town of Darien, in the county of M'Intosh.

A bill to prevent persons from holding the office of Sheriff and Tax Collector or Coroner, at one and the same time.

A bill for the better regulation of taverns, shop-keepers, &c.

A bill to be entitled an act to amend an act, entitled "an act to incorporate the town of St. Mary."

A bill to be entitled an act to incorporate the Episcopal Church in the town of Frederica, called Christ's Church.

A bill to divorce Jesse Coram and Patsey his wife, and for protecting each of them in their respective estates.

A bill to be entitled an act to allow further time to the Justices of the Inferior Court of Elbert county, to let the building of the Jail of said county.

A bill to be entitled an act to admit J. B. Barnes, R. T. Hanson, W. Gresham, P. J. Carnes, J. D. Mitchell, J. Gray, R. C. Yancy and J. G. Willingham, to plead and practice law in the several counties in this state.

A bill to be entitled an act to amend some part and repeal other parts of an act, entitled "an act to point out the mode and punish such persons as have made fraudulent returns under the former laws disposing of the territory lately acquired from the Creek Nation."

A bill to be entitled an act to give further time to the purchasers of lots in the town of Milledgeville.

And he withdrew.

Ordered, That the message do lie on the table.

The Senate called up the resolution appointing William Terrell, a Justice of

the Inferior Court for the county of Hancock.

And the same being read, was agreed to.

Mr. Lanier notifies the Senate, that he will to-morrow move for a committee to be appointed, to report a bill to be entitled an act to establish the evidence of wills, deeds, and other written contracts.

A petition from Sands Standley, was read and referred to the committee on petitions.

A letter was received, addressed to the President of Senate and Speaker of the House of Representatives, from the honorable James E. Houston, notifying the Legislature, that he would accept of the appointment of Elector for President and Vice-President of the United States.

On motion of Mr. Lane, of Putnam, Resolved, That the Comptroller-General, be requested immediately to check, and direct the Treasurer to pay the witnesses, as reported by the committee appointed to audit the same, agreeably to a joint and concurred resolution.

Which was agreed to.

Mr. Hammond, from the committee to whom was referred the petition of Jonathan Embre, reported, to wit:

On the petition of Jonathan Embre, stating the loss of a land warrant issued in the name of Isaac Hicks—your committee recommend the following resolution:

Resolved, That the Surveyor General be, and he is hereby required to pass the plat of Isaac Hicks, in the same manner as if the warrant for the same had been returned therewith.

The Senate took up the report, and the same being read was agreed to.

Agreeably to the order of the day, the Senate resolved itself into a committee of the whole on the bill to be entitled an act to incorporate the Savannah Poor House and Hospital Society—Mr. Jack in the chair—Mr. President resumed the chair—and Mr. Jack reported, That they had gone through the bill with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon:

The said bill was read the third time and passed under the title aforesaid.

A letter was presented from the Comptroller-General, on the subject of checking warrants drawn by the President of Senate and Speaker of the House of Representatives.

Which was read and ordered to lie on the table.

Mr. Moore, from the committee of enrollment, reported as duly enrolled and signed by the Speaker of the House of Representatives, the two following acts.

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

And,

An act to authorize the trustees of the Columbia county Academy, to establish a lottery for the purpose of raising the sum of two thousand dollars for the support of that institution.

Whereupon:

The President signed the said acts.

And ordered, That the committee

of enrollment do carry them to his Excellency the Governor for his revision.

Mr. Park, from the committee appointed for that purpose, reported a bill, to be entitled an act to establish the site of public buildings in the county of Morgan.

Which was read the first time.

The Senate proceeded to take up the several messages from the House of Representatives, and concurred in the resolution appointing E. B. Hopkins, Harbor-Master of the town and port of Darien.

In the resolution appointing Benjamin Jacobs, a Lumber Measurer for the port of Savannah.

In the resolution confirming the Executive appointment of Patrick Houston, Esq. a Justice of the Inferior Court for the county of Bryan.

In the resolution appointing Richard W. Habersham, a Notary Public for the county of Chatham.

In the resolution appointing Daniel Miller, Vendue-Master for the town of Jefferson, in Camden county.

In the resolution appointing Abraham Bessent, David Lewis, James Smith and James Hannay, commissioners, to carry into effectual operation the lottery for the benefit of the town of St. Mary, in addition to those already appointed.

In the resolution appointing William Neely, James Smith, Abraham Bessent and William Mickler, commissioners, for the Camden county Academy, in addition to those already appointed.

And,

In the resolution appointing Thomas Pace, a Justice of the Inferior Court of Washington county.

The Senate having postponed further Legislative proceedings, the President took the tribunal chair, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair, and the Senate adjourned till tomorrow morning, half past 9 o'clock.



### Saturday, Dec. 3, 1808.

Mr. Flournoy moved that the minutes of yesterday be reconsidered, so far as relates to the resolution requiring the Comptroller General to check a warrant on the Treasury, from the President, in favor of witnesses attending the trial of the impeachment of Echols, Simms and Flournoy ; and that the resolution be disagreed to.

On the question it was determined in the negative.

And the yeas and nays being required, are yeas 13—nays 17.

Those who voted in the affirmative are,	
Messrs. Burnett,	Lane, of Franklin,
Carr,	Powell,
Dawson,	Park,
Flournoy,	Rawles,
Henderson,	Scruggs, and
Hardie,	Taliaferro.
Hammond,	

Those who voted in the negative are,	
Messrs. Ball,	Courvoisie,
Carter,	Davies,

Embre,  
Fleuellen,  
Gresham,  
Hogan,  
Jack,  
Lane, of Putnam,  
Lanier,

M<sup>r</sup> Griff,  
Moore,  
Spalding,  
Talbott,  
Watts and  
Walton.

On motion, Mr. Moore had leave of absence until Wednesday next.

Mr. Park, from the committee appointed, reported a bill supplemental to the act of 1805, and the act of 1799, pointing out the mode of selecting Grand and Petit Jurors.

Which was received, and read the first time.

Mr. Dawson, from the committee appointed, reported a bill authorizing the appointment of County Treasurers throughout this state.

Which was received, and read the first time.

Mr. Embre, from the committee on petitions, reported on the petition of the Volunteer Company of Artillery, attached to the 9th regiment of the militia of this state.

Which was read, and ordered to lie on the table.

Mr. Hogan notified the Senate, that he would on Monday next, move for leave to introduce a bill to amend an act to organize the counties lying between the rivers Oconee and Ocmulgee, and to form a Judicial District.

Mr. Lanier, agreeably to notice, moved for the appointment of a committee to report a bill to establish the evidence of wills, deeds, and other written contracts.

Ordered, That Messrs, Lanier, Walton and Jack, be that committee.

On motion of Mr. Henderson, to re-

consider the journal of yesterday, so far as respects the report of the committee on the petition of Jonathan Embre, it was resolved in the affirmative.

And,

Ordered, That the said report do lie on the table.

Mr. Taliaferro, from the committee appointed, reported on the petition of a number of the inhabitants of the county of Washington.

Which was read and ordered to lie on the table.

Mr. Carr, from the committee on Finance, reported on the petitions of Matthew Rhan, James Batting and Mary his wife, Wilson Conner, John Steptoe and William Sharp.

Which was read, and ordered to lie on the table.

Mr. Dawson gives notice, that he will on Monday next move for leave to introduce a bill to repeal an act to compel clerks to keep their offices at or within one mile of the Court-Houses of the respective counties in this state—passed 7th December, 1807—so far as respects the county of Washington.

The Senate having postponed all further Legislative proceedings, the President took the tribunal chair, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair, and the Senate adjourned till Monday morning half past 9 o'clock.

Monday, Dec. 5, 1808.

Mr. Henderson presented a petition from Mary Womack, in behalf of herself and the other heirs of William Durgan, deceased.

Which was read, and referred to a special committee.

Ordered, That Messrs. Henderson, Davies and Hammond, be that committee.

The order of the day being called for,

On motion of Mr. Hammond,

Resolved, That the same be postponed till to-morrow.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to alter and amend the second section of the fourth article of the constitution, so far as it respects elections by the General Assembly—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same without any amendment.

The Senate took up the report; and on the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 21—nays 14.

Those who voted in the affirmative are,

Messrs. Burnett,	Henderson,
Carter,	Hammond,
Dawson,	Jack,
Embre,	Lane, of Franklin,
Fleuellen,	Lanier,
Flournoy,	Powell,
Graham,	Pope,

Park,  
Rawles,  
Stewart,  
Scruggs,

Taliaferro.  
Watts and  
Walton.

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Hogan,
Brown,	Lane, of Putnam
Carr,	M'Griff,
Courvoisie,	Spalding, and
Davies,	Talbott.
Hardie,	

Whereupon :

The said bill was read the third time; and on the question, shall this bill now pass, it was resolved in the affirmative.

And the yeas and nays being required are, yeas 23, nays 9.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Lane, of Franklin,
Burnett,	Lanier,
Carter,	Powell,
Dawson,	Pope,
Embre,	Park,
Fleuellen,	Rawles,
Flournoy,	Stewart,
Gresham,	Scruggs,
Henderson,	Taliaferro,
Hardie,	Watts and
Hammond,	Walton.
Jack,	

Those who voted in the negative are,

<i>Messrs.</i> Brown,	Lane, of Putnam,
Carr,	M'Griff,
Courvoisie,	Spalding, and
Davies,	Talbott.
Hogan,	

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend "an act to authorize Ebenezer Jenckes to erect a Turnpike Gate, on the road leading from Joshua

Loper's, in the county of Effingham to Savannah, and for other purposes therein mentioned"—Mr. Powell in the chair—Mr. President resumed the chair—and Mr. Powell reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon :

The said bill was read the third time and passed.

The bill to be entitled an act to amend "an act to compensate the Justices of the Inferior Courts of this state," passed the 8th day of December, 1806, was taken up, read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to continue in force for two years, the sixteenth section of an act entitled "an act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne"—Mr. Lane, of Franklin, in the chair—Mr. President resumed the chair—and Mr. Lane reported, that they had gone through the same with the following amendment:—Strike out "two years," and insert "one year."

The Senate took up the report, which was read and agreed to.

Whereupon :

The said bill was read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to prevent any person of



persons from placing obstructions in or over the rivers, creeks or water courses of Chatham county—Mr. Park in the chair—Mr. President resumed the chair—and Mr. Park reported, that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to, with the following amendment:—Insert “ Bryan,” in the caption of said bill.

Whereupon:

The said bill was read the third time, and passed.

A message from his Excellency the Governor, by Mr. Bozeman, his secretary:

Mr. President—His Excellency the Governor has approved of the following concurred resolutions, to wit:

One appointing John Goldwire and Robert Burton, Esquires, Justices of the Inferior Court, for the county of Effingham.

One appointing Archibald Smith and James Rountree, Esquires, Justices of the Inferior Court for the county of Telfair.

One appointing Clement Bryan, Esq. a Justice of the Inferior Court for the county of Tattnall.

One appointing Thomas Fulton, Esq. a Justice of the Inferior Court for the county of Jefferson.

One appointing Ashley Wood, Esq. a Justice of the Inferior Court for the county of Laurens.

One appointing William Bird and George Nowlan, Esquires, commissioners of the Effingham county Academy.

One requiring the Treasurer and

Comptroller General, to open a chest in the Treasury Office, and to examine the papers therein contained, and to furnish the Legislature with any which may be found relative to the outstanding evidences of debt. And has approved of so much of a resolution as relates to the appointment of Joseph Turner and Isaac Abrahams, Esquires, as Notaries Public for the county of Glynn, and disapproves of so much of the same resolution as relates to the appointment of Commissioners of Pilotage, for the port of Brunswick. And has directed me to notify this House thereof—it being the branch of the General Assembly in which the said several resolutions originated. And has also directed me to deliver his reasons for disapproving of the latter part of the last mentioned resolution; which is in the words following, to wit:

Mr. President & Gentlemen of the Senate,

I have disapproved of part of a resolution which originated in your branch of the General Assembly, to wit:

A resolution appointing commissioners of pilotage for the port of Brunswick;

Not from any belief or suspicion of the appointment being improper, but because, in and by an act passed the 6th day of December, 1799, entitled “An act to regulate the pilotage to and from the several ports of this state,”—the Governor is exclusively vested with the power of filling all vacancies which may happen in any or either of the boards of commissioners of pilotage, within this state.

(Signed) JARED IRWIN.

5th December, 1808.

And he withdrew.

The following bills were severally taken up and read the second time, to wit :

A bill to alter and amend an act to repeal an ordinance passed 26th January, 1786, so far as respects the fixing the seat of the University of this State, and an act for the more full and complete establishment of a public seat of learning in this state, so far as respects the appointment of trustees, passed the 27th day of January, 1785, and to appoint a board of trustees, and to define the board of visitors, and to fix a permanent seat for the said University.

Ordered for a committee of the whole.

A bill to alter and amend the 10th section of the 3d article of the constitution.

Mr. Carr moved that the following amendments be made to the bill previous to its being read the third time :

And be it further enacted, That the Justices of the Peace shall hereafter be elected by the electors of the several militia captain's districts to which they belong, every year, at such time and manner as the General Assembly shall by law prescribe ; and when elected, shall be commissioned by the Governor.

And be it also enacted, That the Justices of the Inferior Courts shall also be elected every four years, in such manner as the General Assembly shall by law point out.

And on the question to agree to the same, it was resolved in the negative.

And the yeas and nays being required, are yeas 7—nays 25.

Those who voted in the affirmative are,  
*Messrs. Carr,* *Flournoy,*

Hogan,  
Lane, of Franklin,  
Park,

Scruggs, and  
Talbot.

Those who voted in the negative are,

*Messrs. Ball,*  
*Brown,*  
*Burnett,*  
*Carter,*  
*Courvoisie,*  
*Dawson,*  
*Davies,*  
*Embre,*  
*Fluellen,*  
*Gresham,*  
*Henderson,*  
*Hardie,*  
*Hammond,*

*Jack,*  
*Lane, of Putnam,*  
*Lanier,*  
*M'Griff,*  
*Powell,*  
*Pope,*  
*Rawles,*  
*Stewart,*  
*Spalding,*  
*Taliaferro,*  
*Watts and*  
*Walton.*

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have passed the following bills :

A bill to quiet the claim of Freeman Birdsong and Samuel Bell, to certain lands therein mentioned.

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

And,

A bill for the relief of John Smith,  
R. H.

And they have passed the following bills from Senate :

A bill to be entitled an act to make permanent the site of the public buildings for the county of Randolph, at Monticello.

A bill to be entitled an act to authorize the commissioners of Louisville, to lay out in lots, and sell such part of the common of said town as they may think proper, and to appropriate the pro-

deeds of such sales to the use of the Academy of Louisville.

And,

A bill to be entitled an act to amend "an act to regulate the town of Carnesville," with amendments.

And he withdrew.

The Senate took up the following bills, which were severally read the second time, to wit:

A bill to separate and divorce Robert Rudolph and Mary his wife.

Ordered for a committee of the whole, on to-morrow.

A bill extending the time of taking out grants, &c.

Ordered for a committee of the whole.

A bill to establish a ferry over the river Alatomaha, at Fort Barrington.

Ordered for a committee of the whole.

A bill amendatory of the seventh section of the judiciary act, passed 16th February, 1799.

Ordered for a committee of the whole.

A bill to establish a ferry in the county of Effingham.

Ordered for a committee of the whole.

A bill to change the name of Edney Robertson.

Ordered for a third reading.

A bill to alter the name of Thomas Ryan, to that of Thomas Coram.

Ordered for a third reading.

A bill authorizing and requiring the conveyance of a lot on the common of Augusta, to certain trustees and their

successors, for the purpose of building a new Church, and to incorporate the Trustees of said Church.

Ordered for a third reading.

A bill for prescribing the mode of admitting persons to practice Medicine and Surgery within this state.

Ordered for a committee of the whole.

A bill to authorize the commissioners of the different county Academies in this state, to receive the amount of one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed the 20th day of December, 1793.

Ordered for a committee of the whole.

A bill supplemental to the act of limitations.

Ordered for a committee of the whole.

A bill to authorize Joseph Maria Lequinio Kerbley, a subject of France, but now a Denizen of South Carolina, to purchase and hold in his own right real estate.

Ordered for a committee of the whole.

A bill to admit John Greene Willingham to plead and practice in the several courts of law and equity in this state.

Ordered for a committee of the whole.

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

Ordered for a committee of the whole.

A bill to extend the town of Greenesborough, and the corporate jurisdiction thereof.

Ordered for a third reading.

A bill to amend the act to alleviate the condition of debtors, and to give them temporary relief.

Ordered for a committee of the whole to-morrow.

A bill supplemental to the judiciary law now of force in this state, and to render more easy the practice and proceedings in the Superior and Inferior Courts.

Ordered for a committee of the whole on Wednesday next.

A bill to prevent the barbarous and inhuman practice of duelling in this state—also the mode of punishment for such offences.

Ordered for a committee of the whole.

A bill to authorize the trustees of the German Lutheran Congregation, at the town of Ebenezer, or their successors in office, to sell the glebe land belonging to said Congregation, and for other purposes therein mentioned.

Ordered for a third reading.

A bill to limit and define the period within which grants for land, other than that disposed of by the two late state land lotteries, may be issued.

Ordered for a committee of the whole.

A bill to establish the site of the public buildings in the county of Morgan.

Ordered for a third reading.

A bill authorizing the appointment of county treasurers throughout this state.

Ordered for a committee of the whole.

A bill to authorize the Justices of the Inferior Courts to draw Grand & Petit Jurors.

Ordered for a committee of the whole.

Mr. Spalding, from the committee appointed, reported a bill to endow and invest the trustees of the university of this state with certain lands in the 7th district

of Baldwin, and to authorize them to sell other lands which the University hold in Jackson county.

Which was received and read the first time.

Mr. Park, agreeably to notice, introduced a bill to alter and amend the 15th section of the fourth article of the constitution.

Which was received and read the first time.

Mr. Dawson, agreeably to notice, introduced a bill to repeal “an act to compel clerks to keep their offices at or within one mile of the Court Houses of the respective counties in this state”—so far as respects the county of Washington.

Which was received and read the first time.

Mr. Lanier, from the committee appointed, reported a bill to establish the evidence of wills, deeds and other written contracts.

Which was received and read the first time.

Mr. Courvoisie, from the joint committee of conference on the subject of difference on the resolution appointing a Justice of the Inferior Court of Chatham county, reported as follows :

The joint committee of conference on the subject of difference on the resolution appointing Francis Doyle, a Justice of the Inferior Court of the county of Chatham, recommend that the Senate recede from their disagreement, and concur with the House of Representatives, in that resolution.

The Senate took up the report, and on the question to agree to the same, it was resolved in the negative.

And the yeas and nays being required are, yeas 12, nays 19.

Those who voted in the affirmative are,

Messrs. Burnett,	Pope,
Courvoisie,	Park,
Hammond,	Rawles,
Jack,	Stewart,
Lanier,	Talbott and
Powell,	Walton.

Those who voted in the negative are,

Messrs. Ball,	Henderson,
Brown,	Hardie,
Catter,	Lane, of Putnam,
Carr,	Lane, of Franklin,
Dawson,	M'Griff,
Davies,	Scruggs,
Embre,	Spalding,
Fleuellen,	Taliaferro, and
Flournoy,	Watts.
Gresham,	

The Senate adjourned till half past 9 o'clock to-morrow morning.

*Tuesday, Dec. 6, 1808.*

Mr. Hammond gave notice, that he would on to-morrow, move for leave to introduce a bill to repeal a part of the 9th section of "an act to lay out and identify six new counties out of the counties of Baldwin and Wilkinson," passed the 10th day of December, 1807.

Mr. Carr, from the committee appointed on the petition of Josiah Durden, reported on said petition as follows, to wit:

The committee to whom was referred the petition of Josiah Durden, with the documents accompanying the same, report—it appears that David M'Cormick

purchased at the fractional sales, a lot of land, situate, lying and being in the first district of Baldwin county, joining the Milledgeville commons; which said lot of land, according to the plat and grant to the said David M'Cormick, contains one hundred and twenty-nine and one fourth acres; but upon a re-survey made by the Surveyor General, is found to contain only ninety-four acres, or thereabout, making a deficiency of thirty-four acres; which deficiency is occasioned by a mistake in the District Surveyor who laid out the lots, in laying down the distance from the corner to Fishing creek, wherein he made the line eleven chain and forty links longer than what it appears to be by the re-survey made by the Surveyor General.

And it further appears to your committee, that the said David M'Cormick has sold and transferred his right and title to the said lot of land, with others, unto Josiah Durden, who is bound to make payments for the said lot to the state.

Whereupon:

Your committee recommend the following resolution:

Resolved, That the Treasurer be, and he is hereby directed to discount with the said Josiah Durden, off the bonds given for said fraction, for the thirty four acres, according to the price of the original purchase.

The Senate took up the report, and disagreed to the same.

And the yeas and nays being required, are yeas 27—nays 3.

Those who voted in the affirmative are,  
*Messrs.* Ball, Lane, of Putnam,  
 Burnett, Lane, of Franklin,  
 Carter, Lanier,  
 Courvoisier, M'Griff,  
 Dawson, Pope,  
 Davies, Park,  
 Embre, Rawles,  
 Fluellen, Stewart,  
 Flournoy, Spalding,  
 Gresham, Talbott,  
 Henderson, Taliaferro,  
 Hardie, Watts and  
 Hammond, Walton,  
 Jack,

Those who voted in the negative are,  
*Messrs.* Carr, Scruggs.  
 Powell, and

The Senate took up the several messages from the House of Representatives—and the following bills were read the first time, to wit:

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

A bill for the relief of John Smith,  
 R. H.

A bill to quiet the claim of Freeman Birdsong and Samuel Bell, to certain lands therein mentioned.

A bill to divorce Roderick Easley and Esther his wife.

They agreed to the amendment made by the House of Representatives, to the bill to repeal "an act to compel clerks to keep their offices at the Court House of the respective counties, or within one mile thereof," passed 7th December, 1807, so far as respects the counties of Wayne and Tattnall.

Ordered, That the remainder of the messages do lie on the table.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have unanimously agreed to the address to the President of the United States.

And he withdrew.

Ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to amend "an act to alleviate the condition of debtors, and to give them temporary relief"—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress, and asked leave to sit again.

The Senate took up the report; and on the question to amend the same by inserting the first Monday in November next, it was resolved in the negative.

And the yeas and nays being required, are yeas 9—nays 22.

Those who voted in the affirmative are,  
*Messrs.* Carr, Rawles,  
 Davies, Stewart,  
 Flournoy, Scruggs, and  
 Hammond, Talbott,  
 Lane, of Franklin,

Those who voted in the negative are,  
*Messrs.* Ball, Jack,  
 Burnett, Lane, of Putnam,  
 Carter, Lanier,  
 Courvoisier, M'Griff,  
 Dawson, Powell,  
 Embre, Pope,  
 Fluellen, Park,  
 Gresham, Spalding,  
 Henderson, Taliaferro,  
 Hardie, Watts and  
 Hogar, Walton.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have passed the bill from Senate, to incorporate the Savannah Poor House and Hospital Society, with amendments.

And he withdrew.

The Senate took up the message, and the amendments were agreed to.

The Senate called up the order of the day which was postponed yesterday, and resolved itself into a committee of the whole, on the bill to be entitled an act to appropriate the funds heretofore set apart for the redemption of the public debt—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the bill with amendments.

The Senate took up the amendments. Which were read and agreed to.

The bill was taken up and read the third time.

And on the question, shall this bill now pass ? it was determined in the affirmative.

And the yeas and nays being required, are yeas 17—nays 11.

Those who voted in the affirmative are,

<i>Messrs.</i> Carter,	Pope,
Courvoisie,	Park,
Henderson,	Rawles,
Hardie,	Stewart,
Hammond,	Scruggs,
Jack,	Spalding,
Lane, of Franklin,	Talbott and
Lanier,	Walton.
Powell,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Butts,
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Carr,
Dawson,
Embre,
Fleuellen,
Gresham,

Lane, of Putnam,
M'Griff,
Taliaferro, and
Watts.

Whereupon :

The bill passed under the title aforesaid.

The Senate, agreeably to the order of the day, resolved itself into a committee of the whole, on the bill to be entitled an act to separate and divorce Robert Rudolph and Mary his wife—Mr. Burnett in the chair—Mr. President resumed the chair—and Mr. Burnett reported, that they had gone through the bill without any amendment.

The Senate took up the report. Which was agreed to.

The bill was taken up and read the third time.

And on the question, shall this bill now pass ? it was determined in the negative, there not being two thirds who voted in favor of it.

Those who voted in the affirmative are,

<i>Messrs.</i> Burnett,	Lanier,
Carr,	Powell,
Courvoisie,	Pope,
Dawson,	Park,
Gresham,	Spalding,
Henderson,	Taliaferro.
Hardie,	Talbott, and
Hogan,	Walton.
Lane, of Putnam,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	M'Griff,
Carter,	Rawles,
Embre,	Stewart,
Fleuellen,	Scruggs, and
Hammond,	Watts.
Lane, of Franklin,	

Mr. Watts notified the Senate, that he will to-morrow move for leave to introduce a bill to be entitled an act to remove the courts and county business of the county of Telfair from the house of Jesse Byrd to the house of John Peterson.

Mr. Henderson, agreeably to notice, introduced a bill to be entitled an act pointing out the duty of Sheriffs in selling lands under execution.

Which was received and read the first time.

Mr. Park, from the special committee, reported a bill to be entitled an act to establish the site of public buildings in Jones county, and to appropriate the monies arising from the sale of lots in said county.

Which was received and read the first time.

Mr. Lane, of Putnam, presented a petition from a majority of the Justices of the Inferior Court of Morgan county.

Which was received, read and referred to a special committee.

Ordered, That Messrs. Lane, of Putnam, Hogan and Carter, be that committee.

The Senate adjourned till half past 9 o'clock to-morrow morning.



*Wednesday, Dec. 7, 1808.*

On motion of Mr. Hardie, to reconsider the journal of yesterday, so far as respects the bill to divorce Robert Rudolph and Mary his wife.

It was resolved in the affirmative.

On motion of Mr. Fluellen,

Resolved, That Isaac Ball be, and he is hereby appointed a Justice of the Inferior Court for the county of Warren, in place of Henry Candler, resigned.

On motion of Mr. Carr,

Resolved, That the Senate will adjourn at the hour of 12 o'clock, in order that the Electors for President and Vice-President may have the Senate Chamber to hold their election therein.

Mr. Stewart, from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, an act for the relief of John M'Connell and James Elmore.

Mr. Hammond, from the joint committee appointed, reported a bill to repeal an act to suspend for the time therein expressed, the operation of an act passed the 8th day of December, 1806, entitled "an act to extend the operation of the laws of this state over the persons resident in Wafford's settlement, and to organize the same," passed 5th December, 1807.

Which was received, and read the first time.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have passed a bill from Senate, to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne, so far as respects the county of Wayne.

And,



A bill to secure to Jane Cone, formerly Jane Cason, any property that she may hereafter acquire, by deed, will or otherwise.

They have agreed to the resolution requiring his Excellency the Governor to renew his application to the government of North-Carolina, to co-operate in ascertaining the 35th degree of north latitude.

And,

They have agreed to the report of the committee on finance.

And he withdrew.

Ordered, That the said message do lie on the table.

On motion of Mr. Rawles,

Resolved, That Bridger Jones be, and he is hereby appointed a Justice of the Inferior Court of the county of Bulloch, in the room of Joseph Tanner, resigned.

Mr. Hammond, from the committee appointed, reported a bill to repeal part of the 9th section of " an act to lay out and identify six new counties out of the counties of Baldwin and Wilkinson."

Which was received, and read the first time.

Mr. Park presented a petition relative to opening the Oconee river.

Which was read, and referred to a special committee, to report by bill or otherwise.

Ordered, That Messrs. Park, Lane, of Franklin and Gresham, be that committee.

The Senate took up the re-consideration of the minutes of yesterday, so far as respects the passage of the bill to

divorce Robert Rudolph and Mary his wife.

And,

Resolved, That the minutes be rescinded.

And on the question, shall this bill now pass, it was determined in the affirmative.

And the yeas and nays being required, are yeas 25, nays 8.

Those who voted in the affirmative are,

<i>Messrs.</i> Brown,	Lane, of Putnam,
Burnett,	Lanier,
Carter,	M'Griff,
Carr,	Powell,
Dawson,	Pope,
Davies,	Park,
Fleuellen,	Rawles,
Flournoy,	Spalding,
Gresham,	Taliaferro,
Henderson,	Talbott,
Hardie,	Watts and
Hogan,	Walton.
Jack,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Lane, of Franklin,
Courvoisie,	Moore,
Embre,	Stewart, and
Hammond,	Scruggs.

The honorable Sterling Hightower, a member elect from the county of Walton, attended, produced his credentials, and the usual oath being administered to him, took his seat.

The Senate again resolved itself into a committee of the whole, on the bill to be entitled an act to amend " an act to alleviate the condition of debtors, and to give them temporary relief"—*Mr. Walton* in the chair—*Mr. President* resumed the chair—and *Mr. Walton* reported progress, and had leave to sit again.

The Senate adjourned till to-morrow morning half past 9 o'clock.



*Thursday, Dec. 8, 1808.*

Mr. Brown, from the committee appointed, reported a bill for the temporary relief of Cornelius Murphy.

Which was received and read the first time.

The Senate took up the message from the House of Representatives, containing the address of the Legislature of this state to the President of the United States. Which being read was unanimously concurred in.

The Senate again resolved itself into a committee of the whole, on the bill to amend "an act to alleviate the condition of debtors and to give them temporary relief"—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same with amendments.

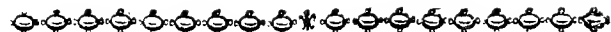
Ordered, That the said report do lie on the table.

The Senate having postponed further Legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair,

And,

The Senate adjourned till half past 9 o'clock to-morrow morning,



*Friday, Dec. 9, 1808.*

A message from the House of Representatives, by Mr. Holt their clerk :

Mr President—The House of Representatives have passed a bill to alter the name of John Clifton to that of John Anderson Lea.

And,

A bill to alter and amend the several militia laws of this state, and to organize the cavalry.

And he withdrew.

Ordered, That the said message do lie on the table.

Mr. Taliaferro, from the committee appointed, reported on the petition of the inhabitants of Wilkinson county, as follows, to wit :

The committee to whom was referred the petition of sundry inhabitants of the county of Wilkinson, praying to be added to the county of Baldwin, report, that the prayer of the petitioners is reasonable and ought to be granted, and that leave be given to bring in a bill for that purpose.

The Senate took up the report.

Which was read and agreed to. And

Ordered, That the said petition be referred to the committee who first had the same under consideration, to report by bill.

Mr. Lane, of Putnam, from the committee appointed, reported a bill for the relief of the Inferior Court for the county of Morgan.

Which was received and read the first time.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker the following acts, to wit :

An act to incorporate the Savannah Poor House and Hospital Society.

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

An act to repeal an act, entitled " an act to compel clerks to keep their offices at the Court Houses of their respective counties or within one mile thereof."— Passed 7th December, 1807—so far as respects the counties of Wayne, Tattall, Wilkinson and Laurens.

An act to make permanent the site of the public buildings for the county of Randolph at Monticello.

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

An act to alter and amend an act entitled " an act to appoint commissioners for the purpose of carrying into effect the building the Court House and Jail for the county of Wayne."

And,

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

Which were severally presented to, and signed by the President.

Ordered, That the committee do carry the said acts to his Excellency the Governor, for his revision.

Mr. Hammond introduced the following resolutions, to wit :

Resolved, That his Excellency the Governor be requested without delay, to cause to be laid before this Legislature, a statement of the situation of the Arsenal at Louisville, as well the condition of the arms, of the returns made by the officer of the guard, and the payments made thereon.

Resolved, That his Excellency the Governor be, and he is hereby required without delay, to lay before this Legislature, the cause or causes which have induced him to disarm (at the present crisis) the company of Artillery of Jefferson county who have, as must be well known to his Excellency, volunteered their services as a part of the quota of militia or volunteers required of this state, for the service of the United States, and have been, and still are under marching orders, and form the whole of that species of troops required from the second Brigade of the first Division of the Militia of this State.

Resolved, That his Excellency the Governor be required to lay before this Legislature without delay, the state of an Artillery Company said to have been organized in the town of Milledgeville ; for the arming of which Company, it is said the Artillery Company of Jefferson county have been disarmed, together with the

date of the commissions and state of their uniform.

Which were severally read and ordered to lie on the table.

The Senate took up the report of the committee of the whole on the bill to be entitled an act to amend "an act to alleviate the condition of debtors and to give them temporary relief."—And,

On motion of Mr. Lanier to amend the report, by inserting the following in the first clause :

Upon giving up property to the amount of one half of the judgment or execution, as the case may be; which property shall be valued by three discreet persons, at and after such rate as should have been at the time of the debt being created, one of said persons to be nominated by the plaintiff, one other to be nominated by the defendant, the third person to be nominated by the Justice or Clerk of the Court in which the judgment was obtained, a majority of whom shall determine on the valuation of such property; which property, when valued may be received or refused by the plaintiff, at three fourths of the valuation thereof, on the defendant's complying with the terms of this act, for the balance or whole amount as the case may be.

It was resolved in the negative.

And the yeas and nays being required, are yeas 14, nays 19.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Hammond,
Carr,	Jack,
Courvoisie,	Lanier,
Dawson,	Rawles,
Embre,	Stewart,
Flournoy,	Scruggs.

Talbott, and Watts.

Those who voted in the negative are,

<i>Messrs.</i> Brown,	Lane, of Putnam,
Burnett,	Lane, of Franklin,
Carter,	M'Griff,
Davies,	Moore,
Fleuellen,	Powell,
Gresham,	Pope,
Henderson,	Spalding,
Hardie,	Taliaferro, and
Hogan,	Walton.
Hightower,	

Mr. Hammond moved that the following amendment be agreed to, and inserted at the end of the first clause, to wit:

And upon paying one third part of the judgment and one third part of the cost.

And on the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 17—nays 13.

Those who voted in the affirmative are,

<i>Messrs.</i> Carr,	Jack,
Courvoisie,	Moore,
Dawson,	Pope,
Davies,	Rawles,
Embre,	Stewart,
Fluellen,	Scruggs,
Flournoy,	Talbott and
Henderson,	Watts.
Hammond,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Hightower,
Brown,	Lane, of Putnam,
Burnett,	M'Griff,
Carter,	Powell,
Gresham,	Spalding, and
Hardie,	Walton.
Hogan,	

He then moved that the bill be amended to read :

And that one third only of the judgment and costs shall be levied for, provided they are not paid.

And on the question to agree to the same, it was determined in the negative.

And the yeas and nays being required, are yeas 14—nays 18.

Those who voted in the affirmative are,

<i>Messrs.</i> Carr,	Lane, of Franklin,
Courvoisie,	Moore,
Dawson,	Pope,
Davies,	Rawles,
Flournoy,	Stewart,
Hammond,	Scruggs, and
Jack,	Talbott.

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Hogan,
Brown,	Hightower,
Burnett,	Lane, of Putnam,
Carter,	M'Griff,
Embre,	Powell,
Fleuellen,	Spalding,
Gresham,	Taliaferro,
Henderson,	Watts and
Hardie,	Walton.

He then moved that the following amendment be agreed to, in the same clause, to wit :

And that the property of the security or securities shall be bound from the time they enter such security, and shall be subject to the original execution.

And on the question to agree to the same, it was determined in the negative.

And the yeas and nays being required are yeas 13—nays 17.

Those who voted in the affirmative are,

<i>Messrs.</i> Carr,	Flournoy,
Dawson,	Henderson,
Davies,	Hammond,
Fleuellen,	Jack,

Lane, of Franklin,  
Moore,  
Pope,

Rawles,  
Scruggs and  
Talbott.

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Hightower,
Brown,	Lane, of Putnam,
Burnett,	M'Griff,
Carter,	Powell,
Courvoisie,	Spalding,
Embre,	Taliaferro,
Gresham,	Watts and
Hardie,	Walton.
Hogan,	

Mr. Flournoy moved that the following clause be inserted preceding the last clause in said bill, to wit :

And be it further enacted, That whenever the plaintiff or plaintiffs in any case shall apprehend that the defendant or defendants are about to remove beyond the limits of the state or county, it shall be lawful upon making oath thereof, to issue and levy the execution on the property, both real and personal, which shall be sold as the law directs, unless the defendant or defendants shall give additional security to produce the property at the place and time of sales in the county, upon the first sale day after the determination of this act.

And on the question to agree to the same, it was determined in the negative.

And the yeas and nays being required, are yeas 12—nays 21.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Hammond,
Carr,	Jack,
Dawson,	Lane, of Franklin,
Davies,	Lanier,
Embre,	Pope and
Flournoy,	Rawles.

Those who voted in the negative are,

<i>Messrs.</i> Brown,	M'Griff,
Burnett,	Moore,
Carter,	Powell,
Courvoisie,	Stewart,
Fleuellen,	Scruggs,
Gresham,	Spalding,
Henderson,	Taliaferro,
Hardie,	Talbott,
Hogan,	Watts and
Hightower,	Walton.
Lane of Putnam,	

Mr. Carr moved that the following clause be inserted preceding the last clause in said bill, to wit:

And be it further enacted, That all the property both real and personal, of all such security, which shall be taken pursuant to the conditions of this act, shall be bound from the time of his entering such security, and that execution may go forth against both principal and security, or either of them, at the option of the plaintiff.

And on the question to agree to the same, it was determined in the negative.

And the yeas and nays being required, are yeas 11, nays 22.

Those who voted in the affirmative are,

<i>Messrs.</i> Carr,	Jack,
Dawson,	Lane, of Franklin,
Davies,	Pope,
Flournoy,	Rawles and
Henderson,	Talbott.
Hammond,	

Those who voted in the negative are,

<i>Messrs.</i> Ball,	Embre,
Brown,	Fleuellen,
Burnett,	Gresham,
Carter,	Hogan,
Courvoisie,	Hardie,

Hightower,
Lane, of Putnam,
Lanier,
M'Griff,
Moore,
Powell,

Stewart,
Scruggs,
Spalding,
Taliaferro,
Watts and
Walton.

Mr. Lanier moved that the following clause be inserted, to wit:

And be it further enacted, That the Treasurer shall not be allowed to issue execution against the purchasers of fractional surveys, for a sum larger than one half of the first instalments for which purchasers bonds are deposited.

And on the question to agree to the same, it was determined in the negative.

The report being amended was agreed to.

And,

On motion of Mr. Spalding,

The said bill was read the third time; and on the question, shall this bill now pass as amended, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 23, nays 10.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Jack,
Brown,	Lane of Putnam,
Burnett,	Lanier,
Carter,	M'Griff,
Courvoisie,	Moore,
Dawson,	Pope,
Embre,	Scruggs,
Fleuellen,	Spalding,
Gresham,	Taliaferro,
Henderson,	Watts and
Hardie,	Walton.
Hightower,	

Those who voted in the negative are,

<i>Messrs.</i> Carr,	Davies,
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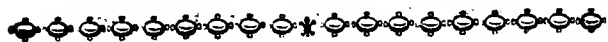
Flournoy,  
Hogan,  
Hammond,  
Lane, of Franklin,

Powell,  
Rawles,  
Stewart and  
Talbot.

The Senate having postponed further legislative business, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial seat,

The Senate adjourned till to-morrow morning half past 9 o'clock.



*Saturday, Dec. 10, 1808.*

A letter was received from Daniel Sturges, Esq. Surveyor-General.

Which was read, and referred to the committee on finance.

A letter was received from David M'Coy.

Which was read, and referred to the committee on finance.

Mr. Lane, of Putnam, presented a petition from John Whitehead.

Which was read, and referred to a special committee, to report by bill or otherwise.

Ordered, That Messrs. Lane, of Putnam, Carter and Gresham, be that committee.

On motion of Mr. Lane, of Putnam,

Resolved, That Matthew Jones be, and he is hereby appointed Vendue Master for the town of Eatonton and the county of Putnam.

Mr. Courvoisier gave notice, that he

would on Monday next move for leave to introduce a bill, to give and endow the Savannah Poor House and Hospital Society, with the property now claimed by and under the controul of the Trustees of Bethesda College.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker, an act to prevent any person or persons from placing obstructions in or over the rivers, creeks or water courses of Chatham and Bryan counties.

Which was presented to, and signed by the President.

Ordered, That the committee do carry the said act to his Excellency the Governor for his revision.

Mr. Spalding presented a petition from a number of the inhabitants of the county of Jones.

Which was read, and referred to a select committee.

Ordered, That Messrs. Spalding Carter and Pope, be that committee.

The committee appointed for that purpose, reported a bill to incorporate a company for the purpose of opening the Oconee river, and to grant a lottery for that purpose.

Which was received, and read the first time.

The Senate having postponed further legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial Seat, the Senate adjourned till Monday morning half past 9 o'clock.

*Monday, Dec. 12, 1808.*

A message from the House of Representatives, by Mr. Holt their clerk :

Mr. President—The House of Representatives have concurred in the resolution appointing George Ker a Notary Public for the county of Camden.

And,

They have passed the following resolutions, to wit :

A resolution appointing Hillary Pratt, a Justice of the Inferior Court of the county of Jones.

A resolution appointing William N. Harman, a commissioner of the town of Louisville.

A resolution appointing John Cook, a Justice of the Inferior Court for the county of Jones.

And,

A resolution appointing John H. Brewer, Wyley Thompson and Archelis Jarrett, commissioners of the Academy of Elbert county.

They have passed the following bills, to wit :

A bill to amend "an act to regulate and keep in repair the public roads and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan," so far as respects the counties of Greene and Morgan.

And,

A bill for the establishment and support of military schools in the several militia divisions in this state, to point out the mode

of distributing the public arms, and to designate the several places within each Major-General's command where the same shall be deposited.—And

They have passed a bill from Senate, to continue in force for one year the sixteenth section of "an act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne.

And he withdrew.

Ordered, That the said message do lie on the table.

The following bills were severally taken up and read the second time, to wit :

A bill pointing out the duty of Sheriffs in selling lands under execution.

Ordered for a third reading.

A bill to repeal "an act to suspend an act to extend the operation of the laws of this state over the persons resident in Wafford's settlement, and to organize the same.

Ordered for a third reading.

A bill to remove the courts and county business of the county of Telfair.

Ordered for a committee of the whole,

A bill to repeal part of the 9th section of "an act to lay out and identify six new counties out of the counties of Baldwin and Wilkinson."

Ordered for a third reading.

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

Ordered for a third reading.

A bill for the relief of the Inferior Court of Morgan county,



Ordered for a committee of the whole.

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

Ordered for a committee of the whole.

A bill to repeal "an act to compel clerks to keep their offices at or within one mile of the Court Houses of the respective counties in this state,"—so far as respects the county of Washington.

Ordered for a third reading.

A bill for a temporary relief of Cornelius Murphy.

Ordered for a committee of the whole.

A bill to establish the evidence of Wills, Deeds, and other written contracts.

Ordered for a committee of the whole, in June next.

A bill to amend the 15th section of the fourth article of the constitution.

Ordered for a committee of the whole.

A bill to endow and invest the trustees of the University of Georgia, with certain lands in the 7th district Baldwin, and to authorize them to sell other lands which the University hold in Jackson county.

Ordered for a committee of the whole.

Mr. Lane, of Putnam, from the committee appointed, reported a bill to establish a toll bridge at the plantation of John Whitehead, on little river, in Putnam county.

Which was received and read the first time.

Mr. Hogan, from the committee appointed, reported a bill to amend an act to organize the counties lying between the rivers Oconee and Ocmulgee, and to form a Judicial Circuit.

Which was received and read the first time.

Mr. Courvoisie, agreeably to notice, introduced a bill to invest the Savannah Poor House and Hospital Society with all the property, real and personal of the Orphan House, or Bethesda College, in the county of Chatham.

Which was received and read the first time.

Mr. Spalding, from the committee appointed, reported a bill to attach part of the county of Jones to the county of Randolph.

Which was received and read the first time.

Mr. Lane, of Putnam, presented a letter from William Watson.

Which was read, and ordered to lie on the table.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker, an act to divide the county of Laurens, and to form one other new county.

Which was presented to, and signed by the President.

Ordered, That the committee do carry the said act to his Excellency the Governor for his revision.

The Senate again resolved itself into a committee of the whole, on the bill to add part of the county of Camden to the county of Wayne—Mr. Moore in the chair—Mr. President resumed the chair—and Mr. Moore reported, that they had gone through the same with an amendment.

The Senate took up the report.—Which was read and agreed to.

Whereupon:

The said bill was read the third time, and passed under the title aforesaid.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker, an act to continue in force for one year, the sixteenth section of "an act to amend the several acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne."

Which was presented to, and signed by the President.

Ordered, That the committee do carry the said act to his Excellency the Governor for his revision.

The Senate again resolved itself into a committee of the whole, on the bill to extend the time for taking out grants of the late land lottery—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress, and asked leave to sit again.

The Senate took up the report.—Which was agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act supplemental to the judiciary law now of force in this state, and to render more easy the practice and proceedings in the Superior and Inferior Courts—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress, and asked leave to sit again to-morrow.

The Senate took up the report, which being read,

Mr. Hammond moved that the word "to-morrow" in said report, be stricken

out, and the words "November next," be inserted.

And on the question to agree to the same, it was determined in the affirmative.

And the yeas and nays being required, are yeas 19, nays 14.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Lane, of Putnam,
Brown,	Lane, of Franklin,
Courvoisie,	M'Griff,
Davies,	Rawles,
Embre,	Stewart,
Fleuellen,	Spalding,
Gresham,	Taliaferro,
Hogan,	Watts and
Hammond,	Walton.
Hightower,	

Those who voted in the negative are,

<i>Messrs.</i> Burnett,	Lanier,
Carr,	Moore,
Dawson,	Powell,
Flournoy,	Pope,
Henderson,	Park,
Hardie,	Scruggs, and
Jack,	Talbott.

Whereupon:

The said report was agreed to, as amended.

The Senate resolved itself into a committee of the whole, on the bill to limit and define the periods within which grants for land, (other than that disposed of by the two late state land lotteries) shall be issued—Mr. Hardie in the chair—Mr. President resumed the chair—and Mr. Hardie reported, that the further consideration of said bill be postponed until the first day of June next.

The Senate took up the report, which was read.

And on the question to agree to the same, it was determined in the affirmative.

And the yeas and nays being required, are yeas 21—nays 10.

Those who voted in the affirmative are,

<i>Messrs.</i> Ball,	Hightower,
Brown,	Lane, of Putnam,
Courvoisie,	Lane, of Franklin,
Dawson,	Pope,
Davies,	Rawles,
Embre,	Stewart,
Flournoy,	Spalding,
Gresham,	Taliaferro,
Henderson,	Watts and
Hogan,	Walton.
Hammond,	

Those who voted in the negative are,

<i>Messrs.</i> Burnett,	Moore,
Carter,	Powell,
Carr,	Park,
Jack,	Scruggs and
Lanier,	Talbott.

The Senate resolved itself into a committee of the whole, on the bill to authorize the commissioners of the different county Academies in this state, to receive the amount of one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed the 20th day of December, 1793—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress and asked leave to sit again to-morrow.

The Senate took up the report.

Which was read and agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries in this

state, and to repeal an act passed at the last General Assembly on that subject—Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone thro' the same with amendments.

The Senate took up the report; and the amendments were agreed to.

Ordered, That the said bill be engrossed for a third reading.

Mr. Gresham presented a petition from Rene Fitzpatrick.

Which was read and ordered to lie on the table.

The Senate adjourned till 4 o'clock this evening.

The Senate met agreeably to adjournment, and having postponed further Legislative proceedings, the High Court of Impeachment was opened by proclamation.

The President having resumed the Senatorial chair,

The Senate adjourned till half after 9 o'clock to-morrow morning.

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*Tuesday, Dec. 13, 1808.*

A message from his Excellency the Governor, by Mr. Bozeman, his Secretary:

Mr. President—His Excellency the Government has assented to and signed the following acts, to wit:

An act to authorize the trustees of the Columbia county Academy, to establish a lottery for the purpose of raising

two thousand dollars for the support of that institution.

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

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

An act to continue in force for one year, the sixteenth section of an act, entitled "an act to amend the several acts regulating roads in this state—so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne.

An act to incorporate the Savannah Poor House and Hospital Society.

An act to make permanent the site of the public buildings for the county of Randolph, at Monticello.

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

An act to amend an act entitled "an act to amend the several acts regulating roads in this state,—so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne"—so far as it respects the county of Wayne.

An act to repeal "an act to compel clerks to keep their offices at the Court Houses of the respective counties or within one mile thereof"—so far as respects the counties of Wayne, Tattnall, Wilkinson and Laurens.

An act to secure to Jane Cone, formerly Jane Cason, any property which

she may hereafter acquire by deed, will or otherwise. And,

An act to alter and amend "an act to appoint commissioners for the purpose of carrying into effect the building the Court House and Jail for the county of Wayne.

And has requested me to return said acts to this branch of the Legislature, it being the branch in which they originated.

And he withdrew.

Ordered, That the committee on enrollment do carry said acts to the Secretary of State, and see the great seal of the state affixed thereto.

Mr. Davies, from the committee on the state of the republic, reported on document No. 4,—referred to in the Governor's communication.

Which was read and ordered to lie on the table.

The Senate took up the report of the committee on finance; which is as follows, to wit:

The committee on finance, to whom was referred sundry petitions and other documents relative to the funds of this State, beg leave to report,

On the petition of Matthew Rhan, praying an appropriation in his favor, on a warrant granted by his Excellency S. Elbert, beg leave to recommend him to the attention of a future Legislature.

On the petition of James Batting and Mary his wife, praying for an appropriation in their favor, on account of services rendered in the revolutionary war by John Hardy, your committee beg leave to report that they are sorry the funds of this

State does not enable them to pay all just claims, under existing circumstances they, therefore, recommend a reference of this petition to a future Legislature.

On the petition of Wilson Conner, your committee are of opinion, that the case does not require Legislature attention.

On the petition of John Steptoe, your committee are of opinion that it does not require Legislative attention.

On the petition of William Sharp, stating that he had been charged with illegal taxes in the county of Morgan, your committee are of opinion that an application to the Legislature is improper, and recommend to the only recourse pointed out by law, which is against the receiver of tax returns.

Whereupon :

The same was agreed to, by striking out the report on the petition of Wilson Conner, and inserting the following resolution in lieu thereof, to wit :

Resolved, That the collector of taxes who received or collected the taxes with the double tax, shall pay over to the petitioners, the sum or sums by him collected, above their general and county taxes.

And be it further resolved, That the collector shall be discharged from accounting with the Treasurer for a larger sum than the annual general taxes received.

The Senate proceeded to take up the several messages from the House of Representatives, and concurred in the following resolutions, to wit :

In the resolution appointing Hillary Pratt, a Justice of the Inferior Court of Jones county.

In the resolution appointing John Cook, a Justice of the Inferior Court of Jones county.

In the resolution appointing John H. Brewer, Wyley Thompson and Archilis Jarrett, commissioners of the Elbert county Academy.

And,

In the resolution appointing William N. Harman, a commissioner of the town of Louisville.

And,

The following bills from the House of Representatives, were severally read the first time, to wit :

A bill for the establishment and support of military schools, and to point out the mode of distributing the public arms.

A bill to amend " an act to regulate and keep in repair the public roads and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan," so far as respects the counties of Greene and Morgan.

A bill to amend some parts and repeal other parts of " an act to point out the mode of punishing persons who have made fraudulent returns, &c."

A bill to alter the name of John Clifton to that of John Anderson Lea.

A bill to amend " an act to incorporate the town of St. Mary's."

A bill to carry into effect the first section of " an act respecting bastardy and other immoralities."

A bill to regulate the town of Darien in McIntosh county.

A bill to keep open Great Ogechee river and Brier creek.

A bill to give further time to the purchasers of lots in the town of Milledgeville, so far as respects the improvement of said lots.

A bill to admit J. B. Barnes, R. T. Hanson, W. Gresham, P. J. Carnes, J. D. Mitchell, J. Gray, B. C. Yancy and J. G. Willingham, to plead and practice in the several courts of law in this state.

A bill to incorporate Christ's Church in the town of Frederica.

A bill to keep open the main channel of Broad river.

A bill to extend the limits of the city of Savannah.

A bill to repeal "an act to compel clerks to keep their offices at the Court-Houses of the respective counties, or within one mile thereof," so far as respects the county of Warren.

A bill to authorize the Inferior Court of Franklin county, to levy and collect an extra tax, for the purpose of remunerating Wilson Strickland.

A bill to amend "an act more effectually to punish persons guilty of stealing horses, asses or mules."

A bill to make permanent the site of the public buildings of the county of Putnam, and to make valid the proceedings of the commissioners of said county.

A bill supplemental to the tax laws of this state.

A bill to vest the real estate of James Alger, deceased, in Sarah Alger, his widow, and Preserved Alger, his adopted son.

A bill to amend the several militia

laws of this state, and to organize the cavalry.

A bill to regulate the town of Jefferson, in the county of Camden.

A bill empowering Justices of the Peace, with three freeholders, to bind out to service, male free negroes and persons of color, &c.

A bill allowing further time to the Inferior Court of Elbert county, to let the building of the Jail of said county.

A bill for the better regulation of tavern and shop-keepers, and more effectually to prevent their trading with slaves.

A bill to divorce Jesse Coram and Patsey his wife.

A bill to prevent persons from holding the office of Sheriff & Tax Collector or Coroner, at one and the same time, &c.

A bill to divorce John Fitzpatrick and Elizabeth his wife.

And,

A bill to regulate toll bridges, ferries and turnpike roads.

And,

They agreed to the amendments made by the House of Representatives to the following bills, to wit:

A bill to amend "an act to regulate the town of Carnesville."

A bill to incorporate the Thespian Society and Library Company of Augusta.

And,

A bill to authorize the Inferior Court of McIntosh county, to appropriate a certain portion of the county tax to the support of the poor.

The following bills were severally read the second time, to wit:

A bill to divorce Roderick Easley and Esther his wife.

And on the question, shall this bill now pass to a third reading, it was resolved in the affirmative.

And the yeas and nays being required are yeas 24—nays 10.

Those who voted in the affirmative are,

|                      |                  |
|----------------------|------------------|
| <i>Messrs.</i> Ball, | Hightower,       |
| Brown,               | Jack,            |
| Burnett,             | Lane, of Putnam, |
| Carter,              | Lanier,          |
| Carr,                | M'Griff,         |
| Courvoisie,          | Powell,          |
| Dawson,              | Pope,            |
| Davies,              | Park,            |
| Heuellen,            | Rawles,          |
| Gresham,             | Spalding,        |
| Hardie,              | Taliaferro, and  |
| Hogan,               | Talbot.          |

Those who voted in the negative are,

|                       |           |
|-----------------------|-----------|
| <i>Messrs.</i> Embre, | Moore,    |
| Flournoy,             | Stewart,  |
| Henderson,            | Scruggs,  |
| Hammond,              | Watts and |
| Lane, of Franklin,    | Walton.   |

A bill for the relief of John Smith,

*B. H.*

Ordered for a committee of the whole.

A bill to enlarge the limits of the town of Elberton, &c.

Ordered for a third reading.

A bill to quiet the claim of Freeman Birdsong and Samuel Bell.

Ordered for a committee of the whole.

A bill to establish a toll bridge at John Whitehead's plantation, in Putnam county.

Ordered for a third reading.

A bill to amend " an act to organize the counties lying between Oconee

and Ocmulgee rivers and to form a judicial circuit.

Ordered for a committee of the whole.

A bill to invest the Savannah Poor House and Hospital Society, with all the property real and personal of the Orphan House or Bethesda College, in the county of Chatham.

Ordered for a committee of the whole.

And—A bill to add part of Jones county to the county of Randolph.

Ordered for a committee of the whole.

The Senate again resolved itself into a committee of the whole, on the bill to authorize the commissioners of the different county academies in this state who have not heretofore received the amount of one thousand pounds sterling, as appropriated for the promotion of learning, by an act of the General Assembly, passed on the 20th day of December, 1793, to receive the same—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported progress and asked leave to sit again in November next.

The Senate took up the report.

And on the question to agree to the same—The yeas and nays being required are yeas 16—nays 16.

Those who voted in the affirmative are,

|                      |              |
|----------------------|--------------|
| <i>Messrs.</i> Ball, | Hammond,     |
| Carter,              | Lanier,      |
| Carr,                | Moore,       |
| Courvoisie,          | Pope,        |
| Dawson,              | Rawles,      |
| Heuellen,            | Stewart,     |
| Flournoy,            | Scruggs, and |
| Gresham,             | Walton.      |

Those who voted in the negative are,

|                       |          |
|-----------------------|----------|
| <i>Messrs.</i> Brown, | Burnett, |
|-----------------------|----------|

Davies,  
Embre,  
Hogan,  
Hightower,  
Jack,  
Lane, of Putnam,  
Lane, of Franklin,

M'Griff,  
Powell,  
Park,  
Spalding,  
Taliaferro,  
Talbot, and  
Watts.

There being an equal number of votes the President decided in the affirmative.

Whereupon :

The said report was agreed to.

The Senate resolved itself into a committee of the whole, on the bill to alter and amend "an act to repeal an ordinance passed at Augusta the twenty-sixth day of January, one thousand seven hundred and eighty-six, so far as respects fixing the seat of the University of this state," and "an act for the more full and complete establishment of a public seat of learning in this state," so far as respects the appointment of Trustees, passed at Savannah, the twenty-seventh day of January, one thousand seven hundred and eighty-five, and to appoint a board of Trustees, and to define the board of Visitors and to fix a permanent seat for the said University—Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone through the same without any amendment.

The Senate took up the report.

Which was read and agreed to.

And on the question, Shall this bill now pass? it was determined in the affirmative.

And the yeas and nays being required, are yeas 28—nays 6.

Those who voted in the affirmative are,  
*Messrs.* Ball,  
Brown,  
Burnett,  
Carter,  
Carr,  
Courvoisie,  
Dawson,  
Davies,  
Embre,  
Fleuellen,  
Flournoy,  
Gresham,  
Henderson,  
Hardie,  
Hogan,  
Hammond,  
Hightower,  
Jack,  
Lane, of Franklin,  
Lanier,  
M'Griff,  
Pope,  
Park,  
Rawles,  
Scruggs,  
Taliaferro,  
Talbot and  
Watts.

Those who voted in the negative are,  
*Messrs.* Lane, of Putnam,  
Moore,  
Powell,  
Stewart,  
Spalding, and  
Walton.

The following bills were severally taken up, read the third time and passed under their respective titles, to wit :

A bill to be entitled "an act authorizing and requiring the conveyance of a lot on the common of Augusta, to certain Trustees and their successors, for the purpose of building a new church, and to incorporate the Trustees of said church.

A bill to be entitled an act to change the name of Edney Robertson.

A bill to be entitled an act to alter the name of Thomas Ryan, to that of Thomas Coram. And,

A bill to be entitled an act to alter and amend the tenth section of the third article of the constitution.

And on the question, shall this bill now pass? it was determined in the affirmative.

And the yeas and nays being required, are yeas 25—nays 9.



Those who voted in the affirmative are,

|                      |                    |
|----------------------|--------------------|
| <i>Messrs.</i> Ball, | Lane, of Franklin, |
| Courvoisie,          | Lenier,            |
| Dawson,              | M'Griff,           |
| Davies,              | Moore,             |
| Embre,               | Powell,            |
| Fleuellen,           | Pope,              |
| Gresham,             | Rawles,            |
| Henderson,           | Stewart,           |
| Hardie,              | Scruggs,           |
| Hammond,             | Taliaferro,        |
| Hightower,           | Watts and          |
| Jack,                | Walton.            |
| Lane, of Putnam,     |                    |

Those who voted in the negative are,

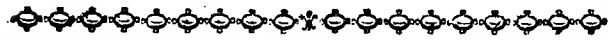
|                       |               |
|-----------------------|---------------|
| <i>Messrs.</i> Brown, | Hogan,        |
| Burnett,              | Park,         |
| Carter,               | Spalding, and |
| Carr,                 | Talbott.      |
| Flournoy,             |               |

The Senate adjourned till 4 o'clock this evening.

The Senate met and postponed further Legislative proceedings, and the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President resumed the Senatorial chair, and

The Senate adjourned till to-morrow morning half past 9 o'clock.



*Wednesday, Dec. 14, 1808.*

On motion of Mr. Davies,

To re-consider the minutes of yesterday, so far as relates to the resolution on the petition of John Steptoe—and that the report of the committee of finance thereon be disagreed to.

It was agreed to, and,

On motion of Mr. Davies,

Resolved, That the said John Steptoe be, and he is hereby exonerated from his double tax—and that the Collector for the county of Burke be, and he is hereby directed to pay the said John Steptoe, the full amount over and above his single tax for the year eighteen hundred and seven.

Agreed to.

On motion of Mr. Pope,

Resolved, That Thomas White and Adam Carson, be, and they are hereby appointed Justices of the Inferior Court of the county of Jones, in the places of James Jackson and John M'Kinzey, Esquires, who do not reside in the county.

Agreed to.

Agreeably to notice, Mr. Lane, of Franklin, reported a bill to point out the mode of electing Clerks of the Courts of Ordinary throughout this state.

Which was received and read the first time.

The following bills were severally read the third time and passed under their respective titles, to wit:

A bill to authorize the trustees of the German Lutheran Congregation, at the town of Ebenezer, to sell the Glebe land, and for other purposes therein mentioned.

A bill to repeal "an act to compel clerks to keep their offices at the Court-Houses of the respective counties in this state, or within one mile thereof," so far as respects the county of Washington.

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

A bill to repeal a part of the ninth section of " an act to lay out and identify six new counties out of the counties of Baldwin and Wilkinson."

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

A bill to repeal " an act to suspend for the time therein expressed, the operation of an act passed the 8th day of December, 1806, entitled an act to extend the operation of the laws of this state over the persons resident in Wafford's settlement, and to organize the same," passed 5th December, 1807.

A bill to establish a toll bridge at the plantation of John Whitehead, in Putnam county.

A bill pointing out the duty of Sheriffs in selling lands under execution.

A bill to extend the town of Greenesborough, and the corporate jurisdiction thereof."

And,

A bill to establish the site of public buildings in the county of Morgan.

The Senate resolved itself into a committee of the whole, on the bill to remove the courts and county business of the county of Telfair—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same with amendments.

The Senate took up the report.—Which was read and agreed to.

Whereupon:

The said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to incorporate a company for the purpose of opening the Oconee river, and to grant a lottery for that purpose—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same with amendments.

The Senate took up the report.—Which was agreed to, with an amendment.

Whereupon:

The said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act supplemental to the act of 1805, and the act of 1799, pointing out the mode of selecting Grand and Petit Jurors—Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone through the same with amendments.

The Senate took up the report.—Which was read, and agreed to.

Whereupon:

The said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill for the relief of the Inferior Court of Morgan county—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same without any amendment.

The Senate took up the report.—  
Which was read, and agreed to.

Whereupon:

The said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill authorizing the appointment of County Treasurers throughout this state --Mr. Lane, of Putnam, in the chair--Mr. President resumed the chair--and Mr. Lane reported, that they had gone through the same without any amendment.

The Senate took up the report.—  
Which being read,

On motion of Mr. Lanier, to amend the same as follows, to wit:

“ Except the counties of Tattnall, Scriven, Effingham, Bulloch, Lincoln, Telfair, Pulaski, Laurens, Franklin, Wilkinson, Wayne, Columbia, Hancock, Jackson and Warren;” it was determined in the negative.

And the yeas and nays being required, are yeas 12, nays 21.

Those who voted in the affirmative are,

|                      |           |
|----------------------|-----------|
| <i>Messrs.</i> Ball, | Powell,   |
| Carr,                | Rawles,   |
| Embre,               | Scruggs,  |
| Fleuellen,           | Spalding, |
| Hogan,               | Watts and |
| Lanier,              | Walton.   |

Those who voted in the negative are,

|                       |                    |
|-----------------------|--------------------|
| <i>Messrs.</i> Brown, | Hardie,            |
| Burnett,              | Hammond,           |
| Carter,               | Hightower,         |
| Courvoisier,          | Jack,              |
| Dawson,               | Lane, of Putnam,   |
| Flournoy,             | Lane, of Franklin, |
| Gresham,              | M'Griff,           |
| Henderson,            | Moore,             |

Pope,  
Park,  
Stewart,

Taliaferro, and  
Talbutt.

Whereupon:

The said bill was read the third time; and on the question, shall this bill now pass, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 21—nays 10.

Those who voted in the affirmative are,

|                       |                    |
|-----------------------|--------------------|
| <i>Messrs.</i> Brown, | Jack,              |
| Burnett,              | Lane, of Putnam,   |
| Carter,               | Lane, of Franklin, |
| Courvoisier,          | Moore,             |
| Dawson,               | M'Griff,           |
| Flournoy,             | Pope,              |
| Gresham,              | Park,              |
| Henderson,            | Stewart,           |
| Hardie,               | Taliaferro, and    |
| Hammond,              | Talbutt.           |
| Hightower,            |                    |

Those who voted in the negative are,

|                      |           |
|----------------------|-----------|
| <i>Messrs.</i> Ball, | Powell,   |
| Carr,                | Rawles,   |
| Embre,               | Spalding, |
| Hogan,               | Watts and |
| Lanier,              | Walton.   |

The Senate took up the bill to divorce Roderick Easley and Esther his wife.

Which was read the third time; and on the question, shall this bill now pass,

The yeas and nays being required, are yeas 20, nays 11.

Those who voted in the affirmative are,

|                       |            |
|-----------------------|------------|
| <i>Messrs.</i> Brown, | Fleuellen, |
| Burnett,              | Flournoy,  |
| Carr,                 | Gresham,   |
| Dawson,               | Hardie,    |
| Davies,               | Hogan,     |

Hightower,  
Jack,  
Lanier,  
M'Griff,  
Powell,

Pope,  
Park,  
Stewart,  
Spalding, and  
Talbot.

Those who voted in the negative are,

Messrs. Ball,  
Carter,  
Courvoisic,  
Henderson,  
Hammond,  
Lane, of Putnam,

Moore,  
Rawles,  
Scruggs,  
Watts and  
Walton.

There not being a constitutional majority, the bill did not pass.

The bill to be entitled an act to enlarge the limits of the town of Elberton, and to extend the jurisdiction of the incorporation thereof, was taken up, read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to authorize J. M. L. Kirby, to purchase and hold in his own right, real estate—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the bill, and made no amendment.

The Senate took up the report.—And the same was agreed to.

The said bill was read the third time, and passed under its title.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend an act entitled "an act to organize the counties lying between the rivers Oconee and Ocmulgee, and to form a Judicial Circuit"—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton re-

ported, that they had gone through the bill, and made an amendment.

The Senate took up the report.—And the amendment was agreed to.

The bill was read the third time, and passed under its title.

The Senate resolved itself into a committee of the whole, on the bill entitled "an act for the temporary relief of Cornelius Murphy"—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the bill, and made an amendment.

The Senate took up the report.—And the amendment was agreed to.

The said bill was read the third time, and passed under its title.

The Senate resolved itself into a committee of the whole, on the bill to attach a part of Jones county to the county of Randolph—Mr. Henderson in the chair—Mr. President resumed the chair—and Mr Henderson reported, that they had gone through the same without any amendment.

The Senate took up the report.—And the same was agreed to.

The bill was read the third time, and passed under its title.

The Senate adjourned till five o'clock this evening.

The Senate met pursuant to adjournment.

Mr. Lane, of Putnam, from the committee to audit the accounts of attendant witnesses in the trial of the Impeachment, the State vs. Echols, Simms and Flournoy, made a further report.

Which was read, and ordered to lie on the table.

The Senate having postponed further legislative proceedings, the President took the tribunal chair, and the High Court of Impeachment was opened by proclamation.

The President having resumed the Senatorial chair,

The Senate adjourned till to-morrow morning half past 9 o'clock.



Thursday, Dec. 15, 1808.

On motion of Mr. Taliaferro,

To re-consider the journal of yesterday, so far as respects the appointment of Thomas White and Adam Carson, Justices of the Inferior Court of Jones county.

It was determined in the affirmative.

On motion of Mr. Spalding,

To re-consider the journal of yesterday, so far as respects the bill to divorce Roderick Easley and Esther his wife.

It was determined in the affirmative.

Mr. Spalding presented a petition of Thaddeus Holt.

Which was read and referred to a select committee.

Ordered, that Messrs. Spalding, Carr and Lane, of Franklin, be that committee.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to alter and amend the 10th section of the third article of the constitution.

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

An act to change the name of Edney Robertson.

An act to separate and divorce Robert Rudolph and Mary his wife. And,

An act to alter the name of Thomas Ryan, to that of Thomas Coram.

Which were presented to and signed by the President.

Ordered, that the committee do carry said acts to his Excellency the Governor for his revision.

On motion of Mr. Hammond,

To take up sundry resolutions laid on the table several days ago, relative to public arms, &c.

It was determined in the negative.

And the yeas and nays being required are yeas 15—nays 19.

Those who voted in the affirmative are,

- |               |                    |
|---------------|--------------------|
| Messrs. Carr, | Lane, of Putnam,   |
| Courvoisie,   | Lane, of Franklin, |
| Davies,       | Moore,             |
| Embree,       | Powell,            |
| Henderson,    | Rawles,            |
| Hammond,      | Scruggs, and       |
| Hightower,    | Taliaferro.        |
| Jack,         |                    |

Those who voted in the negative are,

- |               |           |
|---------------|-----------|
| Messrs. Ball, | Hardie,   |
| Brown,        | Hogan,    |
| Burnett,      | Lanier,   |
| Carter,       | M'Griff,  |
| Dawson,       | Pope,     |
| Fleuellen,    | Park,     |
| Flournoy,     | Stewart,  |
| Gresham,      | Spalding, |

Talbot,  
Watts and

Walton.

The following bills were severally read the second time, and ordered for a third reading, to wit :

A bill to repeal "an act to compel clerks to keep their offices at or within one mile of the Court Houses"—so far as respects Warren county.

A bill to point out the mode of electing clerks of the courts of ordinary.

A bill to regulate toll bridges, ferries and turnpike roads.

A bill to extend the limits of Savannah.

A bill to make permanent the public buildings of Putnam county.

A bill empowering Justices of the Peace, with three freeholders, to bind out to service free negroes.

A bill to divorce Jesse Coram and Patsey his wife.

A bill to prevent persons from holding the offices of Sheriff and Tax Collector, or Coroner, at the same time.

A bill to allow further time to the Inferior Court of Elbert county, to let the building the Jail.

A bill to amend "an act to regulate and keep in repair the public roads and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan,"—so far as respects the counties of Morgan and Greene.

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

A bill to amend "an act to incorporate the town of St. Mary's."

A bill to regulate the town of Darien, in M'Intosh county.

A bill to give further time to the purchasers of lots in Milledgeville, so far as respects the improvement of said lots.

A bill to keep open the main channel of Broad river. And,

A bill to incorporate Christ Church in the town of Frederica.

The following bills were severally read the second time, and ordered for a committee of the whole, to wit :

A bill for the establishment of Military Schools, and to point out the mode of distributing the public arms.

A bill to amend the several Militia Laws of this state.

A bill to amend some parts and repeal other parts of an act to punish fraudulent drawers.

A bill to keep open Great Ogechee river and Brier Creek.

A bill to carry into effect the first section of an act respecting bastardy, &c.

A bill for the better regulation of tavern and shop-keepers.

A bill to authorize the Inferior Court of Franklin county, to levy an extra tax, for the purpose of remunerating Wilson Strickland.

A bill to divorce John Fitzpatrick & Elizabeth his wife.

A bill to regulate the town of Jefferson, in the county of Camden.

A bill supplemental to the Tax Laws.

A bill to amend the act more effectually to punish persons guilty of stealing horses, asses or mules. And,

A bill to vest the real estate of James Alger, deceased, in Sarah Alger, his widow, and Preserved Alger, his adopted son.

On motion of Mr. Carr,

Resolved, That his Excellency the Governor be, and he is hereby required to place immediately the bonds of Obadiah Echols, Reddick Simms and Francis Flournoy, the late fraction selling commissioners, in the hands of the proper law officers to commence suits thereon.

On motion of Mr. Flournoy,

Resolved, That William D. Lane, Lewis Kenon, Henry Putnam, Richard Rispass, jun. and James B. Clopton, be, and they are hereby appointed commissioners of the Academy of Putnam county.

The Senate resolved itself into a committee of the whole, on the bill amendatory to the seventh section of the judiciary act, passed 16th February, 1799—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same without any amendment.

The Senate took up the report.—Which being read, was agreed to.

Whereupon:

The said bill was read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to establish a ferry in the county of Effingham—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that he was requested to report the further consideration of said bill be postponed till the first Monday in November next.

The Senate took up the report.—Which was read, and agreed to.

The Senate took up the re-consideration of the minutes on the bill to divorce Roderick Easley and Esther his wife.

Whereupon:

The said bill was again read the third time,

And the yeas and nays being required, are yeas 19—nays 14.

Those who voted in the affirmative are,

|                       |                 |
|-----------------------|-----------------|
| <i>Messrs.</i> Brown, | Jack,           |
| Burnett,              | Lanier,         |
| Carr,                 | M'Griff,        |
| Dawson,               | Powell,         |
| Davies,               | Pope,           |
| Fleuellen,            | Park,           |
| Gresham,              | Spalding,       |
| Hardie,               | Taliaferro, and |
| Hightower,            | Talbott.        |
| Hogan,                |                 |

Those who voted in the negative are,

|                      |                    |
|----------------------|--------------------|
| <i>Messrs.</i> Ball, | Lane, of Franklin, |
| Courvoisie,          | Moore,             |
| Embre,               | Rawles,            |
| Flournoy,            | Stewart,           |
| Henderson,           | Scruggs,           |
| Hammond,             | Watts and          |
| Lane, of Putnam,     | Walton.            |

There not being a constitutional majority, the said bill was lost.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have passed the following bills from Senate, to wit:

A bill to appropriate the funds heretofore set apart for the redemption of the public debt.

A bill to amend " an act to authorize Ebenezer Jenckes to erect a turnpike gate on the road leading from Joshua

Woper's, in the county of Effingham, to Savannah, and for other purposes therein mentioned."

And,

A bill to be entitled an act to amend "an act to alleviate the condition of debtors, and to give them temporary relief," with amendments.

And,

They have passed the following bills from the House of Representatives, to wit:

A bill to regulate costs in criminal cases, so far as respects malicious prosecutions.

A bill to keep open and prevent obstructions in Savannah river, so far as respects the counties of Richmond, Columbia and Lincoln.

A bill to cede jurisdiction over lands acquired by the United States.

A bill to authorize the Inferior Court of Baldwin county, to levy an extra tax, for the purpose of building a Court-House and Jail.

A bill to amend the third section of "an act to establish the town of Wrightsborough, in Columbia county," &c.

A bill to establish a lottery for the benefit of the Savannah Poor House and Hospital Society.

A bill to make permanent the seat of the public buildings, in the county of Wilkinson.

A bill to establish a toll bridge on the Appalachee river.

A bill to amend "an act to protect religious societies in their religious duties."

And,

A bill to authorize the Inferior Court of Elbert county, to appropriate a certain part of the county tax towards the support of the poor.

And,

They have passed the following resolutions, to wit:

A resolution authorizing his Excellency the Governor, to pay out of the contingent fund, the several printers employed to print the laws and journals of the present session, on their complying with their contract.

A resolution appointing Henry Fulgham, William A. Harper, James T. Thomas, Samuel Jones and Edmund Hogan, Justices of the Inferior Court of Pulaski county.

A resolution appointing Arthur Fort, Stephen Johnston, William Lord, John Hays and William Bevin, commissioners of the Wilkinson county Academy.

A resolution appointing Benjamin King, a Justice of the Inferior Court of Franklin county, in the room of Samuel Shannon, resigned.

A resolution appointing a committee of conference on their part, to join such as may be appointed on the part of Senate, to re-consider a resolution relative to the removal of John Bolton from office, and the appointment of Francis Doyle.

A resolution appointing John Thomas, County Surveyor of Laurens county.

They have passed a resolution on the memorial of John Clark and Thomas Culbreath.

They have concurred in the report of the committee on the state of the re,



public, on the memorial of Charles Tiot, with an amendment.

And,

A resolution on the petition of Isaac Walker.

And he withdrew.

Ordered, That the said message do lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to invest the Savannah Poor House and Hospital Society, with all the property real and personal, of the Orphan House or Bethesda College, in the county of Chatham—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same, with an amendment.

The Senate took up the report.—And the amendment was agreed to.

Whereupon:

The said bill was read the third time, and passed under the title of "an act to authorize the President of the trustees of the Bethesda College, the President of the Union Society, the President of the Board of Managers of the Savannah Poor House and Hospital Society, the Chairman of the Commissioners of the Chatham Academy, and the Mayor of the city of Savannah, to dispose of the property of Bethesda College, or Orphan House estate, for the uses therein mentioned."

The Senate adjourned till 4 o'clock this evening.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have passed a bill to appro-

priate money for the political year 1800.

And he withdrew.

The Senate took up the message, and the said bill was read the first time.

The Senate having postponed further legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having resumed the Senatorial chair,

The Senate adjourned till to-morrow morning half past 9 o'clock.

*Friday, Dec. 16, 1808.*

Mr. Flournoy presented a petition from William Stephens, Esq.

Which being read, was referred to the committee on finance.

On motion of Mr. Walton,

Resolved, That a committee be appointed to adjust the accounts of the members of Senate, and its officers, the present session.

Ordered, That Messrs. Walton, Moore and Dawson, be that committee.

On motion of Mr. Hammond,

Resolved, That William Wright, and William Barron, be and they are hereby appointed Commissioners of the Court House and Jail of Jefferson county.

Mr. Spalding, from the committee appointed, reported on the petition of Col. Thaddeus Holt, as follows, to wit:

The committee to whom was referred the memorial of Col. Thaddeus Holt, claiming payment from the State of Geor-

gia, for the detention of Fort Wilkinson, after having purchased and paid for the same to the State, against the conditions of sale, by the troops of the United States; and after having taken the whole matter of the memorial into their serious consideration, they report:—

That Col. Thaddeus Holt, be referred to the government of the United States for remuneration, for the detention of his property; as it appears to your committee he has a just and equitable claim against the General Government, but not against the State of Georgia.

The Senate took up the report.—  
Which was read and agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to alter and amend the several militia laws of this state, and to organize the cavalry—Mr. Moore in the chair—Mr. President resumed the chair—and Mr. Moore reported, that they had gone thro' the same with an amendment.

The Senate took up the report.—  
Which was read and the amendment disagreed to.

Whereupon :

The said bill was read the third time and passed.

The Senate took up the bill to point out the mode of electing clerks of the Courts of Ordinary, throughout this State.

And,

On motion,

That the said bill do lie on the table.  
It was determined in the negative.

And the yeas and nays being required are yeas 14—nays 17.

Those who voted in the affirmative are,

|                |             |
|----------------|-------------|
| Messrs. Brown, | Pope,       |
| Burnett,       | Park,       |
| Carr,          | Stewart,    |
| Dawson,        | Scruggs,    |
| Flournoy,      | Spalding,   |
| Gresham,       | Talbott and |
| Hardie,        | Walton.     |

Those who voted in the negative are,

|                  |                    |
|------------------|--------------------|
| Messrs. Carter,  | Lane, of Franklin, |
| Courvoisie,      | Lanier,            |
| Davies,          | M'Griff,           |
| Henderson,       | Moore,             |
| Hogan,           | Powell,            |
| Hammond,         | Rawles,            |
| Hightower,       | Taliaferro, and    |
| Jack,            | Watts.             |
| Lane, of Putnam, |                    |

Whereupon :

The said bill was read the third time and passed.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker the following acts, to wit :

An act to amend "an act to regulate the town of Carnesville."

An act to authorize the Justices of the Inferior Court of the county of M'Intosh, to appropriate a certain portion of the county tax to the support of the poor.

An act to amend "an act to authorize Ebenezer Jenckes to erect a turnpike gate on the road leading from Joshua Loper's, in the county of Effingham, to Savannah, and for other purposes therein mentioned." And,

An act for incorporating the Thespian Society, and Library Company of Augusta.

Which were severally presented to and signed by the President.

Ordered, That the committee do

carry the said acts to his Excellency the Governor for his revision.

On motion of Mr. Flournoy,

Resolved, That the Adjutant General be, and he is hereby required to keep his office at the seat of government, that he may be at hand to receive and make all necessary communications from and to the Executive Department, and to perform other official duty.

And be it further resolved, That the room in the State House, adjoining the office of the Surveyor General, be set apart and appropriated for the office of the Adjutant General.

On motion of Mr. Park,

Resolved, That Joseph Ryley, Tax Collector of Greene county, be indulged for settlement with the Treasurer until the first day of April next, and that the Treasurer be, and he is hereby directed not to issue execution against said Joseph Ryley before the first day of April next.

The following bills were severally taken up, read the third time, and passed under their respective titles, to wit:

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

And on the question, shall this bill now pass, it was determined in the affirmative.

And the yeas and nays being required, are yeas 23—nays 4.

Those who voted in the affirmative are,

|                      |                    |
|----------------------|--------------------|
| <i>Messrs.</i> Ball, | Hightower,         |
| Brown,               | Jack,              |
| Burnett,             | Lane, of Putnam,   |
| Carter,              | Lane, of Franklin, |
| Courvoisie,          | Lanier,            |
| Davies,              | M'Griff,           |
| Dawson,              | Moore,             |
| Embre,               | Stewart,           |
| Flournoy,            | Taliaferro,        |
| Henderson,           | Talbott and        |
| Hogan,               | Watts.             |
| Hammond,             |                    |

Those who voted in the negative are,

|                      |         |     |
|----------------------|---------|-----|
| <i>Messrs.</i> Carr, | Powell, | and |
| Gresham,             | Pope.   |     |

The bill to divorce Jesse Coram and Patsey his wife, and for protecting each of them in their respective estates.

And on the question, shall this bill now pass, it was determined in the affirmative.

And the yeas and nays being required are yeas 24—nays 2.

Those who voted in the affirmative are,

|                      |                  |
|----------------------|------------------|
| <i>Messrs.</i> Ball, | Jack,            |
| Brown,               | Lane, of Putnam, |
| Burnett,             | Lanier,          |
| Carr,                | M'Griff,         |
| Dawson,              | Moore,           |
| Davies,              | Powell,          |
| Fleuellen,           | Pope,            |
| Flournoy,            | Stewart,         |
| Gresham,             | Spalding,        |
| Henderson,           | Taliaferro,      |
| Hightower,           | Talbott and      |
| Hogan,               | Walton.          |

Those who voted in the negative are,

|                        |     |             |
|------------------------|-----|-------------|
| <i>Messrs.</i> Carter, | and | Courvoisie. |
|------------------------|-----|-------------|

A bill to be entitled an act to keep open the main channel of Broad river, from the confluence of the same with the

Savannah river, to the mouth of Blue-stone creek.

A bill to repeal " an act to compel clerks to keep their offices at or within one mile of the Court-Houses of the several counties in this state," so far as respects the county of Warren.

A bill to regulate the town of Darien, in the county of McIntosh.

A bill to incorporate the Episcopal Church in the town of Frederica, called Christ Church.

A bill to give further time to the purchasers of lots in the town of Milledgeville, so far as respects the improvement of said lots, agreeable to an act passed the 12th day of December, 1804.

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

A bill to amend " an act to keep in repair the public roads and bridges in the counties of Burke, Jefferson, Richmond, Greene and Morgan," so far as respects the counties of Greene and Morgan.

A bill to allow further time to the Justices of the Inferior Court of Elbert county, to let the building of the Jail of said county.

A bill to extend the limits of the city of Savannah.

A bill to regulate toll bridges, ferries and turnpike roads.

A bill to amend " an act to incorporate the town of St. Mary."

And,

A bill empowering the Justices of the Peace, with three freeholders in their several districts, to bind out to service male free negroes and persons of color, minors above the age of eight years, to

artisans or farmers.

The Senate resolved itself into a committee of the whole, on the bill for establishing a ferry over the river Altamaha, at Fort Barrington—Mr. Park in the chair—Mr. President resumed the chair—and Mr. Park reported, that they had gone through the same with an amendment.

The Senate took up the report.— And the amendment was agreed to.

Whereupon:

The said bill was read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act supplemental to the tax laws of this state—Mr. Dawson in the chair—Mr. President resumed the chair—and Mr. Dawson reported, that they had gone thro' the same, with an amendment.

The Senate took up the report.— And the amendment was agreed to.

Whereupon:

The said bill was read the third time, and passed.

The Senate resolved itself into a committee of the whole, on the bill to regulate the town of Jefferson, in the county of Camden—Mr. Walton in the chair—Mr. President resumed the chair—and Mr. Walton reported, that they had gone through the same, with an amendment.

The Senate took up the report.— And the amendment was agreed to.

Whereupon:

The said bill was read the third time, and passed.

The bill to appropriate money for

the political year 1809, was read the second time.

Ordered for a committee of the whole, tomorrow.

The Senate took up the message from the House of Representatives, and the following bills were severally read the first time, to wit:

A bill to cede jurisdiction over lands acquired by the United States.

A bill to keep open and prevent obstructions in Savannah river, so far as respects the counties of Richmond, Columbia and Lincoln.

A bill to regulate courts in criminal cases, so far as respects malicious prosecutions.

A bill to amend the third section of an act to establish the town of Wrightsborough, in Columbia county."

A bill to establish a toll bridge on the Appalachee river.

A bill to establish a lottery for the benefit of the Poor House and Hospital Society of Savannah.

A bill to authorize the Inferior Court of Baldwin county, to levy an extra tax for the purpose of building a Court-House and Jail, &c.

A bill to protect religious societies in their religious duties.

A bill to authorize the Justices of the Inferior Court of Elbert county, to appropriate a certain part of the county tax for the support of the Poor of said county.

And,

A bill to make permanent the site of the public buildings in the county of Wilkinson. And

They concurred in the resolution on

the petition of Isaac Walker, Esq.

In the resolution appointing John Thomas, County Surveyor, of Laurens county.

In the resolution appointing Benjamin King, a Justice of the Inferior Court, of Franklin county.

In the resolution appointing Arthur Fort, Stephen Johnston, William Lord, John Hays and William Biven, commissioners of the Wilkinson County Academy.

In the resolution authorizing his Excellency the Governor to pay out of the contingent fund the several printers employed to print the laws and journals of the present session, on their complying with their contract.

In the resolution appointing Henry Fulgham, William A. Harper, James T. Thomas, Samuel Jones and Edmund Hagan, Justices of the Inferior Court of Pulaski county. And

They have concurred in the report of the joint committee on the State of the Republic, on the petition of Charles Tiot, as amended in the House of Representatives.

Mr. Carr, from the committee on finance, reported on the petition of Jesse Ellis—on the memorial of David McCord,—on the memorial of John Clark, Attorney of Jonathan Coit—on the memorial of Jett Thomas and John Scott—and, on that part of his Excellency the Governor's communication, relative to sending an agent for obtaining arms, ammunition, &c. for the state of Georgia.

Which, said report, was read and ordered to lie on the table.

The Senate having postponed further Legislative proceedings, the President took the tribunal seat, and the High Court of Impeachment was opened by proclamation.

The President having returned to the Senatorial chair,

The Senate adjourned till to-morrow morning half past 9 o'clock.



*Saturday, Dec. 17, 1808.*

On motion of Mr. Flournoy,

Resolved, That both branches of the General Assembly will convene at four o'clock this evening, and proceed to the election of a Brigadier General and four Colonels, in pursuance of the militia law passed the present session.

On motion,

Messrs. Spalding, Hardie, Lane, of Franklin, and Courvoisie, had leave of absence after to-day, from their further attendance during the present session.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have passed the following bills, to wit :

A bill to add part of Camden county to the county of Wayne.

A bill to amend " an act to repeal an ordinance passed at Augusta the 26th day of January, 1786, so far as respects fixing the seat of the University of this State,"—and " an act for the more full and complete establishment of a public seat of learning in this State, so far as respects the appointment of Trustees,

passed at Savannah the 27th day of January, 1785"—and to appoint a board of Trustees, and to define the board of Visitors, and to fix a permanent seat for the University.

They have passed a bill to change the name of Levinia, Leonidas, Alfred, Ladoiska, Camillus, and Crassus Hicks, to that of Few.

They have passed a resolution appointing Jonas Dawson, a Justice of the Inferior Court of Walton county.

They have agreed to the committee of finance, on the petition of Samuel Tinsley—on the petition of Laban Beckcom—on the petition of J. M. C. Montgomery—on the petition of David Taylor, for the heirs of David B. Butler—on the communication of the commissioners of Louisville.

Ordered to lie on the table.

On motion of Mr. Walton,

Resolved, That it is the sense of this Legislature, that the Federal Circuit Court for the district of Georgia, ought to be held at the seat of government, and not to alternate : and that a certified copy, or copies of this resolution be transmitted immediately, by his Excellency the Governor, to the Senators and Representatives of this State, to the Congress of the United States.

And on the question to agree to the same, it was determined in the affirmative.

And the yeas and nays being required, are yeas 18—nays 15.

Those who voted in the affirmative are,

|                      |            |
|----------------------|------------|
| <i>Messrs.</i> Ball, | Gresham,   |
| Carr,                | Henderson, |
| Dawson,              | Hammond,   |
| Eleuellen,           | Hightower, |

Jack,  
Lane, of Putnam,  
Lane, of Franklin,  
Moore,  
Pope,

Park,  
Taliaferro,  
Talbot and  
Waiton.

Those who voted in the negative are,

|                       |               |
|-----------------------|---------------|
| <i>Messrs.</i> Brown, | Lanier,       |
| Burnett,              | M'Griff,      |
| Carter,               | Powell,       |
| Courvoisie,           | Stewart,      |
| Embre,                | Scruggs,      |
| Hardie,               | Spalding, and |
| Hogan,                | Watts.        |

The report of the committee of Finance, on the petition of the Artillery of Jefferson county, was taken up and read, and is as follows :

Resolved, That his Excellency the Governor, be, and he is hereby required to return to the Jefferson county Company of Artillery, the piece of Ordinance which has heretofore been in their possession.

Mr. Flournoy moved, that the same do lie on the table.

On the question, it was determined in the affirmative.

And the yeas and nays being required, are yeas 22, nays 4.

Those who voted in the affirmative are,

|                      |                    |
|----------------------|--------------------|
| <i>Messrs.</i> Ball, | Lane, of Putnam,   |
| Brown,               | Lane, of Franklin, |
| Burnett,             | M'Griff,           |
| Carter,              | Powell,            |
| Dawson,              | Moore,             |
| Fleuellen,           | Pope,              |
| Flournoy,            | Rawles,            |
| Gresham,             | Stewart,           |
| Hogan,               | Watts and          |
| Hightower,           | Waltor,            |
| Jack,                |                    |

Those who voted in the negative are,  
*Messrs.* Carr,  
Embre,  
Hammond, and  
Scruggs.

On motion of Mr. Flournoy,

The Senate took up the resolution on the petition of Joseph Hutchinson, in behalf of the heirs of James Hutchinson, deceased.

And the same being read, was concurred in.

On motion of Mr. Hammond,

Whereas under a contract for printing the Laws and Journals of the present Legislature, D. L. Ryan has lodged his bond in the Executive Office, for the performance of his contract for printing the Laws—and that Day & Wheeler have lodged their bonds in the Executive Office, for the performance of their contract for printing the Journals of Senate—and Mrs. Hillhouse has by her agent deposited her bond in the Executive Office, for the performance of her contract for printing the Journals of the House of Representatives:

Be it therefore resolved, That the Secretary of State be required without delay to furnish D. L. Ryan, with correct copies of the Laws passed at the present session—and that the Secretary of the Senate furnish Day & Wheeler, with correct copies of the Senate—and that the Clerk of the House of Representatives furnish Mrs. Hillhouse with correct copies of the journal of the House of Representatives—and that his Excellency the Governor be requested to distribute the said Laws and Journals, as early as possible after they

may be deposited in the Executive Office.

The Senate took up the reports of the committee on finance, to wit :

The committee on finance, to whom was referred sundry memorials and documents exhibiting claims against the state, beg leave to report,

On the petition of Jesse Ellis, praying for Legislative interference in his behalf, on account of his being security for James Bynum, as Tax Collector for Hancock county, for the year 1796, your committee is of opinion that Legislative interference ought not to be extended in favor of the memorialist.

On the memorial of David M'Cord, your committee recommend the following resolution :

Resolved, That the sum of four hundred dollars be given him, in addition to what he has already received, for his services in examining and re-surveying the fractional surveys in the seventh district of Baldwin county.

On the memorial of John Clark, attorney for Jonathan Coit, your committee is of opinion that it is improper to grant the prayer of the petitioner.

On the memorial of Jett Thomas and John Scott, rendering an account for the building of the State House, your committee report, That they do not feel themselves competent to offer any opinion of the justice or fairness of the charges contained in said account, but that viewing the difficulties under which the undertakers have labored in carrying on a work of such magnitude in this newly settled country, where provisions and laborers were scarce and dear; and impressed with

the belief that the exertions of the undertakers have been meritorious and praiseworthy, it appears just and proper that they should have an appropriation to meet the exigencies arising from the occasion, until a final arrangement and settlement can be made—your committee, therefore, recommend the following resolutions :

Resolved, That the commissioners of Milledgeville be authorized and directed to employ suitable persons to appraise and value the State House, agreeable to the original contract with the undertakers.

Resolved, That the sum of Thirty Thousand Dollars be appropriated to the undertakers of said building, to be disbursed under the direction of the commissioners of the town of Milledgeville.

On that part of his Excellency's communication relating to sending a special agent to attend the obtaining of arms, ammunition, &c. for this state, it appears to your committee that his Excellency did, on the 19th day of January, 1808, dispatch William Robertson, Esq. to the city of Washington : there to wait the instructions and carry into effect such orders as he might receive from the honorable John Milledge, and William H. Crawford, who were by his excellency appointed commissioners on the part of this State, to contract for arms, ammunition. &c.—that Mr. Robertson remained at the said city of Washington, until the thirteenth day of April, following—and was from thence, by the honorable John Milledge, and William H. Crawford, sent on to the city of Philadelphia, with instructions to receive, and have shipped for the port of Savannah, a quantity of arms, cartouch boxes, &c.



Which he performed, and came by sea with them to Savannah, on the 20th of May last—your committee therefore recommend the following resolution :

Resolved, That the Treasurer be, and he is hereby instructed & required to write off the bonds of the said William Robertson, in the Treasury, that now are, or may hereafter be due, the sum of One Thousand Dollars, as a compensation for his services, throughtout his attendance on the above business.

On the memorial of Daniel Sturges, your committee are of opinion, that the petition, so far as respects the book C, as transcribed by him, is reasonable, and ought to be granted; and therefore recommend the following resolution :

Resolved, That the sum of four hundred and fifty dollars be appropriated in his favor, for renewing and transcribing the book C, now in his office.

On the petition of Thomas Cumming, praying the renewal of an audited certificate—your committee is of opinion, that the law allowing time for the holders of such papers is considered to have been of sufficient notoriety to give every holder an opportunity to renew their certificates agreeably to law; and that his prayer ought not to be granted.

On the Treasurer's and Comptroller General's statement of taxes in arrears due this state—it appears there has not been Receiver's books or Collector's bonds transmitted to the Comptroller General's office, from the following counties, viz:

From the county of Camden, for

the years 1805, 1806 and 1807—From the county of Effingham, 1806—From the county of Bulloch, 1807—From the county of Glynn, 1807—From the county of Lincoln, 1807—From the county of McIntosh, 1800, 1802 and 1807—From the county of Scriven, 1807—From the county of Montgomery, 1800, 1801, 1802, 1803, 1804, 1805 and 1806—From the county of Tattnall, 1805, 1806 & 1807—From the county of Wilkinson, 1807.

Your committee therefore recommend the following resolution :

Resolved, That the Justices of the Inferior Courts for the counties aforesaid, be directed to shew cause, on the first day of the meeting of the next General Assembly, why they should not be removed from office; for not having complied with the law in such cases; and that the Treasurer be directed to issue executions immediately against all defaulting Tax Collectors and their securities; and that the Comptroller General be directed to publish a correct statement of the different defaulters, with the several sums due, and who were their securities.

And the same being read,

Resolved, That the Senate do agree to the said reports, as follow :

On the petition of Jesse Ellis.

On that part of his Excellency the Governor's communication, relative to sending a special agent to attend to the obtaining of arms for the use of this state.

On the memorial of Daniel Sturges.  
And,

On the petition of Thomas Cumming, administrator of William Poe.

And,

On the memorial of Jonathan Coit.

On the memorial of David M'Cord.

The Senate amended the report by striking out "four hundred," and inserting "five hundred and twelve dollars, twelve and a half cents."

And the yeas and nays being required, are as follow:

Those who voted in the affirmative are,

|                      |                  |
|----------------------|------------------|
| <i>Messrs.</i> Ball, | Jack,            |
| Brown,               | Lane, of Putnam, |
| Carr,                | M'Griff,         |
| Dawson,              | Pope,            |
| Davies,              | Rawles,          |
| Flournoy,            | Stewart,         |
| Henderson,           | Spalding, and    |
| Hogan,               | Taliaferro.      |
| Hightower,           |                  |

Those who voted in the negative are,

|                            |             |
|----------------------------|-------------|
| <i>Messrs.</i> Courvoisie, | Moore,      |
| Embre,                     | Powell,     |
| Fleuellen,                 | Park,       |
| Gresham,                   | Scruggs,    |
| Hammond,                   | Talbott and |
| Lane, of Franklin,         | Walton.     |
| Lanier,                    |             |

On the memorial of Jett Thomas and John Scott.

The Senate amended the report by striking out "thirty thousand," and inserting "twenty nine thousand, nine hundred and ninety-nine dollars, and ninety-nine cents."

And the yeas and nays being required are yeas 21—nays 12.

Those who voted in the affirmative are,

|                      |                  |
|----------------------|------------------|
| <i>Messrs.</i> Ball, | Hogan,           |
| Burnett,             | Hightower,       |
| Carter,              | Jack,            |
| Courvoisie,          | Lane, of Putnam, |
| Furney,              | Lanier,          |
| Hardie,              | M'Griff,         |

Moore,  
Powell,  
Pope,  
Park,  
Stewart,

Spalding,  
Talbott,  
Watts and  
Walton.

Those who voted in the negative are,

|                       |                    |
|-----------------------|--------------------|
| <i>Messrs.</i> Brown, | Gresham,           |
| Carr,                 | Henderson,         |
| Dawson,               | Hammond,           |
| Davies,               | Lane, of Franklin, |
| Embre,                | Rawles, and        |
| Fleuellen,            | Taliaferro.        |

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to extend the time for taking out grants—Mr. Jack in the chair—Mr. President resumed the chair—and Mr. Jack reported, that they had gone through the bill without any amendment, The Senate took up the report.

And,

On motion,

Resolved, That the report be amended to read—strike out "25th December," and insert "25th September."

And on the question to agree, it was determined in the affirmative.

And the yeas and nays being required, are yeas 17—nays 13.

Those who voted in the affirmative are,

|                       |                  |
|-----------------------|------------------|
| <i>Messrs.</i> Brown, | Lane, of Putnam, |
| Carr,                 | M'Griff,         |
| Courvoisie,           | Moore,           |
| Embre,                | Powell,          |
| Davies,               | Rawles,          |
| Flournoy,             | Taliaferro,      |
| Hammond,              | Talbott and      |
| Hightower,            | Watts.           |
| Jack,                 |                  |

Those who voted in the negative are,

|                      |            |
|----------------------|------------|
| <i>Messrs.</i> Ball, | Gresham,   |
| Burnett,             | Henderson, |
| Carter,              | Hogan,     |

Lane, of Franklin,  
Lanier,  
Pope,  
Park,

Stewart,  
Spalding and  
Walton.

Whereupon :

The said bill was read the third time, and passed under the title thereof, as amended.

A message from his Excellency the Governor, by his Secretary, Mr. Bozeman :

Mr. President—His Excellency the Governor has signed several resolutions, and has directed me to return them to this branch of the Legislature, from whence they originated.

The President of Senate signed a warrant on the Treasury for the pay of sundry witnesses who attended the trial of the Impeachment against Echols, Simms and Flournoy.

On motion of Mr. Flournoy,

Resolved, That the Senate will adjourn on Tuesday next, and that they will receive no new matter in the mean time.

The Senate took up the bill to alleviate the condition of debtors, as amended by the House of Representatives.—And the amendments being read, were agreed to, except the following amendment to the caption of said bill :

Strike out “ to amend an act,” and insert “ to repeal an act.”

The Senate disagree ; and request a committee of conference ; and have appointed on their part Messrs. Lanier, Jack, Gresham, Taliaferro and Moore.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives have passed the following bills from Senate :

A bill to repeal “ an act to compel clerks to keep their offices at or within one mile of the Court-Houses in the respective counties, &c.” so far as respects the county of Washington.

A bill to repeal a part of the 9th section of “ the act to lay out and identify six new counties, out of the counties of Baldwin and Wilkinson.”

A bill to remove the courts, elections and county business of the county of Telfair.

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

A bill to establish a toll bridge at the plantation of John Whitehead, in Putnam county.

A bill to authorize the trustees of the German Lutheran Congregation, at the town of Ebenezer, to sell the Glebe land.

A bill to establish the site of the public buildings in the county of Morgan.

A bill to repeal the act to suspend for the time therein expressed, the operation of an act passed the 8th day of December, 1806, so far as respects Waford's settlement.

A bill to extend the town of Greenesborough, and the corporate jurisdiction thereof.

A bill to amend “ an act to organize the counties lying between the rivers

Oconee and Ocmulgee, and to form a Judicial Circuit."

A bill for the temporary relief of Cornelius Murphy.

And,

A bill to incorporate a company for the purpose of opening the river Oconee, and to grant a lottery for that purpose, with amendments.

And he withdrew.

Resolved, That the Secretary carry all matter which has been acted on this day, which the House of Representatives is to act on, to that branch for concurrence.

The following bills were taken up, and severally read the second time:

A bill to make permanent the seat of the public buildings in the county of Wilkinson.

A bill to authorize the Justices of the Inferior Court of the county of Elbert, to appropriate a certain part of the county tax, for the support of the poor of said county.

And,

A bill to authorize the Justices of the Inferior Court of Baldwin county, to levy an extra tax, for the purpose of building a Court-House and Jail, &c.

Ordered, That the said bills be engrossed for a third reading.

Mr. Carr laid on the table a resolution for having the minutes of the High Court of Impeachment recorded as an appendix to the journal of Senate.

Ordered to lie on the table.

A message from his Excellency the Governor, by his Secretary, Mr. Bozeman.

Mr. President—His Excellency the Governor has approved of a resolution appointing this day at 4 o'clock for the election of a Brigadier General and four Colonels, pursuant to the militia law passed at the present session.

And he withdrew.

Mr. Moore, from the committee of enrollment, reported sundry acts as duly enrolled and signed by the Speaker.

Whereupon:

The President signed the said acts,

And,

Ordered, That the committee carry them to his Excellency the Governor for his revision.

A message from the House of Representatives, by Mr. Holt, their clerk;

Mr. President—The House of Representatives are in readiness to receive the Senate in the Representative Chamber, in order to proceed to the election of a Brigadier General and four Colonels, in pursuance of the militia law passed this session.

And he withdrew.

The Senate repaired to the Representative room, and being seated, the Legislature proceeded by joint ballot to the choice of a Brigadier General of Cavalry; and counting out the votes, it appeared that Col. Daniel Stewart, of the county of Liberty, was duly elected.

They proceeded to the choice of a Colonel of Cavalry for each of the militia Divisions of this state; and on counting the votes, it appeared that Jacob Robinson, Esq. was elected for the first Division—Hugh Blair, Esq. for the second Division—Abednego Franklin, Esq. for

the third Division—and Felix H. Gilbert, Esq. for the fourth Division.

The Senate returned to their chamber, and adjourned till Monday morning half past 9 o'clock.

*Monday, Dec. 19, 1808.*

Mr. Lanier moved to re-consider the minutes of yesterday, so far as relates to the report of the committee of finance—so far as respects the appropriation in favor of Jett Thomas and John Scott.

Which was agreed to.

Mr. Davies moved that the sum of 99,999, 99 cents, to the said Jett Thomas and John Scott, be stricken out, and that the sum of 20,000 be inserted in lieu thereof.

Mr. Powell moved that 30,000 dollars be inserted as an amendment to Mr. Davies' motion.

Ordered that it lie on the table.

Mr. Park read a petition from Thomas Richardson.

Which was ordered to lie on the table.

On motion of Mr. Scruggs,

Resolved, That his Excellency the Governor be, and he is hereby authorized and requested to pay to Dennis L. Ryan, out of the contingent fund, the sum of one hundred and forty-four dollars, for printing the journal of Senate of the present session, and 150 copies of the testimony delivered in the case of the state of Georgia vs. Echols, Simms and Flournoy.

Ordered to lie on the table.

On motion of Mr. Flournoy,

Resolved, by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That our Senators and Representatives in Congress be, and they are hereby respectfully requested to use their most earnest endeavors to bring about an explanation and adjustment of those difficulties, so far as to embrace within the territorial boundary and jurisdictional limits of this state, all the lands lying below the head branches, or sources of the different streams of the Oconee river, by a line to be drawn from the point of demarkation on the top of the Currohee Mountain—running thence in such direction with the ridge or course of the high lands terminating the head waters of said Oconee river—round to the head of the most Southern stream thereof, in the Cherokee lands, according to the true construction of the treaties of Augusta.

And whereas it is a matter of great importance to the people of this State, as well as the people living in the Mississippi Territory, to have a good road cut out from one country to the other :

Resolved, That our Senators and Representatives in Congress be, and they are hereby respectfully requested to make use of the best means in their power to procure a road, at least twenty feet wide, to be cut out from the sea of government of this state, the best and most direct course to fort St. Stevens, on the Tom or Don Bigby, and from thence to the town of Natchez, on the Mississippi. The expense of cutting said road as far as the boundary line of Georgia, will be paid by this State.

Resolved, That authenticated copies of the foregoing resolutions be immediately forwarded to our Senators and Representatives in Congress.

Ordered to lie on the table.

The bill to be entitled an act to authorize the Inferior Court of Baldwin county to levy an extra tax, for the purpose of building the Court House and Jail, was taken up and read the third time and passed.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—the House of Representatives have concurred in the resolution requiring the Adjutant-General to keep his office at the seat of government.

In the resolution appointing William Wright and William Barron, commissioners of the Court House and Jail for the county of Jefferson.

In the resolution of Willson Conner.

In the resolution requiring the Secretary of State, the Secretary of the Senate, and the Clerk of the House of Representatives, to furnish the printers with the laws and journals of each branch of the present Legislature.

In the resolution on the memorial of Joseph Ryley.

In the reports of the committee on finance, except David M'Cord's petition, on which the House of Representatives do disagree to the amendment of Senate, and still adhere to their original report.

And he withdrew.

The Senate took up the message, and

Resolved, That the Senate do recede from their amendment to the petition of David M'Cord, and concur with the House of Representatives in said report.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to authorize the Inferior Court of Franklin county, to levy an extra tax, for the purpose of remunerating Willson Strickland—Mr. Hammond in the chair—Mr. President resumed the chair—and Mr. Hammond reported, that they had gone through the bill without any amendment.

On motion of Mr. Carr, that the report be amended to read:—

That the committee report progress, and beg leave to sit again in November next; and in the mean time that the citizens of the county of Franklin be notified of their present application, in order that they may instruct their Representatives and Senator in that respect.

On the question to agree, it was determined in the affirmative.

And the yeas and nays being required, are yeas 15, nays 13.

Those who voted in the affirmative are

|                      |             |
|----------------------|-------------|
| <i>Messrs.</i> Ball, | Moore,      |
| Carter,              | Pope,       |
| Embre,               | Scruggs,    |
| Flournoy,            | Taliaferro, |
| Gresham,             | Talbott,    |
| Hammond,             | Watts and   |
| Jack,                | Walton.     |
| Lane, of Franklin,   |             |

Those who voted in the negative are

|                         |             |
|-------------------------|-------------|
| <i>Messrs.</i> Burnett, | Lanier,     |
| Dawson,                 | M'Griff,    |
| Fleuellen,              | Powell,     |
| Henderson,              | Park,       |
| Hogan,                  | Rawles, and |
| Hightower,              | Stewart.    |
| Lane, of Putnam,        |             |

The President signed a warrant on

the Treasury in favor of John Hammill, for his amount as Clerk to the High Court of Impeachment, to take down the evidence of witnesses.

The bill to be entitled an act to authorize the Justices of the Inferior Court of Elbert county, to appropriate a certain part of the county tax for the support of the poor of said county, was taken up, and read the third time and passed under its title.

The bill to be entitled an act for the relief of John Smith, R. H. was taken up and read the third time.

Resolved, That this bill do pass under its title.

And,

The bill to be entitled an act to make permanent the site of the public buildings of the county of Wilkinson, was taken up and read the third time.

Resolved, That this bill do pass under its title.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act for the establishment and support of Military Schools in the several Militia Divisions of this State, to point out the mode of distributing the public arms, and to designate the several places within each Major General's command where the same shall be deposited—Mr. Lanier in the chair—Mr. President resumed the chair—and Mr. Lanier reported, that they had gone through the bill without any amendment.

Mr. Hammond moved that the report be amended, by inserting in the bill the following clause, as an amendment :

And be it further enacted, That the

Officer of the Arsenal Guard be, and he is hereby authorized and required to employ a guard of twelve men, at the rates of fifteen dollars per month each, until the arms shall be distributed as pointed out in the terms of this act; and his Excellency the Governor be, and he is hereby requested to pay said guard out of the contingent fund; and that the said guard be under the same regulations as are pointed out by law for the government of militia when in actual service.

And on the question to agree, it was determined in the negative.

And the yeas and nays being required are yeas 12—nays 15.

Those who voted in the affirmative are,

|               |              |
|---------------|--------------|
| Messrs. Ball, | Hightower,   |
| Carr,         | Lanier,      |
| Embre,        | Moore,       |
| Flournoy,     | Rawles,      |
| Henderson,    | Scruggs, and |
| Hammond,      | Watts.       |

Those who voted in the negative are,

|                    |                 |
|--------------------|-----------------|
| Messrs. Brown,     | M'Griff,        |
| Burnett,           | Powell,         |
| Carter,            | Pope,           |
| Dawson,            | Park,           |
| Fleuellen,         | Stewart,        |
| Gresham,           | Taliaferro, and |
| Jack,              | Walton.         |
| Laue, of Franklin, |                 |

The amendment being lost,

The said bill was read the 3d time, And on the question, Shall this bill now pass? It was determined in the affirmative.

And the yeas and nays being required, are yeas 13—nays 12.

Those who voted in the affirmative are,

|                       |          |     |
|-----------------------|----------|-----|
| <i>Messrs.</i> Brown, | Moore,   |     |
| Carter,               | Powell,  |     |
| Dawson,               | Pope,    |     |
| Gresham,              | Park,    |     |
| Hogan,                | Stewart, | and |
| Jack,                 | Talbott. |     |
| Lane, of Putnam,      |          |     |

Those who voted in the negative are,

|                         |                    |
|-------------------------|--------------------|
| <i>Messrs.</i> Burnett, | Hammond,           |
| Carr,                   | Hightower,         |
| Embrey,                 | Lane, of Franklin, |
| Fluellen,               | Rawles,            |
| Flournoy,               | Watts and          |
| Henderson,              | Walton.            |

Mr. Moore, from the committee of enrolled bills, reported as duly enrolled sundry acts which have been signed by the Speaker.

Which were severally signed by the President. And,

Ordered, That the committee do carry the said several acts to his Excellency the Governor for his revision.

A message from the House of Representatives, by Mr. Holt, their clerk :

Mr. President—The House of Representatives do disagree to the amendment of the Senate to the bill to extend the time of taking out grants, and do adhere to their original clause.

In the resolution requiring the Federal Court to set at the seat of government.

In the resolution, That the proper law officers be directed to put in suit the bonds of Obadiah Echols, Reddick Simms and Francis Flournoy, given for selling the Fractional Surveys.

They have agreed to the final report of the committee of finance. And,

They have passed the bill pointing out the duty of Sheriffs, in selling lands

under execution, with amendments.

They have passed the bill to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries of this State, &c.

And he withdrew.

The Senate took up the message.— And the amendments to the bill to be entitled an act pointing out the duty of Sheriffs in selling lands under execution, were agreed to, except the last amendment and the caption; which the Senate disagreed to.

They agree to all the amendments made by the House of Representatives, to the bill to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries in this state, &c.

They recede from their amendment to the bill extending the time of taking out grants, and concur with the House of Representatives, in the 25th December, 1809.

The Senate took up the bill to appropriate money for the political year 1809—and resolved themselves into a committee of the whole thereon—Mr. Moore in the chair—Mr. President resumed the chair—and Mr. Moore reported, that they had made considerable progress therein, and requested leave to sit again to-morrow morning at 9 o'clock.

The Senate took up the report.— Which was agreed to.

The Senate resolved itself into a



committee of the whole, on the bill to be entitled an act to keep open Great Ogeechee river and Brier creek—Mr. Moore in the chair—Mr. President resumed the chair—and Mr. Moore reported, that they had gone through the said bill without any amendment.

The Senate took up the report.—  
And the same was agreed to.

Whereupon :

The said bill was read the third time, and passed under its title.

The Senate adjourned till to-morrow morning 9 o'clock.



## Tuesday, Dec. 20, 1808.

Mr. Moore, from the committee on enrollment, reported as duly enrolled and signed by the Speaker, several acts.

Which were signed by the President.

Ordered, That the committee do carry the said acts to his Excellency the Governor for his revision.

A message from his Excellency the Governor, by his Secretary, Mr. Bozeman :

Mr. President—His Excellency the Governor has assented to, and signed an act to add part of Camden county to the county of Wayne.

And he withdrew.

Ordered, That the committee of enrollment do carry the said act to the office of the Secretary of State, and have the Great Seal affixed to the same.

The Senate resolved itself into a

committee of the whole, on the bill appropriating monies for the political year 1809—Mr. Moore in the chair—Mr. President resumed the chair—and Mr. Moore reported, that they had gone through the bill with sundry amendments.

The Senate took up the report.—  
And the amendments were severally read.

On motion of Mr. Henderson,

That the amendment to strike out to the Adjutant General 1200 dollars, and insert 1460 dollars, be disagreed to; it was determined in the negative.

And the yeas and nays being required, are,

Messrs. Carr,  
Fleuellen,  
Gresham,  
Henderson,  
Hammond,

Pope,  
Park,  
Taliaferro, and  
Walton.

Those who voted in the negative are;

Messrs. Brown,  
Burnett,  
Carter,  
Flournoy,  
Hightower,  
Jack,  
Lane, of Putnam,  
Lanier,

M'Griff,  
Moore,  
Powell,  
Rawles,  
Stewart,  
Talbot and  
Watts.

On motion of Mr. Hammond,

That the report be amended, to strike out 30,000 dollars to Jett Thomas and John Scott, and insert 20,000.

Mr. Powell moved that the amendment of Mr. Hammond be amended, to strike out 20,000 dollars, and insert 29,999 dollars 99 cents.

On the question, the amendment to the amendment was agreed to.

And the yeas and nays being required, are yeas 15, nays 10.

Those who voted in the affirmative are,  
*Messrs.* Burnett, Moore,  
 Carter, Powell,  
 Flournoy, Pope,  
 Hogan, Park,  
 Hightower, Stewart,  
 Jack, Talbott, and  
 Lane, of Putnam, Walton.  
 M'Griff,

Those who voted in the negative are,  
*Messrs.* Brown, Henderson,  
 Carr, Hammond,  
 Dawson, Lanier,  
 Fleuellen, Rawles, and  
 Gresham, Taliaferro.

The amendment to the amendment  
 being carried :

On motion of Mr. Jack,

Resolved, That the item allowing to  
 Jett Thomas and John Scott, the sum of  
 29,999 dollars 99 cents, be amended, so  
 far as to strike out the following words :

“ To be disbursed under the direc-  
 tion of the commissioners of Milledge-  
 ville.”

Which was agreed to.

On the question, shall that amend-  
 ment to the amendment be agreed to ; it  
 was determined in the affirmative.

And the yeas and nays being re-  
 quired, are yeas 14—nays 10.

Those who voted in the affirmative are,  
*Messrs.* Burnett, Moore,  
 Carter, Powell,  
 Flournoy, Pope,  
 Hightower, Park,  
 Jack, Stewart,  
 Lane, of Putnam, Talbott and  
 M'Griff, Walton.

Those who voted in the negative are,  
*Messrs.* Brown, Dawson,  
 Carr, Fleuellen,

Gresham,  
 Henderson,  
 Hammond,

Lanier,  
 Rawles and  
 Taliaferro.

The amendments, agreeably to the  
 report of the committee of the whole, being  
 agreed to, the said bill was read the third  
 time, and passed as amended.

The Senate resolved itself into a  
 committee of the whole, on the bill to be  
 entitled an act to vest the real estate of  
 James Alger, late of Chatham county, de-  
 ceased, in Sarah Alger his widow, and  
 Preserved Alger, his adopted son—Mr.  
 Walton in the chair—Mr. President re-  
 sumed the chair—and Mr. Walton report-  
 ed, that they had gone through the same  
 without any amendment.

The Senate took up the report.—  
 Which was read and agreed to.

Whereupon :

The said bill was read the third time,  
 and passed under its title.

A message from the House of Re-  
 presentatives, by Mr. Holt, their clerk :

Mr. President—The House of Re-  
 presentatives agree to some and disagree  
 to others of the amendments made to the  
 bill appropriating monies for the political  
 year 1809.

The Senate took up the message, and  
 the several amendments made by Senate,  
 and disagreed to by the House of Re-  
 presentatives, were adhered to. And,

Resolved, That a committee of con-  
 ference be requested on the subject matter  
 of disagreement between the two Branch-  
 es, and that Messrs. Flournoy, Jack, Ham-  
 mond, Taliaferro and Park, be the com-  
 mittee of conference on the part of Senate.

The bill to cede jurisdiction to the

United States, over certain lots of land, for the purpose of building forts or fortifications, was read the third time and passed.

The bill to be entitled an act for the better regulation of taverns and shopkeepers, and more effectually to prevent their trading with slaves, was read the third time and passed.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have passed a resolution authorizing his Excellency the Governor to pay out of the contingent fund two hundred and ninety one dollars to the commissioners of Milledgeville.

And he withdrew.

The Senate took up the message, and the same being read was concurred in.

Mr. Moore from the committee on enrolled bills, reported several acts as duly enrolled and signed by the Speaker of the House of Representatives, which were severally presented and signed by the President.

Ordered, That the committee on enrollment do carry the said bills to his Excellency the Governor, for his revision.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives recede from their amendments proposed to the bill to point out the duty of sheriffs in selling lands under execution, as disagreed to in Senate:

And he withdrew.

Ordered to lie on the table.

A message from his Excellency the

Governor, by Mr. Bozeman, his secretary.

Mr. President—His Excellency the Governor has assented to and signed an act to alleviate the condition of debtors, and to repeal “an act to alleviate the condition of debtors and to afford them temporary relief”—passed the 23d day of May, 1808.

Ordered, That the committee of enrollment do carry the said act to the office of the Secretary of State, and see the great seal affixed thereto.

The Senate took up the report of the joint committee on the State of the Republic, as agreed to by the House of Representatives, on the subject of the resurvey of the fractions of the 7th district of Baldwin county. And the same being read, is as follows, viz :

The committee on the State of the Republic beg leave to make a further report on document No. 4, referred to in the Governor's communication.

Your committee, from all the papers that have been reported to them—as well as from all the information they could obtain from other quarters upon the subject, are fully of opinion, that Benajah Smith, Esq. Surveyor of the 7th district of Baldwin, intended no fraud upon the State, nor has the State yet sustained any injury from errors of his surveys, but, that such errors arose from the local situation of the district, and the state of the waters of the river, at the time of his being engaged in the survey. But as it has been necessary to have a re-survey of that district,

Be it resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by

the authority of the same, That the aforesaid Benajah Smith, Surveyor of the 7th district of Baldwin county, pay into the Treasury of the State the sum that may be allowed to David M'Cord, for the re-surveying, within ninety days after it is ascertained what sum the said M'Cord may be allowed; and on failure thereof, that the bond of the said Benajah Smith, now in the Executive Office, be put in suit.

Mr. Hammond moved, that the resolution be divided, and that the preamble or the resolution be disagreed to, for that they clashed.

The Senate divided the resolution, and the preamble was agreed to.

And on the question to disagree to the resolution, it was determined in the negative.

And the yeas and nays being required, are yeas 9—nays 16.

Those who voted in the affirmative are,

|                       |           |
|-----------------------|-----------|
| <i>Messrs.</i> Brown, | Moore,    |
| Fleuellen,            | Pope,     |
| Hammond,              | Watts and |
| Hightower,            | Walton.   |
| Lane, of Putnam,      |           |

Those who voted in the negative are,

|                      |                 |
|----------------------|-----------------|
| <i>Messrs.</i> Ball, | Jack,           |
| Burnett,             | Lanier,         |
| Carter,              | M'Griff,        |
| Embre,               | Powell,         |
| Flournoy,            | Park,           |
| Gresham,             | Rawles,         |
| Henderson,           | Taliaferro, and |
| Hogan,               | Talbott.        |

Whereupon:

The report was again read and agreed to.

The Senate took up the report of

the committee of conference, on the bill to appropriate monies for the political year 1809—Which is as follows, viz:

The committee of conference, on the subject matter of disagreement between the two Branches of the General Assembly, submit the following report:

That in the appropriation to the Adjutant General, the Senate recede and concur with the House of Representatives.

That in the appropriation to Dennis L. Ryan, it being for printing the testimony and other proceedings of the High Court of Impeachment, in the trial of Echols, Simms and Flournoy—that in the appropriation of the late President of Senate—the Senate recede and concur with the House of Representatives.

To Jett Thomas and John Scott, the sum of 29,999 dollars, 99 cents, on account of what hath heretofore and may hereafter be done in building the State House, they to be accountable on final settlement—the House of Representatives recede and concur with Senate.

That in the appropriation of Peter Pharr, the House of Representatives recede and concur with Senate—it being for the duty of winding up the clock, keeping clean the steps and stair case, the entry between the Senate and Representative chambers and gallery.

That in the appropriation to Thomas H. Kenan, the House of Representatives recede and concur with Senate.

It being his duty to record in a separate book, the whole proceedings of the High Court of Impeachment, and the evidence in the trial of Echols, Simms and Flournoy.

That in the appropriation for the States' quota of militia called for by the General Government, the House of Representatives recede, and concur with Senate.

The purpose of this appropriation is to furnish rations when called out to be mustered and reviewed.

That in the appropriation to John H. Mann, the House of Representatives recede, and concur with Senate.

It being for his extra duty rendered to the Senate and High Court of Impeachment.

That in the appropriation to William Robertson, the House of Representatives recede, and concur with Senate.

It being for extra services performed in the High Court of Impeachment.

And the same being read was agreed to, except the item relative to the Adjutant General.—Which the Senate do disagree to, and request a second committee of conference thereon, and have added Messrs. Carter and Embre to the first committee of conference on their part.

The Senate called up the resolution relative to recording the High Court of Impeachment; which is as follows:

Whereas by a resolution of Senate, passed on the 10th day of November last, the minutes of the High Court of Impeachment are to be kept separate and distinct from the Senate journal:

Therefore be it resolved, That the proceedings of said Court of Impeachment, together with the evidence taken by the Clerk for that purpose appointed, be recorded by the Secretary of Senate,

as an appendix to the journal of Senate.

And be it further resolved, That Messrs. Taliaferro, M'Griff and Lane, of Putnam, be a committee to examine the minutes when so recorded, and the journal of Senate, which has not heretofore been examined by the committee appointed for that purpose.

And,

That they also be a committee on the part of Senate, to see the Seal of the State affixed to the several acts and resolutions which may not be returned to the branches of the General Assembly wherein they originated.

And,

That they be allowed the sum of fifteen dollars each, for attending to the duties assigned them, to be paid out of the contingent fund, by his Excellency the Governor.

On motion of Mr. Hammond,

Resolved, That the commanding officer of the Arsenal guard, be, and he is hereby authorized and required to enlist a guard of twelve men, at the rate of fifteen dollars each per month, until the arms shall be actually distributed.

And,

That his Excellency the Governor be, and he is hereby authorized and required, to pay the said guard out of the contingent fund monthly.

And,

That the said guard be under the same regulations as pointed out by law for the government of the militia while in actual service.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives do adhere to their disagreement to the amendment on the subject of the salary of the Adjutant General; and agreed to a second committee of conference on the said subject matter of disagreement, to join the committee appointed by Senate.

And he withdrew.

The second committee of conference on the subject matter of disagreement between the two branches, report as follows, viz:

The committee of conference appointed on the subject matter of disagreement between the two branches, relative to the sum to be allowed the Adjutant General—report,

That the Senate recede, and concur with the House of Representatives.

The Senate took up the report.—

Which being read,

On the question to agree to the same, it was resolved in the affirmative.

And the yeas and nays being required, are yeas 12, nays 8.

Those who voted in the affirmative are,

|                      |             |
|----------------------|-------------|
| <i>Messrs.</i> Ball, | Powell,     |
| Brown,               | Pope,       |
| Embro,               | Taliaferro, |
| Fleuellen,           | Talbott,    |
| Henderson,           | Watts and   |
| Hammond,             | Walton,     |

Those who voted in the negative are,

|                        |                  |
|------------------------|------------------|
| <i>Messrs.</i> Carter, | Jack,            |
| Flournoy,              | Lane, of Putnam, |
| Hogan,                 | M'Griff, and     |
| Hightower,             | Moore.           |

The bill to be entitled an act to amend " an act to protect religious societies in their religious worship," passed

the 13th day of December, 1792, was taken up and read the third time.

And,

On the question, shall this bill now pass, it was determined in the affirmative.

And the yeas and nays being required are yeas 21—nays 6.

Those who voted in the affirmative are,

|                      |             |     |
|----------------------|-------------|-----|
| <i>Messrs.</i> Ball, | Lanier,     |     |
| Brown,               | M'Griff,    |     |
| Flournoy,            | Moore,      |     |
| Gresham,             | Pope,       |     |
| Henderson,           | Stewart,    |     |
| Hogan,               | Scruggs,    |     |
| Hammond,             | Taliaferro, |     |
| Hightower,           | Talbott,    |     |
| Jack,                | Watts,      | and |
| Lane, of Putnam,     | Walton,     |     |
| Lane, of Franklin,   |             |     |

Those who voted in the negative are,

|                      |         |     |
|----------------------|---------|-----|
| <i>Messrs.</i> Carr, | Powell, |     |
| Dawson,              | Park,   | and |
| Fleuellen,           | Rawles, |     |

Mr. Hammond called up the resolution, that the Messenger of the Executive take charge of the State-House in the recess of the Legislature.—And the same being read was amended to read as follows:

Resolved, That at the adjournment of the Legislature, the Senate and Representative Chambers be closed by the Door-Keeper of the Senate, and remain under his care until the Legislature may again convene, and not to be used for holding courts, preaching, dancing, or any other purpose.

And,

That his Excellency the Governor, be, and he is hereby requested to pay to the said Door-Keeper, out of the contin-

gent fund, forty dollars per year, to be paid quarter yearly, for his service and attendance to the House.

Provided, That the Secretary of the Senate and Clerk of the House of Representatives, and their assistants, shall at all proper times have leave to pass back and forward to their offices, for dispatch of business. And it shall be the duty of the door-keeper to have the rooms of the State House scoured out, and the walls and ceiling of the rooms kept clean, and so forth.

Mr. Flournoy's resolution of this day, on the subject of lines being run agreeably to the Cherokee treaties made at Augusta, were called up, read and agreed to.

The Senate took up the bill to be entitled an act to cede jurisdiction over lands acquired by the United States.— And the same was read the second time.

Ordered for a third reading to-morrow.

And,

A bill to be entitled an act to establish a toll bridge on the Appalachee river.—Which was read the second time.

Ordered for a third reading.

Mr. Flournoy called up the report of the committee of conference on the bill alleviating debtors.—And the same being read was agreed to, and is as follows:

That the caption of said bill be amended to read:

A bill to be entitled an act to alleviate the condition of debtors, and to repeal an act entitled " an act to alleviate the condition of debtors, and afford them

temporary relief," passed the 23d of May, 1808.

The Senate adjourned till to-morrow morning 9 o'clock.



*Wednesday, Dec. 21, 1808.*

Mr. Moore, from the committee of enrollment, reported as duly enrolled and signed by the Speaker, An act to appropriate monies for the political year 1809. Which was signed by the President of Senate.

Ordered; That the committee carry said bill to his Excellency the Governor for his revision.

The Senate took up the bill to be entitled an act to divorce John Fitzpatrick and Elizabeth his wife.

And on the question, Shall this bill now pass? it was resolved in the affirmative.

And the yeas and nays being required, are yeas 13—nays 5.

Those who voted in the affirmative are,

|                        |                 |
|------------------------|-----------------|
| <i>Messrs.</i> Carter, | Moore.          |
| Flournoy,              | Pope,           |
| Gresham,               | Park,           |
| Hightower,             | Talbott,        |
| Lamer,                 | Taliaferro, and |
| M'Griff,               | Walton.         |

Those who voted in the negative are,

|                      |              |
|----------------------|--------------|
| <i>Messrs.</i> Ball, | Hammond, and |
| Embre,               | Watts.       |
| Henderson,           |              |

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives have concurred in the reso-

lution, desiring the door-keeper to take charge of the Senate and Representative rooms.

And he withdrew.

The Senate took up the resolution from the House of Representatives, appointing a joint committee to wait on his Excellency the Governor, to inform him that both branches of the General Assembly are now ready to adjourn, sine die—and added a committee on their part, consisting of Messrs. Hammond and Flournoy.

On motion of Mr. Flournoy,

Resolved, That the Governor be authorized to draw the sum of two hundred dollars, out of the contingent fund, in favor of Samuel Tinsley, for his services as clerk to the commissioners of the town of Milledgeville, agreeably to a concurred resolution of both branches of the Legislature.

Mr. Hammond, from the committee appointed to wait on his Excellency the Governor, reported, that they have performed that duty, and received for answer from his Excellency, that he has nothing further to communicate.

Mr. Moore, from the committee on

enrolled bills, reported, that they had found duly enrolled and signed by the Speaker, an act to divorce John Fitzpatrick and Elizabeth his wife.—Which was signed by the President.

Ordered, That the committee of enrollment do carry said act to his Excellency the Governor for his revision.

On motion of Mr. Park,

Resolved unanimously, That the steady attention of the President of Senate, to the several duties confided to him, deserves the highest respect.

A message from the House of Representatives, by Mr. Holt, their clerk:

Mr. President—The House of Representatives are now ready to adjourn without a day.

And he withdrew.

Whereupon:

The President signed the rough sheet of the journal of Senate.

And,

Adjourned the Senate without a day

HENRY MITCHELL,

President of Senate.

Attest, WILL. ROBERTSON,  
Secretary.





# A P P E N D I X.



## P R O C E E D I N G S

OF THE

### HIGH COURT OF IMPEACHMENT :

State of Georgia,

VS.

*Obadiah Echols, Reddick Simms & Francis Flournoy.*



*Saturday, Nov. 12, 1808.*

The High Court being opened by proclamation: Obadiah Echols, Reddick Simms and Francis Flournoy, being severally called, answered and attended at the bar of Senate:

Ordered, That the Secretary inform the House of Representatives, that the High Court of Impeachment is now sitting.

The managers attended and took their seats—and,

Mr. Fitch, of counsel for the accused, took the seat assigned for their counsel.

The managers, by Mr. Carnes, their chairman, after having a list of the witnesses called on behalf of the State, informed the court that they would be ready at any time when this court would assign a day for the commencement of the trial

on the articles of impeachment.

Mr. Fitch being asked, whether the accused would be ready for trial by Wednesday next, answered, that the leading counsel for them was still absent, and they, not having summoned witnesses, they could not consent at this time to any particular day for the trial.

Mr. Carnes stated, that at the last sessions of this court, an order was made that the accused should in person plead guilty, or not guilty, and they having severally plead not guilty to the several articles of impeachment, exhibited against them by the honorable the House of Representatives, and that the said pleas of not guilty, were not then recorded by the clerk as the same ought to have been done—and on motion—and after hearing argument—ordered, that the pleas of not

may be erased, and endorsed on the back of the articles of impeachment, nunc pro tunc.

The court thereupon ordered, that the Secretary do record on the back of the impeachment, the following plea :

The several defendants in this case, having been arraigned, and pleaded not guilty at the last sessions of this court, and the opinion of this court having been this day taken on the propriety of recording the said pleas, Nunc Pro Tunc.—I do hereby, by order of the said court, that to the within articles, the said Obadiah Echols, Reddick Simms and Francis Flournoy, severally pleaded not guilty.

Mr. Hutchinson, one of the managers, read the articles of impeachment, which were exhibited against Obadiah Echols, Reddick Simms, and Francis Flournoy.

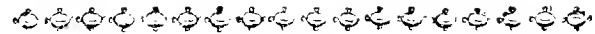
The managers on the part of the House of Representatives having withdrawn.

It having been made known to the court, that the persons have pleaded not guilty, and that they now wish to rely upon a plea to the jurisdiction of this honorable court, which plea is acknowledged to be filed, but (not) signed by counsel.

It is ordered by the court, that the parties may withdraw the plea of not guilty, strike out the name of their attorney, and sign the same in their own proper persons ; which plea the court will in time consider.

The same being read was agreed to, and ordered the secretary to furnish the managers with a copy.

The court then adjourned.



Monday, Nov. 14, 1808.

The High Court of Impeachment opened by proclamation.

Whereupon :

The honorable Mr. Courvoisier, Senator from the county of Chatham, came forward, and was sworn.

Ordered, That the Secretary inform the House of Representatives, that the High Court of Impeachment is now sitting.

Messrs. Carnes, Blair, Hutchinson, Taliaferro and Payne, managers from the House of Representatives, attended and took their seats—also Elijah Clark, Esq, Solicitor for the Ocmulgee District, took his seat with the managers.

John M. Dooley, Seaborn Jones and Thomas Fitch, Esquires, were severally called, who attended and took the seat assigned them.

On motion of Mr. Carnes, on the part of the managers,

Ordered, That the following order be agreed to :

The State of Georgia, }  
VS. } IMPEACHMENT  
Echols, Simms & Flournoy. }

This court having allowed the accused to file a plea to the jurisdiction of this court :

On motion of Mr. Carnes, on the part of the managers,

Ordered, That the said managers be allowed to plead Ore Tenus to the plea of the accused.

The counsel for the prisoners then

moved for a postponement of argument, as to the merits of the plea to the jurisdiction of the court, till Wednesday next; on the question, it was over ruled by the court.

On motion of the managers,

Ordered, That the defendants do proceed to maintain and support their plea to the jurisdiction of the court.

Whereupon :

Solemn argument had on this point—the court over ruled the plea, adjudging that they had jurisdiction of the matter.

It is ordered, that the defendants do plead in chief to the articles of impeachment preferred against them, on Wednesday next, on or before the hour of ten o'clock.

The High Court adjourned till Wednesday next, twelve o'clock.



*Wednesday, Nov. 16, 1808.*

The High Court of Impeachment was opened by proclamation.

The managers on the part of the House of Representatives took their seats—as also the counsel for the accused.

Obadiah Echols, Reddick Simms and Francis Flournoy, by their attorneys, having filed their answer and plea to the articles of impeachment—the same was read.

Mr. Carnes on part of the managers, presented the following order entered into by the House of Representatives, viz :

“ In the House of Representatives, Wednesday the 16th November, 1808.

“ It being made known to this House, that the engrossed copy of the articles of impeachment which have been preferred by the House of Representatives, against Obadiah Echols, Reddick Simms and Francis Flournoy, has not been signed by the Speaker.

“ It is therefore ordered, that the managers do apply to the honorable the High Court of Impeachment, for leave for the Speaker of this House to sign the same, and that when obtained, the same shall be signed accordingly.

“ Signed, BENJ. WHITAKER,  
Speaker.”

“ A true copy,

“ Attest, HINES HOLT, Clerk.”

Mr. Carnes moved the following:

On motion of the managers formed on the foregoing resolution from the House of Representatives—

It is ordered, That the articles of impeachment filed in this court, be delivered to them for the purpose of having the same signed by the Speaker of the House of Representatives.

The court decided in the negative.

Those whose opinions were in the affirmative, are

Messrs. Brown, Carr, Courvoisier, Davies, Fleuellen, Gresham, Henderfon, Hardie, Hammond, Jack, Lane, of Putnam, Moore, Pope, Park, Rawles—15.

Those in the negative are,

Messrs. Ball, Burnett, Carter, Embre, Flournoy, Hogan, Lane, of Franklin, M'Griff, Powell, Stewart, Scruggs, Spalding, Taliaferro, Taibott, Watts and Walton—16.

The High Court adjourned till twelve o'clock to-morrow.

Thursday, Nov. 17, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

The managers on the part of the House of Representatives took their seats—the counsel for the accused also took their seats.

Mr. Carnes rose in his place, and on the part of the managers, and in obedience to a resolution of the House of Representatives, exhibited and read the following additional articles of impeachment against Obadiah Echols, Reddick Simms and Francis Flournoy, to wit:

HOUSE OF REPRESENTATIVES,  
Thursday, November 17, 1808.

Additional articles of impeachment against Obadiah Echols, Reddick Simms and Francis Flournoy, as commissioners for selling and disposing of the late fractional surveys, exhibited by the honorable the House of Representatives of the State of Georgia, on behalf of themselves, and all the citizens of the said state, whose sole power it is to impeach and to make the same to the honorable the Senate, whose sole power it is to try the truth thereof—to wit:

Article 1st. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important duties confided to them as commissioners aforesaid, the sacred oath by them taken, pursuant to the law in such cases made and provided, did at the sales of the fractions aforesaid, on some one day between

the first day of December, eighteen hundred and seven, and the twenty-sixth day of February, eighteen hundred and eight, at the town of Milledgeville, fraudulently, corruptly and for the purpose of unrighteous gain to themselves, or some one or more of them, receive the sum of forty dollars, or other large sum or sums of money, from some one or more of the attendant citizens, particularly one Joshua Hagerthy, on some one day during the sales of the fractional surveys, as a consideration to them, or one or more of them, to insure or engage a fraction or fractions then and there sold to the said Joshua Hagerthy, or some one of the attendant citizens, at a particular price, to wit: the sum of twenty nine dollars, or join other sum, whereby in consequence of such corrupt and fraudulent conduct, on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, the state sustained a loss of forty dollars, or other large sums of money, and many of the attendant citizens deprived of a fair opportunity to bid for a fraction or fractions then and there sold, and the state thereby deprived of the highest and fairest price which might have been given for the same.

Article 2d. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, contrary to the faith and obligation upon them imposed as commissioners aforesaid, did not pay over to the Treasurer of the State of Georgia, within the time required by law, the monies by them received on grants in lieu of office fees, but for the base purpose of individual emolument and unrighteous gain, the

said sum of money did wantonly, illegally and corruptly retain and keep in their own hands.

Article 3d. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their base, wicked and corrupt designs, and the more securely and effectually to accomplish their evil and abominable frauds, peculations and designs, did, contrary to immemorial custom and usage heretofore had and pursued, hold, expose and conduct the aforesaid sales of fractional surveys at a place unknown as a place of public sale, in the town of Milledgeville, and contrary to express, or at least implied will of the legislature—They the said Obadiah Echols, Reddick Simms and Francis Flournoy, did remove from the State House, the only legal and proper place of sales.

Article 4th. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, commissioners as aforesaid, regardless of the high, sacred and important trust to them committed, and the several oaths by them taken, as well as unmindful of the duties and obligation of good citizens, are guilty of divers and manifold peculations, frauds, corruptions and briberies during the said sales of fractional surveys—to wit: From the first day of December, 1807, to the twenty-sixth day of February, 1808; which said disgraceful proceedings, actions and doings are derogatory to that honor, punctuality and faith which ought to characterize all public agents, subversive of the good order, morals and pros-

perity of society, and instrumentally degrading the honor and dignity of this state.

Signed by order, and in behalf of the House of Representatives.

(Signed)

BENJ. WHITAKER, Speaker  
of the House of Representatives.

Attest, HINES HOLT, Clerk.

On motion of Mr. Carnes, on the part of the managers,

It is Ordered, That the defendants do answer the additional articles now preferred against them, on or before the hour of 12 o'clock to-morrow.

On the decision of the court, it was determined in the affirmative, without a dissenting voice.

On motion of the managers,

It is Ordered, That this cause be set down for trial to-morrow at 12 o'clock.

The decision of the court being taken, it was determined in the affirmative.

Those who decided in the affirmative are,

Messrs. Ball, Brown, Carter, Courvoisier, Davis, Embre, Fluellen, Gresham, Henderson, Hardie, Hogan, Hammond, Lane, of Putnam, Lane, of Franklin, M'Griff, Moore, Pope, Park, Rawles, Talbott and Watts—Yeas 21.

Those who decided in the negative are,

Messrs. Carr, Flournoy, Jack, Powell, Stewart, Scruggs, Taliaferro and Walton—Nays 8.

The court adjourned till 12 o'clock to-morrow.

Friday, Nov. 18, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

The managers took their seats, together with the Attorney General and Solicitor General for the Ocmulgee Circuit. The counsel for the accused also took their seats.

The following rule was read as an additional rule to govern this court.

Additional Rule to be observed on the trial of Echols, Simms & Flournoy.

Rule fourteenth—When any motion shall be made either on the part of the managers, or the counsel for the accused, the opposite party shall be at liberty to answer by one counsel only, and argument shall cease when the person making the motion shall be heard in reply; except when new matter is advanced, and then the other side may answer the new matter by one counsel only, and then argument shall cease.

The State of Georgia, }  
VS. } Additional Articles of Impeachment.  
Echols, Simms & Flournoy. }

The counsel for respondents give notice, that a plea is prepared which requires verification on oath; and Mr. Jones moved that the usual oath in such cases be now administered to said respondents, to enable them to put in the same, for the consideration of the court.

By the Attorney and Solicitor Generals it was stated to be the usual practice in the Superior Courts to verify dilatory pleas in open court, but that the Judicial

ry Act authorized such verifications to be made before a Justice of the Peace or of the Inferior Court.

The opinion of the court on the motion being called by yeas and nays, are as follow :

Messrs. Ball, Brown, Courvoisier, Flournoy, Graham, Hammond, Jack, Park, Stewart, Scruggs, Spalding, Taliaferro, Talbot, Watts and Walton. — Yeas 15.

Messrs. Burnett, Carter, Carr, Dawson, Davies, Embre, Fleuelien, Henderson, Hardie, Lane, of Putnam, Lane, of Franklin, M'Goff, Moore, Powell, Rope and Rawles. — Nays 16.

The following plea to the additional articles, was by Mr. Fitch, in his place read, delivered at the Secretary's table, and by him filed and read, and is as follows :

House of Representatives, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

And these respondents in their own proper persons, come and defend the wrong and injury, when, &c. and say that they are not bound in law, nor is either of them, to make answer to the additional articles of impeachment preferred against them before the High Court of Impeachment.

Because they say that it does not appear from the journals of the honorable the Senate, that the said additional articles of impeachment were ever preferred, made known or presented to the Senate, sitting in their deliberative and legislative capacity. Nor does it appear from the journals of the honorable the Senate, that the same were ever received, or read and sanctioned.

ed by them while sitting and acting in the capacity of legislators. Nor does it appear from the journals of the Senate, or the records of the Senate, sitting as a High Court of Impeachment, that the honorable members were ever sworn to try the respondents on these additional articles of Impeachment, as the constitution directs—or that the honorable the Senate have formed any new rules or adopted the old ones for the further regulation of this honorable court. And these things they are ready to verify. Wherefore, for the causes above stated, these respondents pray judgment whether they shall be held to make further answer to the said additional articles of impeachment, &c

OBADIAH ECHOLS.  
REDDICK SIMMS.  
FRANCIS FLOURNOY.

GEORGIA, Baldwin county.

Obadiah Echols, Reddick Simms and Francis Flournoy, being duly sworn, say that the facts stated above, as far as they come to their knowledge, are just and true.

OBADIAH ECHOLS,  
REDDICK SIMMS,  
FRANCIS FLOURNOY.

Sworn to and subscribed before me, this 18th November, 1808.

Z. LAMAR, J. I. C.

On motion of the managers,

That the plea offered by the accused be over ruled, and that they be directed to plead in chief to the additional Articles of impeachment.

The Court divided the motion and decided as to over ruling the plea.

Mr. Flournoy alone dissented for cause which the court would not hear.

The plea was over ruled accordingly.

On motion of the Managers,

It is ordered, That the defendants answer over forthwith to the additional articles of impeachment.

The counsel for the accused consented, and delivered to the Secretary the following answer, which was by him filed and read, and is as follows:

House of Representatives, } Additional Arti-  
VS } cles of Impeach-  
Echols, Simms & Flournoy. } ment.

And now at this day, come the respondents, by their attorneys, and defend the wrong and injury, when, &c. &c. (by protestation, reserving the right and power now, and at any time hereafter, of pleading or objecting to the want of form, or to the want of matters of substance, as well in the original as the said original articles preferred against them,) say, as to the charges set forth in the first additional article of impeachment, they are not, nor is either of them guilty thereof, in manner and form as set forth and declared in and by the said article—and this, as before, they pray may be enquired of by this Honorable Court, according to the Constitution and Laws of this State.

And as to the second additional article of impeachment, these respondents aver, and are ready to verify that they have not corruptly or fraudulently detained any part of the public money arising from the sales as specified in said articles, but they say that they have paid over to the Treasurer all monies by them received as commissioners aforesaid, except the money which the State stipulated in the

act regulating their conduct and duty as commissioners, that they should have and be allowed for their services as commissioners aforesaid, as will appear by a statement in the Treasurer's Office—and this they are ready to verify, and pray judgment of this Honorable Court, whether according to the laws, customs or immemorial usages of this State, they had not a right so to do—and whether they shall be compelled to make any further or other answer thereunto.

And as to the third additional article of impeachment, the respondents (protesting that there is no place established by immemorial custom or usage, for the sale of public property in the town of Milledgeville, nor any such place established by the express or implied will of the Legislature, for the public sale of fractional surveys,) say, that the said article and the matters therein contained are not sufficient in law to charge these respondents with any supposed crime or misdemeanor, to which, said article they have no necessity nor are they bound by the Constitution and Laws of this State, to make any manner of answer thereunto—and this they are ready to verify—wherefore, for the defect of the said article in this behalf they pray judgment, and that the same may be quashed—and for cause of demurrer these respondents do set forth the following :

1st. That by the Constitution and Laws of the State no citizen or other person is bound to answer any charge either civil or criminal, unless the same is fully, plainly and distinctly set forth against him in every particular.

2d. That the said charge, from its

vague and general tenor, is too uncertain in its nature to put it in the power of these respondents to know to what point or points to bring forward evidence in their defence.

3d. That the said article is vague, uncertain, indefinite and informal.

Whereupon : and for divers other good causes, these respondents do demur unto the same, and pray judgment whether this Honorable Court will take further cognizance of the said article, &c.

JONES, } Respondents  
DOOLY, }  
FITCH, } Attornies.

On motion of the managers,

It is Ordered, That the defendants amend their answer by striking out that part of it which is termed a demurrer, and that they be compelled to answer in chief to the third additional article.

On motion of the counsel for the accused—that the order be amended by inserting : And that they be allowed until 11 o'clock to-morrow morning to make and file the same.

Which was agreed to.

The court adjourned till 12 o'clock to-morrow.



*Saturday, Nov. 19, 1808.*

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

The managers on the part of the House of Representatives, the Attorney and Solicitor General took their seats.



The counsel for the accused also took their seats.

The counsel for the accused having filed at 11 o'clock this day, the answer to the third additional article of impeachment, the same was read, and is as follows:

|                                                                                          |   |                                           |
|------------------------------------------------------------------------------------------|---|-------------------------------------------|
| House of Representatives, and<br>State of Georgia,<br>VS.<br>Echols, Simms and Flournoy. | } | Additional<br>Articles of<br>Impeachment. |
|------------------------------------------------------------------------------------------|---|-------------------------------------------|

And these respondents, saving and reserving to themselves all necessary exceptions to the manifold errors & uncertainties in the charges and proceedings against them for answer to the first member of the third additional article of impeachment, say, that true it is, the sales of the fractions were adjourned from the State-House, to the house of Augustin Harris, in the town of Milledgeville, but they say, that they had a right, and were prohibited by no known law of the state from so doing; and that there is no particular place of making sales of fractional surveys, of immemorial usage in the said town of Milledgeville. And these respondents further say, that true it is, the said sales were commenced, and some progress made therein by them at the State-House aforesaid, but from the unfinished situation of the public building at that time, they could not procure, nor was there furnished them any apartment therein, where their books and papers could be kept, with either convenience or safety; and moreover, that owing to the cold, damp and inclement season of the year, two of these respondents, to wit, said Echols and Flournoy, became in-

disposed, and were disabled from paying necessary attention to said sales; that in consequence thereof, and not for the corrupt causes alledged against them, they did by due and public notice remove said sales to the house of Augustin Harris.

And as to the last member of the third article which relates to divers and manifold peculations, frauds, corruptions and briberies said to have been committed by them, these respondents (protesting against the dangerous tendency of said charge) say, they are not, nor is either of them, guilty thereof in manner and form as set forth and alledged against them, and these things they are ready to verify, &c. and pray the said several matters be enquired of agreeably to the constitution and laws of the state, &c.

|                            |   |                          |
|----------------------------|---|--------------------------|
| DOOLY,<br>FITCH,<br>JONES, | } | Counsel for Respondents. |
|----------------------------|---|--------------------------|

The witnesses on the part of the state were severally called, and 29 answered.

The witnesses on the part of the prosecution were also called, to the number of 23, and two answered.

Whereupon:

Mr. Jones prayed indulgence until Monday next.

On motion of the managers,

It is Ordered, That the defendants shew cause, upon oath, why they wish a postponement of this trial until Monday next.

The court decided in the affirmative.

The counsel for the accused presented the following affidavit, which was sworn to in open court.

The State of Georgia, }  
 VS. } IMPEACHMENT.  
 Echols, Simms & Flournoy. }

Obadiah Echols, one of the respondents, being duly sworn, maketh oath and saith, that he is not ready to proceed to trial in the above case—that Archibald Martin, Nathan Melvin, William Carr, R. Ferrell, James Hambleton, Richard Fretwell, Oliver Bigginbottom and John Huzzy, are material and necessary witnesses for him and the other respondents in the above case, and without the benefit of their testimony, he cannot safely proceed to trial. That during the pendency of the plea to the jurisdiction of the Senate, and until issue joined and a day assigned for trial, the respondents were advised by their counsel that said respondents need not put themselves to the unnecessary expense of taking out subpoenas, and having them served.—That finding however, that the managers of the House of Representatives, at several meetings of this honorable court during the present week, asserted that they would insist on an immediate trial of said impeachment, and the articles made in addition thereto; these respondents did on Tuesday or Wednesday last, apply for subpoenas for the witnesses as above, and after signing the same the President of this High Court did deliver, or cause to be delivered, the said subpoenas to W. D. Martin, appointed to serve the same. That on the second day following, finding that the said W. D. Martin was still in town, the deponent urged him to immediate execution of said precepts, when he replied, that he was instructed by some one or more of the managers of the im-

peachment, not to proceed on said service, until subpoenas for the state witnesses should be delivered to him, or words to that effect. That said witnesses do not attend—that all due diligence has been used by the deponent to procure their attendance by Monday next; before which time, from a calculation of the distance that many of them lives from hence, he was advised, and did verily believe, they could not be subpoenaed and have time to attend. Beside which, the additional articles never came to the knowledge of these respondents before the afternoon of Thursday last; and many of said witnesses are equally material to enable these respondents to defend themselves against the charges, or some of them contained therein. And knowing that the form of the subpoenas requires the attendance of the witnesses, on a certain day specified therein, this deponent had reason to fear that if, after the late period when the additional articles came to his knowledge, he should subpoena his witnesses to appear before Monday next, many of them could not possibly attend by the time, and consequently would not attend at all.

OBADIAH ECHOLS,

Sworn in open Court, 19th Nov. 1808.

WM. ROBERTSON, Sec'y of Senate,  
 and Clk. H. C. Impeachment.

Which being read, on the question, whether the shewing is sufficient cause of postponement—the court decided by yeas and nays.

Those who determined in the affirmative, are

Messrs. Bail, Brown, Burnett, Carter, Carr,

Dawson, Davies, Embre, Flenellen, Flournoy, Gresham, Henderson, Hardie, Hammond, Jack, Lane of Putnam, M'Griff, Moore, Stewart, Struggs, Spalding, Taliaferro, Talbott, Watts and Walton—Yeas, 25.

Those in the negative, are Messrs. Courvoisier, Lane of Franklin, Powell, Park and Rawles—Nays, 5.

The counsel for the accused made the following motion:—

State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

On motion of respondents counsel, It is Ordered, That said respondents be allowed to sever in their trial and defence.

On motion of Mr. Flournoy, The court adjourned till 5 o'clock this evening, to take the same under consideration.

The court met agreeably to adjournment—and on the question to agree to the motion under consideration.

The court decided in the negative by yeas and nays.

Mr. Flournoy in the affirmative.

And in the negative,

Messrs. Ball, Brown, Burnett, Carter, Carr, Courvoisier, Davies, Embre, Flenellen, Gresham, Henderson, (Hard, †) Hammond, Jack, Lane of Putnam, Lane of Franklin, M'Griff, Powell, Park, (Randolph, \*) Stewart, Struggs, Spalding, Taliaferro, Talbott, Watts and Walton.

The court adjourned till Monday morning 10 o'clock.

The High Court having met at 5 o'clock, and adjourned.

*Supposed (Hardie †)—and (Rawles \*)—D. & W.*

Monday, Nov. 21, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy. }

The list of the members of Senate being called,

Col. Flournoy produced the following anonymous letter, his reply, and the answer thereto, viz:

SIR—In the important trial now pending before you and others, I know it is in my power to elucidate several cases. Also to make some remarks, and state several facts, which will come before the court as they really are. God only knows how they will be colored. I hope this will not be thought premature, as the writer has no design further than impartial justice. If you think proper to receive previous light on the subject, signify the same by the bearer, and you shall receive it this evening.

Yours, &c. M.

I have received a note signed "M." without a date. The writer must be very inconsiderate, or a scoundrel.

THO. FLOURNOY.

Sunday, 20th November, 1808.

(ANSWER.)

DR. SIR—I dropt a line this evening directed to you, without mature consideration, but after a moment's reflection I was extremely sorry for it. The object I had in view was highly important to me, and at that time I did not think it improper to communicate to any one of

more of my judges, but soon saw the impropriety, therefore with humble submission I ask your pardon, as Mr. Farmer tells me you took it as an insult, and imputed the same to ignorance, as I do assure you, it was not with the view of tempering with you. I conclude with saying, I am truly sorry for the insult, and hope you will forgive me.

With perfect respect, I remain your most obedient humble servant,

(Signed) OBADIAH ECHOLS.

20th Nov. 1808.

N. B. I hope you will not think hard of Mr. Farmer, as he knew nothing of the case.

O. E.

Mr. Flournoy stated that from the foregoing letters, it was not only degrading to his own feelings, but he conceived it an insult to the court, of which he was a member, and therefore, Obadiah Echols ought to be considered in contempt of this court, and ought not to be at large on his bail.

On motion of Mr. Carr,

The honorable Thomas Flournoy having laid before this court, a letter from Obadiah Echols, one of the prisoners impeached for high crimes and misdemeanors, signed M. without date, the answer of the honorable member thereto, and the reply of the said Echols—it is ordered, that the said letters be filed, and that the said Obadiah Echols be committed to jail for a contempt of this court in the person of the honorable Thomas Flournoy.

The messenger of the Senate informed the court that there is no public jail in this country.

Whereupon:

On motion of Mr Carr,

It is ordered by the court, that Col. Thadeus Holt be directed to furnish a sufficient guard for the securing of the said Obadiah Echols, until discharged.

On motion,

It is ordered, That the 6th rule established by this court, be relaxed so far as to allow either of the managers, or the attorney or solicitor general, to open the prosecution and examine the testimony.

—Agreed to by the court.

The witnesses on the part of the state were severally called.

The witnesses on the part of the accused were also called.

Mr. Jones presented the following affidavit from Reddick Simms, one of the respondents, shewing cause for a continuance.

Which was read, and is in the words following:

The State of Georgia, }  
VS. } IMPEACHMENT  
Echols, Simms & Flournoy. }

Reddick Simms, one of said respondents, being duly sworn, maketh oath and saith, that he is not ready to proceed to trial in the above case. That Oliver Higginbotham, John Huzzy, Richard Fretwell, Edward Moore, Francis Powell, Richmond Terrell, William Cain, James Hamilton, Thomas Napier and Robert Johnson, and sundry other persons for whom they have taken out subpoenas, are necessary witnesses for him and the other respondents on the trial of said impeachment, and without the be-

benefit of their testimony, but more particularly those above named, he cannot safely proceed to trial. That some of said witnesses were duly subpoenaed to attend this honorable court as of the 18th instant, and subpoenas for the others were taken out on Tuesday or Wednesday last, and immediately put into the hands of the proper officer appointed or designated by the President, or by the court, to serve the same, returnable on this day. That the deponent requested said officer to lose no time in serving said subpoenas, and finding a day or two after he was still in town, spoke to him again on the subject to know why he had not gone on said serving; to which he replied, he had been requested by some of the managers on the part of the prosecution, to remain until the subpoenas for the states' witnesses should be delivered to him, and which he was instructed first to serve; or in words to that effect. That the witnesses before named, and many others he believes to be material, do not attend, to enable the respondents to defend themselves, as well against the original articles, as against the additional articles, which were not preferred against them until Thursday last. That these respondents, since knowing it was necessary, have used all due diligence in their power to enforce the attendance of said witnesses. That those before named do not attend—that he expects they will be able to obtain their attendance and benefit of their testimony at next term, and he desires to effect no unnecessary delay.

REDDICK SIMMS.

Sworn in open court, 21st Nov. 1862.

William Robertson, Secretary of Senate, and clerk of the H. C. of Impeachment.

Mr. Jones having presented the foregoing affidavit, moved that the cause be continued accordingly.

The court decided unanimously in the negative.

The Solicitor General for the Occulgee Circuit, in a concise, but appropriate and impressive speech, then proceeded to open the case, and read the original and additional articles of impeachment.

William Watson, the first witness on the part of the state, was called—and appearing at the table of the Secretary to be sworn,

Mr. Jones moved the following:

|                           |   |              |
|---------------------------|---|--------------|
| The State,                | } | IMPEACHMENT. |
| VS.                       |   |              |
| Echols, Simms & Flournoy, |   |              |

The counsel for respondents move, that William Watson, offered as a witness on the part of the state, be sworn, whether he expects to gain or lose by the event of the cause.

The court decided in the negative by yeas and nays

Those who voted in the affirmative are, Messrs. Flourney, Powell, Stewart, Scruggs and Walton.—Ayes 5.

Those in the negative are, Messrs. Ball, Brown, Burnett, Carter, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Grisham, Henderson, Hardie, Hammond, Jack, Lane, of Putnam, Lane, of Franklin, McGriff, Moore, Pope, Park, Rawles, Spalding, Taliaferro, Talbott and Watts.—Nays 26.

Mr. Jones then moved, that the de-

defendant's counsel be allowed to prove the interest of William Watson, offered as an evidence, to shew his incompetency as an evidence.

The court decided in the negative by yeas and nays.

Those who decided in the affirmative are.

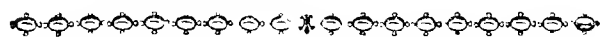
Mrs. Flournoy, Gresham, Powell, Stewart, Scruggs and Walton.

Those in the negative are,

Messrs. Ball, Brown, Burnett, Carter, Carr, Courvoulie, Dawion, Davies, Embre, Fleuellen, Henderson, Hardie, Hammond, Jack, Lane, of Putnam, Lane, of Franklin, M'Guff, Moore, Pope, Park, Rawles, Spalding, Tahaferro, Talbott and Watts.

The witness being sworn, deposed in substance as follows.

(See Appendix.)



Tuesday, Nov. 22, 1808.

The managers on the part of the House of Representatives attended.

The counsel on the part of the accused also attended.

Augustin Smith Clayton Esq agreeably to resolution and appointment of the President of Senate. attended for the purpose of taking the merits of the several depositions of witnesses.

Mr. Jones, of the counsel for respondents, presented the following affidavit of Obadiah Echols, tending to purge himself of the contempt offered to this honorable court, to wit :

The State of Georgia, }  
VS. } IMPEACHMENT;  
Echols, Simms & Flournoy.

Obadiah Echols, one of said respondents, being duly sworn maketh oath and saith that in the note directed by him to Col. T Flournoy, one of the members of this honorable court, he had no corrupt or improper design nor the smallest intention to injure the feelings of Col. Flournoy ; but that it was the result of inconsideration and want of knowledge of judicial proceedings ; and done without advice and due deliberation. That he is truly sorry for and is now sensible of the impropriety thereof ; and he intended no contempt to this honorable court or to any member thereof.

OBADIAH ECHOLS,

Sworn in open court, 22d Nov. 1808.

William Robertson, Secretary of Senate, and Clerk High Court of Impeachment.

Mr. Jones then moved that the same be accepted—the guard discharged, and the prisoner be enlarged, on renewing the recognizance by which he stands bound to appear in this honorable court.

Decided in the affirmative by the court.

The Solicitor General of the Ocmulgee district proceeded on the prosecution—and was himself sworn, the substance of which is as follows :

(See Appendix.)

Daniel Wadsworth sworn—the substance of which is as follows :

(See Appendix.)

John Matthews sworn—the substance of which is as follows :

(See Appendix.)

And Thomas Napier sworn—sub-  
stance as follows:

(See Appendix.)



Wednesday, Nov. 23, 1808.

State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy, }

The managers on the part of the House of Representatives; the state's counsel and the counsel for the accused, attended and took their seats.

The Solicitor General for the Ocmulgee district continued the prosecution.

The following persons were severally sworn in behalf of the state, viz:

- Thomas Cargil—(See Appendix.)
- Bolling Hall—(See Appendix.)
- John Jarrison—(See Appendix.)
- Col. Thaddeus Holt—(See Appendix.)
- William Broadnax—(See Appendix.)

The court, agreeably to decision yesterday, ordered the secretary to recognize Obadiah Echols, himself in the sum of ten thousand dollars, and two securities in the sum of five thousand dollars each.

Whereupon, the managers moved that the securities of the said Echols justify before signing the recognizance; which was done accordingly, & recognizance bond by them severally acknowledged & signed in open court; and the guard discharged.

Thursday, Nov. 24, 1808.

State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy, }

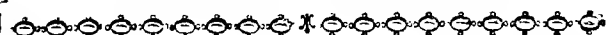
The managers, the state's counsel,

and the counsel for the accused, attended and took their seats.

The solicitor general for the Ocmulgee district, continued the prosecution.

First witness sworn on behalf of the state,

- Augustin Harris, Esq.—(See Appendix.)
- 2d. Barnes Hollaway,—(See Appendix.)
- 3d. Joshua Hagarthy,—(See Appendix.)
- 4th. Gen. John Scott,—(See Appendix.)
- 5th. Abner M'Ger,—(See Appendix.)
- 6th. Charles Gachet,—(See Appendix.)
- 7th. Abraham Borland,—(See Appendix.)
- 8th. Martin Kendrick,—(See Appendix.)
- 9th. Hugh Hall,—(See Appendix.)



Friday, Nov. 25, 1808.

The managers, state's counsel, and counsel for the accused, attended and took their seats.

The solicitors continued the prosecution,

First witness on the part of the accused, Jeremiah Thrower sworn,—(See Appendix.)

- 2d. Noah Byas, on part of accused sworn—(See Appendix.)
- 3d. Meriman Pounds, on the part of the state sworn,—(See Appendix.)
- 4th. Robert Johnston,—(See Appendix.)
- 5th. Richard Fretwell,—(See Appendix.)
- 6th. John Hill Bryan, Esq.—(See Appendix.)
- 7th. Dr. Tno's Winkfield,—(See Appendix.)
- 8th. Thomas H. Kennon,—(See Appendix.)

By the Court,

It is Ordered, That each and every witness subpoenaed on the part of the state, be discharged from further attendance on this court, after having undergone an examination, except William Watson and Joshua Hagarthy.

Adjourned till to-morrow morning 10 o'clock.

Saturday, Nov. 26, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.

Echols, Simms & Flournoy, }

John M. Early, Esq. having stated upon oath to the court, that Joshua Hagar, a witness in the impeachment of Echols, Simms and Flournoy, had abused and insulted him the day before yesterday:—This day came the said Joshua Hagar, voluntarily before the court, and having humbly begged pardon for the same.—It is Ordered, That he be discharged.

The managers, counsel for the state, and counsel for the accused, having taken their seats,

The solicitor-general for the Ocmulgee circuit continued the prosecution.

First witness sworn on the part of the accused. Darius Chatham,—(See Appendix.)

2d. George W. Moore, on the part of the state,—(See Appendix.)

Adjourned till to-morrow ten o'clock.

Monday, Nov. 28.

The managers, state's counsel, and counsel for the accused, attended and took their seats.

The solicitor-general for the Ocmulgee circuit continued the prosecution.

The following witness sworn on the part of the state, viz :

- 1st. John W. Devereux, Esq.—(see appendix)
- 2d. Gabriel A. Gunn,—(see appendix)
- 3d. Thomas M. Unger,—(see appendix)
- 4th. Jacob Loughridge,—(see appendix)
- 5th. Elijah Corawall,—(see appendix)
- 6th. Richard Castlebury,—(see appendix)
- 7th. Joseph Stovall,—(see appendix)
- 8th. Job Springer,—(see appendix)

9th. Joel Lapham,—(see appendix)

10th. Abner Backster,—(see appendix)

The court adjourned till 10 o'clock to-morrow morning.

Tuesday, Nov. 29.

The State of Georgia, }  
VS. } IMPEACHMENT.

Echols, Simms & Flournoy, }  
Mr. Spalding,

Ordered, That the clerk of the court of impeachment, be directed to furnish Dennis L. Ryan (the printer of the journal) with the testimony in the trial of Echols, Simms and Flournoy.—The court decided by yeas and nays,

Those who decided in the affirmative are,  
Messrs. Bell, Brown, Burnett, Carter, Courville, Enters, Henderson, Hardie, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore Park, Rawles, Spalding, Taltferro, Talbott, Watts and Walton.

Those in the negative are,  
Messrs. Carr, Fleuellen, Flournoy, Powell, Pope, Stewart and Scruggs.

The managers, state's counsel, and the counsel for the accused, attended and took their seats.

The solicitor-general for the Ocmulgee circuit continued the prosecution.

The following witnesses on the part of the state were severally sworn.

- 1st. William Hammitt,—(see appendix)
  - 2d. Col. Joseph Phillips,—(see appendix)
  - 3d. James Aiston, Esq.—(see appendix)
  - 4th. Francis Powell,—(see appendix)
  - 5th. Thomas Loyd,—(see appendix)
  - 6th. George R. Clayton,—(see appendix)
- Adjourned till 10 o'clock to-morrow morning.



Wednesday, Nov 30.

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy.

The managers, state's counsel, and the counsel on the part of the accused, having taken their seats,

The solicitor-general of the Ocmulgee District, continued the prosecution.

The first witness sworn on the part of the State. Charles Stewart, — see appendix)

On motion of the managers,

Stating that they are in possession of a copy of a paper signed by O. Echols, R. Simms and Francis Flournoy, purporting to be an agreement between them, for the purchase of certain fractions therein described; and stating that they had given notice in writing to respondents counsel to produce the original paper, which they have refused to do;— Whereupon :

Ordered, That the managers be allowed to produce in evidence, the copy offered, or to give parole evidence of the contents of the original agreement, upon proof that the paper now offered is a true copy.

The court, without a dissenting voice, terminated in the affirmative.

The managers then produced Edmund B. Jenkins and Hiram Storrs, Esquires, who were severally sworn in proof of the paper, by them proposed:—(for whose affidavits, see appendix.)



Thursday, Dec. 1, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy,

The managers, state's counsel, and the counsel for the accused, took their seats.

The counsel for the respondents object to the introduction of books as evidence against them in this court, which have been lodged in the treasury office, and do now appertain to the same; and do insist on the managers being compelled to get extracts from said books; as well that the respondents may be apprized of the parts intended to be brought against them, as because such extracts are better evidence than the books from which they may be taken.

The court decided in the negative.

Whereupon:

On motion of the managers,

Ordered, That they have leave to use the whole or any part of the books in their possession (which two several books were filed by the commissioners, or some one of them, in the treasury office of this state) as evidence on the trial of the impeachment against Obadiah Echols, Reddick Simms and Francis Flournoy.

The court decided by yeas and nays in the affirmative.

Those who decided in the affirmative are,

Messrs. Ball, Brown, Carter, Courvoisier, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Hogan, Hammond, Jack, Lane, of Putnam, Lane, of Franklin, Lanier, M,Griff, Powell, Pope, Park, Rawles, Stewart, Scruggs, Spalding, Taliaferro, Talbott and Watts.

Those who decided in the negative are, Messrs. Carr, Flournoy, Moore and Walton.

The Solicitor General then observed to the President, " that believing that they had virtually and substantially established the truth of the charges contained in

the articles of impeachment, and anxious to bring this tedious prosecution to a close; he was authorized to state on the part of the managers, that they now close with their testimony; reserving to themselves the liberty however, of introducing at any stage of the prosecution, previous to the commencement of the argument, any explanatory or rebutting testimony; or the testimony of those persons who have been subpoenaed, but who have not yet appeared."

The court observed that this might extend to pre-judging after preliminaries.

The counsel for the respondents moved, that the prosecuting counsel close their evidence, except rebutting evidence, before they are called upon to proceed in their defence.

The court decided in the negative, by yeas and nays.

Those who decided in the affirmative are,

Messrs. Ball, Flournoy, Hardie, Lanier, M'Griff, Stewart, Scruggs and Walton.

Those who decided in the negative are,

Messrs. Brown, Carter, Carr, Courvoisic, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hammond, Jack, Lane of Potnam, Lane of Franklin, Moore, Powell, Pope, Park, Rawles, Spalding, Taliaferro, Talbott and Watts.

Mr. Jones, of counsel for the respondents, in his place, read the following affidavit, made by Obadiah Echols, viz :

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms and Flournoy }

Obadiah Echols, one of the said respondents, being duly sworn, maketh oath and faith, that they are not ready to proceed in their defence in the above case---that Edward Moore, James Hamilton, Abel Hagarthy, Richmond Ferrill and William Cain, are material and necessary

witnesses for these respondents in said case, and without the benefit of whose testimony they cannot, with any hope of justice, proceed with the trial, by entering on their defence---that upwards of fourteen days ago, and as soon as they were advised it to be necessary, subpoenas were taken out for said witnesses, and put into the hands of the proper officer, designated by the rules of this honorable court, to serve the same, and this deponent requested him to lose no time in executing the same. But to the great disappointment and extreme regret of the deponent he saw said officer in town on the second day thereafter, and upon enquiring into his delay, he gave as a reason, that one of the managers of the honorable the House of Representatives had directed him not to proceed until he should be furnished with subpoenas for the state's witnesses---and he further added, he was instructed first to serve the subpoenas on the witnesses for the state. And the deponent further saith that the said officer--(viz : Wm. D. Martin) did then shortly after leave town--having first, without the privity or consent of this deponent, or as he believes with the assent or privity of either of the other respondents, given up to Mr. Williams, the messenger of the honorable the Senate, most or all the subpoenas which had been taken out by the respondents---and they were then, as he hath understood and believes, put into the hands of a certain Mr. Casey---who has returned without having served or endeavored to serve several of said subpoenas. The deponent further saith that Edward Moore, one of the before-named witnesses did attend some days ago, but refused to remain, having as he said, and as deponent verily believes, been told by one or more of the managers on the part of the House of Representatives he might go home; and finding that said witness could not be detained, the deponent earnestly entreated him to return here again, and which he promised to do by a day which is now past. The deponent also saith that all due diligence hath been used by these

respondents to procure the attendance and continuance here of these said witnesses—but the said before named witnesses do not attend; that they are material and necessary witnesses for the respondents, without whose testimony they cannot safely enter on their defence; they expect to be able to procure their attendance by the next term of this honorable court, and he desires to effect no unnecessary delay. The deponent further saith, that James Orrick is also a material witness for these respondents; and hath been duly subpoenaed to attend, and does not attend.

**OBADIAH ECHOLS.**

Sworn in open court, 1st Dec. 1808.

WILL. ROBERTSON, Secretary of Senate, and Clerk H. C. Impeachment.

Mr. Jones, for reasons stated in the foregoing affidavit, moved that the trial be postponed until the next term.

The court without a dissenting voice determined in the negative.

The court having determined that the respondents do proceed; the following witnesses were called on the part of the respondents, and were sworn at the Secretary's table: 1, John Huzzy; 2, Oliver Higginbotham; 3, Benjamin Hill; 4, Samuel Williams; 5, John Freeman, Esq.; 6, Charles Abercrombie, Esq.



*Friday, Dec. 2, 1808.*

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms and Flournoy, }

The managers, state's counsel, and the counsel for respondents present.

Mr. Blair, one of the managers, laid on the Secretary's table, the following affidavit made by W. D. Martin, viz:

About sixteen or seventeen days passed Obadiah Echols put some subpoenas in my hands, in order to summon several persons to attend his present trial, about twenty-four or forty-eight hours, I am not positive which, I met with said Echols in the State House, when he, the said Echols, asked me whether I had served his precepts; I told him I had not; he then asked me when I expected to do it; I told him; as soon as I had received the subpoenas on behalf of the state, which I expected to day, and that a part of the managers—to wit: Mr. Pain and Mr. Blair, had gave it me as their opinion, that it would be a better way, that I should get all the subpoenas before I set out on the service of any; we then parted without an urgent argument used by said Echols, for a speedy service of his precepts. But after receiving the subpoenas on behalf of the state, I discovered the bounds so extensive, it would not be in my power to travel and return in due time, I therefore thought proper to deposit the subpoenas which I had received of said Echols, with the messenger of Senate, with a request to return them to said Echols on sight. And not exceeding one hour before, an affidavit was on the day last past presented to the honorable the High Court of Impeachment, praying a postponement of trial, he, the said Echols, asked me whether or not the managers, or a part of them had not directed me not to serve his subpoenas; I told him I had not said any such thing.

W. D. MARTIN,

GEORGIA, }  
Baldwin county. }

William D. Martin came personally

before me, and being duly sworn saith,  
That the facts stated in the within writing are true.

Sworn to and subscribed this 2d December, 1808

J. W. DEVEREUX, J. P.

Which was ordered to be filed.

The following witnesses were severally sworn on the part of the respondents :  
1st. William Freeman.

2d. Col. John M'Kenzie.

The counsel for respondents object to the examination of any witnesses in behalf of the State, until the examination of witnesses on the part of the respondents is finished.

The court decided in the negative, by yeas and nays.

Those who decided in the affirmative are, Messrs. Carr, Dawson, Fleuelien, Moore, Stewart and Scruggs.

Those who decided in the negative are, Messrs. Ball, Brown, Burnett, Carter, Courvoisic, Davis, Embre, Flournoy, Gresham, Henderson, Hardie, Hogan, Hammond, Jack, Lane, of Putnam, Lane, of Franklin, Lanier, M'Griff, Powell, Pope, Park, Rawles, Spalding, Taliaferro, Talbott, Watts and Walton.

The managers then moved that they be now permitted to introduce William Shaw, William Randle and William D. Martin, material witnesses on the part of the House of Representatives, vs. Echols, Simms and Flournoy.

The court decided in the affirmative by yeas and nays.

Those who determined in the affirmative are,

Messrs. Ball, Brown, Burnett, Carter, Courvoisic, Dawson, Davies, Embre, Fleuelien, Gresham, Henderson, Hardie, Hogan, Hammond, Jack, Lane, of Putnam, Lane, of

Franklin, Lanier, M'Griff, Powell, Pope, Park, Rawles, Scruggs, Spalding, Taliaferro, Talbott and Watts.

Those who voted in the negative are, Messrs. Carr, Flournoy, Moore, Stewart and Walton.

3d witness sworn on the part of the state, William Randle.

4th. William Shaw.

The following papers being substantiated by Mr. Shaw, were, by Mr. Dooly read in his place, and delivered at the secretary's table ; which are as follow :

Milledgeville, 30th January, 1808.

Articles of agreement made and concluded this day, by and between James Taylor of the county of Greene, and William Shaw of the county of Clarke, of the one part—and Obadiah Echols of the county of Clarke, of the other part—

WITNESSETH,—That whereas the aforesaid James Taylor and William Shaw, has been some time attendant on the fractional sales in Milledgeville, and now are necessarily compelled home, before they have purchased what they intended in the eighteenth district Baldwin county, to wit: Nos. 179, 180, 181, and fraction C. they hereby tolerate, authorize & request the said Obadiah Echols, to run the said four fractions, containing seventy seven acres, for them, to two thousand dollars ; and should said Echols get them for one dollar, said Taylor and Shaw promises any how to account to him the sum of sixteen hundred and forty dollars --account to the state, and pay him the balance agreeable to the state instalments. And also, fraction No. 178, containing one hundred and ninety-five acres--to run it to twelve hundred dollars--but to account to him the

sum of eight hundred and sixty dollars, let it cost him as little as it may.

And Obadiah Echols, for his part, does agree to attend to said business, and in their behalf, and agreeably to their direction.

To the true and faithful performance of the above contract, we the parties bind ourselves, each to the other, in the sum of ten thousand dollars.

Given under our hands and seals, this, the day and date as above.

JAMES TAYLOR, (Seal.)  
WM. SHAW, (Seal.)  
OBADIAH ECHOLS, (Seal.)

To the gentlemen commissioners of the fractional sales.

Should Obadiah Echols bid off fractions No. 181, 180, 179, 178, or fraction C. in the 18th Baldwin, it will be for own use—therefore please to enter it to our names,—put Taylor principal—and suffer him as our attorney to execute the bonds in our names and stead—and it shall be as good as if we were personally present, hereby ratifying whatsoever our said attorney may do, we sign our names and affix our seals.

JAS: TAYLOR, (Seal.)  
WM. SHAW, (Seal.)

Entered before assigned.

5th witness sworn on part of the state.  
William D. Martin.

The court adjourned till to-morrow morning 10 o'clock.

~~~~~  
**Saturday, Dec. 3, 1808.**

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy, }

The managers on the part of the House

of Representatives, the state's counsel, and the counsel for the accused present.

Witnesses sworn on the part of the accused.

- 1st. Nathan Melvin—(see appendix.)
- 2d. Noah Doddridge—(ib.)
- 3d. Col. Joseph Carter—(ib.)
- 4th. Gen. Patrick Jack—(ib.)
- 5th. James Bozeman, Esq.—(ib.)

The counsel for respondents move, that certified copies of accounts rendered to the Executive Department in April last, for their services, be now read.

The court decided in the affirmative by yeas and nays.

Those who decided in the affirmative are, Messrs. Brown, Burnett, Courvoisier, Dawson, Davies, Embre, Fleuellen, Flournoy, Gresham, Hardie, Hogan, Jack, Lane, of Franklin, Lanier, McGiuff, Pope, Park, Rawles, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton.

Those who decided in the negative are, Messrs. Ball, Carter, Carr, Henderson, Hammond and Powell.

The respondents counsel moved, that they be allowed now to read an official certificate from the Executive office, shewing for what sums warrants had been drawn in favor of the former commissioners of fractional surveys.

The court decided in the negative without a dissenting voice.

The counsel for the respondents then closed the evidence on their part, reserving to themselves the right to introduce further evidence, and to examine witnesses to rebut at any time previous to going into argument.

The court adjourned till Thursday the 8th instant.

Thursday, Dec. 8, 1808.

The State of Georgia, }  
VS. } IMPEACHMENT.

Echols, Simms & Flournoy, }

The court present as on Saturday last.

The respondents counsel moved that they be allowed to introduce, and offer in evidence certified copies of the accounts rendered to the Executive Department by the commissioners of the first sales of fractional surveys, and for which warrants were issued in their favor.

On the question to agree to the same, it was determined in the negative.

Mr. Stewart decided in the affirmative.

And,

Messrs. Ball, Brown, Burnett, Carter, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Hogan, Hammond, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Pope, Rawles, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton, decided in the negative.

Thomas Napier re-examined,—(see appendix.)

The Attorney General opened the pleadings.

John M. Dooly, Esq. replied on the part of the accused.

The court adjourned till 10 o'clock to-morrow morning.

Friday, Dec. 9, 1808.

State of Georgia, }  
VS. } IMPEACHMENT.

Echols, Simms & Flournoy, }

The managers, state's counsel, and the counsel for the accused, present.

Mr. Blair, on the part of the prosecution, continued the pleadings.

Thomas Fitch, Esq. replied on the part of the accused.

The court adjourned till to-morrow, 10 o'clock.

Saturday, Dec. 10, 1808.

The managers, state's counsel, and the counsel for the accused, present.

The solicitor general for the Ocmulgee district, continued the pleadings on the part of the state.

Seaborn Jones, Esq. on the part of the accused replied, and

Thomas Pettes Carnes, Esq. on the part of the House of Representatives, and the state, concluded.

The court adjourned till Monday morning 10 o'clock.

Monday, Dec. 12.

State of Georgia,

VS.

Obadiah Echols, Reddick }  
Simms & Francis Flour- } IMPEACHMENT.

noy. }  
By Mr. Spalding,

It is Ordered, That in taking the question as to the guilt or acquittal of Obadiah Echols, Reddick Simms, and Francis Flournoy, the question shall be taken first as to Obadiah Echols, second as to Reddick Simms, and lastly as to Francis Flournoy, upon each article of the impeachment.

The court decided in the affirmative by yeas and nays.

Those who decided in the affirmative are,

Messrs. Burnett, Courvoisie, Dawson, Flournoy, Gresham, Henderson, Hogan, Jack, Lane of Putnam, Lane of Franklin, Lanier, Moore, Powell, Park, Rawles, Stewart, Scruggs, Spalding, Taliaferro, Talbott and Walton.

Those who decided in the negative are, Messrs. Ball, Brown, Carter, Carr, Davies, Embre, Fleuellen, Hardie, Hammond, M'Griff, Pope and Watts.

The court then proceeded to pass sentence of guilty or not guilty, on the several articles of impeachment against Obadiah Echols, Reddick Simms and Francis Flournoy.

Article 1. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in virtue of an election or appointment of the Legislature of the State of Georgia, held and made on the fifth day of December, in the year eighteen hundred and six; after having severally entered into bond, and taken the oath prescribed by law, did take upon themselves the duty required of them; and on the first day of December, eighteen hundred and seven, they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, did proceed to sell and dispose of the said fractions; and the said Obadiah Echols, Reddick Simms and Francis Flournoy, under the appearance, semblance and pretence of doing their duty faithfully, in the manner required of them by law, and their sacred oath, duly administered, did, on the twenty-ninth day of December, in the year eighteen hundred and seven, corruptly, and for the sake of gain to themselves, covenant and agree to, and with a certain William Watson, who attended the sales for the purpose of becoming a bona fide purchaser of the said fractions or some of them; that they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, would, by their influence among the attendant citizens, silence all opposition and competition in the bids which might be offered; which covenant, agreement and understanding, was carried into effect and the State was thereby, on account of the corrupt

agreement as aforesaid, on the part of the commissioners, or some one of them deprived of the best price which could have been had for the same.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the first article of impeachment ?

And the same question being asked each member of the court in his place : Those resolved guilty are,

Messrs. Ball, *guilty*, Brown, *guilty*, Burnett, *guilty*, Carter, *guilty*, Carr, *guilty*, Courvoisie, *guilty*, Dawson, *guilty*, Davis, *guilty*, Embre, *guilty*, Fleuellen, *guilty*, Flournoy, *guilty*, Gresham, *guilty*, Hardie, *guilty*, Hogan, *guilty*, Hammond, *guilty*, Jack, *guilty*, Lane of Putnam, *guilty*, Lane of Franklin, *guilty*, M'Griff, *guilty*, Moore, *guilty*, Powell, *guilty*, Pope, *guilty*, Park, *guilty*, Rawles, *guilty*, Stewart, *guilty*, Scruggs, *guilty*, Spalding, *guilty*, Taliaferro, *guilty*, Talbott, *guilty*, Watts, *guilty*, Walton, *guilty*.—31.

The court being unanimous, the President declared Obadiah Echols guilty of the first article of the impeachment.

By the President :

Mr. Ball, is Mr. Simms guilty or not guilty of the first article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carr, Courvoisie, Dawson, Davies, Embre, Fleuellen, Flournoy, Gresham, Henderson, Hardie, Hogan, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton.—30.

Those who said not guilty are,

Messrs. Burnett, Carter and Stewart.—3.

There being a constitutional majority, the President declared Reddick Simms guilty of the first article of impeachment.

By the President :

Mr. Ball, is Mr. Flournoy guilty or not guilty of the first article of impeachment :

And the same question being asked each member of the court in his place : Those who find guilty are,

Messrs. Ball, Brown Carter, Carr, Embre, Fleuellen, Hardie, Hammond, Lanier and Warts.—10.

Those who find not guilty are,

Messrs. Burnett, Courvoisier, Dawson, Davies, Flournoy, Gresham, Henderson, Hogan, Jack, Lane of Putnam, Lane of Franklin, McGuff, Moore, Powell, Pope, Park, Rawles, Stewart, Scruggs, Spaulding, Tassafarro, Talbot, Walton.—23.

Whereupon the President declared that the court had not found Francis Flournoy guilty of the first article of impeachment.

Article 2d. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important trust confided to them as commissioners aforesaid, and the sacred oath by them taken, pursuant to the law in such cases made and provided, did, at the sales of the fractions, held in the town of Milledgeville, in the month of December last past, in the year of our Lord one thousand eight hundred and seven, or some one day between the first day of December, eighteen hundred and seven, and the twenty sixth day of February, in the year eighteen hundred and eight, as aforesaid, use and exert the influence which they, as commissioners aforesaid had in this particular, for the corrupt and illegal purpose of preventing and hindering certain persons, and particularly one William Watson, from bidding for certain fractions, by them the said commissioners, on some one day between the first day of December, eighteen hundred and seven, and the twenty-fifth day of February, eighteen hundred and eight, as aforesaid, exposed to public sale, in the said town of Milledgeville, thereby for the illegal and unrighteous purpose of

enabling them, the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, to purchase some one of the said fractions at a price far below its estimated value, and at a price far less than would have been given by certain persons, and particularly the said William Watson, if they the said Obadiah Echols, Reddick Simms and Francis Flournoy, had not used their influence for such illegal and unrighteous purposes ; whereby they, or some one or more of them, were enabled to re-sell such fraction to individuals who were disposed to purchase the same at a price beyond the sum for which they had been publicly sold by the said commissioners ; and thereby making to themselves the said Obadiah Echols, Reddick Simms & Francis Flournoy, great gains and profit, to the great and serious damage and injury of the state of Georgia and the good people thereof, contrary to the trust and duty reposed in the said Obadiah Echols, Reddick Simms and Francis Flournoy, and in violation of the sacred oath by them taken as aforesaid.

By the President :

Mr. Ball, is Mr. Echols guilty or not guilty of the second article of impeachment ?

And the same question being asked each member of the court in his place, they unanimously said guilty.

Whereupon the President declared that the court had pronounced him guilty on that article.

By the President :

Mr. Ball, is Mr. Simms guilty or not guilty, of the said second article of the impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Flournoy, Gresham, Henderson, Hardie, Ho-



gan, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton.—31.

Those who said not guilty are,  
Messrs. Burnett and Stewart.—2.

Whereupon the President declared that the court had found him guilty of said article.

By the President :

Mr. Ball, is Mr. Flournoy guilty or not guilty of the said 2d article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter, Carr, Embre, Fleuellen, Gresham, Henderson, Hardie, Hammond, Lane of Franklin, Lanier, Moore, Pope, Park, Rawles, Talbott and Watts.—18.

Those who said not guilty are,

Messrs. Burnett, Courvoisier, Dawson, Davies, Flournoy, Hogan, Jack, Lane of Putnam, M'Griff, Powell, Stewart, Scruggs, Spalding, Taliaferro and Walton.—15.

There not being a constitutional majority, the President pronounced that the court had not found Francis Flournoy guilty of the said 2d article of impeachment.

Article 3d. That the said Obadiah Echols, one of the said commissioners, regardless of the said oath which he had taken, and the interest of the state, during the time of selling the said fractional surveys, did, corruptly and with an intent of promoting his own individual interest, and the interest of his associate commissioners, solicit a person who attended the sales for the purpose of becoming a purchaser, not to interfere in the purchase of the fractions which were to be sold in the forenoon of that day ; alleging that he the said Echols wished to purchase those fractions, as they adjoined a square of land which had been drawn by his (said Echols) father, by which said corrupt and dishonest insinuations the said

Echols silenced all opposition and became the purchaser of the two fractions as aforesaid, for a sum far below their value, and below the sum or price which some of the attendant citizens would willingly have given, by which corrupt and disgraceful conduct on the part of the said Obadiah Echols, the State of Georgia, and the good people thereof, have been greatly injured and damaged. Which conduct on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy, is alleged and averred to be an high crime and misdemeanor on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the foregoing 3d article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced that the court had found O. Echols guilty of the said third article.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 3d article ?

And the same question being asked each member in his place : Those who said guilty are,

Messrs. Ball, Henderson, Pope and Park.—4.

Those who said not guilty are,

Messrs. Brown, Burnett, Carter, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Flournoy, Gresham, Hardie, Hogan, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Rawles, Stewart, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton.—29.

The President pronounced that the court had not found Reddick Simms guilty of the said 3d article.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 3d article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Pope and Park.—2.

The remainder of the court decided not guilty.—31.

The President pronounced that the court had not found Francis Flournoy guilty of the said 3d article.

Article 4. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important duty confided to them as commissioners aforesaid, and the sacred oath by them taken, pursuant to the law in such cases made and provided, did, at the sales of the fractions aforesaid, on some one day between the 21st day of December, 1807, and the 26th day of February, 1808, as aforesaid, at the town of Milledgeville, aforesaid, fraudulently and corruptly, and for the purpose of unrighteous gain to themselves, or some one or more of them, charge in the book or books by them kept for the purpose of entering and charging the amount for which the said fractions were sold, some one of the said fractions to some one person or other, and particularly to one Freeman, at a sum or price less than such fraction had a tually been bid off by the person purchasing such fraction at the public sales.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the foregoing 4th article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter & Dawson—4.

Those who said not guilty are,

Messrs. Burnett, Carr, Courvoisier, Davies, Nembre, Elmore, Flournoy, Graham, Hen-

derfon, Hardie, Hogan, Hammond, Jack Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Stewart, Scruggs, Spalding, Taliaferro, Talbott, Watts and Walton.—29.

The President pronounced that the court had not found Obadiah Echols guilty of the aforesaid 4th article.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the 4th article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously said not guilty.

The President pronounced that the court had not found Reddick Simms guilty of the said 4th article.

By the President :

The same question being asked each member of the court in his place—is Mr. Flournoy guilty or not guilty of the said 4th article : Mr. Dawson said guilty ; and the remainder of the court said not guilty.

The President pronounced that the court had not found Francis Flournoy guilty of the said 4th article.

Article 5th. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their nefarious, deceitful and peculating designs, in order to defraud the state, and thereby to injure the good people thereof, and promote their individual interest at the expense of the reputation and dignity of the state, did sell and dispose of the number two hundred and forty-seven, in the tenth district of Baldwin county, at two several times, and the same was entered in the books of the said commissioners for a sum far less than the sum for which the same was sold.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the 5th article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter & Dawson—4

Those who said not guilty are

Messrs. Burnett, Carr, Courvoisier, Davies, Embre, Fleuellen, Flournoy, Gresham, Henderson, Hardie, Hogan, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Stewart, Scruggs, Spalding, Talbott, Watts & Walton.—28.

The President pronounced that the court had not found Obadiah Echols guilty of the 5th article.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the 5th article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously said not guilty.

The President then pronounced that the court had not found Reddick Simms guilty of the said 5th article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 5th article of impeachment ?

And the same question being asked each member in his place : Mr. Dawson said guilty ; and the remainder of the court said not guilty.

The President then pronounced Francis Flournoy not guilty of the said 5th article of impeachment.

Article 6th. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their base, fraudulent and corrupt designs, and for their own private interest, leaving entirely out of view the interest of the state ; which by every lawful means in their power they and each of them ought to

have promoted to the best of their power and ability, did take and receive and apply to their individual use and benefit, or to the individual use, benefit and emolument of one or more of them, the sum of three thousand five hundred and twenty-five dollars, over and above the sums for which bonds were given by individual purchasers to the state. Which sum of three thousand five hundred and twenty-five dollars, the said Obadiah Echols, Reddick Simms and Francis Flournoy obtained by their corrupt management, insinuations, silencing, threatening and persuasion exercised by them, or some one or more of them the said commissioners, during the time of the sales.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty on the foregoing 6th article ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter, Carr, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Hogan, Hammond, Lane of Putnam, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Stewart, Scruggs, Taliaferro, Talbott and Watts.—25.

Those who said not guilty are,

Messrs. Burnett, Dawson, Flournoy, Jack, Lane of Franklin, Spalding and Walton.—7.

The President pronounced that the court had declared O. Echols guilty of the said 6th article.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 6th article ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter, Carr, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Hammond, Lane of Putnam, Lanier, M'Griff, Moore, Powell, Pope, Park, Rawles, Stewart, Scruggs, Taliaferro, Talbott and Watts.—24.

Those who said not guilty are,  
Messrs. Burnett, Dawson, Flournoy, Hogan, Jack, Lane of Franklin, Spalding and Walton.—8.

The President pronounced that the court had found Reddick Simms guilty of the said 6th article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 6th article of impeachment ?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carter, Carr, Courvoisier, Davies, Embree, Fleuchien, Gresham, Henderson, Hudie, Hammond, Lane of Putnam, Linn, M'Guffin, Moore, Powell, Pope, Park, Raines, Stewart, Scruggs, Taliaferro, Talbott and Watts.—24.

Those who said not guilty are,

Messrs. Burnett, Dawson, Flournoy, Hogan, Jack, Lane of Franklin, Spalding and Walton.—8.

The President pronounced that the court had found Francis Flournoy guilty of the said 6th article of impeachment.

Article 7th. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, or one or more of them, do now corruptly, illegally and without any just cause, retain and keep in their own hands, as appears by a statement in the treasury office of this state, a balance of two thousand three hundred dollars, 55 and 3/4 cents, or some other large sum; being part of cash payments made by purchasers in preference to giving bonds, and part cash received by them on account of the sum required by law to be paid by purchasers of the fractional surveys, on receiving their grants for the fractions by them purchased.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the foregoing 7th article ?

And the same question being asked each member of the court in his place : They unanimously said that he was guilty.

The President pronounced that the court had found Obadiah Echols guilty of the said 7th article of impeachment.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 7th article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously declared him guilty.

The President pronounced that the court had found Reddick Simms guilty of the said 7th article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 7th article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President then pronounced that the court had declared Francis Flournoy guilty of the said 7th article of impeachment.

Article 8. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, by the proceedings and conduct set forth in the foregoing articles, contrary to the high and important trust confided to them as commissioners aforesaid, and the sacred oath by them respectively taken, have for the sake of lucre and gain, and their own personal aggrandizement, been disgracefully instrumental in establishing a precedent subversive of the good faith which ought to be found in the actings and doings of all persons to whom the great concerns of this state, and the good citizens thereof, may be hereafter confided.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the said 8th article of impeachment ?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced Obadiah Echols

guilty of the said 8th article of impeachment.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 8th article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced that the court had declared Reddick Simms guilty of the aforesaid 8th article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 8th article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced that the court had declared Francis Flournoy guilty of the aforesaid 8th article.

1st. Additional Article. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important duties confided to them as commissioners aforesaid, the sacred oath by them taken, pursuant to the law in such case made and provided, did, at the sales of the fractions aforesaid, on some one day between the 1st day of December, 1807, and the 26th day of February, 1808, at the town of Milledgeville, fraudulently, corruptly, and for the purpose of unrighteous gain to themselves, or some one or more of them, receive the sum of forty dollars, or other large sum or sums of money, from some one or more of the attendant citizens, particularly one Joshua Hagarthy, on some one day during the sales of the fractional surveys, as a consideration to them or some one or more of them, to insure or engage a fraction or fractions, then & there sold to the said Joshua Hagarthy, or some one of the attendant citizens, at a particular price, to wit :— The sum of seventy-nine dollars. or some other sum ; whereby, in consequence of such corrupt and fraudulent conduct on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, the state sustained a loss of forty dollars, or other large sums of money ; and many of the attendant citizens deprived of a fair opportunity to bid for a fraction or fractions then and there sold, and the

state thereby deprived of the highest and fairest price which might have been given for the same.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the first additional article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced that the court had declared Obadiah Echols guilty of the 1st additional article of impeachment.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 1st additional article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced that the court had declared Reddick Simms guilty of the said 1st additional article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the 1st additional article of impeachment?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Carr, Courvoisie, Davies, Embre, Fluellen, Flournoy, Gresham, Henderson, Hammond, Jack, Lane of Putnam, Lane of Franklin, Lanier, M'Griff, Pope, Park, Taliaferro, Talbott and Watts.—22.

Those who said not guilty are,

Messrs. Brown, Burnett, Carter, Dawson, Hogan, Powell, Rawles, Stewart, Scruggs, Spalding, Walton.—11.

The President having said not guilty, there was not a constitutional majority of guilty.

Whereupon the President pronounced that the court had not found Francis Flournoy guilty of the aforesaid 1st additional article.

2d additional article. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, contrary to the faith and obligation upon them imposed as commissioners aforesaid, did not pay over to the treasurer of the state of Georgia, within the time required by law, the monies by them

received on grants, in lieu of office fees, but for the base purpose of individual emolument, and unrighteous gain, the said sum of money did wantonly, illegally and corruptly retain and keep in their own hands.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the 2d additional article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced Obadiah Echols guilty of the said 2d additional article of impeachment.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 2d additional article of impeachment?

And the same question being asked each member of the court in his place : They unanimously said guilty.

The President pronounced Reddick Simms guilty of the said 2d additional article of impeachment.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 2d article of impeachment?

And the same question being asked each member in his place : They unanimously said guilty.

The President pronounced that the court had declared Francis Flournoy guilty of the said 2d additional article of impeachment.

3d additional article. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their base, wicked and corrupt designs, and the more securely and effectually to accomplish their evil and abominable frauds, peculations and designs did, contrary to the immemorial custom and usage heretofore had and pursued, hold, expose and conduct the aforesaid sales of fractional surveys, at a place unknown as a place of public sale, in the town of Milledgeville, and contrary to the express, or at least implied, will of the Legislature—they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, did remove from the State House—the only legal and proper place of sales. That they, the said Obadiah Echols, Reddick Simms and

Francis Flournoy, commissioners as aforesaid, regardless of the high, sacred and important trust to them committed, and the several oaths by them taken, as well as unmindful of the duties and obligations of good citizens, are guilty of divers and manifold peculations, frauds, corruptions and bribes, during the said sales of fractional surveys, to wit : From the 1st day of December, 1807, to the 26th day of February, 1808. Which said disgraceful proceedings, acts and doings, are derogatory to that honor, punctuality and faith which ought to characterize all public agents—subversive of the good order, morals and propriety of society and instrumentally degrading the honor and dignity of this state.

By the President :

Mr. Ball, is Obadiah Echols guilty or not guilty of the foregoing third additional article of impeachment?

And the same question being asked each member of the court in his place : Those who said guilty are,

Messrs. Ball, Brown, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Jack, Lane of Franklin, Lanier, M'Griff, Moore, Pope, Park, Rawles, Stewart, Scruggs, Taliaferro, Talbott and Watts.—24.

Those who said not guilty are.

Messrs. Burnett, Carter, Flournoy, Hogan, Hammond, Powell, Spalding and Walton.—8.

The President pronounced that the court had declared Obadiah Echols guilty of the said 3d additional article of impeachment.

By the President :

Mr. Ball, is Reddick Simms guilty or not guilty of the said 3d additional article of impeachment?

Those who said guilty are,

Messrs. Ball, Brown, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Jack, Lane of Franklin, Lanier, M'Griff, Moore, Pope, Park, Rawles, Stewart, Scruggs, Taliaferro, Talbott & Watts.—24.

Those who said not guilty are,

Messrs. Burnett, Carter, Flournoy, Hogan, Hammond, Powell, Spalding and Walton.—8.

The President pronounced that the court had declared Reddick Simms guilty of the said 3d additional article.

By the President :

Mr. Ball, is Francis Flournoy guilty or not guilty of the said 3d additional article of impeachment?

And the same question being asked each member of the court in his place: Those who said guilty are,

Messrs. Ball, Brown, Carr, Courvoisier, Dawson, Davies, Embre, Fleuellen, Gresham, Henderson, Hardie, Jack, Lane of Franklin, Lanier, M'Griff, Moore, Pope, Park, Rawles, Stewart, Scruggs, Taliaferro, Talbot and Watts.

—24.

Those who said not guilty are,

Messrs. Burnett, Carter, Flournoy, Hogan, Hammond, Powell, Spalding and Walton.—8.

The President pronounced that the court had found Francis Flournoy guilty of the said 3d additional article of impeachment.

The court adjourned till to-morrow morning 10 o'clock.



## Tuesday, Dec. 13, 1808.

The court met and adjourned till 10 o'clock to-morrow morning.



## Wednesday, Dec. 14, 1808.

State of Georgia,	}	IMPEACHMENT.
VS.		
Obadiah Echols, Reddick	}	IMPEACHMENT.
Simms & Francis Flournoy.		

Mr. Fitch, on the part of the accused, made the following motion in arrest of judgment, viz :

The State of Georgia, and	}	IMPEACHMENT.
House of Representatives,		
VS.	}	IMPEACHMENT.
Echols, Simms & Flournoy,		
The respondents counsel		now move ar-

rest of judgment in this case, upon the following grounds, viz :

1st. That the original articles of impeachment are not signed by the Speaker of the House of Representatives which preferred them.

2d. That the additional articles were presented to the honorable High Court of Impeachment after proclamation was made that the court was sitting, and never were presented to the Senate, or received by them, when sitting in their deliberative or Legislative capacity, as the constitution requires.

3d. That the answers or pleas of the respondents, as well to the original as additional articles must be taken to be true and conclusive, as the House of Representatives, who alone possessed the power and reserved the right of replying, have not made any reply to the answers or pleas.

4th. For that the honorable John E. Dawson, a member of this honorable court, was one of the members of the House of Representatives who preferred the original articles, and thereby has acted as indictor and trier in the same case or accusation.

5th. That the House of Representatives did not attend when the several answers were filed, or during the examination of the witnesses, or while the evidence was given in to the court.

6th. That in the third additional article, several distinct matters are set forth, alledging facts in their nature and consequences materially different, and are so blended, so various and general, that it was and is impossible for the court to do ample and equal justice to each or any of the respondents.

JONES,	}	Respondent's Counsel.
DOOLY,		
FITCH,		

13th Dec. 1808.

Which was delivered in at the Secretary's table and read.

Mr. Spalding—

It is the opinion of the court, that no mo-

tion for arrest of judgment is, at this stage of the proceedings admissible. Agreed to—and the arrest of judgment over-ruled accordingly.

Mr. Carnes, on the part of the managers, being required to state whether any thing remained to be offered in this case, stated that a regular and constitutional conviction having taken place against the defendants, Echols, Simms and Flournoy, the managers required, in the name of the House of Representatives, and of all the good citizens of this State, that the sentence of this honorable court be now perfected by imposing the disqualifications contemplated by the constitution.

By the court :

Whereas Obadiah Echols, Reddick Simms and Francis Flournoy, late commissioners of fractional sales, have been impeached by the honorable the House of Representatives of the State of Georgia, before the Senate of the said State, for high crimes and misdemeanors in and by the several articles as follows :

Article 1. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in virtue of an election or appointment of the Legislature of the State of Georgia, held and made on the fifth day of December, in the year eighteen hundred and six; after having severally entered into bond, and taken the oath prescribed by law, did take upon themselves the duty required of them; and on the first day of December, eighteen hundred and seven, they the said Obadiah Echols, Reddick Simms and Francis Flournoy, did proceed to sell and dispose of the said fractions; and the said Obadiah Echols, Reddick Simms and Francis Flournoy, under the appearance, semblance and pretence of doing their duty faithfully, in the manner required of them by law, and their sacred oath, duly administered, did, on the twenty-sixth day of December, in the year eighteen hundred and seven, corruptly, and for the sake of gain to themselves, covenant and agree to, and with a certain William Watson, who as-

tended the sales for the purpose of becoming a bona fide purchaser of the said fractions or some of them; that they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, would, by their influence among the attendant citizens, silence all opposition and competition in the bids which might be offered: which covenant, agreement and understanding, was carried into effect, and the state was thereby, on account of the corrupt agreement as aforesaid, on the part of the commissioners, or some one of them, deprived of the best price which could have been had for the same.

Article 2d. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important trust confided to them as commissioners aforesaid, and the sacred oath by them taken, pursuant to the law in such cases made and provided, did, at the sales of the fractions, held in the town of Milledgeville, in the month of December last past, in the year of our Lord one thousand eight hundred and seven, or some one day between the first day of December, eighteen hundred and seven, and the twenty-sixth day of February, in the year eighteen hundred and eight, as aforesaid, use and exert the influence which they, as commissioners aforesaid had in this particular, for the corrupt and illegal purpose of preventing and hindering certain persons, and particularly one William Watson, from bidding for certain fractions, by them the said commissioners, on some one day between the first day of December, eighteen hundred and seven, and the twenty-fifth day of February, eighteen hundred and eight, as aforesaid, exposed to public sale, in the said town of Milledgeville, thereby for the illegal and unrighteous purpose of enabling them, the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, to purchase some one of the said fractions at a price



far below its estimated value, and at a price far less than would have been given by certain persons, and particularly the said William Watson, if they the said Obadiah Echols, Reddick Simms and Francis Flournoy, had not used their influence for such illegal and unrighteous purposes; whereby they, or some one or more of them, were enabled to re-sell such fraction to individuals who were disposed to purchase the same at a price beyond the sum for which they had been publicly sold by the said commissioners; and thereby making to themselves the said Obadiah Echols, Reddick Simms and Francis Flournoy, great gains and profit, to the great and serious damage and injury of the state of Georgia and the good people thereof, contrary to the trust and duty reposed in the said Obadiah Echols, Reddick Simms and Francis Flournoy, and in violation of the sacred oath by them taken as aforesaid.

Article 3d. That the said Obadiah Echols, one of the said commissioners, regardless of the said oath which he had taken, and the interest of the state, during the time of selling the said fractional surveys, did, corruptly and with an intent of promoting his own individual interest, and the interest of his associate commissioners, solicit a person who attended the sales for the purpose of becoming a purchaser, not to interfere in the purchase of the fractions which were to be sold in the forenoon of that day; alledging that he the said Echols wished to purchase those fractions, as they adjoined a square of land which had been drawn by his (said Echols) father; by which said corrupt and dishonest insinuations the said Echols silenced all opposition and became the purchaser of the two fractions as aforesaid, for a sum far below their value, and below the sum or price which some of the attendant citizens would willingly have given, by which corrupt and disgraceful conduct on the part of the said Obadiah Echols, the State of Georgia, and the good people thereof, have been greatly injured

and damaged. Which conduct on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy, is alledged and averred to be an high crime and misdemeanor on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy.

Article 4th. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important duty confided to them as commissioners aforesaid, and the sacred oath by them taken, pursuant to the law in such cases made and provided, did, at the sales of the fractions aforesaid, on some one day between the 21st day of December, 1807, and the 26th day of February, 1808, as aforesaid, at the town of Milledgeville, aforesaid, fraudulently and corruptly, and for the purpose of unrighteous gain to themselves, or some one or more of them, charge in the book or books by them kept for the purpose of entering and charging the amount for which the said fractions were sold, some one of the said fractions to some one person or other, and particularly to one Freeman, at a sum or price less than such fraction had actually been bid off by the person purchasing such fraction at the public sales.

Article 5th. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their nefarious, deceitful and peculating designs, in order to defraud the state, and thereby to injure the good people thereof, and promote their individual interest at the expense of the reputation and dignity of the state, did sell and dispose of the number two hundred and forty-seven, in the tenth district of Baldwin county, at two several times, and the same was entered in the books of the said commissioners for a sum far less than the sum for which the same was sold.

Article 6th. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their base, fraudulent

and corrupt designs, and for their own private interest, leaving entirely out of view the interest of the state; which by every lawful means in their power they and each of them ought to have promoted to the best of their power and ability, did take and receive and apply to their individual use and benefit, or to the individual use, benefit and emolument of one or more of them, the sum of three thousand five hundred and twenty-five dollars, over and above the sums for which bonds were given by individual purchasers to the state. Which sum of three thousand five hundred and twenty-five dollars, the said Obadiah Echols, Reddick Simms and Francis Flournoy obtained by their corrupt management, insinuations, silencing, threatening and persuasion exercised by them, or some one or more of them the said commissioners, during the time of the sales.

Article 7th. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, or one or more of them, do now corruptly, illegally and without any just cause, retain and keep in their own hands, as appears by a statement in the treasury office of this state, a balance of two thousand three hundred dollars, 55 and 3/4 cents, or some other large sum; being part of cash payments made by purchasers in preference to giving bonds, and part cash received by them on account of the sum required by law to be paid by purchasers of the fractional surveys, on receiving their grants for the fractions by them purchased.

Article 8. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, by the proceedings and conduct set forth in the foregoing articles, contrary to the high and important trust confided to them as commissioners aforesaid, and the sacred oath by them respectively taken, have for the sake of lucre and gain, and their own personal aggrandizement, been disgracefully instrumental in establishing a precedent subversive of the good faith which ought to be found in the actings and doings of all persons to whom the great concerns of this state, and the good citizens thereof, may be hereafter confided.

1st Additional Article. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, regardless of the important duties confided to them as commissioners aforesaid, the sacred oath by them taken, pursuant to the law in such case made and provided, did, at the sales of the fractions aforesaid, on some one day between the 1st day of December, 1807, and the 26th day of February, 1808 at the town of Milledgeville, fraudulently, corruptly, and for the purpose of unrighteous gain to themselves, or some one or more of them, receive the sum of forty dollars, or other large sum or sums of money, from some one or more of the attendant citizens, particularly one Joshua Hagarthy, on some one day during the sales of the fractional surveys, as a consideration to them, or some one or more of them, to insure or engage a fraction or fractions, then & there sold to the said Joshua Hagarthy, or some one of the attendant citizens, at a particular price, to wit:— The sum of seventy-nine dollars, or some other sum; whereby, in consequence of such corrupt and fraudulent conduct on the part of the said Obadiah Echols, Reddick Simms and Francis Flournoy, or some one or more of them, the state sustained a loss of forty dollars, or other large sums of money; and many of the attendant citizens deprived of a fair opportunity to bid for a fraction or fractions then and there sold, and the state thereby deprived of the highest and fairest price which might have been given for the same.

2d additional article. That the said Obadiah Echols, Reddick Simms and Francis Flournoy, contrary to the faith and obligation upon them imposed as commissioners aforesaid, did not pay over to the treasurer of the state of Georgia, within the time required by law, the monies by them received on grants, in lieu of office fees, but for the base purpose of individual emolument, and unrighteous gain, the said sum of money did wantonly, illegally and corruptly retain and keep in their own hands.

3d additional article. That they the said Obadiah Echols, Reddick Simms and Francis Flournoy, in further prosecution of their base, wicked and corrupt designs, and the more securely and effectually to accomplish their evil and abominable frauds, peculations and designs, did, contrary to the immemorial custom and usage heretofore had and pursued, hold, expose and conduct the aforesaid sales of fractional surveys, at a place un-

shown as a place of public sale, in the town of Milledgeville, and contrary to the express, or at least implied, will of the Legislature—they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, did remove from the State House—the only legal and proper place of sales. That they, the said Obadiah Echols, Reddick Simms and Francis Flournoy, commissioners as aforesaid, regardless of the high, sacred and important trust to them committed, and the several oaths by them taken, as well as unmindful of the duties and obligations of good citizens, are guilty of divers and manifold peculations, frauds, corruptions and bribes, during the said sales of fractional surveys, to wit: From the 1st day of December, 1807, to the 26th day of February, 1808. Which said disgraceful proceedings, actings and doings, are derogatory to that honor, punctuality and faith which ought to characterize all public agents—subversive of the good order, morals and propriety of society and instrumentally degrading the honor and dignity of this state.

And whereas the Senate having heard the evidence in support of said articles, and the argument of counsel for and against the said respondents, after taking the premises into consideration, have found that the said Obadiah Echols is guilty upon the first, second, third, sixth, seventh and eighth of the original articles; and upon the first, second and third of the additional articles; and have found him not guilty on the fourth and fifth of the original articles.

And have found Reddick Simms, one other of the respondents guilty on the first, second, sixth, seventh and eighth of the original articles; and on the first, second and third of the additional articles; and have found him not guilty on the third, fourth and fifth of the original articles.

And have found Francis Flournoy, the other respondent, guilty upon the sixth, seventh and eighth of the original articles; and on the second and third of the additional articles; and not guilty upon the others.

Whereupon, the President pronounced the following sentences:

You Obadiah Echols, Reddick Simms and Francis Flournoy, after a patient examination before the highest judicial tribunal known to the constitution and laws of your country, have been found guilty of basely conspiring against the honor, the interest and the dignity of the people, who had confided their property to your trust and management.—The High Court of Impeachment, satisfied and convinced of the infamy and guilt of your conduct, do pronounce and adjudge as follows:

That you Obadiah Echols, be, and you are hereby removed from all and every office held by you under the authority of this state, or any county thereof.—And that you be disqualified from holding and enjoying any office of honor, trust or profit, within this state, for and during the term of your natural life.

And that you Reddick Simms, be, and you are hereby removed from all and every office held by you under the authority of this state, or any county thereof.—And that you be disqualified from holding and enjoying any office of honor, trust or profit, within this state, for and during the term of thirty years.

And that you Francis Flournoy, be, and you are hereby removed from all and every office held by you under the authority of this state, or any county thereof.—And that you be disqualified from holding and enjoying any office of honor, trust or profit, within this state, for and during the term of twenty years.

And that you Obadiah Echols, Reddick Simms and Francis Flournoy, pay into the treasury of the state eighteen hundred dollars, for costs incurred in this prosecution.—And that you stand committed till the same be paid.

By the court:

Ordered, That the messenger do procure a guard sufficient to take charge of the bodies of Obadiah Echols, Reddick Simms and Francis Flournoy, and each of them safely keep until further orders.—And that he apply to the Executive for arms and ammunition.

The messenger returned that he had summoned captain Jarrett and eleven men, who were at the bar of the court.

Ordered, That captain William Jarrett do forthwith take the bodies of Obadiah Echols, Reddick Simms and Francis Flournoy, and them safely keep until the further order of the High Court of Impeachment.

Mr. Dooly :

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy, }

On motion of the counsel for respondents, It is ordered, That an exoneration as to the respective bail for the appearance of Obadiah Echols, Reddick Simms and Francis Flournoy, before this honorable High Court, be entered on the minutes of this Court.

Ordered, That the bail be discharged accordingly.



*Thursday, Dec. 15, 1808.*

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms and Flournoy, }

Capt. William Jarrett,  
Mr. President and gentlemen of the High Court of Impeachment,

Agreeable to your orders, I have in my custody Obadiah Echols, Reddick Simms and Francis Flournoy, with a guard of twelve men, with myself; but one of the guard, Enophilus Bird, summoned by your messenger, has refused to obey my orders, and has been very abusive, for which I return said Bird to you for your decision.

By the Court :

On the subject of the communication from Capt. William Jarrett; the court are of opinion, that the captain is in duty bound to make a report to the commander of the regiment, and that the Colonel punish the offender ac-

ording to military law.

Mr. Flournoy,

It is ordered by the court, That the letter of William Watson, addressed to the court, be annexed to the end of the journal as an errata, the same being admitted as a true correction of his testimony.

By the President :

Obadiah Echols, Reddick Simms and Francis Flournoy—are you ready to pay the eighteen hundred dollars cost of prosecution, agreeably to your sentence?

Answer—We are not.

By the Court :

Ordered, That the Secretary make out a mittimus; and that Obadiah Echols, Reddick Simms and Francis Flournoy, be committed to the common jail of Oglethorpe county; and that a copy of the articles of impeachment, a printed copy of the evidence, and a copy of the sentence of the court be forwarded to the jailer, together with the mittimus.

The court decided by yeas and nays— yeas 20—nays 9.

Those who decided in the affirmative are, Messrs. Brown, Ball, Carter, Carr, Embre, Gresham, Henderson, Hardie, Hogan, Hammond, Lane of Franklin, Lanier, McGriff, Pope, Stewart, Scruggs, Tanasferro, Talbott, Watts and Wilton.

Those who decided in the negative are, Messrs. Burnett, Courvoisier, Dawson, Fleuellen, Flournoy, Jack, Lane of Putnam, Moore and Rawles.

Whereupon, the President signed the following mittimus, which was attested by the Secretary :

STATE OF GEORGIA,

By the honorable HENRY MITCHELL, President of the Senate of the State of Georgia.

To Lieutenant Colonel Thaddeus Holt, and to the keeper of the common jail of the county of Oglethorpe— GREETING :

Your are hereby commanded to take into your custody the bodies of Obadiah Echols,

Reddick Simms and Francis Flournoy, convicted of high crimes and misdemeanors by the Senate of the State of Georgia; and them safely convey to the common jail of the county of Oglethorpe, in this State; and you the keeper of the said jail are hereby commanded the bodies of the said Obadiah Echols, Reddick Simms and Francis Flournoy, to receive and them safely keep, until they pay the sum of eighteen hundred dollars, for costs incurred on their impeachment, the costs of imprisonment and that of the guard for conducting them to jail, or they otherwise be discharged according to law.— Hereof fail not.

Given under my hand and seal this 15th December, 1808.

(Signed) HENRY MITCHELL,  
President of the High Court of Impeachment.

Attest, WILL. ROBERTSON,  
Secretary, and Secretary of the Senate of the State of Georgia.

The High Court of Impeachment adjourned till 2 o'clock to-morrow evening.

Friday, Dec. 16, 1808.

State of Georgia,  
VS.  
Obadiah Echols, Reddick } IMPEACHMENT.  
Simms & Francis Flour-  
noy,

The President signed an abstract of the proceedings, conviction, judgment and sentence of the Senate of the state of Georgia, sitting in their judicial capacity. Which was ordered to accompany the mittimus sending Obadiah Echols, Reddick Simms and Francis Flournoy, to the jail of Oglethorpe county.

By the Court:

Ordered, That the minuting clerk deliver to the Secretary of Senate the written testimony taken on this trial, and that the Secretary cause the same to be recorded as an appendix to his journal.

HENRY MITCHELL,  
President of the High Court of Impeachment,  
and President of the Senate of the State of Georgia.

## A P P E N D I X.

### THE EVIDENCE IN THE CASE OF

The State of Georgia, }  
VS. } IMPEACHMENT.  
Echols, Simms & Flournoy,

#### ON THE PART OF THE STATE.

Monday, November 21, 1808.

WILLIAM WATSON, *sworn.*

That he attended the sales of the fractional surveys at capt. Harris's, for the purpose of purchasing certain fractions.

That he requested Simms one of the commissioners, to bid off a certain fraction for him, provided it did not exceed the sum of fifty dollars, that Simms said he did not like to bid—but finally did bid, and it was knocked off at 28 dollars 10 cents. That he the witness, on enquiring if it was not for him, was informed by Mr. Simms that he had bid it off for Echols. That Echols then enquired of

him if he wanted a certain other fraction, that was about to be sold, on his answering in the affirmative, Echols requested him not to bid, that he Echols wanted it himself, and if he the witness persisted to do so, that he should not have it for a less sum than 1000 dollars. That he the witness replied that Echols should not have it for less than 1500 dollars. Echols then asked him if a certain person who was then bidding was acting for him, and on his replying yes, Echols then informed the witness that if he would give as much per acre for the two fractions that had been sold as the one that was then crying that he should have them all—on his agreeing to do so, the same was knocked off for 331 dollars—and that there was no other bid after Echols and himself understood each other—That soon after being in the room where the commissioners usually transacted business—Echols made a calculation, and found that he the witness agreeably to the agreement made was indebted to him Echols, the sum of 207 dollars 61 1-2 which was

demanding of him the witness by Echols, the witness answered, that he did not expect to pay it down, but by instalments—He thinks that Echols, said he did stop others from bidding, in consequence of the money expected—That he the witness on failing promptly to comply with the requisition, he only got the last fraction, or the large one which he sold to Doctor Winkfield to whom titles was made, as well as to one other which he purchased afterwards—That he the witness had made up his mind to give as much as 5 dollars per acre for the fraction which was sold for 28 dollars 10 cents—and the sum of 750 dollars for the one that sold for 331—That the commissioners appeared to be acquainted with the quality of the fractions sold.

*Cross Examined.*

Q. Have you settled with Echols?

A. I think I offered to do so.

Q. Is there suit commenced against you by Echols—for the money said to be due him?

A. I can't tell, but such has been hinted.

Q. Did you see any fractions sell for less than you thought them worth?

A. I saw some sell very low.

Q. Did you see any as good bargains sold as the one that sold for 331 dollars.

A. I believe I did.

*Tuesday, November 22, 1808.*

**ELIJAH CLARK, Esq. Sworn.**

Whilst the sales of the 9th district of Wilkinson were progressing—witness went down to Mr. Harris's, where they were held, stepped into the back room occupied by the commissioners, after certain fractions were sold—there was a settlement between Echols and Watson, witness by request aided them in calculating the debt that was due by a previous understanding, that upon this calculation, 207 dollars 61 1-2 cents was due Echols, that Echols demanded of Watson that amount, but Watson told Echols he expected to pay him in the same manner of the state in four annual instalments—this Echols objected to—Watson then proffered to give his notes payable in one or two months.

Echols complained that he was disappointed—that he had stopt bidding himself, and prevented others, to accommodate Watson, and that he expected the money down; or words to that effect; The understanding between them was this, that Watson was to give Echols as much for the two preceding fractions per acre as the one that was then selling should sell for per acre. This was the basis of the settlement that witness assisted in adjusting; Echols was to have this money, to wit 207 dollars 61 1-2 as private profit, unconnected with the state's money; knows nothing against Simms or Flournoy.

*Cross Examined.*

Q. Were you frequently at the sales?

A. I was.

Q. When either of the commissioners bid for a fraction did he not come down from his stand, and not act as commissioner?

A. Witness could not say it was the custom, but recollects to have seen them once or twice in the piazza bidding; knows nothing against Simms and Flournoy; he knows nothing of a fraction's being prematurely knocked off. That the sales were conducted as sales are usually; knows nothing of any one else being connected with commissioners.

**DANIEL WADSWORTH, Sworn.**

One Mr. Pelt and witness, came to buy a fraction in the 8th district Baldwin No. 188; met with Echols at Harris's; Echols invited him into his room, witness had previously told him what fraction he wanted; Echols asked witness if he would not give way to him Echols; witness replied he would not; Echols then said will you not upon these terms? to wit, to stay on the place two years rent free, and without tax; witness answered he would, if he would let him and Pelt live there; when Mr. Pelt came next morning Echols asked what witness and Pelt would give for the fraction, that he might know what to bid; witness told Mr. Pelt to say what; he answered 2000 dollars; suppose said Echols you get me to buy it, I will not ask you 2000 dollars or 1500 either, he said he, (Echols) could get it cheaper than any one else; he said, will you give me 1200 dollars? witness answered yes. If I can get it for 800 dollars will you give me 1200 dollars; witness and Pelt agreed to do it, and then entered into an obligation to that effect; both parties were to stop all their friends from bidding; Echols said he would go in the piazza, stand on a bench, hold up his hand, and bid, and when witness and Pelt saw his hand fall, and say gentlemen I am done, that was the signal to follow him; he did do as he said; they followed him, says Echols will you give me 1500 dollars? they told him they would; he called Mr. A. Harris to witness the bargain; Echols went to his room, beckoned to one Terrell, and said something, witness knows not what; Terrell made a bid, and it was knocked off at 1111 dollars, they then asked Echols if it was for them? (witness and Pelt) he answered yes; they went into the room to give their notes; Echols said gentlemen I hope you will not deceive me; they answered they would take the land; Echols said the notes were written, and properly done, for they were written by Mr. Matthews the clerk; he asked if they had any objections to giving Mr. Carr as security? they answered no, and asked if they must give Mr. Carr for

the state, he said it was unnecessary, he would grant the land to one, and the other would do for security to the state, but that he must have Mr. Carr for him. If, as they were strangers to him, and not to think hard of it; Simms was not there at all, nor was Flournoy present at any of the agreements which witness made with Echols; Flournoy cried the fraction, did not cease crying when Echols stopt bidding; nor immediately after. Terrell bid, saw nothing improper in Flournoy's conduct; witness gave for the fraction 1111 dollars; would have given 2000 dollars for it, and this he told Echols.

*Cross Examined.*

The fraction was called rich hill; Mr. Terrell bid off the fraction adjoining the rich hill; witness made no contract with Terrell; he asked Echols previously if that fraction was not to sell; he said yes; do you want to buy? witness said yes; then walk into my room by and by, when no body is present.

*Question by the Court.*

**Q.** Who were the notes drawn in favor of?

**A.** Notes were drawn in favor of Echols alone.

**JOHN MATTHEWS, Sworn.**

In the time they were selling the fractions in the 8th district Baldwin, he walked into Echols's room, Echols asked witness to write some promissory notes for him, he did so, and they were then given by Wadsworth and Pelt, to Echols, being four in number for 97 dollars each, making in the whole 388 dollars, the difference as he understood between what the fraction sold for, that was just knocked off, and what Wadsworth and Pelt were to give Echols for it, save one dollar, which was thrown out to make even money; Flournoy was present, walking about in the room, said nothing approving or dissenting; Simms was not there; the notes were made to Echols alone, he believes payable in one, two, three and four years; one Carr signed these notes.

*Cross Examined.*

Nothing material.

*Question by the Court.*

**Q.** Was the transaction in a public room?

**A.** It was in the room where the fractions were selling.

He has no reason to believe that Flournoy heard any of the conversation, he might or might not; he was in the room.

**THOMAS NAPIER, Sworn.**

Witness went to the fraction sales with a view of purchasing lands—told Mr. Flournoy his intention, the morning of the sale of the fractions, which he had a view of buying—Echols took witness out at the extreme end of Harris's piazza—

and in conversation, Echols said he was sorry witness was going to bid for the big fractions, as he had a letter from a friend requesting him (Echols) to buy them—Witness tried to extort from Echols what he would give—could not get it out of him. Echols offered witness one hundred dollars not to bid against him, if the land did not go for more than four or five dollars per acre—if it went for that the state could not be defrauded—Witness said he would give more than that. Witness says, Simms, he thinks, or it might be Echols, but the former he believes, told him a Mr. Boling Hall was going to bid against him—witness went to Hall, who told him he would not oppose him, and to stay and buy it. Witness then went into the room where commissioners were, and asked Mr. Echols particularly, what limit was to be set to the fractions—Simms turned on his heel towards Flournoy, and said, no limit. Echols then came out of the room, and witness agreed with him to buy the land in conjunction, and the understanding was to give or take. Mr. A. Harris was called as a witness to the bargain. But misunderstanding one another as to one or more fractions they were to buy in conjunction; the bargain was dissolved, and witness agreed to give Echols one hundred dollars not to bid against him. Witness understood that the land would be worth from forty to fifty dollars per acre. He (witness) intended to give as high as ten dollars per acre. He further says, he gave upwards of fifteen hundred dollars for one fraction, and above five hundred for the other.—The note for the one hundred dollars was made payable to Echols alone, at the Christmas following. He knows nothing of Flournoy and Simms but what he has related.

*Cross Examined.*

He says he offered these fractions the other day, for what he gave for them, as he gave their value. The sale appeared fair, and he was the highest bidder. He saw Mr. Simms bid in the room, and every thing seemed fair and above board. When Mr. Simms said there was no limit, he understood that Simms knew the land they were then talking about.

*Wednesday, November 23.*

**THOMAS CAGGLE, Sworn.**

On the 2d of February he went to buy a fraction, No. 200, in 18th Baldwin. It was knocked off to one Perkins; after the fraction was bid off the first time, witness went into the room; Echols took him by the hand, and said, I could tell you something if I dare! Witness told him he did dare, not to be afraid; he then took him into his (Echols's) room, and asked him if he did not want the fraction that was knocked off to Perkins? Witness said he

did. Echols asked twice how much he would give—if you will give me any thing worthwhile, you shall have it, for it will be re-sold—witness told him he reckoned not, for Perkins will give security; for he heard Mr. Bankston say he would be his (Mr. Perkins's) security; no matter, Echols told witness, he knew all about it. Witness then offered him two thousand dollars for it; he said witness should not have it for that. Witness said he would give three thousand. Echols said, you may have it for three thousand five hundred; witness agreed to give it; Echols then said we must enter into an agreement. He went away. Some little while after witness met with Simms and asked him where Echols was? Simms replied I do not know, nor don't care, unless he would attend to his business better. Echols soon after returned with the obligation, and witness executed it for three thousand five hundred dollars, payable alone to Echols, in four annual instalments. Witness was to give the difference between three thousand five hundred dollars, and what it should sell for. Echols asked if he could give security; he said he would try; and eventually got Mr. Easley to be his security to the state; and gave Echols a power of attorney to sign his name to the bonds for the state, witnessed by Simms—neither of the other commissioners were present at any of the agreements with Echols. Witness has since taken up his agreement from Echols. Some time afterwards Echols sent witness the grant by Milner Echols, his brother, who filled it up, it being left blank. The land sold for two thousand five hundred and twenty dollars, at the second sale. At the first sale, the day before, he (witness) bid four thousand and ten dollars, it went off at four thousand and eleven, and he did not get it; witness wished Echols to put his agreement in the hands of Simms—but he put it in a trunk that was in the room in which commissioners transacted business; Simms cried the fraction the first sale; witness for the balance 980 dollars gave his notes, payable to Milner Echols in four annual instalments of 245 dollars each, being the surplus of what the fraction sold for, and what he was to give.

**BOLING HALL, Esq. Sworn.**

He rode up to where they were selling fractions, and while on his horse, or just as he dismounted, Simms came up to him and told him he had informed a certain person, that he, (Mr. Hall) was going to bid for a fraction, and would give very high for it, which that person wanted, and begged witness not to undeceive said person, he knows nothing against either of the other commissioners; witness says he saw Mr. Napier buy fractions that

**JOHN JARRISON, Sworn.**

While they were selling fraction No. 80, in 7th Baldwin, adjoining the garrison; Echols asked witness if he wanted that fraction? Witness said he did, as he had bought a fraction adjoining it, the day before; they made an agreement, (witness and Echols) to buy the fraction, and give or take, Mr. Fluker bought it for witness, at 100 dollars 61 1-4 cents; Echols said he would give two hundred dollars for it; witness proffered to give or take 25 dollars; Echols said that was not enough, but he would take it; witness gave his note for that sum to Echols with Mr. Fluker as security.

*Cross Examined.*

Knows nothing against Simms or Flournoy,

**Col. THADDEUS HOLT, Sworn.**

Witness says he had a conversation with Simms on the subject of moving the sales from the State House to Harris's, at Dr. Bird's shop; told him he was acting in contempt of the state; Simms replied he should think for himself and no one should think for him, he knew his duty and he would do it strictly; witness also mentioned this subject to Flournoy, who said, things are as they are, and shall not be altered; he next spoke to Echols about the removal of the sales, who observed he was governed by Simms, that he was an old hand at the business; witness attended the sales generally, and was only absent about two weeks from them, and watched the conduct of the commissioners closely; who appeared to be governed and ruled by whatever Simms said or did; he says he saw a fraction crying very high, and one Perkins was the bidder, who he knew to be insolvent, and witness told Simms, who was crying the fraction, he had better know the nature of his security, but Simms made him no reply, as he could hear; the commissioners were shy of witness, as he thought, and when he attended the sales, would lock their door, and witness several times got into the commissioners room through the window; witness walked in the private room where Echols was writing unobserved, and looking over his shoulder, as he stood behind him read three promissory notes, and saw others folded up with notes written on the back of them; those he read were made payable to Simms, Flournoy and Echols, for 25 dollars each; when Echols discovered him, he placed his hands on the notes, with a view as witness thought to conceal them.

*Cross Examined.*

The first fraction sales, of the first purchase, were held at a house in Milledgeville, owned by General Scott, the state house being at that time just begun; he never saw any notes of that description spread on the table, but that one time; he knew Perkins's insolvency from report, and



from the idle and dissolute life which he lived, while in Washington county; he heard Simms frequently say he would never cry a bid, when the bidder had failed to comply with the terms of sale; and never knew any bid refused, except David Creswell's, who had formerly bid and not complied; he also heard Simms say he would never cry Perkins's bid again as he had also failed.

WILLIAM BRODENAX, *Sworn*.

During the latter part of the sales of the fractions, he and Echols made an agreement to go down into Tattall county; but after the sales were over, Echols declined going down, and witness and Echols went up into Clarke county together; witness saw Echols present to one William Randolph two notes given by said Randolph, payable to Simms and Echols, amounting to 500 dollars; Randolph paid off the notes by giving Echols two negroes, Echols giving Randolph 50 dollars; after they had left Randolph's, witness asked Echols how he would settle with Simms? Echols said there would be no difficulty, for he had from a short acquaintance with Simms, formed such an attachment for him that he had made him a present or presents to the amount of 2000 dollars; witness went by one Floyd's, with a note for 300 dollars, which Echols had given him to collect, being given by said Floyd, and made payable to Echols alone; witness presented the note to Floyd, who told him he had not the money, but that if Echols would come he would give him any property he had to that amount; witness afterwards on his way to Greensboro' with Echols, happened at James Taylor's; saw notes to the amount of 900 dollars in Echols's hands, given by said Taylor he can't say whether made payable to Simms or Echols, but he believes to the latter; witness understood from their conversation, that these notes were to be paid off in negroes, but Taylor having but few of them, and those very unlikely, Echols would not take them, or Taylor refused to pay them, he can't well recollect which. As they went through Greensborough, Col. Philips was standing in a merchant's door in that place, and told Echols to take care of that horse which he was then driving in his chair, for fear that he might break his neck; or some such words; Echols after leaving Philips observed to witness he reckoned Philips hated to see that horse; witness asked why? he answered, the horse did not cost me more than two dollars, and I got him from Philips. Witness saw Echols have a note given by Thomas Napier, and made payable to Echols for one hundred dolls. which Echols said Napier gave him on a bargain, to this effect—Napier wanted a fraction and Echols wanted the same, they agreed

that Napier should buy it, and he was to give or take; Napier bought it, and Echols took this 100 dollars according to bargain; Echols told witness he had got three watches during the sales, that he had given one to Simms, and one to John Hill of Patnam.

Q. Did not Echols request you not to implicate Flournoy, for that he Flournoy, had received but very little, and that himself and Simms had divided the chief part of the profits?

A. Witness does not recollect; but that this he remembers, Echols told witness in a jocular manner, that he was sorry for Flournoy, who made but very little.

*"But shared an equal part of the blame,  
While he and Simms run off with the game."*

*Cross Examined.*

He does not know whether the notes given by Randolph were for fractions or a square tract; he does not recollect whether he witnessed a deed from Echols and Simms, to Randolph; he believes he witnessed some instrument; the notes to Taylor were given for Echols's bid for a fraction or fractions, in the bend or the fork of the Alcovy-hatchy.

*Thursday, November 24.*

AUGUSTIN HARRIS, *Sworn*.

Commissioners sold the fractions at witness's house—he was called in as a witness to a bargain, between Echols and Thomas Napier, which bargain was this—Napier was to buy certain fractions, which he wanted, and he was to give or take—witness was to give commissioners their board and feed one of their horses for nothing, if they would sell the fractions at his house; they all agreed by note to do so; he knows no other mal-conduct against them.

*Cross Examined.*

He knows of no persons concerned with the commissioners—Simms and Flournoy generally cried the fractions—Echols and Flournoy were frequently indispensed, and said the State-House was inconvenient for the purpose of sales—Allen Greene offered the same terms, with this addition, he would find all their horses, as commissioners told witness—he saw no improper conduct in the commissioners.

*Question through the Court.*

What reasons did the commissioners or either of them assign to you, for coming to the State-House after their agreement with you?

A. Witness understood from one or perhaps all of them, that they had heard there was a resolution on the table of the House of Representatives, to require their selling the fractions at the State-

House, for the convenience of some of the members, and they moved there for that purpose, and that in consequence of that, the resolution was silenced; commissioners had one or more trunks for the deposit of their papers, does not know whether they were in common—they had a room to themselves; says John H. Bryan staid in their room two or three weeks—Bryan paid his own board; knows of no money brought to the commissioners by Bryan.

**BARNES HOLLOWAY, Sworn.**

Ten or fifteen days after the sales, he met with Echols, and was talking of the rumour that prevailed against the conduct of commissioners, Echols said there was a great noise, to be sure, about it, in the Milledgeville papers, but that would all die away by and by as other things had done; Echols said he was sorry for Flournoy, who had made nothing, but that he would not deny that he himself had made money—he had made 7000 dollars, but that he had done nothing, but what would bear an investigation, he had made it fairly by buying and selling; Echols said he had such an attachment for Simms he had given him his watch and 2000 dollars. Witness told Echols he thought that one could not do an improper thing without the rest, and he thought Flournoy was equally guilty; Echols said he was privy to all their transactions, and nothing was done without his knowledge—witness observed to him he had heard of a fraction's being sold in which Simms had made 100 dollars—Echols agreed he did, but that he made it by buying a fraction fairly, and selling it again, he did not think that any crime.

**JOSHUA HAGARTHY, Sworn.**

On the first of February, he came to buy two fractions No. 123 and 124, in 18th district Baldwin; he made an opportunity of getting into the company of Echols, and told him his business was to buy two fractions—Echols asked him to go into his room, you will see where I will go in, follow me, I don't like to talk too much out here—witness little while after went into the room, and Echols asked what he would give for the fractions, witness said he would give as much as any one else—he mentioned some price but don't recollect what—they finally agreed that witness should give half a dollar an acre, over and above what it should sell for to the state, in four annual instalments; witness was to go into the piazza and make a few bids; he did so; and the fractions were cried by Simms, and Echols bid them off—after the sale witness asked if the fractions were for him, Echols said they were, Echols said witness had got them so cheap he could afford to pay the money down;

witness reminded him of his bargain, and made several propositions, and witness's Brother who was with him proposed to give 40 dollars; Simms who was sitting in the room, said to Echols I would take it, who answered I believe I will, Flournoy was also in the room: Echols then told witness to get the money, and when he brought it, Flournoy would give him the grants, as Echols and Simms were going out of town.—Next morning witness and brother went with the money and applied to Flournoy for the grants—who after looking into the book which witness supposed contained an entry of the sale; said there was so much noise, he did not like to concern with it, and said witness had better wait till Echols came; witness supposes the land was set down to Echols in the book which made Flournoy unwilling to act upon it; witness did wait, and when Echols came, he asked Flournoy why he had not made out the grants for witness, Flournoy answered there was so much noise, he did not like to have any thing to do with it; then Echols said I can do it pretty quick—witness then paid down the 40 dollars and took his grants, in the presence of all the commissioners.

*Cross Examined.*

He first mentioned his business to Echols, upon information which he received of their misconduct from one Tolbot Arthur; he saw nothing improper in commissioners while they were selling fractions; Echols prevented no one from bidding as he saw; Simms nor Flournoy, were not present, when he agreed to give half a dollar per acre; he did not offer the money to Flournoy, he only applied to him for the grants, this was in the morning.

*Through the Court.*

Witness understood by the expression "noise" used by Flournoy, to mean the censure of their conduct which every where prevailed, in selling the fractions; the two fractions containing 150 acres, sold for 95 dollars; the witness says the land is very poor.

**Gen. JOHN SCOTT, Sworn.**

Simms and Echols purchased of witness, a house and lot and some furniture, for which they gave him 2900 dollars; they paid witness for it by giving him a Governor's warrant for 500 dollars, 1000 dollars in cash, and a square tract of land, to be valued, the balance due being 1165 2-3 dollars; Echols shewed witness a large bundle of notes to the amount of between 7 and 5000 dollars, which he said he had made fairly.

**ABNER M'GEHEE Sworn.**

He was at the sale of fractions, having heard that a very valuable fraction had been once sold, and that it was to be re-sold again; witness re-

requested Gen. Scott to go down to where they were selling; just before he got there he heard them crying a fraction at 1760 dollars, and about to be struck off, he, before he got to the place, bid 100 dollars more, and himself and Gen. Scott, bid on till it got to 2300 dollars; when witness observing Echols from his countenance and behaviour to be very much agitated, and who was in the room where they were crying the fractions, he beckoned to witness to come round into the room where he was; witness did so; and Echols then asked witness if it was a matter of great importance with him to buy that fraction, that a friend of his wanted it and had wished him (Echols) to buy it, and give 2,200 dolls. and that he had then exceeded his price; Echols also asked if witness wished to settle the land; witness replied it was nothing to him; witness says the fraction was cried by Flournoy, who did it fairly, and he saw no impropriety in his conduct, and nothing against Simms, but that he saw him frequently out among the croud in private conversation; he knows none of the persons with whom he was talking.

**CHARLES GACHET, Sworn.**

Some time in February, witness went to purchase a fraction No. 207, 9th Baldwin; that after bidding it was knocked off to some one else; he walked into the room to see who had bought it, and looking at the entries on the book, he saw that one Taylor & Stone had purchased it: Echols was in the room, and witness being a little vexed made some observations, and Echols then introduced witness to Taylor and Stone, who were then in the room; had some little conversation with Taylor and Stone: does not recollect what: witness then left the room and Echols followed him to the door, told witness he was sorry he had not got the fraction, that one hundred dollars was no object, that for that sum he would fix the business, and procure the fraction for him; witness said he would do no such thing; they had better give him 100 dolls. to take the bargain off their hands: then left Echols; returned in the afternoon, asked Echols if Taylor and Stone were disposed to let him have that land; he said no; but he reckoned 50 dolls. would get it; witness replied he had no money to spare, but that there was his watch, worth more than 50 dolls. they might have that for their bargain; Echols then took the watch, and told witness to come to his office, in about one hour; witness went; and Flournoy shewed him the book, where his name was inserted above Taylor and Stone, and their names plainly rubbed out; the land was granted to witness; it sold for 1000 dolls.

Witness's watch was worth about 60 dolls.

*Cross Examined.*

Witness got several fractions at the first sales of first purchase, they were granted to him, tho' he was not at the sales: Mr. Simms was not present: 1000 dolls. was the price of the land.

**ABRAHAM BORLAND, Sworn.**

When the fractions were selling in the 8th district Baldwin, witness went to purchase these fractions, No. 421 and 422—Echols took witness one side, and asked him if he was going to bid for fractions that day; Witness answered he was—he then observed to witness, that his father had drawn a square in the swamp, that he wished to connect two fractions with it—he would shew witness the numbers, if he would not bid against him—he shewed witness the numbers, and they were 421 and 422; Echols bought them, and then offered them to witness for 50 dolls. who would not give—he then agreed with one Coffy to let him have them at that price—did not see the money paid down for them; knows nothing against Simms or Flournoy.

*Cross Examined.*

Witness says, he bid for them once or twice.

**MARTIN KENDRICK, Sworn.**

When they were selling fraction No. 247, 10th Baldwin, a Mr. Freeman bid 256 dolls. for it, and witness recollects that it was knocked off to him at that sum, this was on Saturday. On Monday witness saw the entry in the book, and it was, instead of 256, set down 202—witness said that was not what it was bid off at—Echols said he was authorized to give 200 dollars for it—Freeman said he would not take it, and offered Echols 2 dolls. as witness understood, to reduce it to Echols's limitation, that he might take it off Freeman's hands; Echols did not take them.

*Cross Examined.*

Witness was perfectly in his senses when the fractions were sold, and recollects it well. Mr. Simms was not present at the sale.

**HUGH HALL, Sworn.**

Witness came down with others to the fraction sales, saw a Mr. Freeman bid off a fraction, number 247, at 250 dollars, and it was entered on the books at 202 dollars: Freeman refused to comply, and Monday the same fraction re-sold for 60 dollars and 50 cents. Witness gave his note to Echols also for 800 dollars, on conditions, for fraction 238, 10th Baldwin; after this agreement, witness was to put up his overseer to bid for it, let it go at what it would; witness himself was to bid as high as 500 dollars, and was to come on Friday after for his

quent. After it had run up as high as 1300 dolls. or thereabouts, witness took his overcoat down, and told him not to disagree with him, as there was another person put there, for the same purpose; this fraction was raised, and witness never put in, nor his agreement either. Witness also made many comments with Echols, that he was not to be against Mr. Colby for fractions which he wanted; one of them, Colby got for six dollars, and the other for 133 dollars; but none of these were bid for them by Mr. Colby. He was not going against Flournoy or Simms; Simms was not taken.

*Cross Examined.*

He recollects to have said once before the fraction No. 147 was either bid off at 250 or 300 dollars, he is not positive which, but he now recollects, for he set it down in his pocket book, and it was 256 which Freeman bid.

*Through the Court.*

Witness says Freeman called fraction 247, that Freeman bid off at 250 dollars, and was sold down at 202 dollars in the books; that when Echols and Flournoy were charged with this falsification, Echols denied the fact, but Flournoy said nothing; witness says he has never before sworn, or said, that it was 355 or 355, instead of 256 or 328.

**EVIDENCE**

**On the part of the Prosecuted.**

*Friday, November 25, 1858.*

**JEREMIAH THROWER, Sworn.**

He was present at the fraction sales, when one William Freeman bid off fraction No. 247, in the 10th Baldwin, at 202 dollars. Mr. Pounds, one of the bidders, was drunk; he can't say whether Hall and Kendrick were or not.

*Cross Examined.*

He can't recollect the day of the week, or the day of the month; he is positive it was bid off at 202 dollars, because he recollects remarking how high such a poor fraction went; he had not drank one drop of spirits that day; the bidders for that fraction, were Pounds and Freeman.

*Through the Court.*

He rather thinks, the day after the sale of the fraction, was Sunday; he did not hear this difference of opinion between himself and others, as to what the fraction alluded to was knocked off at, from Echols; Echols brought the subpoena to witness—witness does not believe Echols knew he was at the sale.

**NOAH BRAGG, Sworn.**

He came down one Saturday to buy a fraction, No. 247, in 10th Baldwin, as it adjoined him; as well as he can recollect, he thinks that William Freeman bought it, and it was knocked off to him at 202 dollars 50 cents, his reason for thinking so is, he told a Mr. Bryan of it directly after it was sold, who has since told witness that that was what he sold him, Bryan; he is sure fraction did not exceed 203 dollars. He did think from Mr. Pounds bidding so high, for so poor a fraction, that he was in liquor.

*Cross Examined.*

It was sold on a Saturday, there were other bids besides Freeman's—Echols came to witness' house, and asked him if a Mr. Hill had not a fraction in that neighborhood? Witness said he had—Echols asked if he knew what he gave for it? He answered he believed about 60 dollars. Echols then asked if witness knew what it sold for at the first sale? Witness answered 202 1/2 dollars.\*

\* Note. The foregoing two witnesses were sworn on the part of the respondents, on account of their necessity to go home.

**EVIDENCE**

**On the part of the State.**

**MERRIMAN POUNDS, Sworn.**

He says he came down with others to the sales, he had no business at them, but he thought he could soon get into business—he had been jerked out of his fraction, at the first fraction sales of all—and he thought he would come down and give the boys a brush for it. When fraction No. 247, in 10th Baldwin, was set up, he said he thought he would take a brush for it, although it was of no use to him, and indeed he would not give his jack-knife for it; however, he and Echols hitched to it and brushed it along pretty perdy, till witness got a little *jabous*, and when he had bid up as high as 255 dollars, he tho't he would quit it, when Billy Freeman, right from Savannah, came along, and bid one dollar more, which made 256, and that bid swept it; he says he turned round and said to Freeman, I always thought, Billy Freeman, you were a damned fool, but now I know it; I have always found you upon poor land, and there's where I mean to leave you.

*Cross Examined.*

He says, Thrower and Biass like to drink *mighty* when it is given to them; but as to himself, he is a man that buys his liquor, he got a little lively afore

The sale was over, but recollects the circumstances he has above related; he says Hugh Hall brought the Subpoena to witness; he does not know whether Kendrick bought fractions No. 248 and 249, or not. He does not recollect seeing Simms at all—but he believes he saw Echols and Flournoy.

ROBERT JOHNSON, *Sworn.*

Was a purchaser of fractions in 28th Wilkinson, would recollect commissioners' original book of entries (a book being shewn)—he does not think that is the book—(another being shewn)—does not think the second one is the book—he saw no improper conduct in the commissioners.

RICHARD FRET WELL, *Sworn.*

Witness came to buy a fraction on the 6th of February, he bought his fraction; the same day some fractions were sold in the 19th Baldwin—he does not know the numbers—commissioners run them very high, and witness told them so—Witness requested them not to bid against the men who were bidding for the fractions; for that they were poor men and had settled them—commissioners however got the fractions—and the men who were disappointed rented their settlements of commissioners, and gave their notes; witness was security to two of the notes which were he thinks made payable to all the commissioners; Simms was not present when they rented—but Echols and Flournoy were, and they observed as well as witness recollects, they were all interested in what they made.

*Cross Examined.*

The fractions went very high, and commissioners bought them fairly; these notes were executed in the evening on Saturday, he saw no other notes of that description, nor was he security to any other, to the commissioners—Echols wrote the notes—Flournoy was present.

*Through the Court.*

He can't say whether they meant they were particularly interested or generally interested.

JOHN H. BRYAN, *Sworn.*

He attended the fraction sales about 30 days: two or three days after the commencement of sales, a Mr. Alston came in the room and gave Echols 16 dolls. for his part of the bargain for a fraction which Alston had bought, as witness understood from their conversation; he never saw any other money received by commissioners in that way; Mr. Flournoy bid off two fractions, and a day or two after Mr. Coffy, witness believes, gave him a suit of clothes for the bargain, and may be a bottle of wine, &c. of com-

missioners books were shewn witness) who says he does not think either of them the original book of entries; Witness recommended lands to the commissioners as he did to other persons, he treated all alike; Witness says in the sale of fractions, or the conduct of the commissioners, every thing he saw was just and fair; unless what he has above testified is to the contrary—never gave the commissioners a cent of money; he never saw any one execute their note or notes to all or either of commissioners; Simms declared he had nothing to do with the contracts between Echols and Watson; he would grant the lands to any one who would comply with the terms of sale.

*Cross Examined.*

He says Colonel Thaddeus Holt never offered him ten thousand dollars for his bargains in purchasing fractions; if he had, he is persuaded he should have taken it; in all the fractions that were bought by the commissioners they were sold precisely like the rest; saw no fraud in the sales; he saw no mark or signs given—Flournoy frequently gave people information of the fractions by shewing them the maps, and one particularly he remembers he shewed a fraction to a person, from witness's own map, by which he lost it.

*Through the Court.*

After the sale of some fractions in the 9th Wilkinson, he heard a dispute between Echols and Watson in a settlement that grew out of a bargain between them for fractions; that upon the settlement, Watson fell in Echols's debt little upwards of 200 dollars—Echols expected the money down; but Watson did not understand the bargain in that way.

Dr. THOMAS WINGFIELD, *Sworn.*

He attended the sale of fractions the last of December; Echols asked witness if he wanted to purchase fractions? witness said he did; that he had a square tract in 9th Wilkinson, and that he wanted six fractions adjoining it; Echols said it was good land; and witness would have to give very high for it; but that if witness would give him (Echols) 2000 dolls. he should get them; Echols said if they did not sell for that sum, it should be his gains; and if it exceeded that, should be his loss; he heard Echols demand in money down a little upwards of 200 dolls. of Watson as a premium for his bargain for two fractions which Echols had bought and was to let Watson have; Watson did not pay the money down, but offered to give his notes—Echols would not let him have the fractions on those terms.

*Cross Examined.*

He saw no improper conduct in the crier, as respected particularly to Echols who was bidding, and that witness is under a bond to indemnify Watson against his contract with Echols.

**THOMAS KENNION, Sworn.**

Witness happened in the room of commissioners, during the sales, and while there, John H. Bryan came in, with a considerable quantity of money; he was cordially received by commissioners, who appeared to look at each other and smile; one of them, he believes Flournoy, received the money; and one Lewis who was in the room, and had been trying to borrow a dollar, asked what that meant? Echols replied, I reckon we know, and the money was then placed on the back of the table; he will not be positive, but thinks all the commissioners were in the room, if any were absent it was Simms

*Saturday, 26th November, 1808.*

**DARIUS CHATHAM, (witness on part respondents) Sworn.**

Witness attended on Saturday, when a fraction, No. 247, in the 10th district of Baldwin, was sold for 202 50-100, or 203, it was purchased by William Freeman.

*Cross Examined.*

Recollects to have seen Hall, Kendrick and Pounds there—believes they were sober, except Pounds, whom he thought was a little disguised—knows not of any improper conduct on the part of the commissioners.

**GEORGE W. MOORE, (on the part of the state) Sworn.**

Witness had no conversation with Simms or Flournoy—had a conversation with Echols some time before the sales were completed, wherein Echols observed he was to give Simms and Flournoy two thousand dollars each. Witness replied that he would be a loser; to which Echols answered that he would make eighteen or twenty thousand dollars. Witness purchased three fractions in the sixth district, for the payment of which he has complied with the law—he thinks the commissioners favored some of the purchasers. A fraction was sold and bought by an agent, as he understood, of major M'Kenzie; Simms was not present—witness had a conversation with Echols, whether it would not be better to sell that fraction next day—and it was so agreed—but that evening M'Kenzie took it and gave bond for the purchase money. Witness told the commissioners that he wanted to purchase some frac-

tions, and he and they understood each other, from his having before told them he wanted to purchase—witness received some money, or a note therefor, from Mr. M'Kenzie for one hundred and twenty-five dollars. Witness did not receive any money, notes or other property, from either of the commissioners for not bidding against them. There was no understanding between him and the commissioners that he was not to bid against them.

*Cross Examined.*

Does not know, of his own knowledge, that any by-bidders was employed by the commissioners, but was impressed, from hints he received from Echols and other persons present at the sales, that by-bidders were employed—and that those by-bidders were not men of responsibility as he understood.

*Monday, 28th November, 1808.*

**JOHN W. DEVEREUX, Esq. Sworn.**

While the sales of the fractional surveys was going on, he went to Mr. Harris's, and in bidding for a fraction which Mr. Flournoy was crying, Flournoy observed to witness to take care how he bid, for perhaps he would put it on him, and afterwards repeated the same words. Flournoy purchased the fraction—and witness bidding for another fraction, Flournoy asked him if he wanted it bad. Witness did not see any improper conduct on the part of Echols or Simms. Witness does not recollect the number of the fraction bought by Flournoy, but it was in the 21st district. Does not think that Flournoy's observation had any influence on him with regard to the purchase.

**GABRIEL A. GUNN, Sworn.**

He attended the sales on the 5th, 6th and 8th of February—Echols bought a fraction No. 94; and Simms bought another fraction. Heard some gentleman (whose name he does not recollect) in treaty for a tract of land with Echols, some dispute arising with respect to the title being in Echols's name, Echols observed that he could remedy that by altering the name, and went into the room where Simms and Flournoy were (as witness supposed) and came to the window with a knife in his hand and began to scrape on a paper. The fraction, as he understood had been purchased some days before. Did not see any secret transactions among the commissioners. Witness wanted to purchase the fraction which Simms had bought; Simms said he would not take less than five hundred dollars for his bargain, or words to that effect. Witness thought that the fractions sold high, and went into the room with

an intention to become security for Oliver Higginbotham and Mr. Hussey, in some notes for the rent of the fractions which had been purchased by Echols and Simms as above mentioned.

**THOMAS MOUNGER, Sworn.**

During the sales of the fractional surveys he heard a conversation between Simms and a Mr. Powell, wherein he understood that Mr. Powell was to pay Simms twenty-five dollars. Did not see any improper conduct on the part of the commissioners at the time of the sales. Witness was only there twice while the sales were progressing.

**JACOB LOUGHRIDGE, Sworn.**

He understood from a conversation between Echols and Mr. Cornwall, that if Echols was the highest bidder, Cornwall was to give 50 cents per acre more than Echols gave the state. Echols bought two fractions, and witness became Cornwall's security to Echols for about one hundred and eight dollars. Simms and Flournoy were not present at the time the note was given. He believes that one or other of them cried the said fractions purchased by Echols. Witness was not present when the agreement was made, but heard it from Echols and Cornwall.

**ELIJAH CORNWALL, Sworn.**

Witness attended at the sales. Echols entered into an agreement with him, that if he (Echols) bought two fractions in the 13th district of Baldwin, numbers 160 and 161, that witness should pay him 50 cents per acre. He first offered Echols 50 dollars, in order to purchase his friendship, which Echols refused, and he afterwards gave his note to Echols for one hundred and nine dollars—neither Simms or Flournoy were present at the time of the agreement, or when the note was given. The note was payable to Echols alone, and Loughridge and John Echols were security. Simms and Flournoy were present when the grants were filled up. Witness was impressed with an idea that if he did not purchase the friendship of the commissioners, that it would be difficult for him to obtain the fractions which he wanted—believes the fractions were cried by Simms.

*Cross Examined.*

Witness did not see any thing in crying the fractions; and his impression as above stated did not arise from any thing which he saw—did not speak to Simms or Flournoy to obtain their friendship.

**RICHARD CASTLEBERRY, Sworn.**

He wished to purchase a fraction No. 227, in 9th Baldwin, and bid 1075 dollars for it: Some person

bid 1076, and it was knocked off to Mr. Gachett at 1077—witness saw nothing improper in the conduct of the commissioners. The fraction was cried by Flournoy, who directed the clerk to set down the price.

*Cross Examined.*

Does not recollect the price of any other fraction sold on that day, because he had no interest in, or intention of purchasing any other.

**JOSSEPH STOVALL, Sworn.**

Heard Echols say that he had made eight or ten thousand dollars at the sales of the fractions.

*Cross Examined.*

Was not at the sales—neither Simms or Flournoy were present when the said declaration was made.

**JOB SPRINGER, Sworn.**

Echols asked him if he wanted to purchase the fraction on which he (witness) resided? Witness replied yes—and him and Echols entered into an agreement respecting it, viz: That he [witness] should have it for 650 dollars, or that he might live on it for two years rent and tax free, if he [witness] would not bid for the fraction. The number of the fraction is either 163 or 173, in the 11th Baldwin, as he was informed—neither Simms or Flournoy were present at the agreement.

*Cross Examined.*

Would not have given seven hundred dollars for the fraction.

**JOEL LANGHAM, Sworn.**

He wanted to purchase the two first fractions in the 11th district of Baldwin, and had a conversation with Echols respecting the purchase of them—neither Simms or Flournoy were present. For No. 199 Echols wanted him to give seven hundred dollars—he refused to give more than five hundred; whilst it was selling, Echols came to him, and talked with him until the fraction was knocked off to major Abercrombie for a less sum than five hundred dollars. Flournoy and himself being in a room together, Flournoy gave him the plats of the fractions to look at, and left the room, and Echols immediately came in, and the conversation respecting the purchase commenced.

**ABNER BANKSTON, Sworn.**

He entered into a contract with Echols for the purchase of a certain fraction at the mouth of Heard's creek, in the 18th district, now owned by Cargle.—Witness was to have given two thousand dollars—when the sale of that fraction commenced, (on the 2d day) Echols told him that they must be off the

bargain, for a great deal of noise had gone abroad. The first time it sold for four thousand and eleven dollars; and the second day for 85 or twenty-five hundred dollars. He had with the privacy of Mr. Echols employed a Mr. Perkins as a shill-bidder to purchase it; the second day it was cried by Simms, and purchased by Flournoy. Had no conversation with Simms or Flournoy respecting it, nor were either of them present at the conversation between him and Echols.

*Cross Examined.*

Perkins came to Millidgeville with him. Echols told witness to get Perkins to bid it off, and witness lent Perkins money to pay his expences, and he heard Echols tell Perkins to bid off that fraction at all events.

*Tuesday, 29th November, 1808.*

WILLIAM HAMWELL, *Sworn.*

At the last sales of the fractions he requested Mr. Echols to purchase No. 103 in the 17th district of Baldwin; he replied he would be happy to oblige him. On the first day of February, when the fraction was selling he told Echols to bid as far as five hundred dollars, if he could not get it lower; Echols purchased it at four hundred dollars, and Simms was the crier; and witness considered it as being bought for him (he witness) two days afterwards he applied to Echols to get the grant, when Echols told him he could not give it to him because he would not be safe in his oath, to let it go for less than he had authorized him to give for it. Neither Simms or Flournoy were present at the conversation between him and Echols. Never knew that there was any co-partnership between the commissioners in the purchase of fractions. Echols refused to let him have the fraction; did not see any improper conduct on the part of the commissioners, save the above-mentioned conduct of Mr. Echols.

*Cross Examined.*

He wished to have got one hundred and would have given five hundred dollars for it; but did not wish to pay Echols one hundred dollars for his trouble.

[The Solicitor-General produced the books of the commissioners, from which it appeared that the fraction No. 103, was bought by Echols and Simms and Flournoy.]

Witness understood that the additional one hundred dollars was not to be for the benefit of the state, but was to be at the disposal of Echols, and paid to him.

Col. JOSEPH PHILLIPS, *Sworn.*

He wished to purchase two fractions in the 15th district of Baldwin, for his father, and told Echols

that he would give three dollars per acre should Echols purchase them for less. The fractions sold for about 80 or 81 dolls. less than they would have amounted to at three dollars per acre. He paid or allowed Echols that sum in the purchase of a horse, saw Echols afterwards driving the same horse (a grey one) through Greensborough, and he believes Mr. Broadnax was in company with Echols. Never had any conversation with Simms or Flournoy on the subject of the purchase of those fractions, nor with Echols in their presence. Saw no impropriety in the conduct of the commissioners. He was induced to apply to Echols to bid for the fractions from an apprehension that if he (witness) bid for them, some persons would run them up.

*Cross Examined.*

He was not induced to apply to Echols to make the purchase for him, from any collusion or fraud he discovered between the commissioners.

JAMES ALSION, *Sworn.*

He wanted to purchase a fraction in the 7th district of Wilkinson county, and Echols requested to go his halves, to which he agreed. Witness bid off the fraction and gave Echols sixteen dollars for his part of the bargain. Heard Echols tell Watson, that he, Watson, owed him two hundred dollars or upwards, for a difference in some fractions. Mr. Carroll was bidding for the upper fraction in the 9th district of Wilkinson, and Echols was bidding against Carroll; He (witness) told Carroll he had better speak to Echols, or that Echols would run it up upon him, Carroll and Echols agreed to give or take, and he (witness) saw Carroll pay Echols twenty-five dollars for his part of the bargain. He came to the sales at the time the fractions in the seventh district of Wilkinson were selling, and remained until part of the fractions in the 24th district were sold. Him and a Mr. Bryan, were in the habit of communicating to the commissioners the value of fractions. The reason why he advised Carroll to apply to Echols was, that he thought that Echols was very cautious, and perhaps would raise the price upon him; does not recollect to have seen or heard Echols cry any of the fractions. Did not see any thing improper in the conduct of Simms or Flournoy, but was displeased with the conduct of Echols which he thought was improper.

*Cross Examined.*

He communicated to some particular friends when they enquired the value of fractions.

FRANCIS POWELL, *Sworn.*

He agreed with Simms to give him twenty or twenty-five dolls. if he would bid off No. 84, in the



20th district of Baldwin for him. The same evening, or the evening thereafter, Simms and Echols came to his lodgings—And next evening he executed a power of attorney authorizing the commissioners to bid for him, perhaps it may only have empowered Simms, and the other two witnessed it. Next day he (witness) did not think proper to stand to the agreement, and purchased the fraction himself. Simms and Echols were present when he executed the power of attorney and he believes Flournoy was also present. Simms appeared very willing to receive the money agreed upon. Did not see any thing improper in crying the fractions. Simms did not say that he would silence bidders. Was induced to apply to the commissioners by the recommendation of Mr. Mounger.

*Cross Examined.*

Simms never applied to him for the payment of the 20 or 25 dolls. after the fraction was sold. He told Simms he would purchase the fraction himself. It sold for more than he had authorized Simms to bid for it, and he believes the sale was perfectly fair, and he had no favor shown him in the purchase.

THOMAS LLOYD, *Sworn.*

Came down with an intention of purchasing No. 193, in the 18th district of Baldwin. Echols told him that he (Echols) could buy it cheaper than any other person, for he said, he did not know the reason but whenever he bid, nobody would bid against him. Echols and him agreed that if he (witness) found it necessary to get Echols to bid for him, he would give him one hundred dolls. He found it necessary and gave Echols a sign to bid for him; and he has since given his note, with security, to Echols for that sum. After he gave the sign, Echols turned to Simms, who was then crying the fraction and said something which he (witness) could not hear. There were several bids for the fraction after he gave the sign. Neither Simms or Flournoy were present at the conversation with Echols. Echols delivered the grants to him.

*Cross Examined.*

He informed Echols that he would not appear

as a witness against him, unless he was subpoenaed, provided Echols would give him up his note. Has been subpoenaed since he came to town, but before he left home he was told by neighbors, that if he did not come down, they would have him sent for.

GEORGE R. CLAYTON, *Sworn.*

The two books now shown to him, are the same which Flournoy deposited in the Treasury Office, as being the books containing the amount of the sales made by the commissioners of the fractional surveys. He exhibited two accounts, shewing that there was a balance of 1664 dolls. 50-100 still due by the commissioners.

*Cross Examined.*

He does not know what allowances were made to former commissioners for their services.

Wednesday, November 30th, 1808.

CHARLES STEWART, *Sworn.*

On the 6th day of April last, he received a paper from Obadiah Echols for one hundred and twenty five dolls. signed Geo. W. Moore, which Echols informed him, he had received as a bribe. Does not know any thing against Simms or Flournoy.

*Cross Examined.*

Never had any misunderstanding with Echols save respecting a small trade. He (witness) was subpoenaed yesterday.

EDMUND B. JENKINS, *Sworn.*

The paper now shown him, and which reads as follows, to wit, "An establishment of a co-partnership between Francis Flournoy, Reddick Simms and Obadiah Echols, in the purchase of four fractions, to wit, No. 12, in the 18th Baldwin, No. 287, No. 94, and No. 65, in the 19th Baldwin cost together the sum of two thousand three hundred and sixty eight dollars—their agreement is equally (viz.) equally subject to the payment of the purchase money, and equally entitled to all the privileges of the premises."

Signed, FRANCIS FLOURNOY, (L. S.)  
REDDICK SIMMS, (L. S.)  
OBADIAH ECHOLS, (L. S.)

February 8, 1808.

Attest, H. STORRS.

Is a correct copy from the original delivered to him by Francis Flournoy.

**WILLIAM STORRS, Sworn.**

The same paper was shewn to him. He recollects to have witnessed a paper signed by Echols, Simms & Flournoy, but did not read it, and cannot say whether this paper is a copy or not. Never heard any agreement between them.—Nor has he ever discovered any thing improper in their conducting the sales. Heard Echols say that he had made money by the sales, by buying fractions at public sales and selling them at private. In a conversation with Simms on the subject of selling the fractions at Harris's—Simms said that the commissioners were not tied down to sell at the State House, as the resolution for that purpose had been lost in the Legislature, or words to that effect.

*Cross Examined.*

Was present at the time fraction No. 247—10th Baldwin, was sold. It was sold for 202 dollars and saw it set down at that price, no person was permitted to bid from the commissioners room. Thinks that the fractions sold for more at Harris's than they would have done at the State House. He authorized Mr. Echols to bid for fraction 247, and to give two hundred dollars for it as he witness had before purchased an adjoining tract and wished to purchase that one.—He does not recollect the day of the week on which it was sold.

*Thursday, December 1, 1808.*

The following witnesses were examined on the part of the respondents.

**JOHN BUSSEY, Sworn.**

He was present when certain fractions, for the rent of which notes were given by Higginbotham and Fretwell were sold, and he thought one of them, No. 94, sold high. The fraction on which he resided sold for one thousand and eighty eight dollars. He did not see any secrecy observed on the part of the commissioners.—The fraction No. 94, in the 19th district of Baldwin, was sold on Saturday, the sixth of February. Was but a short time in the room occupied by the commissioners. Him and Stroud had agreed

to give five hundred dols. for the fraction which they thought was one hundred dols. over its value.

**OLIVER HIGGINBOTHAM, Sworn**

Two notes now shewn him were given for part of the rent of fraction No. 94, and the rent of No. 65, in the 19th district of Baldwin. He was present at the sale of No. 65, and No. 94. No. 65, sold for six hundred and sixty-six dols.—He thought it worth about four hundred, or four hundred and fifty dols. at the extent, and thought he could have afforded to give as much for No. 65, as any other person, as he resided on it. Did not see any secrecy on the part of the commissioners. The notes were given on the 6th day of February. The fractions appeared to be fairly cried. Did not see any notes on the commissioners table, save those two notes.—Was frequently in the commissioners room during the day of the 6th of February. It was understood that the fractions were purchased by the commissioners for their own benefit.

*Cross Examined.*

Does not know Col. Holt. Has seen a person here called Col. Holt, but does not know him personally.

**BENJAMIN HILL, Sworn.**

On the 20th day of February, he was present when fraction No. 247 in 10th Baldwin was sold. It sold for a little upwards of two hundred dols. not exceeding two hundred and ten dols. and on the 22d, the same fraction was re-sold for fifty dollars and fifty cents, and he became the purchaser. William Freeman bid it off on the 20th. Saw Messrs. Hall, Kendrick and Pounds there, and Pounds appeared to be in spirits.

*Cross Examined.*

Seen Darius Chatham there, and he appeared to be sober. Saw Jeremiah Thrower there, who appeared to be sober. Did not bid for the fraction on the twentieth. He had no understanding with the commissioners that he was to purchase the fraction.

**SAMUEL WILLIAMS, Sworn.**

He was present when fraction No. 247 in 10th Baldwin was selling, and he believes he heard a

little upwards of two hundred dollars bid for it, and he thinks it was two hundred and eight dollars.

**JOHN FREEMAN, Sworn.**

He was present when a fraction which he understood to be No. 247, in 10th Baldwin was sold, and thinks it sold for two hundred and two dollars. Immediately on its being bid off, he turned round to Flournoy, who had cried it, and enquired what it sold for, Flournoy replied two hundred and two dollars. It was bid off by a person called William Freeman.

*Cross Examined.*

Echols told him that he had made about seven thousand dolls. by the purchase of fractions, and the way in which he did it was, that in the time of the wet weather when people could not attend he had purchased fractions. Echols said he had given, or intended to give Simms as a present, two or three thousand dollars.

**Maj. CHARLES ABERCROMBIE, Sworn.**

Is acquainted with Hugh Hall, and does not think he ought to be believed upon his oath.-- Had not any understanding with Echols, that he (Echols) should prevent any person from bidding for a fraction in the 11th Baldwin, which he (witness) purchased.

*Cross Examined.*

Hugh Hall and him have been at law, and he formerly instituted a suit against Hall for slander, which is settled.

*Friday, December 2d, 1808.*

**WILLIAM FREEMAN, Sworn.**

He bid off fraction 247, in 10th Baldwin, at two hundred and two dollars, as well as he can recollect. A dispute took place on the following Monday, between Hugh Hall and Echols, respecting the price of it--Hall said it had sold for two hundred and sixty-two dolls. Hall appeared afterwards to be convinced that it only sold for two hundred and two dolls, and said he was wrong--Asked pardon of the commissioners and went off.

*Cross Examined.*

Don't recollect how many persons bid for it,

Pounds bid for it. Never saw any thing improper in the conduct of the commissioners, and he believes the sales were perfectly fair. He thought when he was bidding on Saturday, that it was for fraction 246. Hall and him are now at variance, but were not at that time. Simms was not there.

**Col. JOHN M'KINZIE, Sworn.**

He got a Mr. Robinson to buy a fraction for him. He applied to Geo. W. Moore to secure it for him and offered to give him a note for one hundred and twenty-five dollars if he would prevent its being re-sold--Moore said he would let him know directly, and went into the commissioners room, and upon his return said, that he would do it. He had no understanding with either of the commissioners. Simms was not present.

*Cross Examined.*

The number of the fraction is 240 in 9th Baldwin. When the fraction was knocked off Robinson told Flournoy, that it was for witness. Moore proposed to him that he would fix the thing for him and become his security. Moore carried him into the room where Echols and Flournoy were, and the papers were laying on the table ready, and they executed them, and Moore became his security.

**WM. RANDLE, (on the part of the State), Sworn.**

He applied to Mr. Echols to bid for a fraction No. 301, in 15th Baldwin, and told him he would give him five hundred dollars for it, let him purchase it as low as he would--Echols bid five hundred dollars for it, and it was knocked off to Simms for five hundred and one dollars. He wanted it, and gave Simms one hundred dollars for his bargain, and gave his note for that sum to Echols and Simms, or Simms and Echols jointly, and has since paid it to Echols who called on him for payment of it.

**WM. SHAW, (on the part of the State) Sworn.**

He was present at the sales of the fractions in the 17th district of Baldwin, and wished to purchase the Seven Island fraction, but did not get

it--but the fraction below it viz. No. 157 was to be resold--He told Echols he would give as far as two thousand dollars for it. It was knocked off to Echols for fourteen hundred and twenty dollars, for which sum he (witness) gave his bond to the state, and for the balance of two thousand dollars (say five hundred and ninety eight) he gave his notes to Echols and Simms separately, payable in four instalments, Echols said the spoils were to be equally divided between him and Simms. Simms cried the fraction. Thinks Flournoy was not present. While he remained at the sales him and James Taylor of Greene county empowered Echols to buy five fractions in the 18th district, and to give as far as twenty five hundred dollars, let him purchase it for what he would, and authorized him to sign bonds for them. Afterwards him and Taylor gave their notes to Echols for nine hundred and nine dollars, being the difference between twenty five hundred dollars, and the amount that was to be paid the state. The fractions have been granted to James Taylor, as he understood from Taylor's letter. The first day that fraction No. 157, was sold, he had authorized Echols to give twenty five hundred dollars, but on the day it was resold he limited him to two thousand. He never signed the bonds to the state, but authorized Echols to sign his name to them.

*Cross Examined.*

Thinks there was time enough given in crying fraction No. 157. Does not think that Simms was present, when he executed the notes to Echols and Simms. He does not think Simms was present at the time Echols said they were to divide the spoils, but rather thinks he was not.

W. D. MARTIN, (on the part of the state) sworn.

Heard Echols say that Doctor Williamson had occasioned him to lose three hundred dolls. Because one Limbo had told him, that he would give him four hundred dolls. for a certain fraction; and he could have got it for twenty dolls. if the Doctor had not come to the sales, for he had either quieted all the rest of the bidders, or put

them out of the way. Heard Echols say to Flournoy, that if he would go out of doors there was a man there with whom he could make a handsome spec, to which Flournoy replied he would have nothing to do with the specs, as there was noise enough already. Echols said he did not regard the noise, or what they said, let them prove it. After the sales were over, he heard Simms say, that he did not think Echols was as much to blame as what people said. That the sales being over, he was at liberty to speak, and willing to bear a part of Echols' blame, that he himself had made money, and he did not care who knowed it, but he had made it honestly--He made it out of individuals, and not out of the state.

*Cross Examined.*

Does not recollect who was present when Simms made the said declaration at Harris's.-- He was there during the whole of the sales, and does not recollect to have seen any improper conduct by the commissioners. They read the terms of sale each day.

*Saturday, 3d December, 1808.*

NATHAN MELVIN (on the part of the respondents) sworn.

He wanted a fraction in the 9th district of Baldwin, No 344, and having understood that the commissioners were in the habit of bidding for people, he went into the room and told Echols that if he would bid off the fraction at eight hundred dollars he would give him one hundred dolls. in cash--Echols said the only way he (witness) could get it, was to be the last bidder and refused to take the money and bid for him. During the two days he staid at the sales, he did not see any thing improper in the conduct of the commissioners, although he noticed them particularly.

*Cross Examined.*

The fraction was bid off the first day by Caleb Touchstone, and re-sold the next day.-- The first time it sold for fourteen hundred and sixty-seven dollars, and the second for ~~forty~~ hundred and ~~seventy~~ ~~five~~ dollars.

NOAH DODDRIDGE (on the part of the respondents) sworn.

He was present when the Rich-hill fraction was sold. It sold for eleven hundred and eleven dollars, and was purchased by Mr. Terrill.— Was frequently at the sales and did not see any thing improper in the conduct of the commissioners.

Col. JOSEPH CARTER (on the part of the respondents) sworn.

He was present when the fraction adjoining fraction No. 156 was bid off by Joel Wise—and he thinks Wise, and the security he offered, were incompetent to pay the purchase money. It was re-sold the next day.

Gen. PATRICK JACK, (on the part of the respondents) Sworn.

It was customary for the commissioners of the former sales, to permit the name of the purchaser to be changed, when they thought the State would not be defrauded, thereby. The commissioners bid as well as others, but they generally went off the plat-form when they intended to bid, as no bid would be taken from any person on it. An entry on their books was altered after the books were carried to Louisville.— The former commissioners did not return the blotter, but a fair copy of it, after it was compared.

*Cross Examined.*

The former commissioners or a majority of them, were always present at the sales, and he thinks it could not have been possible that any one of them, could have made a general practice of silencing bidders or speculating without being detected.— They settled up with the Treasurer for the full amount of the sales and the sums received on grants—on examining their cash, there was a deficiency of about one hundred and thirty or one hundred and fifty dollars, which the commissioners made up jointly; Mr. Simms generally had charge of the money. Mr. Simms was some short

time absent at Columbia—the commissioners some times lent out money and took notes for it. The reason why Mr. Simms kept the key of the trunk, where the money was kept, was, because he slept in the room where it was deposited; Simms never refused to let any of the other commissioners have the key when they wanted it.

JAMES BOZEMAN, (on the part of the respondents) Sworn.

He says three accounts now shewn to him are copies of accounts left in the Executive office, by the commissioners (Echols, Simms and Flournoy) about the thirtieth of April last.

*Cross Examined.*

The Governor told him that he thought that one item in the commissioners account, particularly that of fifty days, for posting their books was unreasonable:—He attended the sales only two or three times; once he attended with an intention of purchasing.—Since the sales, in a conversation with Simms, Simms enquired if he thought the commissioners would be tried jointly or separately; if they were to be tried separately, he (Simms) had no fears, but if they were tried jointly he believed enough could be proved against Echols to convict the whole of them.

*Thursday, 8th December, 1808.*

THOMAS NAPIER, re-examined.

He never signed his name as security for Mr. Kendrick, nor authorized any person to sign his name as such.

Mr. Dooly read (as evidence) the original affidavit of Hugh Hall—and also that of Martin Kendrick.

Mr. President and Gentlemen of the High Court of Impeachment,

In the evidence which I had the honor to give before you a few days since, there are two errors agreeable to the printed copy, which I pray you will order to be corrected. In answer to the question:—"Have you settled with Echols?"—My answer was:—"The matter has not yet been finally settled."

The second question was:—"Has Echols sued you for the money said to be due him?"—My answer was:—"He has; but he has said he would discharge the

suit; whether he has or not, I cannot tell."

Believing these answers to be perfectly within the recollection of the members of the honorable court, it is confidentially trusted that their humanity and high sense of justice, will cause an order for the correction of those minutes.

I am, Mr. President and Gentlemen, your most obedient, and most respectful humble servant,

WILLIAM WATSON.

Milledgeville, 12th December, 1808.

# JOURNAL

OF THE

# SENATE

OF THE

# State of Georgia.

AT an Annual Session of the General Assembly, begun and  
held at Milledgeville, the seat of Government, in  
November and December, 1809.

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MILLEDGEVILLE.

Printed by S. GRANTLAND—Printer to the State.

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JANUARY—1810.

*Randolph*, the hon. Joseph Carter.

*Jefferson*, Abner Hammond.

The Chairman adjourned Senate 'till to-morrow morning 10 o'clock.

**TUESDAY, 7th November, 1809.**

Mr. Talbot in the Chair.

The Hon. Elijah Owen, a member elect from the county of Baldwin, and the hon. William Brown, from the county of Morgan, attended, produced their credentials, and having taken the oath required by the Constitution of this state, and to support that of the United States, administered to them by John William Devereaux, esquire, a Justice of the Peace for the county of Baldwin, took their seats.

The Senate then proceeded to the choice of their President, and on counting out the ballots, it appeared that the hon. Henry Mitchell was duly elected, who was conducted to the chair.

They then proceeded to the choice of their Secretary, and on counting out the votes, it appeared that William Robertson was duly elected.

They also proceeded to the choice of door-keeper and messenger, and on counting out the votes, it appeared that Alexander Greene was duly elected door-keeper, and Henry Williams messenger.

On motion of Mr. Hammond,

Resolved, That a committee be appointed to prepare and report rules for the government of Senate, and that the Senate be governed by the rules of the last session, until their report be made and agreed to.

Ordered, That Messrs. Hammond, Moore, and Stewart, be the committee.

On motion of Mr. Moore,

Resolved, That the Secretary inform the House of Representatives, that they have formed a quorum, have made choice of the hon. Henry Mitchell their President, and William Robertson their Secretary, and are ready to proceed to business.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed by the House of Representatives, to inform the Senate that they have formed a quorum, have made choice of the hon. Benjamin Whitaker their Spcaker, and Hines Holt their Clerk, and are ready to proceed to business—and he withdrew.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a Resolution appointing Messrs. Hutchinson, Adams, and Telfair, a committee on their part, to join such committee as may be appointed by Senate to wait on his excellency the governor, and inform him that the Legislature are now convened, and are ready to proceed to business—and he withdrew.

The Senate took up the message, and the Resolution was read and agreed to—and added a committee on their part, consisting of Messrs. Walker, Barnett and Talbot.

On motion of Mr. Barnett,

Resolved, That a committee be appointed on Privileges and Elections, and that a copy of the returns of the general elections be furnished them.

Ordered, That Messrs. Barnett, Davies (of Burke), Runnells, Foster and Powell be that committee.



Mr. Walker from the committee appointed to wait on his excellency the governor, reported, that they had performed that duty, and had received for answer, that his excellency would lay his communication before them in a few minutes.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a Resolution appointing Messrs. Bryan, Jackson, Williams, E. Brown, Montgomery, H. Blair, Houston, Gresham and Kell a committee on their part to join such committee as may be appointed by Senate to compose a committee on the State of the Republic, and a Resolution appointing Messrs. Hutchinson, Daniel, Byne, Fort, Randolph, J.R. Bryan, Telfair, Nelson, and Fleming, a committee on their part to join such as may be appointed by Senate, to compose a committee on Finance—and he withdrew.

The Senate took up the message, and the resolutions were read and agreed to, and added on their part, Messrs. Lanier, Park, Reed, Henderson, Spalding and Walker, to form a committee on the state of the republic—and Messrs. Moore, Barnett, Davies, (of Burke) Watts (of Washington), Hammond and Little, to form a committee on Finance.

Mr. Parke presented a letter directed to the President, from Robert Jackson, esqr. which was read and ordered to lie on the table.

A message from his excellency the governor, by Mr. Bozeman, his Secretary.

Mr. President,

I am directed by his excellency the governor to lay before this branch of the Legislature, his communication with the documents therein referred—and he withdrew.

The Senate took up the message, and the communication is in the words following, to wit:

*Fellow Citizens of the Senate, and of the House of Representatives.*

I had flattered myself from the arrangements which were entered into in April last, by the General Government and the Minister of Great Britain, resident in our country, that at the meeting of this legislature, our fellow citizens would have been found in the free and unrestrained exercise and enjoyment of that trade and commerce, the want of which at this time so materially affects us both in a national and individual point of view; but a line of conduct, on the part of the British Ministry, as perfidious as unexampled, has blasted every hope for the present of a friendly accommodation, of the differences existing between the two governments, and left us, as to our individual transactions, in a situation worse than that which urged the propriety of the law for the relief of debtors.

Acquainted as you are with the operation of this law in the different sections of the state, you can best determine whether it has been productive of those benefits to our citizens which it was expected would be derived from it, and whether it will be necessary that it should undergo any alterations and be continued for a longer period, or suffered altogether to cease at the expiration of the time for which it was enact-

ed. This subject ought, and will not doubt, occupy your early attention. If I am correctly informed, the people have not, nor can they get money to discharge their debts; and unless such measures are adopted as will in some degree restore the value of property, and cause it to pass in the payment of debts, the inconveniencies and sufferings, which our involved citizens have heretofore experienced, will be trivial when compared with those which must inevitably ensue.

The law which passed at the last session of the Legislature, to appropriate the funds heretofore set apart for the redemption of the public debt, will require your consideration:—It was conceived by many of our citizens, and I believe by some of the members of that legislature, that the state papers were to be received in payment of the bonds given for the fractions in the first, as well as the last, acquired territory; but on an examination of the law it was found that the bonds for the last description of fractions were only appropriated; I think it but equitable that the purchasers of the fractions of both descriptions should be placed on an equal footing, and must therefore recommend to you the passage of such a law, as will appropriate at least, the amount of the bonds that were given for those first sold, and remain unpaid, to the same purposes as the bonds mentioned, in the law above alluded to. I am the more induced to this recommendation, from the circumstance of the amount already appropriated, not being more than half enough to redeem the state papers now in circulation, and believing it would be of primary impor-

tance to the state, that none of them should be left afloat.

The packet No. 1. contains a copy of a correspondence which took place between the Governor of North Carolina and myself, and which I commenced in consequence of the resolutions passed by this state in 1808, concerning an adjustment of our dispute relative to boundary. It will be perceived, that the state of North Carolina considers this affair as finally settled, and refuses to take any further steps relative thereto.

It was my wish after being apprised that the legislature of the state of North Carolina declined any further communication on this subject, that our commissioners should have proceeded in compliance with our resolutions to ascertain the 35th degree of North latitude, and mark the line, without the cooperation of commissioners on the part of that state, and I accordingly requested them by letter to attend at this place & appoint an artist to accompany them for that purpose; but they failed to attend as I requested, and no answer to my letter was received from either of them except Major Long, who informed me, that he was deterred from entering on the service required of him, on account of the bad state of his health.

At the request of the governor of Pennsylvania, I transmit for your consideration in packet No. 2, Resolutions passed by the Legislature of that state, in which are set forth the reasons for their opposition to the decrees of the Federal Court in Olmstead's case, and by which it is proposed to amend the Constitution of the United States, so that an impartial tribunal may be esta-

ished to determine disputes between the General and state Governments. In this packet you will find also a Resolution of the legislature of Massachusetts, recommending that the Federal Constitution be so amended, that no law shall be enacted for laying an Embargo, or prohibiting or suspending commerce for a longer period than until the expiration of thirty days from the commencement of the session of Congress next succeeding the one at which such law shall have passed.—And also resolutions of the Legislatures of Maryland and Massachusetts, rejecting the alteration proposed by the state of Virginia, to the Constitution of the United States, by which it was intended to render the Senators in Congress removeable from office by the Legislatures of the states appointing them—The resolutions of Virginia on this subject were laid before the Legislature at its last session.

By an act of Congress, passed the 2d of March 1807, to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, it is provided that negroes or persons of color imported or brought within the United States in violation of this law, shall remain subject to any regulations, not contravening the provisions thereof, which the Legislatures of the several states may make for disposing of such negroes or persons of color, who are to be delivered to such persons as the respective states may appoint to receive them....I must therefore suggest the propriety of your passing such a law as will embrace the intentions of, & aid in carrying into effect, the above mentioned act of Congress.

Conformably to the powers vested in me by the law passed at the last session of the Legislature, for the establishment and support of military schools, and to point out the mode of distributing the public arms, &c. upon the application of Major Generals Clarke and Jack, I caused to be delivered to them from the Arsenal in Louisville, their respective proportions of the 4000 muskets and cartouch boxes which were received from the General Government. For the deposit of those for General Clarke's division, I fixed on Phillips's mills on the Appalachee in the county of Morgan, and of those for General Jack's division at Elberton....those places being recommended to me as the most central in each division, & where the best security for their safe keeping can be had....The state having been at considerable expence to obtain those arms, and it being of the utmost importance that they should be kept in good order, and at all times fit for use, permit me to recommend to you the amendment of the above mentioned act, so far as to point out particularly the duty of the persons who will have charge of them, and to allow them such compensation for their services, as will be a sufficient reward for the strict attention to the regulations prescribed for them....

The quantity of arms in the Arsenal at Louisville being in consequence of this distribution, reduced to less than one half of their original number, I directed Lieutenant Bostwick, the officer of the guard, to discharge six of the men employed by him at that place.

The document No. 3 is a statement of warrants drawn on the Treasurer during the political year 1809, amounting in the aggregate to the sum of dollars

71,134 : 81 3-4 ; notwithstanding the drafts on the Treasurer have been thus large, I am informed by that officer, that the amount of money in the Treasury at this time, is considerably more than it has been at the commencement of any session of the Legislature for many years past....I must however recommend a revision of the tax law to your consideration....The officers entrusted with its execution have difficulties to encounter on account of its ambiguity in some parts....I feel persuaded that when it comes to be so amended, that each one concerned in carrying it into effect, can clearly comprehend it, the taxes will be collected with great facility, and that no difficulty will occur in getting them out of the hands of the collectors, an evil which I am happy to say, has within the last two or three years, very much diminished.

The executive appointments, made during the recess of the Legislature, which under the 9th section of the 2d article of the Constitution, remain to be approved or disapproved by the Legislature, are submitted for your consideration in the document No. 4.

In compliance with a resolution of the last Legislature, I caused the fractions in the 7th district of Baldwin, on the Ocmulgee river, which were fit for cultivation, to be leased out till the first of January next ; the amount for which they rented, (371: 50) when the expences of renting come to be deducted, and the trouble of collecting it taken into view, cannot be considered of sufficient consequence to warrant their being again disposed of in a similar way....I would therefore suggest to you the propriety of selling them on a credit, requir-

ing the bonds to be given for them, to bear interest from their date...From their immense value, I feel confident that the interest on the amount for which they would no doubt sell, will enhance the revenue of the state more in one year, than the nett amount of six years rent of that part which is now fit for cultivation.

Among the various objects which require Legislative interference, none are of such magnitude and importance as those which have for their end the general welfare...While the nations of Europe are struggling for the balance of power...their subjects driven from their peaceful pursuits to scenes of horror and devastation...while articles of foreign manufacture in consequence of their commotions, continue to rise in value and demand in proportion to the great scarcity among us, of circulating specie ; does it not behove us to encourage and cherish every institution for the promotion of agriculture and domestic manufactures?...Already a spirit of patriotism and enterprise has manifested itself generally, and our citizens foreseeing the evils which must result from too great a reliance on articles of foreign manufacture are shaking off those fashionable fetters which held them in a state of servile dependence upon other nations, and making every exertion to clothe themselves in fabricks of their own....will you not second their efforts, and by rendering all the aid in your power, give a spur to their laudable pursuits? By the accomplishment of an object so desirable, the demand for foreign importations of merchandize will be lessened, and the sphere of domestic tranquillity greatly enlarged.

An object of no less importance than that to which I have just called you attention, is the facility of communication between different parts of the state. Our navigable water courses are much neglected, and the numerous obstructions to water carriage oppose almost insurmountable barriers to a free intercourse... As on the one hand nothing can more strongly cement the jarring interests of a country with a population thinly dispersed, and widely extended, or give more permanency to local institutions than a well regulated internal police, so on the other, nothing can tend more to enhance the intrinsic value of landed property, than navigable water courses—In these, our country abounds in sufficient number to answer all the purposes of trade, were adequate encouragement given for deepening the channels in some, and removing in others the impediments to a free & open communication with the sea coast; what further provisions are necessary to be made in this regard, is a subject well worthy your enquiry and deliberation.

Another object to which I would particularly direct your attention, is the establishment of a Penitentiary—A square of sixteen acres of ground in Milledgeville was originally surveyed, and set apart for this purpose—As yet no provision has been made for such an establishment—I therefore recommend it to your serious consideration, to devise such measures as you may think best calculated for carrying into effect so laudable a design—In making provision for such an establishment, you will not lose sight of the necessity of a revision of our Penal Code, so as to adopt it to the genius of our government, and the present state of society.

Having thus brought before you the subjects which to me appear proper to be communicated, it only remains for me to supplicate the blessings of that Almighty Being who controuls the affairs of nations, beseeching that he would be pleased to crown with success, every exertion for the public good; that every measure of the government may be marked with wisdom, justice, and moderation, and that our fellow citizens may realize the salutary advantages of wholesome laws, faithfully administered.

JARED IRWIN.

*State-House, Milledgeville, }  
Monday, 6th Nov. 1809. }*

Whereupon the communication together with the accompanying documents were read—and

Ordered, That document No. 1 and 2 be referred to the committee on the state of the republic—Document No. 3 be referred to the committee on Finance—and document No. 4 do lie on the table.

On motion of Mr. Powell,

Resolved, That the Executive appointment of James Fort, esquire, as a Justice of the Inferior court for the county of Wayne, in the place of William Harrald, be confirmed.

On motion of Mr. Hardie,

Resolved that a committee on Petitions be appointed.

Ordered, That Messrs. Hardie, Harrald, and Hurt, be that committee.

On motion of Mr. Jackson,

Resolved, That John Lawson be, and he is hereby appointed a Justice of the Inferior court for the county of Wilkinson, in the room of Samuel Beckom, resigned.

On motion of Mr. Park,

Resolved, That Isaac M'Clendon be appointed a Justice of the Inferior court for the county of Randolph, in the place of Joseph Carter, esquire, resigned.

On motion of Mr. Reed,

Resolved, That the Executive appointment of Reuben Dejarnett as a Justice of the Inferior court for the county of Putnam, in the place of Brice Gaither, resigned, be confirmed.

The Senate adjourned until to-morrow morning 10 o'clock.

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WEDNESDAY, 8th November, 1809.

Mr. Powell presented a petition from Stephen Gibson and James Fort, which being read, was referred to the committee on Finance.

Mr. Davis (of Walton) presented a petition from sundry inhabitants of Walton county, which being read, was referred to the committee on Privileges and Elections.

Mr. Hammond from the committee appointed to report rules for the government of Senate,

Reported, That they recommend the adoption of the rules of the last session.

The Senate took up the report, which was read and agreed to.

Mr. Barnett presented a petition from sundry inhabitants of Wilkinson county, which being read, was referred to the committee on Privileges and Elections.

Mr. Hammond notified the Senate, that he would on to-morrow, move for the appointment of a committee, to join such as may be appointed by the House of Representatives, to prepare and report a bill to alter and amend the 15th section of the 4th article of the Constitution.

Mr. Barnett presented petitions from Robins Andrews and Hugh M'Donald of Elbert county, which being read, were referred to the committee on Petitions.

Mr. Powell notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to appoint commissioners for the purpose of running the dividing line between the counties of Wayne and Camden.

Mr. Walker notifies the Senate, that he will to-morrow move for leave to bring in a bill, to authorize the Judge of the Superior court of the Middle Circuit to hold an extra session in the county of Richmond.

Mr. Jackson notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare and report a bill, to amend an act, pointing out the duty of Sheriffs in selling lands under execution, passed 22d Dec. 1808.

On motion of Mr. Owens,

Resolved, That the Senate do convene in the Representative Chamber on Thursday next at 12 o'clock, for the purpose of electing a Governor.

On motion of Mr. Walker,

Resolved, That so much of the communication of His Excellency the Governor as relates to the establishment of a Penitentiary, and that so much of said communication as relates to the improvement of our navigable water courses, be referred to the committee on the state of the republic.

The Senate adjourned 'till 10 o'clock to-morrow morning.

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THURSDAY, 9th November, 1809.

Mr. Powell agreeably to notice mov-

for the appointment of a committee to prepare and report a bill, to appoint commissioners for the purpose of running the dividing line between the counties of Wayne and Camden.

Ordered, That Messrs. Powell, Har- tie and Hardin, be that committee.

Mr. Jackson notifies the Senate, that he will to-morrow move for the appointment of a committee to prepare and report a bill to make permanent the seat of public buildings for the county of Wilkinson, at Irwinton.

Mr. Barnett from the committee on Privileges and Elections, Reported in part, as follows, to wit :

Upon due examination of the papers & documents referred to them, tending to vacate the seat of the sitting member of the county of Wilkinson, your committee are of opinion, that nothing is contained therein sufficient to deprive the said member of his seat.

They have also examined the different returns laid before them, (except the county of Walton), and find that they contain the requisites required by law.

The Senate took up the report, which was read and agreed to.

Mr. Scruggs notifies the Senate, that he will to-morrow move for the appointment of a committee to prepare & report a bill, to secure to Mary Wommock, formerly Mary Hudson, a negro woman given to her by deed from her grand father, Robert Hudson, and to secure to the said Mary Wommock formerly Mary Hudson, any property which she may hereafter acquire by Deed, Will or otherwise.

Mr. Hammond agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to alter

and amend the 15th section of the 4th article of the Constitution.

Ordered, That Messrs. Hammond, Spalding, Pray, Scruggs, Walker, Owens, and Carter, be that committee.

Mr. Foster notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter the fourth and fifth sections of the third article of the Constitution of this state.

Mr. Jackson agreeably to notice, moved for the appointment of a committee to prepare and report a bill, pointing out the duty of sheriffs in selling lands under execution.

Ordered, That Messrs. Jackson, Hogan, and Brown, be that committee.

Mr. Walker agreeably to notice, introduced a bill to authorize the Judge of the Superior courts for the Middle Circuit to hold an extra session in the county of Richmond—which was received and read the 1st time.

Mr. Barnett presented a petition from Ebenezer Fain of Walton county, which being read, was referred to the committee on Privileges and Elections.

Mr. Barnett notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to repeal an act, allowing compensation to the Justices of the Inferior courts in this state.

Mr. Jackson notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to improve the navigation of the Oconee and Ocmulgee rivers.

Mr. Parke presented a petition from sundry inhabitants of Hancock county, which being read, was referred to a special committee.

Ordered, That Messrs. Parke, Foster, and Rimson, be that committee, and that they report by bill or otherwise.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the following resolutions, viz.

A Resolution confirming the Executive appointment of James Fort, esquire, as a Justice of the Inferior court of Wayne county, in the place of William Harrald.

A Resolution appointing Isaac McClendon a Justice of the Inferior court of Randolph county, in the place of Joseph Carter, esq. resigned.

A Resolution confirming the Executive appointment of Reuben Dejarnett, as a justice of the Inferior court for the county of Putnam, in the place of Brice Gaither, resigned—and,

A Resolution appointing this day at 12 o'clock, to proceed to the election of a Governor, pursuant to the constitution—and he withdrew.

Mr. Stewart presented a petition from sundry inhabitants of the county of Liberty, which being read, was referred to a special committee.

Ordered, that Messrs. Stewart, Spalding, and Spivy, be that committee, and that they do report by bill or otherwise.

Mr. Walker presented a petition from Needham Bryant and Posiah Drew, which was read, and referred to the committee on Petitions.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed by the House of Representatives to inform the Senate, that

they are now in readiness to receive them in the Representative Chamber, for the purpose of electing a governor pursuant to a concurred resolution—and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated both branches of the General Assembly proceeded by joint ballot to the choice of Governor, and on counting out the votes, it appeared that Major General David B. Mitchell, of the Eastern Division, was duly elected Governor of this state.

The Senate then returned to their Chamber, and took their seats.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a Resolution, appointing Messrs. Bryan, Jackson, Adams, Daniel, and Bacon, a committee on their part, to join such as may be appointed by Senate, to wait on the governor elect, and notify him of his election—and he withdrew.

The Senate took up the message, and concurred in the resolution, and added a committee on their part, consisting of Messrs. Moore, Stewart, and Spalding.

The Senate adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 10th November, 1809.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution, appointing Stephen W. Moore, Charles Homer, and Daniel Miller, Notaries Public for the county of Camden.



A Resolution confirming the Executive appointment of Sampson Duggar, as a Justice of the Inferior court of Hancock county.

A Resolution appointing David Canaday a Justice of the Inferior court of Bullock county.

A Resolution confirming the Executive appointment of John B. Wilkinson, a Justice of the Inferior court of Burke county.

A Resolution confirming the Executive appointment of William Barnett, Esquire, a Justice of the Inferior court of Elbert county—and,

A resolution instructing the committee to make arrangements for the inauguration of the governor elect—and he withdrew.

Ordered, That the said message do lie on the table.

The hon. William Davis, a member elect from the county of Chatham, attended, produced his credentials, and the usual oath to support the constitution of this state, and that of the United States, being administered to him, took his seat.

The Senate took up the message from the House of Representatives, and the several resolutions therein contained were severally read and concurred in.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution, appointing a committee on their part, to join such as may be appointed on the part of Senate, to take under their consideration sundry petitions from the county of Wilkinson, and report thereon—and he withdrew.

The Senate took up the message, and

the resolution being read, was concurred in, & appointed a committee on their part, consisting of Messrs. Lanier, Watts (of Telfair), Hogan, and Jackson.

Mr. Hogan presented a petition from a number of the inhabitants of Pulaski county, which was read and referred to a special committee, consisting of Messrs. Hogan, Spivy, and Watts (of Washington), to report by bill or otherwise.

Mr. Foster agreeably to notice, moved for the appointment of a committee to prepare and report a bill to alter the 4th and 5th sections of the 3d article of the Constitution.

Ordered, That Messrs. Foster, Davis (of Chatham), and Parke, be that committee.

Mr. Hardee presented two petitions from sundry inhabitants of Camden county, which were read, and referred to a special committee, consisting of Messrs. Hardee, Powell, and Pray.

Mr. Jackson notified the Senate, that he would on Monday next, move for a committee to prepare and report a bill, to dispose of such land in the 7th district of Baldwin county, now Wilkinson, as is not appropriated.

Mr. Jackson agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to be entitled an act, to make permanent the seat of the public buildings in the county of Wilkinson, at Irwinton.

Ordered, That Messrs. Jackson, Carter, and Hammond, be that committee.

Mr. Runnells laid before the President, a letter from the Treasurer, accompanied by an abstract of the Treasury, which was read, and referred to the committee on Finance.

Mr. Moore from the committee ap-

pointed to wait on the Governor elect, the meeting of the General Assembly, and inform him of his election, Report- ed, That they had waited on his excellency, and he informed the committee that he would be prepared to take the oath of office as prescribed by the Constitution, at twelve o'clock this day.

Mr. Jackson agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to be entitled an act, to improve the navigation of the rivers Oconee and Ocmulgee.

Ordered, That Messrs. Jackson, Runnels, and Barnett, be that committee.

The bill to be entitled an act, to authorize the Judge of the Superior courts of the Middle Circuit to hold an extra session in the county of Richmond, was taken up the second time, and read.

Ordered for third reading.

Mr. Powell from the committee appointed, reported a bill, to appoint commissioners to run and ascertain the dividing line between the counties of Wayne and Camden, which was received and read the 1st time.

Mr. Henderson notifies the Senate, that he will on to-morrow move for the appointment of a committee to report a bill, to amend the 31st section of the Judiciary System of this state.

Mr. Hammond notifies the Senate, that he will on to-morrow move for the appointment of a committee to report a bill, to provide for taking the Census of this state, as required by the Constitution.

Mr. Foster notifies the Senate, that he will on Monday next, move for the appointment of a committee to report a bill, to amend an act, supplementary to an act, to regulate the General Elections in this state, and to appoint the time of

the meeting of the General Assembly, and passed the 11th February, 1799, and an act, for the appointment of county officers—passed the 16th day of February, 1799.

Mr. Lanier notifies the Senate, that he will on to-morrow move for the appointment of a committee to report a bill, to limit the jurisdiction of the City of Savannah, so far as relates to the regulations of the markets.

Mr. Parke notifies the Senate, that he will after to-morrow move for the appointment of a committee to prepare and report a bill, supplemental to the Judiciary Law, and to establish an uniform practice in the proceedings of the Superior and Inferior courts.

Mr. Scruggs agreeably to notice moved for the appointment of a committee to prepare and report a bill, to secure to Mary Wommock formerly Mary Hudson, a negro woman given to her by deed from her grand-father Robert Hudson, and to secure to her any property which she may hereafter acquire by Deed, Will, or otherwise.

Ordered, That Messrs. Scruggs, Lanier, and Davis (of Walton), be that committee.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed to inform the Senate that the House of Representatives are now in readiness to receive them in the Representative Chamber, for the purpose of inaugurating the governor elect—and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, the Governor elect was introduced by the joint committee, accompanied by the

State and Judicial officers, and the oath of office as prescribed by the Constitution of this state was administered to him by the President—His Excellency, attended by the joint committee, and State and Judicial officers, having retired, the Senate withdrew to their Chamber, and being seated,  
Adjourned 'till 10 o'clock to-morrow morning.

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SATURDAY, November 11th, 1809.

Mr. Hardee presented a petition from Sylvanus Church, and other inhabitants of Camden county, which being read, was referred to a special committee consisting of Messrs. Hardec, Williams, Runnells, Walker and Davis (of Chatham) to report by bill or otherwise.

Mr. Foster presented a petition from Elizabeth Jones, which being read, was referred to a special committee, consisting of Messrs. Foster, Barnett and Talbot, to report by bill or otherwise.

Mr. Davis (of Chatham) notifies the Senate, that he will on Monday next move for the appointment of a committee to prepare and report a bill to alter the time for holding the annual election for Aldermen and Officers for the City of Savannah.

Mr. Watts (of Washington) presented a petition from a number of the inhabitants of Washington county, which being read, was referred to a joint committee.

Ordered, that Messrs. Watts (of Washington) Walker, Stewart, Moore and Hammond be the committee on the part of Senate.

Mr. Walker notifies the Senate, that he will on Monday next move for the ap-

pointment of a committee to prepare and report a bill to alter the time of the meeting of the General Assembly of this state.

Mr. Barnett from the committee on Privileges and Elections, further

Reports, that they have duly considered the documents referred to them in the contested election of Walton county, and upon examination of the constitution and Election law, are of opinion, that John Davis, the sitting member, was not duly elected, and therefore ought not to have a seat in this house—and that Ebenezer Fain, the contending member elect, is also not duly elected, and therefore ought not to take his seat.

The Senate took up the report, and On motion of Mr. Hammond,

Resolved, that the said report be divided, and that the latter part be amended, and that the latter part be amended to read as follows :

“That Ebenezer Fain the contending member elect for the county of Walton is not duly elected, and therefore ought not to take his seat”—which was agreed to.

Ordered, that the remainder of said report do lie on the table.

Mr. Runnells presented a petition from William Goodlett of Greenville, S. Carolina, which being read, was referred to a special committee, consisting of Messrs. Runnells, Henderson and Rimson, to report by bill or otherwise.

Mr. Hogan from the committee appointed, reported a bill to make permanent the seat of the public buildings in the county of Pulaski, which was received and read the first time.

Mr. Henderson, agreeably to notice, moved for the appointment of a committee to report a bill to alter and amend

the 51st section of the Judiciary system.

Ordered, that Messrs. Henderson, Spalding & Davis (of Chatham) be that committee.

Mr. Runnells presented a petition from a number of the inhabitants of Clarke, which being read, was referred to the committee appointed to report a bill for the opening the navigation of the Oconee and Ocmulgee rivers.

Mr. Jackson from the committee appointed, reported a bill to amend an act pointing out the duty of Sheriffs in selling lands under execution; which was received and read the 1st time.

On motion of Mr. Davis, (of Chatham),

Resolved, that Joseph Miller, John N. Brailsford and George Schly, be, and they are hereby appointed Notaries Public for the county of Chatham.

The bill to be entitled an act to authorize the Judge of the Superior Courts of the middle Circuit, to hold an extra session in the county of Richmond, was read the 3d time, and passed under the foregoing title.

On motion of Mr. Walker,

Resolved, that John Forsyth be, and he is hereby appointed a member of the board of the Trustees of the Richmond Academy, in the place of Dennis Smelt, resigned.

On motion of Mr. Davis (of Burke), Resolved, that Samuel Sturges be, and he is hereby appointed a Notary Public for the county of Burke.

On motion of Mr. Foster,

Resolved, that a committee be appointed on enrolled bills.

Ordered, that Messrs. Foster, Jackson and Scruggs be a committee on the part of Senate.

On motion of Mr. Stewart,

Resolved, that the Executive appointment of James Holmes, esq. Commissioner for the Liberty county Academy, in the place of Peter Winn, esq. resigned, be confirmed.

Mr. Lanier agreeably to notice moved for the appointment of a committee to prepare and report a bill to limit the jurisdiction of the Aldermen of the City of Savannah, so far as relates to the regulation of markets.

Ordered, that Messrs. Lanier, Stewart, and Parke, be that committee.

Mr. Hammond agreeably to notice moved for the appointment of a committee to prepare and report a bill to provide for taking the Census of this state as required by the Constitution.

Ordered, That Messrs. Hammond, Lanier, and Reed be that committee.

Mr. Pray notifies the Senate, that he will on Monday next, move for the appointment of a committee to prepare and report a bill, to amend an act, the more effectually securing the Probate of Wills, limiting the time for executors to qualify, and widows to make their election.

Mr. Barnett notifies the Senate, that he will on Monday next move for leave to report a bill, to alter the time for holding the Superior courts.

Mr. Watts (of Telfair) notifies the Senate, that he will on Monday next, move for the appointment of a committee to report a bill, to authorize Shared M<sup>rs</sup>. Call to erect a toll bridge across the river Great Ogechee.

Mr. Hogan notifies the Senate, that he will on Monday next. move for the appointment of a committee to prepare and report a bill, to authorize the Inferior court of Pulaski county to draw grand and petit jurors for April term, 1810.

On motion of *Mr. Jackson*,

Resolved, That a committee be appointed to contract for printing the Laws and Journals of the present session.

Ordered, That Messrs. Jackson, Talbot, Hammond, and Carter, be the committee on the part of Senate.

*Mr. Lanier* from the committee appointed, reported a bill, to limit the jurisdiction of the Aldermen of the City of Savannah, so far as relates to the regulation of markets.

Which was received and read the first time.

*Mr. Hogan* from the committee appointed, reported a bill, to be entitled an act, to make permanent the seat of the public buildings for the county of Pulaski, which was received and read the first time.

*Mr. Powell* introduced a resolution relative to the election of a Solicitor General for the Eastern District, Health Officer and Harbour Master for the port of Savannah, Secretary of State, Surveyor and Comptroller Generals, which was read, and ordered to lie on the table.

The Senate adjourned 'till 10 o'clock Monday morning.

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**MONDAY**, 13th November, 1809.

*Mr. Scruggs* notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to authorize Benjamin Kennedy of Effingham county, to keep a ferry at his own landing on Savannah river, and to receive toll for the same.

*Mr. Jackson* presented a petition from Drury Williams, which being read, was referred to a special committee, consist-

ing of Messrs. Jackson, Walker, and Barnett, to report by bill or otherwise.

*Mr. Scruggs* from the committee appointed, reported a bill, to secure to Mary Wommock, formerly Mary Hudson, a negro woman deeded to her by her grandfather Robert Hudson, and to secure to the said Mary any property which she may hereafter acquire by Deed, Will, or otherwise, which was received and read the 1st time.

*Mr. Watts* (of Washington) presented a petition from John Barnes, which being read, was referred to the committee on Petitions.

*Mr. Davis* (of Chatham) presented a petition from Aseal Farmer, which being read, was referred to a special committee, consisting of Messrs. Davis [of Chatham], Brown, and Little.

*Mr. Hammond* from the committee appointed, reported a bill, to provide for taking the census in this state, as required by the Constitution, which was received and read the 1st time.

*Mr. Barnett* agreeably to notice, introduced a bill, to alter the time for holding the Superior courts in this state, which was received and read the first time.

*Mr. Owens* presented a petition from Peter Menard, which being read, was referred to the committee on Petitions.

*Mr. Spalding* presented a petition from sundry inhabitants of the county of Putnam, which being read, was referred to a special committee, consisting of Messrs. Spalding, Reed, Carter, Brown, and Owens.

*Mr. Watts* (of Telfair) notifies the Senate, that he will on to-morrow, move for the appointment of a committee to prepare and report a bill, to authorize

the Justices of the Inferior court, together with the clerk and sheriff, to draw grand and petit jurors for the county of Telfair, for May term next.

Mr. Hammond presented a petition from sundry inhabitants of Jefferson county, which being read, was referred to a special committee, consisting of Messrs. Hammond, Pray, and Davis (of Burke), to report by bill or otherwise.

On motion of Mr. Runnells,

Resolved, That a joint committee be appointed to contract for building a suitable dwelling house, and other necessary out houses for the accommodation of the Governor of this state.

Ordered, That Messrs. Runnells, Talbot, and Moore, be the committee on the part of Senate.

Mr. Jackson from the committee, reported a bill, to make permanent the seat of the public buildings in the county of Wilkinson at Irwinton, which was received and read the 1st time.

Mr. Stewart from the committee appointed, reported a bill, to add a part of Liberty county to the county of Tattnall, which was received and read the first time.

Mr. Barnett agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to repeal an act, allowing compensation to the Justices of the Inferior courts.

Ordered, That Messrs. Barnett, Davis (of Chatham), and Hammond, be that committee.

Mr. Barnett notified the Senate, that he would on to-morrow move for the appointment of a committee to prepare and report a bill, appointing fit and proper persons to arrange and digest the laws of this state, passed since the political year 1800.

Mr. Hogan agreeably to notice, moved for the appointment of a committee to prepare and report a bill, authorizing the Justices of the Inferior court of Pulaski county to draw grand and petit jurors for April term 1810.

Ordered, That Messrs. Hogan, Foster, and Watts (of Telfair), be that committee.

Mr. Owens notifies, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, for the appropriation of the monies arising from the fifteen twenty acre lots leased for seven years in the town tract or commons of Milledgeville.

Mr. Hurt from the committee on petitions, reports, to wit :

On the petition of Hugh M'Donald, your committee are of opinion, that the prayer of the petitioner is just, & ought to be granted.

On the petition of Robins Andrews, your committee have taken his case into consideration, and are of opinion that the prayer of the petitioner is just, and recommend that he be confirmed in the original lines of said lot No. 145, in the 7th district, formerly Baldwin county, as expressed in said petition.

Ordered, That the said report do lie on the table.

Mr. Walker agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to alter the time of the meeting of the General Assembly of this state.

Ordered, that Messrs. Walker, Spalding, and Barnett, be that committee.

Mr. Foster agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to amend an act, supplementary to an act, to regulate

late the General Elections in this state, and to appoint the time of the meeting of the General Assembly, passed the 11th February 1799, and an act, for the appointment of county officers, passed the 16th February, 1799.

Ordered, That Messrs. Foster, Runnells, and Hurt, be that committee.

Mr. Davies (of Burke) notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter and amend an act, to regulate and keep in repair the public roads and bridges in the counties of Burke, Jefferson, Richmond, Greene, and Morgan, so far as respects the counties of Burke, Jefferson, and Richmond.

Mr. Parke, agreeably to notice, moved for the appointment of a committee to prepare and report a bill, supplemental to the Judiciary Law now of force, and to establish an uniform practice in the Superior and Inferior courts.

Ordered, That Messrs. Parke, Spalding and Walker, be that committee.

Mr. Pray agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to amend an act, the more effectually securing the Probate of Wills, limiting the time for executors to qualify, and widows to make their election.

Ordered, That Messrs. Pray, Lanier, and Watts (of Washington), be that committee.

Mr. Williams notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to amend an act, to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson.

Mr. Hogan notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to add a part of the county of Wilkinson, to the county of Baldwin.

Mr. Davis (of Chatham) notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter and amend an act, to authorise the Justices of the Inferior courts of this state, to discharge insolvent debtors, confined by process from any court of this state.

Mr. Davis (of Chatham) from the committee appointed, reported a bill, to alter the time of holding the annual election for Aldermen and officers for the City of Savannah—which was received and read the 1st time.

The Senate took up the report of the committee on Petitions, and the report on the petition of Hugh M'Donald was amended to read as follows, and agreed to, viz: "On the petition of Hugh M'Donald, your committee are of opinion, that the prayer of the petitioner is just, and ought to be granted, and that the Comptroller General be authorized to issue a duplicate of the bounty land warrant No. 576, for 800 acres, in the name of Lieutenant Oliver Rock, which was renewed the 30th November 1801, upon the said Hugh M'Donald giving bond with security to his excellency the Governor, in the sum of eight hundred dollars, conditioned to indemnify the state against any loss which may hereafter be sustained by reason of the said warrant, formerly issued as aforesaid."

Ordered, That the remainder of said report do lie on the table.

Mr. Hammond notifies the Senate, that he will on to-morrow move for the

appointment of a committee to prepare and report a bill, to amend an act, to authorize the commissioners of Louisville to lay out in lots, and sell such part of the common of said town as they may think proper, and to appropriate the proceeds of such sales to the use of the Academy of Louisville, passed the 10th December, 1808.

Mr. Owens notifies the Senate, that he will on Wednesday next, move for the appointment of a committee to prepare and report a bill, to authorize the Superior and Inferior courts, and Courts of Ordinary in Baldwin county, to be held in the State-House for the term of two years.

Mr. Hogan notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to extend the time of taking out grants for lands in the late land lotteries.

Mr. Walker from the committee appointed, reported a bill, to alter the time of the meeting of the General Assembly of this state, and to repeal the second section of an act, to regulate the General Elections of this state, and to appoint the time of the meeting of the General Assembly—passed the 11th February, 1799, which was received & read 1st time.

Mr. Hammond presented a petition from the Artillery company of Jefferson county, which was read, and referred to a special committee.

Ordered, that Messrs. Hammond, Talbot, and Moore, be that committee.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the resolution appointing James Holmes, esq. a commissioner for the Liberty county Academy.

In the resolution appointing Joseph Miller, John N. Brailsford, and George Ebley Notaries Public for the county of Chatham.

In the resolution appointing Samuel Sturges a Notary Public for the county of Burke.

In the resolution appointing John Forsythe member of the board of Trustees of the Richmond Academy—and,

In the resolution appointing a joint committee to prepare and report a bill, to alter and amend the fifteenth section of the fourth article of the constitution, and have added a committee on their part.

They have passed a resolution recommending that his Excellency the Governor be requested to remove Reuben Lindsay from the office of Justice of the Peace, for the county of Elbert.

A resolution appointing Thomas Barrett and James Frazer, Vendue Masters for the City of Augusta.

A resolution appointing Henry Joyce a Justice of the Inferior court of Telfair county.

A resolution appointing James She-rad, Lumber Measurer for town and port of Darien, and William B. Barnes for the City and port of Savannah.

A resolution appointing a committee on their part, to join such as may be appointed by Senate to prepare & report a bill, to alleviate the condition of debtors—and,

A resolution that both branches of the Legislature will convene on Tuesday next at 11 o'clock, to proceed to the election of Secretary of State, Surveyor General Treasurer, Comptroller General, Solicitor General, in the Eastern District, and Health Officer and



Harbor Master, for the Port of Savannah—and he withdrew.

The Senate took up the message, and unanimously concurred in the resolution that his Excellency the Governor do remove Reuben Lindsay from the office of Justice of the Peace for the county of Elbert.

In the resolution appointing Thomas Barrett and James Frazer Vendue Masters for the city of Augusta.

In the resolution appointing Henry Joyce a Justice of the Inferior court of Telfair county—and,

In the resolution appointing a joint committee to report a bill, for the alleviation of debtors, and added a committee on their part, consisting of Messrs. Walker, Barnett, Spalding, Hammond, Runnells, Lanier, Reed, and Powell.

Ordered, That the remainder of said message do lie on the table.

The following bills were taken up and severally read the 2d time.

A bill to be entitled an act, to make permanent the seat of the public buildings for the county of Pulaski.

Ordered, for a 3d reading.

A bill to be entitled an act, to amend an act, entitled an act, pointing out the duties of sheriffs in selling lands under execution.

Ordered, for committee of the whole.

A bill to be entitled an act, to appoint commissioners to run and ascertain the dividing line between the counties of Wayne and Camden.

Ordered for 3d reading.

And a bill to be entitled an act, to limit the jurisdiction of the Aldermen of the City of Savannah, so far relates to the regulation of markets.

Ordered, for committee of the whole.

The Senate adjourned 'till to-morrow morning 10 o'clock.

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*TUESDAY*, 14th November, 1809.

Mr. Scruggs agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to authorize Benjamin Kennedy to keep a ferry at his landing on Savannah river, and to receive toll for the same.

Ordered, That Messrs. Scruggs, Little, and Davis (of Burke), be that committee.

Mr. Davies (of Chatham) agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to alter and amend an act, authorising the Justices of the Inferior courts of this state to discharge insolvent debtors, confined by process from any court of this state.

Ordered, That Messrs. Davies (of Chatham), Parke, and Moore be that committee.

Mr. Hardie, presented a petition from a number of the inhabitants of Camden county, which being read, was referred to a special committee consisting of Messrs. Hardie, Williams, Runnells, Walker, and Davies (of Chatham).

Mr. Davis (of Walton) notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter and amend the election laws of this state.

Mr. Spalding presented a petition from Zachariah Sims, which being read, was referred to the committee on the state of the republic.

On motion of Mr. Davies (of Chatham.)

Resolved, That Frederick H. Les-

senhoff be, and he is hereby appointed Lumber Measurer for the port of Savannah.

Mr. Brown presented a petition from Matthew M'Kenney, which being read, was referred to the committee on Petitions.

Mr. Davis [of Burke] agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to alter and amend an act, for keeping in repair the public roads and bridges within the counties of Burke, Jefferson, Richmond, Greene, and Morgan, so far as respects the counties of Burke, Jefferson, and Richmond.

Ordered, That Messrs. Davies (of Burke,) Hammond, and Walker, be that committee.

Mr. Williams, agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to amend an act, to sell and dispose of the fractional parts of Surveys of lands in the counties of Baldwin and Wilkinson.

Ordered, That Messrs. Williams, Jackson, and Foster, be that committee.

Mr. Walker presented a petition from the Augusta Volunteer Artillery, the Augusta Volunteer Rangers, and the Augusta Independent Blues, which being read, was referred to a special committee, consisting of Messrs. Walker, Hammond, Talbot, and Moore.

Mr. Watts (of Telfair) agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to authorize the Justices of the Inferior court, together with the clerk and sheriff to draw grand and petit jurors for May term 1810, for Telfair county.

Ordered, That Messrs. Watts (of Telfair), Hurt, and Brown, be that

Mr. Owens agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to appropriate the monies arising from the twenty acre lots in the town of Milledgeville.

Ordered, That Messrs. Owens, Talbot, and Henderson, be that committee.

Mr. Hammond agreeably to notice, introduced a bill to amend an act, to authorize the commissioners of Louisville to lay out in lots, & sell such part of the common of said town as they may think proper, and to appropriate the proceeds of such sales to the use of the Academy of Louisville, which was received, and read the 1st time.

Mr. Parke from the committee appointed, reported a bill, supplemental to the judiciary law now in force, and to establish an uniform practice in the proceedings of the Superior and Inferior courts, which was received and read the 1st time.

Mr. Davies (of Chatham) laid before the President a letter containing the following resignation, to wit :

*“ To the Hon. the President,  
and members of the Senate.*

GENTLEMEN,

MY election to the Chief Magistracy of the State, having in my humble opinion created some doubt as to the propriety of my holding the commission of Major General, and as I never have, and trust I never shall hold any commission, the right to which may be in any manner doubtful, I beg leave to resign my commission as Major General of the first division of the militia of this State.

In doing this, I trust you will do me the justice to believe, that I am actuated

no motive but a just sense of my duty; and that I am penetrated with the most profound sentiments of gratitude for all former marks of public confidence, and that in an especial manner for that by which, through your kind suffrages, I am elevated to the rank I now hold in the state.

Accept Gentlemen, individually and collectively, the assurance of my highest respect and esteem,

D. B. MITCHELL."

14th November, 1809.

Which being read,

Resolved, That the Senate do accept of the resignation of Major General D. B. Mitchell, of the first division of the militia of this state.

The Senate took up the message from the House of Representatives, which was ordered to lie on the table yesterday, and concurred in the Resolution appointing Lumber Measurer, for the town & port of Darien, and City & port of Savannah, with the following amendment, insert "William Spencer, and Ephraim Cooper, Lumber Measurers for the City and port of Savannah"—they amended the resolution appointing this day for the election of officers, to read as follows: "Resolved, that both branches of the Legislature will convene in the Representative Chamber this day at 12 o'clock, and proceed to the election of a Major General for the first division of the militia of this state, in the place of Major General David B. Mitchell, resigned, a Solicitor General for the eastern district, in place of Richard Leake, esq. resigned, and a Health Officer and Harbor Master for the port of Savannah."

Mr. Hogan agreeably to notice, mov-

ed for the appointment of a committee to prepare and report a bill to add a part of the county of Wilkinson to the county of Baldwin.

Ordered, That Messrs. Hogan, Jackson, and Runnells, be that committee.

Mr. Owens agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to authorize the Superior and Inferior courts, and courts of Ordinary, for the county of Baldwin, to be held in the State House, for the term of two years.

Ordered, That Messrs. Owens, Moore, and Stewart be that committee.

On motion of Mr. Hardin,

Resolved that Arthur Lott, senr. of Tattnall county, and Joseph Collins of Montgomery county, be and they are hereby appointed commissioners to mark the dividing line between said counties, and

And be it further resolved, That the Inferior courts of said counties are hereby bound to pay their respective commissioners a reasonable compensation for their services when performed.

Mr. Reed presented a petition from Hines Holt, which being read, was referred to the committee on the state of the republic.

Mr. Barnett from the committee appointed, reported a bill, to repeal an act, for compensating the Justices of the Inferior court—which was received and read the 1st time.

Mr. Foster from the committee appointed, reported a bill, to alter and amend the fourth and fifth sections of the third article of the constitution of this state—which was received and read the 1st time.

Mr. Hogan from the committee ap-

pointed, reported a bill, to authorise the Inferior court of the county of Pulaski to draw a grand and petit jury to serve at the next Superior court of said county...which was received & read the 1st time.

Mr. Henderson from the committee appointed, reported a bill, to amend the 31st section of the Judiciary law of this state...which was received and read the 1st time.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed to inform the Senate that the House of Representatives are now ready to receive them in the Representative Chamber, for the purpose of proceeding to the election of a Major General of the first division of the militia of this state, a Solicitor General for the eastern district, and a Health Officer and Harbor Master for the port of Savannah...and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to the election of said officers, and on counting out the votes, it appeared that Col. John McIntosh was duly elected Major General of the first division of the militia of this state, John M. Berrien, esq. Solicitor General for the eastern district, and Doctor Charles Williamson, Health Officer, and Major William Brown, Harbor Master for the port of Savannah.

The Senate then repaired to their Chamber, and took their seats...and

Adjourned 'till to-morrow morning 10 o'clock.

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WEDNESDAY, 15th Nov. 1809.

Mr. Henderson had leave of absence from Senate for a few days.

Mr. Lanier presented a petition from Benjamin Daley, which being read, was referred to the committee on Finance.

Mr. Jackson presented a petition from the members of the bar of the Ocmulgee Circuit, which was read...and Ordered to lie on the table.

Mr. Davies (of Chatham) from the committee to whom was referred the petition of Asael Farmer, reported as follows, to wit :

“ That upon examining the statements made by the said petitioner, and the documents accompanying the petition they are of opinion that his case calls for Legislative interference. The committee therefore advise the adoption of the following resolution :

Resolved, That the commissioners of confiscated estates, do sell the lot No 10, Hicks Tything, Perceval Ward, in the City of Savannah, seperately and distinctly from the buildings and improvements erected thereon, and belonging to Asael Farmer of the county of Chatham, and subject to the terms of an unexpired lease of the said lot from Harrison, to the said Asael Farmer.

The Senate took up the report, which being read, was ordered to lie on the table.

The following bills were severally taken up and read the second time, to wit

A bill supplemental to the Judiciary law now of force in this state, and to establish an uniform practice in the proceedings of the Superior and Inferior courts.

Ordered for committee of the whole on Monday next.

A bill to secure to Mary Wammock formerly Mary Hudson, a negro woman, a pension deced to her by her grand-father Robert Hudson.

son, and to secure to said Mary any property which she may hereafter acquire by deed, will or otherwise.

Ordered, for committee of the whole.

A bill to provide for taking the Census of this state, as required by the constitution.

Ordered, for committee of the whole.

A bill to alter the time of holding the Superior Courts in the several circuits this state.

Ordered, for committee of the whole on Monday next.

A bill to make permanent the seat of the public buildings for the county of Wilkinson at Irwinton.

Ordered, for committee of the whole.

A bill to add a part of Liberty county to the county of Tattnall.

Ordered, for committee of the whole on Monday next.

A bill to alter the time for holding the annual election for Aldermen and Officers for the City of Savannah.

Ordered for 3d reading.

A bill to alter the time of the meeting of the General Assembly of this state.

Ordered for committee of the whole on Tuesday next.

A bill to authorise the Inferior court of Pulaski county to draw grand and petit Jurors for the next Superior court of said county.

Ordered, for a third reading.

A bill to amend the 31st section of the Judiciary law of this state.

Ordered, for a committee of the whole.

A bill to alter and amend the 4th and 5th sections of the third article of the Constitution.

Ordered for committee of the whole on Tuesday next.

A bill to amend an act to authorise the Commissioners of Louisville to lay out in lots and sell such part of the common of said town as they may think proper, and to appropriate the proceeds of sales to the use of the Academy of Louisville.

Ordered for a third reading. And

A bill to repeal an act for compensating the Justices of the Inferior courts.

Ordered for committee of the whole.

The following bills were severally read the third time, and passed under their respective titles, to wit ;

A bill to be entitled an act to appoint commissioners to run and ascertain the dividing line between the counties of Wayne and Camden.—And

A bill to be entitled an act to make permanent the seat of the Public Buildings for the county of Pulaski.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to limit the jurisdiction of the Aldermen of the City of Savannah, so far as relates to the regulation of the market—Mr. Moore in the chair—Mr. President resumed the chair, and Mr. Moore reported, that they had gone through the same with an amendment—The Senate took up the said report, which being read was agreed to ; whereupon the said bill was read the third time, and passed under the foregoing title.

Mr. Scruggs from the committee appointed, reported a bill to authorise Benjamin Kennedy to erect a ferry at his landing in Effingham county—which was received and read the first time.

Mr. Foster from the committee appointed, reported a bill to alter & amend an act supplementary to an act to regu-

late the general elections of this state, and an act for the appointment of county officers, which was received and read the first time.

Mr. Hogan from the committee appointed reported a bill to add a part of Wilkinson county to the county of Baldwin—which was received and read the first time.

On motion of Mr. Reed,

Resolved, that a committee to examine the Journal of the Senate be appointed, and see that they are regularly engrossed.

Ordered, that Messrs. Reed, Talbot, and Foster be that committee.

Mr. Hurt from the committee on petitions, Reports as follows, viz.

On the petition of Peter Menard, your committee are of opinion that the prayer of the petitioner is reasonable, & recommend that a committee be appointed to prepare and report a bill for that purpose.

On the petition of sundry inhabitants of Washington county, in favor of Eli Barnes, Joshua Barnes, John Barnes, James Gilmore and Simon Salter.

Your committee are of opinion, that the prayer of the Petitioners ought not to be granted.

Ordered, that the said report do lie on the table.

Mr. Davies (of Chatham) presented a petition from William Stephens, which was read and referred to a special committee, consisting of Messrs. Davies (of Chatham), Barnett and Spivey.

Mr. Davis (of Walton) agreeably to notice, moved for the appointment of a committee to prepare and report a bill to alter and amend the Election laws of this state.

Ordered, that Messrs. Davis [of Walton], Parke and Williams, be that committee.

Mr. Hammond from the joint committee, appointed to prepare and report a bill, to alter the 15th section of the 4th article of the constitution, Reports, to wit:

“The joint committee appointed to prepare and report a bill to alter and amend the 15th section of the 4th article of the constitution

Report, that the 15th section of the 4th article of the constitution, requires no alteration.

Mr. Hammond then moved that the report be amended to read as follows:

“Resolved, that it is the sense of this committee, that the fifteenth section of the fourth article of the constitution of this state requires alteration,” and on the question to agree to the amendment, it was determined in the negative, and the yeas and nays being required, are, Yeas 4. Nays 24.

Those who voted in the affirmative are, Messrs. Hammond, Hardin, Parke and Runnells.

Those who voted in the negative are, Messrs. Barnett, Brown, Carter, Davies [of Chatham] Davis [of Walton], Foster, Hogan, Jackson, Lanier, Little, Mendenhall, Moore, Owens, Powell, Pray, Kimson, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts [Washington], and Williams.

The original report being again read, on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are, Yeas 25. Nays 4.

Those who voted in the affirmative, are, messrs. Barnett, Brown, Carter,

Davies (of Chatham) Davis (of Walton) Foster, Hogan, Jackson, Lanier, Little, M'Lendon, Moore, Owens, Powell, Pray, Rimson, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts (of Washington), Watts (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Hammond, Hardin, Parke and Runnells.

Mr. Foster notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to define more particularly the jurisdiction of the courts of Ordinary and Inferior courts.

The Senate took up the report of the committee on Petitions, and amended the report on the petition of Eli Barnes, Joshua Barnes, John Barnes, James Gilmore and Simon Salter, to read as follows :

That the prayer of the petitioner John Barnes is reasonable, and ought to be granted.

Ordered, that the said report as amended do lie on the table.

The Senate adjourned 'till to-morrow morning 10 o'clock.

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**THURSDAY**, 16th November, 1809.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed the bill from Senate, to authorize the Judge of the Superior court of the Middle Circuit to hold an extra session in the county of Richmond.

They have concurred in the resolution from Senate, appointing a joint committee on enrolled bills, and have added a committee on their part.

In the resolution appointing a joint committee to contract for building a suitable dwelling house and other necessary out houses for the accommodation of the Governor of this state, and have added a committee on their part—and, In the resolution appointing a joint committee to contract for printing the Laws and Journals of the present session—and have added a committee on their part—and he withdrew.

The Senate resolved themselves into a committee of the whole, on the bill to be entitled an act, to make permanent the seat of the public buildings in the county of Wilkenson—Mr. Barnett in the Chair—Mr. President resumed the Chair, and Mr. Barnett reported progress, & asked leave to set again.

The Senate took up the report, which being read, was agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to provide for taking the Census of this State, as required by the Constitution—Mr. Barnett in the Chair—Mr. President resumed the Chair, and Mr. Barnett reported progress, and asked leave to set again.

The Senate took up the report, which being read, was agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to secure to Mary Wammock, formerly Mary Hudson, a negro woman deeded to her by her grandfather Robert Hudson, and to secure to her the said Mary Wammock, formerly Mary Hudson, any property which she may hereafter acquire by Deed, Will, or otherwise—Mr. Talbot in the Chair—Mr. President resumed the Chair—and Mr. Talbot reported, that he was directed to report that the further consideration

of the said bill be postponed until June next (of Washington), & Watts (of Telfair).

The Senate took up the report, which being read: On the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are, Yeas 23 Nays 10.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Carter, Davies (of Chatham), Davis (of Walton), Foster, Hammond, Harlin, Hogan, Hurt, Jackson, Little, McLendon, Owens, Parke, Pray, Reed, Rimson, Runnells, Spivey, Talbot, Walker, and Watts (of Washington).

Those who voted in the negative are, Messrs. Davies (of Burke), Hardie, Lanier, Moore, Powell, Scruggs, Spalding, Stewart, Watts (of Telfair), & Williams.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to repeal an act, to compensate Justices of the Inferior court—Mr. Lanier in the Chair—Mr. President resumed the Chair, and Mr. Lanier reported, that they had gone through the same with an amendment.

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 25. Nays 8.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Carter, Davies (of Burke), Davies (of Chatham), Foster, Hammond, Hardie, Harden, Hurt, Jackson, Lanier, Little, McLendon, Owens, Pray, Reed, Rimson, Runnells, Spalding, Spivey, Stewart, Talbot, Walker, and Williams.

Those who voted in the negative are Messrs. Davis (of Walton), Hogan, Moore, Parke, Powell, Scruggs, Watts

Whereupon the said bill was read the 3d time, and passed as amended.

The Senate resolved itself into a committee on the bill to be entitled an act, to amend an act, entitled an act, pointing out the duty of sheriffs in selling lands under execution—Mr. Moore in the Chair—Mr. President resumed the Chair, and Mr. Moore reported progress, and asked leave to set again.

The Senate took up the report, which being read, was agreed to.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President, The House of Representatives have passed a resolution confirming the Executive appointment of Thomas Spalding and Francis Hopkins, esquires, Justices of the Inferior court of McIntosh county, and,

They have passed the following bills, to wit:

A bill to continue in force an act, passed the 22d December 1808, giving further time to the fortunate drawers in

the late land lotteries to take out their grants.

A bill to give further time to the Inferior court of Elbert county to let the building of the jail thereof—and,

A bill to incorporate the Commissioners of the Academy of Effingham county—and he withdrew.

Ordered, that the said message do lie on the table.

The following bills were severally taken up, and read the third time, and passed under their respective titles, to wit:

A bill to be entitled an act, to alter the time for holding the Annual Election



Aldermen and City Officers for the City of Savannah.

A bill to be entitled an act, to amend an act, entitled an act, to authorize the commissioners of Louisville to lay out lots and sell such part of the common lands of said town, as they may think proper, and to appropriate the proceeds of such sales to the use of the Academy of Louisville, passed 10th December, 1808, and

A bill to be entitled an act, to authorize the Justices of the Inferior court of Pulaski county to draw a grand & petit jury to serve at the next Superior court to be held in said county.

The following bills were severally read the 2d time to wit :

A bill to establish a public ferry on Savannah river, at the place commonly called and known by the name of the 'Two Sisters' ferry in the county of Effingham.

Ordered for committee of the whole on tomorrow.

A bill to alter & amend an act, supplementary to an act, to regulate the general elections of this state, and to appoint the time of the meeting of the General Assembly, & for the appointment of county officers.

Ordered for committee of the whole.

A bill to add a part of Wilkinson county, to the county of Baldwin.

Ordered for committee of the whole—and,

A bill to authorise the Inferior court of Telfair, together with the clerk and sheriff to draw grand and petit jurors for said county.

Ordered for a 3d reading.

Mr. Walker presented a petition from Elijah Leonard, which being read, was referred to the committee on petitions.

Mr. Pray from the committee appointed, reported a bill, to be entitled an act, for the more effectually securing the Probate of Wills, limiting the time for executors to qualify, and widows to make their election, which was received and read the 1st time.

Mr. Parke notifies the Senate, that he will after to-morrow move for leave to introduce a bill, to amend an act, to appropriate the funds heretofore set apart for the redemption of the public debt.

Mr. Foster from the committee on enrollment, reported as duly enrolled and signed by the Speaker, the following act, to wit :

An act to authorize the Judge of the Superior courts of the Middle Circuit to hold an extra session in the county of Richmond.

Mr. Spalding then moved the following resolution.

Resolved, That the President sign all acts in Senate without taking the question on his signature—and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 25—Nays 8.

Those who voted in the affirmative are, Messrs. Brown, Carter, Davies (of Burke), Davis [of Walton], Hardin, Hogan, Hurt, Jackson, Lanier, M'Lendon, Moore, Parke, Powell, Pray, Rimson, Runnells, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts [of Washington], Watts [of Telfair], and Williams.

Those who voted in the negative are, Messrs. Barnett, Davies (of Chatham), Foster, Hommond, Hardie, Little, Owens, and Reed.

The said act was then presented to, and signed by the President, Senate, that he will on to-morrow move for the appointment of a committee to

Mr. Davies (of Chatham) presented a petition from Charles Harris, which was read, and referred to the committee on Finance. prepare and report a bill to alter the times of holding the Inferior courts in the Eastern District of this state.

Mr. Hardie from the committee appointed, reported a bill, to alter and amend an act, regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden, and Wayne, so far as respects the county of Camden—which was received and read the 1st time. Mr. Walker presented a memorial from sundry officers of the Cavalry, which being read was referred to a special committee, consisting of Messrs. Walker, Foster and Pray.

A message from His Excellency the Governor by Mr. Bozeman, his Secretary—

Mr. President,

Mr. Watts (of Telfair) agreeably to notice, moves for the appointment of a committee to prepare and report a bill, authorizing Shared M'Call to erect a toll bridge across Great Ogechee river. I am directed by His Excellency the Governor to lay before the Senate the following communication, accompanying the resignation of the Honorable John Milledge, a Senator in the Congress of the United States, to wit ;

Ordered, That Messrs Watts (of Telfair), Little, and Jackson, be that committee. *Mr. President, and Gentlemen of the Senate—and*

Mr. Jackson from the special committee to whom was referred the petition of Drury Williams, *Mr. Speaker, and Gentlemen of the House of Representatives—*

Reports, That for want of the vouchers, they are unable to form an opinion on the propriety of the request of the petitioner. I yesterday received a letter from the Honorable John Milledge, dated 14th instant, containing his resignation as Senator from this state in the Congress of the United States, a copy of which letter you will herewith receive.

Ordered, That said report do lie on the table. The fourth Monday of this month being the day assigned for the meeting of Congress, and the important concerns which it is expected will occupy their attention, at an early period after their meeting, renders it indispensable that this subject should receive the immediate consideration of the Legislature.

Mr. Hurt from the committee on petitions, Reports as follows: *D. B. MITCHELL.*

On the petition of Matthew M'Kinney, your committee have taken all the vouchers accompanying the petition in consideration, and conceive them insufficient to establish any claim against this state. *State-House, Milledgeville, }*

Ordered, that the said report do lie on the table. 16th November, 1809. }

Mr. Davies [of Chatham] notifies the

NEAR AUGUSTA, 14th Nov. 1809.

I have to request you will make known to the General Assembly now in session, that Mrs. Milledge's extreme illness, prevents me from going to the City of Washington; I therefore resign the appointment of Senator in the Congress of the United States.

I am impressed with a deep sense of gratitude for the many distinguished appointments conferred on me—retiring from public trust, I appeal to my God for the rectitude of what I am about to say, that with a pure heart & honest zeal, and to the best of my judgment, I have constantly endeavored to promote the interest, the happiness, and the prosperity of my native state.

I am Respectfully,

Your Excellency's most ob't serv't.

(Signed)

JOHN MILLEDGE.

And he withdrew.

The Senate took up the message, and the same being read, was ordered to lie on the table.

The Senate adjourned 'till to-morrow morning 10 o'clock.

**FRIDAY**, 17th November, 1809.

On motion of Mr. Lanier, to reconsider the Journal of yesterday, so far as relates to the report of the committee of the whole, on the bill to secure to Mary Wammock, formerly Mary Hudson, a negro woman deeded to her by her grand father Robert Hudson, and to secure to said Mary, any property which she may hereafter acquire by Deed, Will, or otherwise, and that the report be amend-

ed to read, "and that the committee have leave to set again" On the question to agree to the amendment, it was determined in the negative.

Mr. Davies (of Chatham) from the committee appointed, reported a bill, to amend an act, to authorise the Justices of the Inferior courts of this state to discharge insolvent debtors confined by process from any court of this state whatsoever—which was received and read the first time.

Mr. Davis (of Walton) from the committee appointed, reported a bill, to carry into effect the second clause of the first section of the fourth article of the Constitution, which was received and read the first time.

Mr. Walker from the joint committee appointed, reported a bill, to amend an act, to alleviate the condition of debtors, which was received and read the first time.

Mr. Watts (of Washington) called up the report of the committee on Petitions, on the petition of John Barnes and others, and moved,

That the report be amended by inserting the following resolution.

"Resolved, that John Barnes be, and he is hereby exonerated from all liability from his bond as security for Eli Barnes, and that he be discharged as completely therefrom, and from all judgments or executions therein, as if said bond had not been entered into"—and on the question to agree to the same, it was determined in the negative, and the Yeas & Nays being required, are, Yeas 14—Nays 17.

Those who voted in the affirmative are, Messrs. Davies [of Burke], Davis [of Walton], Hardin, Hogan, Jackson,

Lanier, M'Lendon, Rimson, Runnels, Spivey, Stewart, Watts [of Washington], Watts (of Telfair), and Williams.

Those who voted in the negative are Messrs. Barnett, Carter, Davies [of Chatham], Foster, Hammond, Hardie, Hurt, Little, Moore, Owens, Park, Powell, Pray, Reed, Scruggs, Spalding, and Talbot.

Mr. Davies (of Chatham) called up the report of the committee on the petition of Asael Farmer, and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 17—Nays 15.

Those who voted in the affirmative are Messrs. Barnett, Carter, Davis (of Walton), Davies (of Chatham), Hardie, Hardin, Jackson, Lanier, M'Lendon, Owens, Rimson, Scruggs, Spalding, Talbot, Watts (of Washington), Watts (of Telfair) and Williams.

Those who voted in the negative are Messrs. Davies (of Burke), Foster, Hammond, Hogan, Hurt, Little, Moore, Park, Powell, Pray, Reed, Runnels, Spivey, Stewart, and Walker.

Mr. Watts (of Washington) presented a petition from a number of the inhabitants of Wilkinson county, which being read, was ordered to lie on the table.

Mr. Davies (of Chatham) agreeably to notice, moved for the appointment of a committee to prepare and report a bill,

to alter the times of holding the Inferior courts in the Eastern district of this state.

Ordered, That Messrs. Davies (of Chatham), Stewart, and Powell, be that committee.

Mr. Lanier notifies the Senate, that he will on to-morrow move for the ap-

pointment of a committee to prepare and report a bill, to amend and continue in force an act, to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries.

Mr. Hogan notifies the Senate, that he will on Monday next, move for the appointment of a committee to prepare and report a bill, to authorise the Inferior courts of Laurens and Pulaski counties, to levy and collect an extra tax to defray the expenses of running the dividing lines between said counties.

Mr. Hurt from the committee on Petitions, reported as follows, to wit:

On the petition of Elijah Leonard, your committee having collected all the information in their power, are of the opinion that the prayer of the petitioner is unjust, and ought not to be granted.

The Senate took up the report, which being read, Mr. Walker moved to have the said report amended, to read as follows, to wit: "That the prayer of the petitioner is just, & ought to be granted, and that the operation of the execution in

behalf of the state vs. Osborne Howell, upon the land described in said petition as belonging to the said Leonard, be suspended," and on the question to agree to the said amendment, it was de-

termined in the affirmative, and the Yeas and Nays being required, are, Yeas 18—Nays 10.

Those who voted in the affirmative, are Messrs. Carter, Davies (of Burke),

Foster, Hardie, Hardin, Hogan, Jackson, Lanier, M'Lendon, Powell, Rimson, Runnels, Spalding, Spivey, Stewart, Walker, Watts (of Telfair), and Williams.

Those who voted in the negative, are Messrs. Barnett, Davis (of Walton) Hammond Hurt, Little, Owens, Park Pray, Reed, and Watts (of Washington)

Mr. Watts (of Washington) presented a petition from sundry persons, which was ordered to lie on the table.

Mr. Hardin notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, amendatory of the tax laws now of force, so far as respects the counties of Tattnall, Bullock, and Montgomery.

The Senate took up the message from the House of Representatives, and concurred in the resolution confirming the Executive appointment of Tho's Spalding and Francis Hopkins, esquires, as Justices of the Inferior court of McIntosh county. And the following bills were severally read the first time.

A bill to continue in force an act, passed 22d December 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants.

A bill to give further time to the Inferior court of Elbert county to let the building of the jail thereof—and,

A bill to incorporate the commissioners of the Academy of Effingham county.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to establish a public ferry on Savannah river at the place commonly called and known by the name of the Two Sisters ferry, in the county of Effingham, and for vesting the same in Benjamin Kennedy of the said county—Mr. Park in the chair—Mr. President resumed the chair, and Mr. Park reported, that he was requested to make

the following report: "Resolved, That the Justices of the Inferior courts of the several counties having power by law to establish ferries, and are certainly most competent to judge. The committee therefore recommend the further consideration of said bill, be postponed 'till June next."

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to alter and amend an act, entitled an act, supplementary to an act, to regulate the General Elections of this state, and to appoint the time of the meeting of the General Assembly, passed 11th February 1799, and an act, entitled an act, for the appointment of county officers, passed 16th February 1799—Mr. Barnett in the chair—Mr. President resumed the chair, and Mr. Barnett reported, that he was directed to report, that the further consideration of said bill be postponed 'till September next—The Senate took up the report, & on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 28—Nays 1.

Those who voted in the affirmative, are Messrs. Barnett, Carter, Davies (of Burke), Davis (of Walton), Davies (of Chatham), Hammond, Hardie, Hardin, Hogan, Hurt, Jackson, Lanier, Little, M'Lendon, Owens, Park, Powell, Pray, Reed, Binson, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts (of Polk), and Williams.

Mr. Foster in the negative.

On motion,

Mr. Hammond had leave of absence till Tuesday next, Mr. Watts until Mon-

day next, Mr. Brown and Moore for two or three days.

The Senate then adjourned until tomorrow morning 10 o'clock.

**SATURDAY**, 18th November, 1809.

Mr. Lanier agreeably to notice moved for the appointment of a committee to prepare and report a bill, to amend and continue in force an act to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns, made by persons not entitled to draws in the late land lotteries.

Ordered, that Messrs. Lanier, Park and Hardee, be that committee.

Mr. Hardin agreeably to notice moved for the appointment of a committee to prepare and report a bill, amendatory of the tax laws now of force, so far as respects the counties of Fannin, Bullock, and Montgomery.

Ordered, that Messrs. Hardin, Williams and Powell be that committee.

Mr. Davies (of Chatham) presented a petition from Griffin L. Lamkin, which was read and referred to a special committee, consisting of Messrs. Davies (of Chatham) Stewart, and Foster.

Mr. M'Lendon presented a petition from a number of the inhabitants of Jones county, which being read was referred to the committee on petitions.

Mr. Hardee from the special committee appointed on the petition of Sylvanus Church, reported a bill to be entitled an act to quiet the claim of Sylvanus Church to a tract of land being in Camden county, and to relinquish the claim of the state of Georgia to such part of the same as has been laid off for

the town of Jefferson, the seat of the public buildings of said county of Camden, which was received and read the first time.

On motion of Mr. Foster,

Resolved, that Turner Persons be, & he is hereby appointed a justice of the Inferior court of Warren county in the place of Elisha Hurt, Esq. resigned.

Mr. Foster agreeably to notice moved for the appointment of a committee to prepare and report a bill to define more particularly the jurisdiction of the courts of Ordinary and Inferior Courts.

Ordered, that Messrs. Foster, Rimson and M'Lendon be that committee.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President—

The House of Representatives have passed a bill to repeal an act to compensate the justices of the Inferior court, & they have passed the following resolutions, to wit :

A resolution appointing Henry Sadler, David Lewis and Elisha Hebbard Commissioners of the Camden county Academy.

A resolution appointing Caleb Howell, sen. Robert Williamson and Lewis Lanier, Justices of the Inferior Court of Scriven county ; and

A resolution appointing Sam'l Steele Notary Public for the town of Milledgeville and county of Baldwin, and Harris Allen Vendue Master for said town ; and he withdrew.

The Senate took up the message, and the said bill was read the first time ; and the said resolutions were concurred in.

The bill to be entitled an act to authorise the justices of the Inferior court for the county of Telfair, together with

the Clerk and Sheriff to draw grand and petit jurors, was taken up, read the third time, and passed under the title thereof.

The following bills were severally taken up, and read the second time, to wit:

A bill to carry into effect the 2d clause of the 1st section of the 4th art. of the constitution.

Ordered for committee of the whole.

A bill to alter and amend an act, regulating roads in this state, so far as respects the county of Camden.

Ordered for a third reading.

A bill to alter and amend an act to authorise the Inferior courts of this state to discharge insolvent debtors.

Ordered for a committee of the whole.

A bill to amend an act for the more effectually securing the Probate of Wills, limiting the time for Executors to qualify and Widows to make their elections.

Ordered for a committee of the whole.

A bill to continue in force an act passed 22d December, 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants.

Ordered for a committee of the whole.

A bill to give further time to the Inferior court of Elbert county, to let the building of the jail thereof.

Ordered for a third reading.

A bill to incorporate the Commissioners of the Effingham county Academy.

Ordered for a committee of the whole.

And a bill to amend an act to alleviate the condition of debtors, passed the 21st Dec. 1808.

Ordered for a committee of the whole.

Mr. Hardie from the committee to whom was referred the petition of sundry inhabitants of the county of Cam-

den, on the subject of confiscated lands, reported as follows:

That in their opinion the subject of said petition is one of very great importance, and requires all the light which possibly can be thrown on it, and advise that it be referred to the committee on the state of the Republic.

The Senate took up the report, which being read was agreed to.

A message from His Excellency the Governor, by Mr. Bozeman his Secretary.

Mr. President—

His Excellency the Governor has assented to, and signed an act, to authorise the Judge of the Superior courts of the Middle circuit to hold an extra session in the county of Richmond—he has approved of the following concurred resolutions, to wit:

A resolution confirming the Executive appointment of Reuben Dejarnett, esq. as a Justice of the Inferior court of Putnam county.

A resolution confirming the Executive appointment of James Holmes, esq. a commissioner of the Liberty county Academy.

A resolution confirming the Executive appointment of James Fort, esq. as a Justice of the Inferior court of Wayne county.

A resolution appointing Samuel Sturges, esq. a Notary Public for the county of Burke.

A resolution appointing John Forsyth, esq. a member of the board of Trustees of the Richmond county Academy.

And,

A resolution appointing Isaac M'Lendon, esq. a Justice of the Inferior court of Randolph county—And he withdrew.

Ordered, That the committee on enrolled bills, do carry said act to Secretary of State's office, and see the big seal affixed to the same.

Mr. Davies (of Chatham) notifies the Senate, that he will move for leave on Monday next, to introduce a bill, to alter and amend an act, to regulate the pilotage of vessels to and from the several ports of this state.

Mr. Powell notifies the Senate, that he will on Monday next, move for leave to introduce a bill, to authorise the Inferior court of Wayne county, with the clerk and sheriff, to draw grand and petit jurors for the next terms.

On motion,

Mr. Hogan had leave of absence 'till Thursday next 10 o'clock.

On motion of Mr. Jackson,

Resolved, That both branches of the General Assembly do convene in the Representative Chamber on Thursday next at 12 o'clock, in order to elect a Senator in the Congress of the United States, in the room of the Hon. John Milledge, resigned, and a Treasurer, Comptroller General, Secretary of State, and Surveyor General.

Mr. Hardie notifies the Senate, that he will on Monday next, move for the appointment of a committee to prepare and report a bill, to prevent persons from unlawfully driving cattle out of this state.

Mr. Lanier from the committee on the state of the republic, reported as follows, to wit:

The committee on the state of the republic, to whom was referred that part of the Executive message relating to Walton county, together with the Documents accompanying the same, beg-

ave to report the following Memorial to Congress:

*To the President and Gentlemen of the Senate—*

*To the Speaker and Gentlemen of the House of Representatives, in Congress assembled—*

The state of Georgia by her Convention with the United States, bearing date the twenty-fourth day of April, which was in the year 1802, for the cession of her Western Territory, having acquired a right to a certain tract of country, which was west of South Carolina, and separated the states of North Carolina and Georgia, and the Commissioners on the part of the United States having held forth to the Commissioners of Georgia, on that occasion, this territory as a strong and valuable part of the consideration offered by the United States, for the completion of that convention. The state of Georgia sent her Surveyor General to ascertain the extent and quality of the Territory she had thus acquired; he ascertained the boundaries to be at points, that had long been supposed by South Carolina, and all the preceding claimants to that tract of country.

Georgia then proceeded under the solemn convention she had entered into with the United States to extend her laws and her government over the people then resident; and she then with astonishment first heard that her claims were to be resisted by North Carolina, unless she would agree to sanction grants that had issued from the Government of that state, and which would swallow up the rights of soil through the whole extent of country, the sanctioning of which would have overthrown her benevolent



intentions to its resident inhabitants, & Georgia had no just claim to a territory, confirmed a system of speculation, for which, by her convention with the United States, she had allowed a valuable consideration, she might have satisfactorily and conclusive testimony. This application tho' reiterated, has been rejected; this requisition, though pressed by the government of Georgia to a wearisome length, has met with nothing but denial from her sister state, as the documents annexed to this memorial (and marked No. 2.) will confirm.

The documents subjoined to this address (and marked No. 1.) will confirm what is here advanced.

Georgia disappointed in her application to North Carolina, then addressed herself to Congress on the subject; her representatives abstained, however, from pressing the affair, on receiving assurances from the delegation of the state of North Carolina, that they would represent to their own state the necessity of meeting on some other grounds, the requisition of Georgia.

In consequence of this application, North Carolina did appoint commissioners, who met commissioners from Georgia. Some observations were made of the latitude of places, supposed about the boundaries of the two states; but because those observations were contrary to all that had been made before them; because they were directly against the opinion of persons best informed upon the subject from neighbouring states; because they were not confided in by the citizens of Georgia resident in the country claimed; and above all, because the observations made, were themselves so variant, (where a variation to such an extent was not to be expected) as to demonstrate that there was an error in the men employed, or in the instruments used. The Legislature of Georgia, from some or all of these reasons, refused her assent to the boundaries that would have been fixed by these observations, and again requested North Carolina to appoint commissioners, that the doubts on the subject might be removed; that if

Be it therefore Resolved by the Senate and House of Representatives of the state of Georgia in General Assembly, and by the authority of the same, that our Senators and Representatives in the Congress of the United States, press upon the attention of the General Government the subject matter of the preceding memorial; and

Be it further Resolved, that His Excellency the Governor transmit to our delegation in Congress the preceding memorial and resolution.

The Senate took up the report, which being read, was agreed to.

Mr. Lanier from the committee on the state of the Republic, reported as follows:

The committee on the state of the Re

public to whom was referred so much of the communication of His Excellency the Governor as relates to the establishment of a Penitentiary, take leave to submit the following Report :

Whilst the committee view the just proportion between crimes and their punishment as among the most important features of a free government, & whilst they believe that the condition of those unfortunate misguided citizens, who may at any time violate the laws of society, might be ameliorated by the revision of our penal code, and the establishment of a Penitentiary ; It is with deep regret they are constrained reluctantly to say, that from examination of the treasury's abstracts, and from a prospective view of the resources of the state, they are of opinion, that for want of funds it is inexpedient at this time to commence the building of a Penitentiary, and the consequent revision of our penal code—which was read & ordered to lie on the table.

The Senate took up the report of the committee on petitions, so far as related to the report on the petition of Robins Andrews, and amended the same to the following words, to wit ;

“ On the petition of Robins Andrews, your committee having when this case turns, made by into consideration, are of opinion, that the prayer of the petitioner is just, and recommend that he be conveyed in the original lines of said Lot No. 116, in the 7th District formerly Baldwin county, as expressed by said petition, so far as respects any title which the state may have therein ; and

Resolved also, that nothing here contained shall operate to defeat the claim of any other individual for the land aforesaid ; which was agreed to.

The Senate then adjourned till to-morrow morning 10 o'clock.

MONDAY, 20th November, 1809.

Mr. Hardee agreeably to notice moved for the appointment of a committee to prepare and report a bill, to prevent persons from unlawfully driving cattle out of this state.

Ordered, That Messrs. Hardee, Harlan, and Jackson, be that committee.

Mr. Hardee from the committee appointed, on the petition of Peter Menard, reported a bill, to authorise a lottery for raising one thousand dollars, to be appropriated for the purpose of relieving a distressed family—which was read and read the 1st time.

Mr. Owens presented a petition from a number of the inhabitants of Milledgeville, which was read and referred to a special committee, consisting of Messrs. Owens, Talbot, and Barnett.

On motion of Mr. Lanier, Resolved, That Mr. Owens be appointed to that committee, to prepare and report a bill to amend and continue in force an act, to point out the mode of rendering void grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draw in the late land lotteries in this state.

Mr. Fark presented a letter from General John Scott, which being read, was referred to the same committee appointed to contract for building a dwelling house, and other out houses suitable for the Governor to reside in.

The Senate resolved itself into a committee of the whole, on the bill to be enacted an act, to alter the time of holding

the Superior courts in the several circuits of this state—Mr. Lanier in the chair—Mr. President resumed the chair, and Mr. Lanier reported, that they had gone through the said bill with amendments.

Ordered, That the said report do lie on the table.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution appointing Joseph Hill Clark, a Notary Public for the City of Savannah—And

They have passed the following bills, viz.

A bill to authorise James Smith to collect taxes due in Camden county for 1802.

A bill for the relief of Thomas B. Sample, and Aaron Springfield.

A bill to incorporate Mount Enon Academy.

A bill to repeal an act, for inflicting penalties on certain persons therein named, so far as respects the banishment of Stephen Corker.

A bill for the better regulation of the town of Clinton in the county of Jones.

A bill to amend an act, to regulate the weighing cotton, and other commodities in this state.

A bill to amend the 26th section of the Judiciary law of this state.

A bill for the better regulating fences on Harris's neck, in McIntosh county.

A bill to amend an act, to incorporate Augusta, and to improve the public roads leading thereto.

A bill to establish the site of the public buildings in the county of Laurens.

A bill to alter the name of Rebecca Barnett, to that of Rebecca Turner.

A bill to alter that part of the second section of the Judiciary, passed 16th February 1799, so far as respects the time of holding the Inferior court in the county of Warren—And

A bill to amend the 3d section of an act, to establish the town of Wrightsborough, in the county of Columbia, passed the 16th February, 1799.

And he withdrew.

Ordered, That the said message do lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, supplemental to the Judiciary law now in force, and to establish an uniform practice in the proceedings of the Superior and Inferior courts—Mr. Talbot in the chair—Mr. President resumed the chair, and Mr. Talbot reported progress, and asked leave to set again.

The Senate took up the report, which being read, was agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend an act, entitled an act, to alleviate the condition of debtors, passed the 21st day of December, 1808, Mr. Barnett in the chair—Mr. President resumed the chair, and Mr. Barnett reported, that they had gone thro' the same with amendments.

Ordered that the said report do lie on the table.

On motion of Mr. Runnells,

Resolved, That the Comptroller General be, and he is hereby directed to lay before this House, a statement of the claims, (together with the documents) of the citizens of this state, against the Creek nation of Indians, agreeably to an act passed the 10th day of December, 1807, for that purpose.

Mr. Hardee presented a petition from the Justice of the Peace Duvall, which being read, was referred to a special committee, consisting of Messrs. Hinkle, Davies (of Chatham), and Scruggs.

Mr. Foster from the special committee to whom was referred the petition of Elizabeth Jones, reported, which was read and ordered to lie on the table.

Mr. Davies (of Chatham) presented a petition from the officers of the Cavalry of the counties of Chatham, Liberty, Camden, Scriven, and Hingham, which was read and referred to the committee appointed to take into consideration the petition of the Middle Division of Cavalry

The Senate took up the message from the House of Representatives to day, and concurred in the resolution appointing Joseph Hill Clarke a Notary Public for the City of Savannah, with the following amendment.... strike out "City of Savannah" and insert, county of Chatham—and the bills contained in said message were severally read the 1st time.

Mr. Foster from the committee appointed, reported a bill, to define more particularly the jurisdiction of the courts of Ordinary, and Inferior courts of this state— which was received and read the first time.

Mr. Hinkle from the committee appointed, reported a bill to prevent the unlawful driving cattle out of the limits of this state, which was received and read the first time.

The Senate then adjourned till tomorrow morning 10 o'clock.

**TUESDAY** 21st November, 1809.

On motion of Mr. Brown,

Resolved, That Josepa Lam, be and

Mr. Jackson presented a petition from Bratton McCullers, which being read was referred to a special committee, consisting of Messrs. Jackson, Brown, and Hart, to report by bill or otherwise.

Mr. Howell agreeably to notice, introduced a bill to authorise the Justices of the Inferior court of Wayne, together with the clerk and sheriff, to draw grand and petit jurors for the next term of said court, which was received and read the first time.

Mr. Lanier from the committee on the state of the republic, reported, which was read and ordered to lie on the table.

Mr. Davies (of Chatham) from the special committee appointed, reported on the petition of Griffin L. Lampkin— which was read and ordered to lie on the table.

Mr. Owens from the committee appointed, reported a bill, to be entitled an act, to authorise the Superior and Inferior courts, and courts of Ordinary of Baldwin county, to be held in the State-house for two years, which was received and read the 1st time.

Mr. Davies (of Chatham) presented a petition from Samuel Boyd, which being read, was referred to a special committee, consisting of Messrs. Davies (of Chatham), Spalding, and Hammond.

Mr. Foster called up the report of the committee on the petition of Eliza Jones, which is in the words following, to wit:

The committee to whom was referred the petition of Elizabeth Jones, report, that they have examined the vouchers accompanying the same, wherein it appears that George Watson, in the year

83, purchased of the commissioners of this state as required by the Constitution—Mr. Moore in the chair—  
 confiscated property, a certain tract of land, containing one hundred acres on Savannah river, at the mouth of Red's mill creek, near the town of Augusta (now in the county of Columbia), which said tract of land was sold as the property of Lacklan McGilvery; & whereas the said George Walton on the ninth day of March, 1787, did transfer his right to James Stallings, who did on the second day of January 1792, transfer his right to Thomas Jones, and the said George Walton did draw an order in favor of the said Thomas Jones on the commissioners of confiscated property, requiring them to convey the said tract of land to the said Thomas Jones, (who has since deceased); and whereas also, it appears that James Stallings has paid and discharged the purchase money for the said land, and it appears that no deed of conveyance has as yet been made, recommend the following resolution:

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That the present Commissioners of confiscated property, or a majority of them, do make and execute titles for said land, to the heirs of Thomas Jones dec'd, to wit, Susannah, Thomas, Penelope, Joseph, Elizabeth, Mary, Barbary, Tabitha, and Samuel Jones, the children of said Jones, provided, that nothing herein contained shall be so construed as to bar Elizabeth Jones, the widow of the said Thomas Jones, from her right of dower to the said tract of land—and the same being read was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to provide for taking the

Mr. President resumed the chair, and Moore reported, that they had gone through the same with an amendment. The Senate took up the report, which being read, was agreed to. Whereupon the said bill was read the third time and passed under the title thereof.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to attach a part of Liberty county to the county of Tattnall....Mr. Barnett in the chair....Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same with amendments.

The Senate took up the report, which being read, was agreed to. Whereupon the said bill was read the 3d time and passed, under the title thereof.

On motion,  
 Mr. Carter had leave of absence 'till to-morrow.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act to amend an act entitled an act pointing out the duty of Sheriffs in selling lands under execution—Mr. Park in the Chair—Mr. President resumed the Chair, and Mr. Park reported, that they had gone through the same with amendments.

The Senate took up the report, which was read and agreed to, by amending the caption of said bill to read as follows:

A bill to be entitled an act to amend and continue in force an act entitled an act pointing out the duty of Sheriffs in selling lands under execution.

Whereupon the said bill was read the

3d time and passed under the foregoing title.

The bill to be entitled an act to alter and amend an act regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glenn, Camden and Wayne, passed the 8th day of December, 1806, so far as respects the county of Camden, was taken up, read the 3d time and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend an act, entitled an act for the more effectually securing the probate of wills, limiting the time for executors to qualify & widows to make their election.... Mr. Moore in the chair.... Mr. President resumed the chair & Mr. Moore reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments were agreed to.

Ordered, that the said bill do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend an act entitled an act to authorise the justices of the Inferior Court of this state to discharge insolvent debtors confined by process from any court of this state.... Mr. Powell in the chair.... Mr. President resumed the chair, and Mr. Powell reported, that they had gone through the same with amendments.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to be en-

...titled an act to carry into effect the 2d clause of the first section of the 4th article of the constitution of this state.... Mr. Barnett in the chair.... Mr. President resumed the chair, and Mr. Barnett reported, that the further consideration of said bill be postponed until June next.

The Senate took up the report, which was read and agreed to.

Mr. Spalding notifies the Senate, that he will on tomorrow move for leave to introduce a bill to amend the several acts for the limitation of actions and avoiding suits at law.

Mr. Walker presented a petition from William Garrett and Leroy Hammond, which was read and referred to a special committee, consisting of Messrs. Walker, Foster and Kimson.

Mr. Walker presented a petition from a number of the inhabitants of Burke county, which was read and referred to a special committee, consisting of Mess. Walker, Davies (of Burke) and Lanier.

Mr. Walker from the committee to whom was referred the petition of sundry Volunteer companies, reported, which was read, and ordered to lie on the table.

The Senate adjourned 'till to-morrow morning 10 o'clock.

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WEDNESDAY, 22d November, 1809.

Mr. Hardin from the committee appointed, reported a bill to amend the tax acts now in force, so far as respects the counties of Fannall, Bullock, and Montgomery, which was received and read the 1st time.

Mr. Walker from the committee appointed on the petition of sundry inhabitants of Burke county, reported a bill, to add a part of Burke to Richmond

county, which was received and read the execution.  
1st time.

Mr. Owens from the committee appointed, reported a bill, to exonerate retailers of spirituous liquors within the town of Milledgeville from paying for county license—which was received and read the 1st time.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to alter & amend the fourth & fifth sections of the third article of the constitution of this state—Mr. Walker in the chair—Mr. President resumed the chair, & Mr. Walker reported, that they had gone through the same with amendments.

The Senate took up the report, which being read, was ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend the 31st section of the Judiciary law of this state, Mr. Owens in the chair—Mr. President resumed the chair, and Mr. Owens reported progress, and asked leave to set again.

The Senate took up the report, which was read and agreed to.

The Senate took up the report of the committee of the whole, on the bill to be entitled an act, to amend an act, entitled an act, to alleviate the condition of debtors—passed the 21st day of December 1808, which being read, Mr. Scruggs moved that the whole of the report be stricken out from the caption, and insert the following;

“ Whereas from the peculiar situation of our public affairs at this time, some provision should be made, whereby to prevent the sacrifice of property under

*Be it therefore enacted by the Senate and House of Representatives in General Assembly met, and by the authority of the same,* That it shall be the duty of the sheriffs in the several counties to call upon and select three respectable freeholders, who being duly sworn, shall declare the fair and reasonable value of the property about to be sold, having due regard to the date of the contract in judgment, for the nominal value of the property exhibited to them for valuation; and unless said property shall sell for two thirds of the appraised value thereof, the same shall not be sold; and when the execution shall issue from a justices' court, it shall be the duty of the justice to appoint the appraisers as aforesaid.

*And be it further enacted,* That when the levied property shall not be sold for want of bidders as aforesaid, it shall be the duty of the sheriff or constable, as the case may be, to return the same to the defendant, on his paying the cost, and giving bond with two freeholders of the county, in double the amount of the Execution, conditioned to produce the property at the place of public sales, on the lawful sale day thereof, as the case may be, on the plaintiff, agent, or attorney, giving sixty days notice thereof, & on failure thereof, the plaintiff may take an assignment of said bond, and sue the principal and securities for the amount therein contained.

*And be it further enacted,* That in case the defendant fails to give security as aforesaid, the levied property shall be sold on the next sale day thereafter for what it will bring, and the money to be paid over to the execution, as the law directs.

And be it further enacted, That the persons indebted to the State for the purchase of fractional surveys in the late ceded territory, shall not be compelled to pay over to the state, more than one third of their bonds that have, or may respectively become due, before the 25th of December, 1810; any thing to the contrary notwithstanding."

And on the question to agree to the said amendment, it was determined in the negative, & the Yeas and Nays being required, are Yeas 7—Nays 26.

Those who voted in the affirmative are, Messrs. Barnett, Henderson, Jackson, Park, Powell, Scruggs, and Stewart.

Those who voted in the negative, are Messrs. Brown, Carter, Davies (of Burke), Davis (of Walton), Davies (of Chatham), Foster, Hammond, Hardee, Hardin, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Pray, Reed, Rimson, Runnells, Spalding, Spivey, Talbot, Walker, Watts (of Washington), Watts (of Telfair) and Williams.

Mr. Walker then moved, that the words "one third" be stricken out in the 2d section, and the words "one half" be inserted, and on the question to agree to the same, it was determined in the negative, and the Yeas and Nays being required, are Yeas 12—Nays 21.

Those who voted in the affirmative are Messrs. Davies (of Burke), Davies (of Chatham) Hardin, Hurt, Owens, Park, Powell, Scruggs, Stewart, Talbot, Walker, and Watts (of Washington.)

Those who voted in the negative, are Messrs. Barnett, Brown, Carter, Davis (of Walton), Foster, Hammond, Hardee, Henderson, Jackson, Lanier, Little, M'Lendon, Moore, Pray, Reed,

Rimson, Runnells, Spalding, Spivey, Watts (of Telfair) and Williams.

Mr. Davies (of Chatham) then moved that the following words in the second section be stricken out, to wit: "And all the property of the security shall be bound for the balance of the judgment," and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 19—Nays 14.

Those who voted in the affirmative are, Messrs. Barnett, Carter, Davis, (of Chatham) Foster, Hammond, Hardie, Jackson, Lanier, M'Lendon, Moore, Powell, Pray, Reed, Rimson, Spalding, Spivey, Watts, (of Washington) Watts, (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Brown, Davies, (of Burke) Davis, (of Walton) Hardin, Henderson, Hurt, Little, Owens, Park, Runnells, Scruggs, Stewart, Talbot and Walker.

Whereupon the said bill was read the third time, and on the question, "shall this bill now pass as amended," it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 22, and Nays 11.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Carter, Davis, (of Walton) Foster, Hardee, Henderson, Jackson, Lanier, Little, M'Lendon, Moore, Powell, Pray, Reed, Rimson, Runnells, Spalding, Spivey, Watts, (of Washington) Watts, (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Davies, (of Burke) Davies (of Chatham) Hammond, Hardin, Hurt, Owens, Park, Scruggs, Stewart, Talbot, and Walker.

The Senate took up the bill to be en-



titled an act to give further time to the Inferior court of Elbert county, to let the building of the Jail thereof, which was read the third time and passed under the title thereof.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to continue in force an act passed on the 22nd day of December, 1808 giving further time to the fortunate drawers in the late land Lottery to take out their Grants. Mr. Barnett in the chair, Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same with an amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, and on the question, "shall this bill now pass," it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 27, Nays 4.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Carter, Davies, (of Burke) Davies, (of Chatham) Foster, Hammond, Hardee, Hurt, Jackson, Lanier, Little, McLendon, Moore, Owens, Park, Reed, Runnels, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts, (of Washington) Watts, (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Hardin, Henderson, Howell and Rimson.

Mr. Davies, (of Chatham) from the committee appointed, reported on the Petition of Samuel Boyd, which was read and ordered to lie on the table.

Mr. Walker presented a Petition from Jesse Sanford, which was read and referred to a special committee, consisting of Messrs. Walker, Park, & Hammon.

Mr. Walker from the committee appointed to take into consideration the petition of William Garrett and Leroy Hammond, reported a bill to be entitled an act to authorise William Garrett, and Leroy Hammond, & Walter Leigh and Edward Rowell to erect a toll bridge at the places therein mentioned.

Which was received & read the first time.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the following resolutions from Senate.

A resolution appointing Frederick H. Lisenhoff, Lumber Measurer for the port of Savannah.

A resolution appointing Turner Persons a Justice of the Inferior court of Warren county.

A resolution appointing Arthur Lott, Sen. of Tatnall county, and Joseph Collins of Montgomery county, Commissioners to mark the dividing lines between said counties. And

A resolution appointing Thursday next for the election of a Senator in Congress, in the place of the hon. John Milledge, resigned, and a Treasurer, Comptroller General, Secretary of State, and Surveyor General, with the following amendment—Strike out "a Senator in Congress, in the place of the honorable John Milledge resigned;" and

They have passed the following resolutions.

A resolution on the petition of John Selman Tax Collector of the county of Clark.

A resolution appointing Abraham Bessent a Notary Public for the county of Camden—and

A resolution appointing a committee on their part to join such as may be appointed by Senate, to present to his Excellency the Governor, the joint address of both branches of the Legislature for the removal of Reuben Lindsay as a Justice of the Peace for the county of Elbert—and

They have passed the following bills.

A bill to enable the Commissioners of the Camden county Academy to ascertain and collect the amount of funds, belonging to said institution.

A bill to alter and change the names of certain persons therein mentioned.

A bill to authorise the Trustees of the Richmond Academy, to convey a Lot to the Baptist Society, and to lay off another range of Lots in the city of Augusta. And

A bill to carry into effect the 1st section of an act respecting bastardy and other immoralities, and the more fully to empower the Inferior courts of the several counties in this state to provide for the maintenance of bastard children.

Ordered, that the said Message do lie on the table.

The Senate then adjourned 'till 10 o'clock to-morrow morning.

**THURSDAY**, 23d November, 1809.

The Senate took up the message of yesterday from the House of Representatives, and agreed to the amendment made by the House of Representatives to the resolution appointing this day at 12 o'clock for Elections.

They concurred in the resolution appointing Abraham Bessent a Notary Public for the county of Camden—and

In the resolution appointing a joint

committee to present to his Excellency the Governor, the address of both branches of the Legislature, for the removal of Reuben Lindsay, as a Justice of the Peace for the county of Elbert, and added a committee on their part consisting of Messrs. Barnett, Davies (of Burke), and Moore—and the said bills contained therein, were severally read the first time.

Ordered, that the remainder of said message do lie on the table.

Mr. Moore from the committee on Finance, reported, which was read and ordered to lie on the table.

The Senate took up the report of the committee of the whole, on the bill to be entitled an act, to amend an act, for the more effectually securing the Probate of Wills, limiting the time for Executors to qualify, and Widows to make their election, which was read and agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

Mr. Lanier from the committee on the state of the republic, reported on the memorial of Zachariah Sims, which was read and ordered to lie on the table.

Mr. Watts (of Telfair) from the committee appointed, reported a bill, to authorise Sherwood M'Call to erect a bridge across the river Great Ogeechee, which was received and read the first time.

Mr. Lanier from the committee appointed, reported a bill, to amend and continue in force an act, to point out the mode of rendering void, all grants and other proceedings founded on false and fraudulent returns, made by persons not entitled to draws in the late land lottery, which was received and read the 1st time.

<p>The following bills were severally taken up and read the second time.</p> <p>A bill to quiet the claim of Sylvanus Church, to a tract of land in Camden county.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to define more particularly the jurisdiction of the Courts of Ordinary and Inferior courts.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to authorise the Superior and Inferior courts, and courts of Ordinary of Baldwin county to be held in the State-house in Milledgeville, for the term of two years.</p> <p>Ordered for a committee in June next.</p> <p>A bill to authorise a lottery for the purpose of raising one thousand dollars for the relief of a distressed family.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to authorise the Inferior court of Wayne county, with the clerk and sheriff to draw grand and petit jurors for said court.</p> <p>Ordered for a third reading. And</p> <p>A bill to prevent the unlawful driving of cattle out of the limits of this state.</p> <p>Ordered for a committee of the whole.</p> <p>The following bills from the House of Representatives, were severally taken up and read the 2d time, to wit :</p> <p>A bill to amend the third section of an act, to establish the town of Wrightsborough in Columbia county.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to alter the name of Rebecca Burnett, to that of Rebecca Turner, and the name of Bartlett King, to that Bartlett M'Creary.</p> <p>Ordered for committee of the whole.</p> <p>A bill to establish the site of the public buildings in the county of Laurens.</p>	<p>Ordered for a third reading.</p> <p>A bill to repeal an act, to compensate the justices of the Inferior courts of this state.</p> <p>Ordered to lie on the table.</p> <p>A bill to alter the 2d section of the Judiciary of this state.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to amend an act, to incorporate Augusta, and to improve the public roads leading thereto.</p> <p>Ordered for a third reading.</p> <p>A bill for the better regulating fences on Harris's neck in M'Intosh county.</p> <p>Ordered for 3d reading.</p> <p>A bill to amend an act for the weighing Cotton and other commodities in this state.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to amend the 26th section of the Judiciary law of this state.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to repeal an act for inflicting penalties on certain persons therein named so far as respects the banishment of Stephen Corker.</p> <p>Ordered for a committee of the whole.</p> <p>A bill to regulate the town of Clinton in the county of Jones.</p> <p>Ordered for 3d reading.</p> <p>A bill to incorporate Mount Enon Academy.</p> <p>Ordered for a committee of the whole.</p> <p>A bill for the relief of Thomas B. Sample and Aaron Springfield.</p> <p>Ordered for a committee of the whole.</p> <p>On motion of <i>Mr.</i> Hammond,</p> <p>Resolved that the Treasurer and Comptroller General, be, and they are hereby required, without delay, to lay before this Legislature a statement of all returns of Receivers Books or Collectors Bonds which may have been made</p>
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by the Justices of the Inferior courts of the several counties pointed out as in default for such returns, by a report of the committee of Finance of the last Legislature since that time.

A message from his Excellency the Governor, by Mr. Bozeman his secretary.

Mr. President,

His Excellency the Governor has assented to and signed a joint resolution of this day for the election of Treasurer, Comptroller General, Secretary of State and Surveyor General, and has directed me to notify the same to this House, it being the branch in which it originated—and he withdrew.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed by the House of Representatives to inform the Senate, that they are now in readiness to receive them in the Representative Chamber, for the purpose of proceeding to the election of Treasurer, Comptroller General, Secretary of State, and Surveyor General, agreeably to a concurred and approved resolution, and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to the choice of said officers, and on counting out the votes, it appeared that George R. Clayton was duly elected Treasurer, James Bozeman, Comptroller General, Horatio Marbury, Secretary of State, and Edmund B. Jenkins, Surveyor General.

The Senate then repaired to their Chamber, and took their seats.

The Senate then adjourned 'till to-morrow morning 10 o'clock.

FRIDAY, November 24th, 1809.

Mr. Runnells presented a memorial from John Bradley, which being read was referred to a special committee consisting of Messrs. Runnells, Barnett and Reed, with power to report by bill or otherwise.

Mr. Carter presented a petition from a number of the inhabitants of Jones county, which being read, was referred to a special committee, consisting of Messrs. Carter, M'Lendon and Jackson.

Mr. M'Lendon presented a petition from a number of the inhabitants of Jones county, which being read, was referred to a special committee, consisting of Messrs. Carter, M'Lendon, and Jackson.

Mr. Spalding presented a petition from Henry Putnam, which being read, was referred to the committee on the state of the republic.

Mr. Barnett moved the following resolution, to wit:

“Resolved that no new business be received in Senate after to-morrow”—which was received and ordered to lie on the table.

Mr. Spalding agreeably to notice introduced a bill to amend an act, to revive and continue in force an act, for the limitation of actions, and avoiding suits in law—which was received and read the 1st time.

Mr. Davies (of Chatham) moved the following resolution.

“Resolved, That the commissioners of confiscated estates be and they are hereby required to postpone the sale of property by them advertised to be had on the —— day of January next, until the third Monday of November 1810.”

which was read and ordered to lie on the table.

able.

The Senate took up the resolution from the House of Representatives on the petition of John Selman, Tax Collector of Clarke county, for the year 1808, which being read was ordered to lie on the table.

Mr. Moore laid before the Senate, an address from the President of the University, containing a statement of the funds of said University, which was read, and ordered to lie on the table.

The Senate again took up the resolution from the House of Representatives, on the petition of John Selman, Tax Collector of Clarke county, for the year 1808, which being read, on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 29—Nays 5.

Those who voted in the affirmative are, Messrs. Brown, Carter, Davies (of Burke) Davies (of Chatham), Davis, (of Walton) Hardee, Henderson, Hogan, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Park, Powell, Pray, Reed, Rimson, Runnells, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts, (of Washington) Watts, (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Barnett, Foster, Hammond, Hardin, and Jackson.

On motion of Mr. Walker,

Resolved, That both branches of the General Assembly will convene in the Representative Chamber on Monday next, at one o'clock, for the purpose of electing a Senator for this State, to the Congress of the United States, in the place of the hon. John Milledge, resign-

Mr. Jackson from the committee appointed, reported a bill to amend an act, to alter and amend an act, to establish tobacco inspectors at the several places herein-after mentioned, and for improving the navigation of Broad and Oconee river, so far as respects the navigation of the Oconee river, which was received and read the 1st time.

Mr. Hogan agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to authorise the Justices of the Inferior courts of Pulaski and Laurens counties, to levy and collect an extra tax, for the purpose of defraying the expences of running the dividing line between said counties.

Ordered, That Messrs. Hogan, Spivey, and Watts (of Telfair) be that committee.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to alter the time of the meeting of the General Assembly of this state, and to repeal the second section of an act, entitled an act, to regulate the General Elections of this state, and to appoint the time of the meeting of the General Assembly,—passed the 11th February 1799—Mr. Talbot in the chair—Mr. President resumed the chair, and Mr. Talbot reported progress, and beg'd leave to set again.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to alter the time of holding the Superior courts in the several circuits in this state—Mr. Spalding in the chair—Mr. President resumed the

chair, and Mr. Spalding reported that they had gone through the same with an amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate again resolved itself into a committee of the whole, on the bill to be entitled, an act to amend the 31st section of the Judiciary of this state—

Mr. Pray in the chair—Mr. President resumed the chair, and Mr. Pray reported the further consideration of said bill to be postponed 'till June next.

The Senate took up the report, which was read and agreed to—and the Yeas and Nays being required, are, Ayes 23—Nays 11.

Those who voted in the affirmative are, Messrs. Carter, Davies, (of Burke) Davies, (of Chatham) Davis (of Walton) Foster, Hammond, Hardin, Hogan, Hurt, Jackson, Little, Park, Pray, Reed, Rimson, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts, (of Washington) and Watts, (of Telfair).

Those who voted in the negative are, Messrs. Barnett, Brown, Hardee, Henderson, Lanier, M'Lendon, Moore, Owens, Powell, Runnels, and Williams.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act supplemental to the Judiciary law now in force, and to establish a uniform practice in the courts of this state—Mr. Barnett in the chair—Mr. President resumed the chair, and Mr. Barnett reported, that the bill be recommended to a select committee.

The Senate took up the report, which being read, was agreed to.

Ordered, That Messrs. Park, Walker, Spalding, Barnett, and Davies (of Chatham), be that committee.

The Senate resolved itself into committee of the whole, on the bill to be entitled an act, to incorporate the commissioners of the Effingham county Academy—Mr. Powell in the chair—Mr. President resumed the chair, and Mr. Powell reported, that they had gone through the same, and made no amendment.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole, on the bill to incorporate Mount Enon Academy—Mr. Hogan in the chair, Mr. President resumed the chair, and Mr. Hogan reported, that they had gone through the bill without any amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, and on the question "shall this bill now pass?" it was determined in the negative, and the Yeas and Nays being required, are, Yeas 14—Nays 17.

Those who voted in the affirmative are Messrs. Brown, (Davies of Burke) Davies (of Chatham) Davis (of Walton) Foster, Hogan, Little, M'Lendon, Spalding, Spivey, Stewart, Talbot, Walker and Watts (of Telfair.)

Those who voted in the negative, are Messrs. Barnett, Carter, Hammond, Hardin, Henderson, Hurt, Lanier, Moore, Owens, Park, Powell, Pray, Reed, Rimson, Runnels, Watts [of Washington], and Williams.

The Senate adjourned 'till to-morrow morning 10 o'clock.

**SATURDAY**, 25th November, 1809.

On motion of Mr. Foster,

The Senate re-considered the Journals of yesterday so far as respects the passage of the bill to incorporate the Mount Enon Academy—ordered, that said bill lie on the table.

Mr. Lanier notified the Senate, that he will on Monday next move for leave to introduce a bill to be entitled, an act to amend an act entitled an act to dispose of the fractional parts of surveys of Land set apart for the redemption of the public debt had in the first Land Lottery.

Mr. Park agreeably to notice introduced a bill to be entitled an act to amend an act, to appropriate the funds heretofore set apart for the redemption of the public debt, which was received & read 1st time.

Mr. Davies (of Burke) agreeably to notice, introduced a bill to be entitled an act to alter and amend an act entitled, an act to regulate and keep in repair the public roads, causeways and bridges in the counties of Burke, Jefferson, Richmond, Green and Morgan, so far as respects the counties of Burke, Jefferson and Richmond, Reported said bill, which was read the 1st time.

Mr. Runnels from the committee to whom was referred the petition of John Bradley, reported a bill to be entitled an act to afford relief to John Bradley, which was received and read first time.

Mr. Owens notified the Senate, that he will on Monday next move for a committee to be appointed, to prepare and report a bill to authorize the Inferior Court of Baldwin county to levy a county tax, and an extra tax for building a court-house and jail in said county.

Mr. Hammond agreeably to notice, reported a bill to be entitled, an act explanatory of the 13th section of an act, to dispose of and distribute the late cession of Land obtained from the Creek Nation by the United States, in a treaty concluded at the City of Washington on the 14th day of November, 1805, which was received and read the first time.

Mr. Owens presented a petition from Jesse Ellis, which was read and referred to the committee on Finance.

The Senate took up that part of the report of the committee, to whom was referred the petition of several Volunteer Companies of this state, praying to be furnished with Ordnance, arms, &c. in the words following:

“That the prayer of the petitioners ought to be granted—and whilst with pleasure they view in different parts of the state Volunteer Companies organizing themselves with an emulous patriotic zeal for their country’s service, it is with regret they are constrained to say that their zeal has not been met by a correspondent conduct on the part of the government. In many parts of the state the Volunteer Companies have no arms, but those furnished by themselves—They therefore recommend the following resolution.

That his Excellency the Governor be requested upon application to him made for that purpose, to give an order to the person having the care of the arms belonging to this state, directing him to deliver to the officer commanding the Augusta Volunteer Artillery, 30 stand of Arms and 30 cartouch boxes. To the officer commanding the Augusta Rangers, 64 stand of arms and 64 cartouch boxes. To the officer commanding the

Augusta Volunteer Blues, 64 stand of arms and 64 cartouch boxes, and the same being read, on the question, was determined in the negative, and the Yeas & Nays being required, are, Yeas 5—Nays 26.

Those who voted in the affirmative, are Messrs. Davies (of Burke) Hammond, Powell, Stewart, and Walker.

Those who voted in the negative, are Messrs. Barnett, Brown, Carter, Davis [of Walton], Foster, Hardee, Hardin, Henderson, Hogan, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Park, Pray, Reed, Rimson, Runnels, Scruggs, Spalding, Talbot, Watts (of Washington), Watts [of Telfair], and Williams.

The Senate took up the remainder of the report, which was amended to read as follows:

Resolved, That His Excellency the Governor be also requested to have purchased, out of the contingent fund, two pieces of Brass Ordnance, of three pounds Calabre. The one for the use of the Artillery of Jefferson county, and the other for the use of the Artillery company of Richmond county. And

Resolved also, that his Excellency the Governor be requested, upon application to him made, for that purpose, to purchase a similar piece of Ordnance for every company which shall be organized in this state.

In each and every case, the officer receiving the Ordnance to be held responsible that proper care shall be taken of them, and that they shall be returned to the state when called for.

On the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 15...Nays 15.

Those who voted in the affirmative are Messrs. Davies (of Burke), Hammond, Hardee, Hogan, Lanier, Moore, Park, Powell, Pray, Rimson, Spalding, Stewart, Talbot, Walker, and Williams.

Those who voted in the negative, are Messrs. Barnett, Brown, Carter, Foster, Hardin, Henderson, Hurt, Little, M'Lendon, Owens, Reed, Runnels, Scruggs, Watts [of Washington] and Watts (of Telfair.)

There being an equal number, the President decided in favor of the report as amended.

The Senate took up the report of the committee on the state of the republic, on the three following resolutions, viz:

Resolved, that the alteration proposed to the constitution of the United States by a resolution of the General Assembly of the State of Virginia, passed the 13th day of January, 1808, in the following words: "That the Senators in the Congress of the United States, may be removed from office by the vote of a majority of the whole number of the members of the respective State Legislatures by which the said Senators have been or may be appointed," Be, and the same is hereby disapproved by the Legislature of this state, and that the Senators and Representatives in Congress from this state in the Congress of the United States be requested to oppose the said alteration.

Resolved, that his Excellency the Governor be requested to transmit a copy of the foregoing Resolution to each of the Senators and Representatives in Congress from this state, and to the Executive of each state.

Resolved, that the alteration proposed to the constitution of the United States,



a resolution of the state of Massachusetts, passed the 20th June, 1809, and approved by the Governor, in the words following :

“Resolved, That the Senators of the Commonwealth, in the Congress of the United States be instructed, and the representatives thereof requested to use their best endeavors to cause the following article to be proposed by the two Houses of Congress to the legislatures of the several states, as an amendment to the Constitution of the United States ;

“No law shall be enacted for laying an Embargo, or for prohibiting commerce for a longer period than until the expiration of thirty days from the commencement of the session of Congress next succeeding that session, in which such law shall have been enacted,” Be it enacted by the Legislature of this State, and that the Senators and Representatives in Congress from this state, be requested to oppose the said alteration.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress, and to the Executive of each state.

Resolved, That the amendment proposed to the Constitution of the United States, by a resolution of the General Assembly of Pennsylvania, and approved by the Governor of that State, the 3d day of April, 1809, in the words following :

“Resolved, that our Senators in Congress be instructed, and our Representatives requested to use their influence to procure an amendment to the

Constitution of the United States, that an impartial tribunal may be established to determine disputes between the General and State Governments; and that they be further instructed to use their endeavours, that in the mean while such arrangements may be made between the Government of the Union, and of this state as will put an end to existing difficulties.”

Be and the same is hereby disapproved by the Legislature of this State, and that the Senators and Representatives in the Congress of the United States from this state, be requested to oppose the said alteration.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing Resolution to each of the Senators and Representatives in Congress from this state, and to the Executive of each state.

Which being severally read,  
Resolved, that the 2d and 3d resolutions be agreed to, and the 1st to lie on the table.

They also took up a further report of the committee on the state of the republic, relative to the establishment of a Penitentiary, and the same being read, was agreed to, and is as follows :

The committee on the state of the republic to whom was referred so much of the communication of his Excellency the Governor, as relates to the establishment of a Penitentiary, take leave to submit the following report.

Whilst the committee view the just proportion between crimes and their punishment, as among the most important features of a free government ; and whilst they believe that the condition of those unfortunate misguided citizens

who may at any time violate the laws of state, they are of opinion, that for want of funds, it is inexpedient at this time to commence the building of a Penitentiary. It is with deep regret they are constrained reluctantly to say, that from an examination of the Treasurer's abstract, and from a prospective view of the resources of the state, they are of opinion, that for want of funds, it is inexpedient at this time to commence the building of a Penitentiary, and the consequent revision of our Penal Code.

The report of the Committee on Finance was also taken up, read & agreed to, and is as follows :

The committee on Finance report, that they have carefully examined the state of the Treasury, and with satisfaction announce, that they find the books and accounts of the department to have been fairly, neatly, and correctly kept; they have compared the Treasurer's abstract with the Comptroller General's statement, and find them to agree, except in two small items, in which the Treasurer's books and abstract account for the receipt, in the political year 1809, of nine dollars ten cents, more than has been charged to him by the Comptroller General. They have examined all the items contained in the abstract, and find the same to agree in every particular. They have also examined the Yazoo deposit, and find the different packages as sealed up under the hands of a former committee, to be complete and entire as follows :

Yazoo Deposit—Return Orders taken in by John Berrien,		63,423	87 1-3
Ditto ditto ditto Edwin Mounger,		247,271	26 1-2
Governors Warrants, Packet No. 1. - - - 2098 :	38		
Ditto 2. - - - 3881 :	05		
Ditto 3. - - - 7684 :	53		
Ditto 4. - - - 15,808 :	95 3-4		
		20,473 :	46 3-4
President and Speaker's Warrants, - - - 9031 :	23		
President of Convention's Warrants, - - - 68 :	00		
A joint and approved Resolution, - - - 574 :	50 3-4	59,147	20 1-2
Bank Notes, Packet No. 1, 1 Bill	20,000 :	00	
2, 1 —	5,000 :	00	
3, —	1,298 :	13	
4, 5 Bills of dis. 100 ea.	5,000 :	00	
5 424 of dis. 100 ea.	42,400 :	00	
6 2 of dis. 50 ea.	100 :	00	
7 297 of dis. 50 ea.	8910 :	00	
8 106 of dis. 20 ea.	2120 :	00	
9 261 of dis. 10 ea.	2610 :	00	
10 23 of dis. 5 ea.	115 :	00	
11 2 bills of dis. 100 dis. ?	270 :	00	
1 50 dol. 1 20 dol. 5			





12 9 of dls 100 = dol }  
 30, 12 of dls. 20, 6 of dls. 10 } 1410 : 00

Gold, - - - - - 80,238 : 13  
 Crowns, - - - - - 5250 : 24  
 Dollars, - - - - - 1088 : 40  
 2 : 00

Ticket No. 13, Stock of the United States,

Deficit of John Berrien, former Treasurer,

96,123	77
49,445	50
495,411	61 1-8
4,588	38 2-3
500,000	00

And that they left the sealed Packages belonging to the Yazoo deposit in the same situation in which they found them.

Your committee recommend that this report, with the general Abstract of the Treasurer be entered on the Journals. [For Treasurer's Abstract, see enclosure sheet.]

The report of the committee to whom reference cannot consistently with the fundamental principles of the government in the case of Camden county was read and referred to, and is as follows: of a like nature.

The committee to which was referred the petition of Samuel Boyd of Camden county; Respectfully reported a bill to be entitled an act, to amend the 5th section of an act, to sell & dispose of the fractional parts of surveys as presented by his memorial, and in Baldwin and Wilkinson counties, the acts of confiscation and banishment which was received and read the first time.

principle which operates to prevent the memorialist or any citizen of this state from proceeding against the property of persons named on the said acts of confiscation and banishment, when the same may be found within the jurisdiction of any of the courts of this state; but as the question resulting from the occurrence of circumstances, such as are stated in the said memorial, is not properly cognizable by the judicial department of the government, the committee are of opinion, that the Legislature

Mr. Williams from the committee reported a bill to be entitled an act, to amend the 5th section of an act, to sell & dispose of the fractional parts of surveys as presented by his memorial, and in Baldwin and Wilkinson counties, the acts of confiscation and banishment which was received and read the first time.

Mr. Hogan from the committee reported a bill to authorise the Inferior courts of Laurens and Pulaski counties to levy an extra tax for the purpose of defraying the expenses of running the dividing line between said counties— which was received and read the first time.

The following bills were severally taken up and read the second time, and ordered for committee of the whole.

A bill to amend an act, to revive and continue in force an act, for the limitation

on of actions.

A bill to authorise William Garret and Leroy Hammond, and Walter Leight and Edward Rowell to erect toll bridges at the places therein mentioned.

A bill to amend and continue in force an act, to point out the mode of rendering void all grants and other proceedings founded on false and fraudulent returns.

A bill to authorise Sherwood McCord to erect a toll bridge.

A bill to add a part of Burke to Richmond county.

A bill to amend the tax acts now in force, so far as respects the counties of Tattnall, Bullock, and Montgomery.

A bill to authorise James Smith to collect taxes due in Camden county for the year 1802.

A bill to carry into effect an act, respecting bastardy and other immoralities. And,

A bill to alter and amend an act, to establish Tobacco Inspections at the places therein mentioned, and for improving the navigation of Broad and Oconee rivers, so far as respects the navigation of the Oconee river.

The following bills were severally taken up and read the second time, and ordered for a third reading.

A bill to authorise the Trustees of the Richmond Academy to convey a lot to the Baptist Society, and to lay off another range of lots in the city of Augusta.

A bill to exonerate retailers of spirituous liquors in Milledgeville from paying county license.

A bill to enable the commissioners of the Camden Academy to ascertain and collect the amount of funds of said institution. And,

A bill to alter and change the names of certain persons therein mentioned.

The following bills were severally taken up, read the third time, and passed under their respective titles.

A bill to be entitled an act, to establish the site of the public buildings in the county of Laurens, and to appropriate the monies arising from the sales of lots.

A bill to be entitled an act, to authorise the Justices of the inferior court of the county of Wayne, with the clerk and sheriff of said county to draw grand and petit jurors for the next ensuing term of the Superior court, for said county.

A bill to be entitled an act for the better regulating fences on Harris's neck in the county of M'Intosh.

A bill to be entitled an act, to amend an act, entitled an act, to incorporate Augusta, and improve the public roads leading thereto. And,

A bill to be entitled an act, for the better regulation and government of the town of Clanton in the county of Jones.

The Senate then adjourned until Monday morning 10 o'clock.

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MONDAY, 27th November, 1809.

A message from his Excellency the Governor, by Mr. Bozeman his secretary.

Mr. President,

His Excellency the Governor has approved of a concurred resolution fixing on this day at one o'clock for the election of a Senator from this state, in the Congress of the United States, in the place of the Honorable John Milledge, resigned; and has directed to no

tify this branch of the General Assembly and Hospital Society. And he withdrew thereof, it being the branch in which it originated; and he withdrew.

The Honorable David McCormick, a Senator or elect from the county of Montgomery, attended, produced his credentials, and the usual oath to support the Constitution of this state and that of the United States being administered to him, took his seat.

Mr. Talbot presented a petition from Joseph Anthony, which being read was referred to a special committee, consisting of Messrs. Talbot, Barnett and Little.

A Message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed the following bills:

A bill to amend the Militia Laws of this state, so far as relates to the Cavalry.

A bill for the relief of all ordained Ministers of the Gospel, so far as respects their serving as jurors or doing militia duty.

A bill for the relief of certain wharf-holders in the City of Savannah.

A bill to authorise Zachariah Simms to erect a bridge over the Oconee at his Mills.

A bill more effectually to punish the crime of horse stealing, &c.

A bill to divide the county of Wilkinson, and to form one other new county.

A bill to make permanent the site of the public buildings in Morgan's county.

A bill to alter and amend the 83d section of the Judiciary, passed the 9th of February, 1797; and

A bill to amend and explain an act to incorporate the Savannah Poor-House

and Hospital Society. And he withdrew.

Ordered, that the said message do lie on the table.

Mr. Lanier moved the following resolution:

Resolved, that His Excellency the Governor be requested to point out the place for the erection of a Government House, and to contract with, or appoint one or more persons to contract, as his Excellency may think proper, to carry into effect the building aforesaid. And

Be it further Resolved, that the sum of ——— dollars be appropriated for that purpose; which was read and ordered to lie on the table.

The Senate took up the report of the committee of the whole on the bill to be entitled an act to alter and amend the 4th and 5th sections of the third article of the Constitution of this state; which being read was agreed to.

Whereupon the said bill was read the third time, and on the question "shall this bill now pass," it was determined in the negative, and the yeas and nays being required, are, Yeas 19. Nays 14.

Those who voted in the affirmative are, Messrs. Carter, Davis, (of Walton) Foster, Hammond, Hardee, Hardin, Henderson, Lanier, Little, M'Lendon, McCormick, Powell, Reed, Rimson, Runnels, Spalding, Talbot, Watts, (of Telfair) and Williams.

Those who voted in the negative, are Messrs. Barnett, Brown, Davies (of Burke) Davies (of Chatham), Hogan, Hurt, Moore, Owens, Park, Pray, Spragg, Stewart, Walker, and Watts, (of Washington).

There not being a Constitutional majority, the bill was lost.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for the relief of Thos. B. Sample and Aaron Springfield; Mr. Moore in the chair; Mr. President resumed the chair, and Mr. Moore reported, that they had gone through the bill and made no amendment. Whereupon the bill was read the 3d time, and on the question, "Shall this bill now pass?" it was determined in the affirmative; and the yeas and nays being required, are, Yeas 22. Nays 9.

Those who voted in the affirmative, are, Messrs. Brown, Carter, Davies (of Burke) Hardee, Hardin, Henderson, Hogan, Lanier, McLondon, McCormick, Moore, Park, Pomson, Rannels, Spalding, Scruggs, Stewart, Tabot, Walker, Waits (of Washington), Waus (of Tellico) and Williams.

Those who voted in the negative, are, Messrs. Barnett, Davis (of Chatham), Foster, Hammond, Hart, Little, Owens, Powell and Pray.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to quiet the claim of Sylvanus Church; Mr. Hardin in the chair; Mr. President resumed the chair, and Mr. Hardin reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments being read were agreed to.

Whereupon the said bill was read the 3d time and passed under the title of a bill to quiet the claim of Sylvanus Church to so much of a tract of land lying and being on the Great Satilla in the county of Camden, as has been laid off for the town of Jefferson, the seat of

the public buildings of said county of Camden.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to repeal an act, to compensate the justices of the Inferior court—Mr. Pray in the chair, Mr. President resumed the chair, and Mr. Pray reported, that they had gone through the same with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon the bill was read 3d time, and passed under the title thereof.

Ordered, that Messrs. Owens, Brown, and Carter, be a committee, to prepare & report a bill, empowering the Inferior court of Baldwin county to raise a county and extra tax for the purpose of building a court-house and jail in said county.

The bill for the relief of John Bradley was taken up and read the second time.

Ordered for committee of the whole.

The bill to be entitled an act, to amend an act, entitled an act, to appropriate the funds heretofore set apart for the redemption of the public debt, was read 2d time.

Ordered for committee of the whole.

The bill to be entitled an act, explanatory of the 13th section of an act, to dispose of, and distribute the late cession of land obtained from the Creek Nation, was taken up and read the second time.

Ordered for a committee of the whole.

The bill to be entitled an act, to amend the proviso in the 5th section of an act, entitled an act, to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson, was taken up and read the

second time.

Ordered for committee of the whole.

The bill to be entitled an act, to amend the proviso in the 5th section of an act, entitled an act, to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson, was taken up and read the

second time.

Ordered for committee of the whole.

The bill to be entitled an act, to amend the proviso in the 5th section of an act, entitled an act, to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson, was taken up and read the

second time.

Ordered for committee of the whole.



2d time.

Ordered for committee of the whole.  
The bill to authorize the Justices of the Inferior courts of Laurens and Pulaski counties to levy an extra tax, to defray the expense of running the dividing lines between the said counties, was taken up and read the 2d time.

Ordered for committee of the whole.  
The bill to be entitled an act, to alter and amend an act, entitled an act, to regulate and keep in repair the public roads, causeways, and bridges, in the counties of Burke, Jefferson, Richmond, Greene and Morgan, so far as respects the counties of Burke, Jefferson, and Richmond, was read 2d time.

Ordered for committee of the whole.  
Mr. Talbot presented a petition from Joseph Anthony, which was read and referred to a special committee.

Ordered, That Messrs. Talbot, Barnett, and Little, be that committee.

On Motion of Mr. Scruggs.  
Resolved, That William King and John Boston, jr. be and they are hereby appointed Lumber Measurers for the port of Savannah.

The Senate took up the resolution requiring the commissioners of confiscated estates to postpone the sales of lands advertised for sale in January next, and the same being read, was agreed to.

Mr. Foster from the committee on enrolled bills, reported, That they examined, found correct, and signed by the Speaker, an act, to give further time to the Inferior court of Elbert county, to let the building of the jail thereof.

Whereupon the President of the Senate signed said act.

Ordered, That the committee of enrollment do carry said act to His Excellency the Governor for his revision.

lency the Governor for his revision.

A message from the House of Representatives, by Mr. Holt their clerk.

Mr. President,  
I am directed to inform the Senate that the House of Representatives are now in readiness to receive them in the Representative Chamber, for the purpose of proceeding to the election of a Senator from this State in the Congress of the United States, in place of the hon. John Milledge, resigned, agreeably to a concurred and approved resolution.— And he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to said election, and on counting out the tickets, it appeared that the hon. Charles Tait was duly elected.

The Senate then returned to their Chamber, and took their seats.

On Motion,  
Mr. Pray had leave of absence the remainder of the present session.

The Senate adjourned 'till to-morrow morning 10 o'clock.

MONDAY, 3 O'CLOCK.

The Senate met for the sole purpose of joining in the funeral procession of Mr. Thomas Gilbert, a deceased member of the House of Representatives.

In the absence of the President,  
The Senate chose the Honorable John Davies [of Burke] their President pro tem.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,  
I am directed to inform the Senate, that the House of Representatives is in

readiness to receive them to attend the funeral procession of Thomas Gilbert, Esq. deceased.

Whereupon the Senate joined the procession accordingly.

**TUESDAY**, 28th November, 1809.

On motion of Mr. Davies (of Chatham)

The Senate reconsidered the Journal of yesterday, so far as respects the resolution appointing William King and John Boston, Junr. Lumber Measurers for the port of Savannah.

Ordered, That the same do lie on the table.

Mr. Brown presented a petition from David Maddox, which being read, was referred to a special committee consisting of Messrs. Brown, Owens, & Watts (of Washington), with power to report by bill or otherwise.

Mr. Carter from the committee appointed, reported a bill to be entitled an act, to add a part of the county of Jones to the county of Randolph, which was received and read the first time.

Mr. Barnett presented a petition from Walter Nunnely and James F. Nunnely, which being read, was referred to the committee on Petitions.

Mr. Owens from the committee appointed, reported a bill to authorise the Inferior court of Baldwin's County to levy an extra tax for the purposes therein mentioned, which was received and read the 1st time.

Mr. Jackson called up the report of the committee on the petition of Drury Williams, which being read, was agreed to, and is as follows :

The committee on the petition of Drury Williams report, that for want of vouchers, they are unable to form an opinion on the propriety of the request of the petition.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend the tax acts now in force, so far as respects the counties of Tatnall, Bullock and Montgomery—Mr. Foster in the chair; Mr. President resumed the chair and Mr. Foster reported, that they had gone through the same with amendments.

The Senate took up the report, and the amendments were read, amended & agreed to. Whereupon the said bill was read the third time and passed under the title of a bill to be entitled an act to amend the tax acts in this state.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend the third section of an act, entitled an act to establish the town of Wrightsborough in the county of Columbia, and to secure the inhabitants thereof in their rights to certain lands appropriated to their benefit, and to incorporate the same, passed on the 10th of Feb. 1799; Mr. Hardin in the chair—Mr. President resumed the chair, and Mr. Hardin reported, that they had gone through the bill without any amendment.

The bill was read the third time and passed under the foregoing title.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to alter the names of Rebecca Burnet to that of Rebecca Turner, and the name of Earlebert King to that of Bartlett McCreary—Mr. Howell in the chair—Mr. President resumed the chair and Mr. Howell reported that they had

through the same without any committee of the whole, on the bill to amend.

The bill was read the third time and the question, "shall this bill now pass," it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 26. Nays 4.

Those who voted in the affirmative, are Messrs. Brown, Davies (of Burke) (of Chatham) Davis (of Walton) Foster, Henderson, Hogan, Hurt, Jackson,

Lanier, Little, M'Cormick, M'Lendon, Moore, Owens, Park, Powell, Rimson, Scruggs, Spalding, Stewart, Talbot, Walker, Watts, (of Washington) Watts (of Telfair) and Williams.

Those who voted in the negative, are Messrs. Barnett, Hammond, Hardin and Reed.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act, to amend the 26th section of the Judiciary of this state. Mr. Lanier in the chair. Mr. President resumed the chair, and Mr. Lanier reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to alter that part of the second section of the Judiciary, past the 6th of February 1799, so far as respects the time for holding the Inferior Courts of the county of Warren. Mr. Park in the chair; Mr. President resumed the chair, and Mr. Park reported that they had gone through the bill with amendments.

The Senate took up the report and the amendments were agreed to.

Ordered that the report do lie on the table.

The Senate resolved itself into a

committee of the whole, on the bill to be entitled, an act to amend an act to regulate the weighing of Cotton and other commodities in this state. Mr. Barnett in the chair. Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same, and recommend that the further consideration of this bill be postponed until the first Monday in June next.

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative; and the Yeas and Nays being required, are Yeas 21, Nays 9.

Those in the affirmative, are Messrs. Barnett, Brown, Carter, Davis (of Walton) Davies, (of Chatham) Foster, Hardiee, Hogan, Hurt, Jackson, M'Lendon, Owens, Park, Reed, Rimson, Spalding, Stewart, Talbot, Walker, Watts (of Washington) and Williams.

Those in the negative are, Messrs. Davies (of Burke) Hardin, Henderson, Lanier, M'Cormick, Moore, Powell, Scruggs and Watts (of Telfair.)

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to repeal an act entitled an act for inflicting penalties on certain persons therein named, so far as respects the banishment of Stephen Corker. Mr. Hogan in the chair. Mr. President resumed the chair, and Mr. Hogan reported, that they had gone through the same without any amendment.

The bill was read a third time, & on the question, "shall this bill now pass," it was determined in the affirmative.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President,  
The House of Representatives have passed a resolution directing the commissioners of confiscated estates to postpone the sale of a Lot in Savannah, claimed by John Harrison—and

A resolution appointing a committee on their part to join such as may be appointed by Senate, to prepare and report a bill to point out the tenure by which lands are, or hereafter may be held in that part of the state called Wafford's ton, shall, before they enter upon the settlement—and

They have passed a bill to divorce William Sorrow and Priscilla his wife—and he withdrew.

Ordered that the said message do lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend an act, to revive and continue in force an act for the limitation of actions, and the avoiding suits at law. Mr. Little in the chair. Mr. President resumed the chair, and Mr. Little reported, that they had made progress and request leave to set again.

The Senate took up the report, which was agreed to.

The Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, 29th Nov. 1809.

Mr. Brown from the committee to whom was referred the petition of David Maddox, reported a bill to be entitled, an act for the relief of David Maddox, which was received and read the 1st time.

Mr. Ferris called up the reconsideration of the Journal of yesterday,

which relates to the appointment of William King and John Boston, junr Lumber Measurers for the port of Savannah, and the resolution authorising said appointment being read, was amended and agreed to as follows:

Resolved, That William King and John Boston, jr. be and they are hereby appointed Lumber Measurers for the port of Savannah, provided that they shall, before they enter upon the duties of their said appointment, become residents of the City of Savannah.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,  
The House of Representatives have passed a bill to encourage the Female Asylum of Savannah. And he withdrew.

Ordered, That the said message do lie on the table.

Mr. Spaulding presented a memorial from Col. Thaddeus Holt, which was read, and referred to a special committee, consisting of Messrs. Spaulding, Barrett, and Foster, to report by bill or otherwise.

Mr. Owens from the committee appointed, reported a bill to appropriate the monies arising from fifteen acres of lots in the town or common of Milledgeville.

Mr. Foster from the committee on enrollment, reported as duly amended and signed by the Speaker, an act to incorporate the commissioners of the academy of Effingham county, which was presented to, and signed by the President.

Ordered, That the committee do carry the said act to his Excellency the Governor for his revision,

Mr. Owens notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare and report a bill to alter and change the name of the town of Milledgeville.

Mr. Park from the committee to whom was recommitted the bill to be entitled an act, supplemental to the Judicial law in force, and to establish an uniform practice in Superior and Inferior courts of this state, reported a bill under the above title, which was received and read the 1st time.

Mr. Hammond laid on the table the following resolution.

Resolved, That it is the sense of this Legislature, that *no* power ought to be vested in a Legislature to alter the Constitution, (that instrument forming the only rule for their government), the formation of which rule of government does solely belong to the people, and can only properly be exercised by them or their representatives in Convention.

Mr. Walker presented a petition from Eliza Irvine and others, which was read and referred to a special committee, consisting of Messrs. Walker, Lanier, and Hammond.

Mr. Hurt from the committee on petitions, reported on the petition of Needham Bryant and Josiah Drew, and the petition of sundry inhabitants of Jones county, which was read and ordered to lie on the table.

The Senate took up the message from the House of Representatives, and concurred in the resolution appointing a committee on their part, to join such as may be appointed by Senate, to report a bill to be entitled an act, to point out the tenure by which lands are, or may hereafter be held in that part of this state,

called Wafford's settlement, and appointed Messrs. Barnett, Hammond, Park, Hardin, and M'Cormick, a committee on their part.

They have concurred in the resolution that his Excellency the Governor pursue such measures as he may think proper for the recovery of the sum of dolls. 4538 : 38 cts. due by John Eerrien, esquire, former Treasurer to the Treasury of this state. And,

In the resolution requiring the commissioners of confiscated property to postpone the sale of a lot of land in the town of Savannah.

Mr. Jackson from the committee to contract for the printing of the Laws, Concurred Resolutions, and Journals of the present session, reported, which was ordered to lie on the table.

On motion of Mr. Jackson, Whereas, there remains a number of the Digests of the Laws of this state in the different counties, deposited with the clerks to make sale of in behalf of the state ;

And whereas it appears that a number of the civil officers of the counties of Morgan, Randolph, Putnam, Jones, Baldwin, Wilkinson, Laurens, Pulaski, Telfair, and Wayre, have never been furnished with said books, as the officers in other counties have ;

Be it therefore resolved by the Senate and House of Representatives, that his Excellency the Governor be, & he is hereby authorised and required to call in as many of said Digest as will furnish the different officers not heretofore provided for in the aforesaid counties with one, and distribute them as heretofore done to other counties, which being read,

Ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to authorise William Garret and Leroy Hammond, and Walter Leigh and Edward Revell to erect toll bridges at the places therein mentioned. Mr. Talbot in the chair; Mr. President resumed the chair, & Mr. Talbot reported that they had gone through the same without any amendment.

The bill was taken up and read the 3<sup>d</sup> time, and passed under the foregoing title.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend and confirm in force an act, entitled an act, to point out the mode of rendering void, all grants or other proceedings founded on false or fraudulent returns, made by persons not entitled to draws in the late Lottery in this state—Mr. Foster in the chair; Mr. President resumed the chair, and Mr. Foster reported, the further consideration of this bill be postponed until June next.

The Senate took up the report, and on the question to agree to the same, was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 25—Nays 8.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Carter, Davies (of Burke), Davies (of Chat-ham), Davis (of Walton), Foster, Hammond, Hardin, Henderson, Hogan, Hunt, Little, McConrck, McLenon, Owens, Reed, Ranson, Russell, Scruggs, Spaulding, Stewart, Talbot, Water and Williams.

Those who voted in the negative, are Messrs. Jackson, Lamer, Moore, Park,

Powell, Spivey, Watts (of Washington) and Watts (of Telfair.)

The Senate resolved itself into a committee of the whole on the bill to authorise Sherwood McDall to erect a bridge across the river Great Ogeechee at High Hill; Mr. Barnett in the chair; Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same without any amendment.

The bill was taken up and read the third time, and passed under the title above.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to authorise James Smith to collect taxes due in Camden for 1802 the mode of rendering void, all grants or other proceedings founded on false or fraudulent returns, made by persons not entitled to draws in the late Lottery in this state—Mr. Stewart in the chair; Mr. President resumed the chair and Mr. Stewart reported, that they had gone through the same without any amendment.

The bill was taken up and read the third time, and passed under the title above.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to carry into effect the 1<sup>st</sup> section of an act, entitled, an act respecting Bastardy and other immoralities, & the more fully to empower the Inferior Courts of the several counties in this state to provide for the maintenance of bastard children; Mr. Walker in the chair; Mr. President resumed the chair and Mr. Walker reported, that they had gone through the same without any amendment.

The bill was taken up and read the third time, and on the question, "Shall this bill now pass?" it was determined

in the affirmative, and the yeas and nays being required, are, Yeas 29. Nays 2.

Those who voted in the affirmative, are, Messrs. Barnett, Brown, Carter, Davies (of Chatham), Davis (of Walton), Foster, Hammond, Hardin, Henderson, Hurt, Jackson, Lanier, Little, M'Lendon, M'Cormick, Moore, Owens, Park, Rimson, Runnells, Scruggs, Spivey, Spalding, Stewart, Talbot, Walker, Watts (of Washington), Watts (of Telfair) and Williams.

Those who voted in the negative, are, Messrs. Hogan and Powell.

The following bills were severally read the third time and passed under their respective titles, to wit ;

A bill to be entitled an act to authorize the trustees of the Richmond Academy to convey a lot to the Baptist Society, and to lay off another range of lots in the City of Augusta.

A bill to be entitled an act to alter & change the names of certain persons therein mentioned.

A bill to be entitled an act to exonerate the citizens within the town of Milledgeville from paying for county licence for retailing spirituous liquors, wine, cider or beer. And

A bill to be entitled an act to enable the Commissioners of the Camden county Academy to ascertain and collect the amount of the funds belonging to said institution.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to define more particularly the jurisdiction of the courts of Ordinary and Inferior Courts ; Mr. Henderson in the chair ; Mr. President resumed the chair, and Mr. Henderson reported progress and had leave to sit again.

The Senate resolved itself into a com-

mittee of the whole on the bill to be entitled an act to amend an act entitled an act to alter and amend an act, to establish Tobacco Inspections at the several places herein after mentioned, and for improving the navigation of Broad river and Oconee river, passed the 15th day of February, 1799, so far as respects the navigation of the Oconee river ; Mr. Davies (of Chatham) in the chair ; Mr. President resumed the chair, and Mr. Davies reported, that they had gone through the same without an amendment.

The Senate took up the report, which was agreed to.

Whereupon the bill was read a third time, and on the question " shall this bill now pass ? " it was determined in the affirmative, & the yeas and nays being required, are Yeas 22. Nays 10.

Those who voted in the affirmative, are, Messrs. Barnett, Brown, Davies (of Chatham), Davis, (of Walton), Foster, Henderson, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Powell, Reed, Rimson, Runnells, Spalding, Spivey, Stewart, Talbot, Watts, (of Washington), and Watts, (of Telfair).

Those who voted in the negative, are Messrs. Carter, Hammond, Hardin, Hogan, Jackson, Park, Scruggs, and Williams.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend an act, entitled an act, to appropriate the funds heretofore set apart for the redemption of the public debt—*Mr. Moore* in the chair ; *Mr. President* resumed the chair, and *Mr. Moore* reported, that they had gone through the same without any amendment.

The bill was taken up and read the third time and passed under the foregoing title.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend the proviso in the fifth section of an act entitled an act to sell and dispose of the fractional parts of surveys of Land in the counties of Baldwin and Wilkinson. Mr. Powell in the chair. Mr. President resumed the chair and Mr. Powell reported, that they had made progress, and requested leave to set again in June next.

The Senate took up the report, which was read and agreed to.

Mr. Barnett, from the committee for that purpose, reported a bill to point out and define the tenure by which lands are to be held in that part of this state, called Wafford's settlement, which was read the first time.

Mr. Foster from the committee on enrolled bills reported, as duly enrolled and signed by the Speaker, An act to establish the site of the public buildings in the county of Laurens, and to appropriate moneys arising from the sale of Lots.

An act to amend an act entitled an act to incorporate Augusta and improve the public roads in the neighbourhood thereof—and

An act for the relief of Thomas B. Sample and Aaron Springfield—which were severally presented to, and signed by the President.

Ordered, that the committee do carry the said acts to his Excellency the Governor for his revision.

The several messages from the House of Representatives were taken up, and the following bills were read

the first time, viz.

A bill to be entitled an act to compile and arrange the Laws and Resolutions of this state.

A bill to be entitled, an act to divide the county of Wilkinson, and to form one other new county.

A bill to be entitled, an act to amend and explain an act, entitled an act to incorporate the Savannah Poor House and Hospital Society, passed Dec. 10, 1803.

A bill to be entitled an act for the relief of certain wharf-holders in the city of Savannah.

A bill to be entitled an act to alter and amend the several Militia Laws of this state, and to repeal the 8th and 10th sections of an act entitled an act to alter and amend the several militia Laws of this state, & to organize the Cavalry.

A bill to divorce William Sorrow and Priscilla his wife.

A bill to be entitled an act to give relief to all Ordained Ministers of the Gospel so far as respects their serving as jurors or doing Militia duty.

A bill to be entitled an act to authorise Zachariah Simms to erect a bridge over the Ogeechee at his mills.

A bill to be entitled an act more effectually to punish the crime of horse-stealing.

A bill to be entitled an act to make permanent the site of the public buildings in Morgan county at the town of Madison, and to incorporate the same.

And A bill to be entitled an act, to alter & amend the 33d section of the Judiciary, passed the 24th of February, 1797.

The bill to be entitled an act, to authorise the Justices of the Inferior court



Baldwin county to levy an extra tax, was taken up and read the 2d time.

Ordered for a third reading.

The bill to be entitled an act, to add a part of the county of Jones, to the county of Randolph, was taken up and read the 2d time.

Ordered for committee of the whole.

Mr. Spivey presented a petition of John Alberton, which was read and referred to the committee on the state of the republic.

Mr. Jackson from the committee to whom was referred the petition of Brimcollours, reported, which was ordered to lie on the table.

Mr. Spalding had leave to be absent from Senate after Saturday next.

**THURSDAY**, 30th November, 1809.

On motion of Mr. Park,

The Senate reconsidered the Journal of yesterday, so far as respects the bill to amend an act, to alter and amend an act, to establish Tobacco Inspection at the places therein mentioned, and for improving the navigation of Broad river and Oconee river—passed the 15th February 1799, so far as respects the navigation of the Oconee river.

Ordered, That the same do lie on the table.

On motion of Mr. Lanier,

The Senate reconsidered the Journal of yesterday, so far as respects the bill to amend the proviso in the 5th section of an act, to sell & dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson.

Ordered that the same do lie on the table.

Mr. Owens agreeably to notice, mov-

ed for the appointment of a committee to change the name of the town of Milledgeville.

Ordered, that Messrs. Owens, Walker, Davies (of Chatham), Park, and Barnett, be that committee.

Mr. Hurt from the committee on petitions, reported on the petition of Walter Nunnally, reported as follows, to wit:

Your committee are of opinion, having taken the same under their consideration, that the prayer of the petitioner ought not to be granted.

The Senate took up the report, which being read, Mr. Barnett moved to amend the same to read as follows:

“Your committee are of opinion, having taken the same under their consideration, that the prayer of the petitioner ought to be granted, and that a committee be appointed to bring in a bill to answer the prayer of the petitioner; on the question to agree to the amendment, it was determined in the negative, and the Yeas and Nays being required, are Yeas 11—Nays 22.

Those in the affirmative, are Messrs. Barnett, Carter, Davies (of Burke), Henderson, Hogan, Jackson, Lanier, M'Lendon, Scruggs, Spalding, and Watts (of Telfair.)

Those in the negative, are Messrs. Brown, Davis (of Walton), Davies (of Chatham), Foster, Hammond, Hardee, Hardin, Hurt, Little, M'Cormick, Moore, Owens, Park, Powell, Reed, Rimson, Runnells, Spivey, Talbot, Walker, Watts (of Washington), and Williams.

Whereupon the original report was again read and agreed to.

Mr. Runnells from the committee to

contract for the building a Governmen  
House Reported,

That taking into view the necessary  
delay and trouble of contracting for the  
building of a suitable dwelling, & other  
out houses for the accommodation of the  
Governor,

Your committee thought it most ad-  
visable, if suitable buildings could be  
purchased to adopt that mode, and hav-  
ing made known their intentions, they  
received proposals from several of the  
citizens, (which proposals accompany  
this report.) They accordingly went  
and examined the premises, and recom-  
mend the following resolution.

Resolved, That the sum of five thou-  
sand dollars be appropriated for the  
purpose of buying a House for the use  
of the Governor of the State, in the fol-  
lowing manner, to wit: Two thousand  
dollars of the bonds that are in the  
Treasury, for the purchase of fractions,  
and three thousand dollars in cash, out  
of such monies as may be in the Trea-  
sury. And your committee do further  
recommend that a joint committee be  
appointed to close the contract with  
General John Scott, on the terms afore-  
said, for the lot and buildings at present  
occupied by him, which being read,

Ordered to lie on the table.

Mr. Jackson called up the report on  
the petition of Britton M·Collors, in the  
words following.

The committee to whom was referred  
the petition of Britton M·Collors, report.

That they had the case of the petiti-  
oner under their consideration, and are  
of opinion that the prayer of the petiti-  
oner is just, and ought to be granted.

The committee therefore recommend  
that an act b

Britton M·Collors making an appropri-  
ation in the same manner as others ha-  
ving claims to compensation for similar  
services, which being read was agreed  
to.

The Senate resolved itself into a  
committee of the whole, on the bill to  
be entitled an act to alter and amend an  
act, entitled an act, to regulate & keep  
in repair the public roads, causeways,  
and bridges in the counties of Burke,  
Jefferson, Richmond, Greene, and Mor-  
gan, so far respects the counties of  
Burke, Jefferson, and Richmond—*Mr.*  
*Moore* in the chair; *Mr.* President re-  
sumed the chair, and *Mr.* Moore re-  
ported, that they had gone through the  
same without any amendment.

The Senate took up the report, which  
was agreed to.

The bill was read the third time, and  
passed under the foregoing title.

The Senate resolved itself into a  
committee of the whole, on the bill to be  
entitled an act, explanatory of the 13th  
section of an act, entitled an act, to dis-  
pose of, and distribute the late cession  
of lands obtained from the Creek Nati-  
on by the United States, in a treaty en-  
tered into and concluded at the City of  
Washington, on the 14th day of Nov.  
1805—*Mr.* Lanier in the chair. *Mr.*  
President resumed the chair, and *Mr.*  
Lanier reported, that the committee rise  
and report progress and have leave to  
set again in June next.

The Senate took up the report.

*Mr.* Hammond moved that the report  
be disagreed to, and that "The com-  
mittee have leave to set again;" on the  
question to agree to the amendment, it  
was determined in the negative, and the

Yeas and Nays being required, are,

Yeas 9—Nays 23.

Those in the affirmative, are Messrs. Davies (of Burke) Hammond, Hardee, Henderson, Jackson, Little, Moore, Park, and Williams.

Those in the negative, are Messrs. Barnett, Brown, Carter, Davies (of Chatham) Foster, Hardin Hogan, Hurt, Lanier, M'Lendon, Owens, Powell, Reed, Rimson, Runnells, Scruggs, Spalding, Spivey, Stewart, Talbot, Walker, Watts, (of Washington) and Watts (of Telfair.)

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to afford relief to John Bradley—Mr. Park in the chair; Mr. President resumed the chair, and Mr. Park reported, that they had gone through the bill without any amendment.

The bill was read the third time and on the question, "shall this bill now pass," it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 20. Nays 11.

Those in the affirmative, are Messrs. Brown, Carter, Hammond, Hardee, Hardin, Henderson, Hurt, Jackson, Lanier, Little, M'Cormick, Park, Powell, Reed, Runnells, Scruggs, Spalding, Walker, Watts (of Telfair), and Williams.

Those in the negative are, Messrs. Barnett, Davis (of Walton) Foster, Hogan, Moore, Owens, Rimson, Spivey, Stewart, Talbot, and Watts (of Washington.)

The Senate again resolved itself into a committee of the whole, on the bill to be entitled an act, to alter the time of the meeting of the General Assembly. Mr. Barnett in the chair. Mr. President resumed the chair, and Mr.

arriet reported, that they had gone through the same, without any amendment.

The Senate took up the report and the same was amended and agreed to.

The bill was read the third time, & on the question, "shall this bill now pass," it was determined in the affirmative, & the Yeas and Nays being required, are, Yeas 26....Nays 8.

Those in the affirmative, are, Messrs. Barnett, Brown, Carter, Davies (of Chatham), Davis, (of Walton), Foster, Hardee, Hardin, Henderson, Hogan, Hurt, Jackson, Lanier, Little, M'Lendon, M'Cormick, Park, Powell, Rimson, Spalding, Spivey, Talbot, Walker, Watts, (of Washington), Watts, (of Telfair), and Williams.

Those in the negative, are Messrs. Davies (of Burke) Hammond, Moore, Owens, Reed, Runnells, Scruggs, and Stewart.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act, to amend the 26th section of the Judiciary Law of this state. Mr. Foster in the chair. Mr. President resumed the chair, and Mr. Foster reported, that they had gone through the same with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon the bill was read the 3d time, and passed as amended.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act to amend an act, to revive and continue in force an act, for the limitation of actions and avoiding suits in law, passed the 8th December, 1806.... Mr. Barnett in the chair. Mr. President resumed the chair, and Mr.

Barnett reported, that they had gone through the bill without an amendment. & three cents per sheet for the Journals

The Senate took up the report, and They therefore recommend the following resolutions.

The amendment was read and agreed to. Resolved, That Seaton Grantland have the printing of the Laws and Concurred Resolutions of the present Legislature, at the rate of two and three

fourth cents per sheet of sixteen pages, to be delivered to the Executive by the first day of February next, and also the printing of the Journals of both branches of the present Legislature, at, and

after the rate of three cents per sheet of eight pages, to be delivered to the Executive by the first day of March next, the Laws and Journals to be of the same size, as small a type, or the page to contain as much matter, & of as good paper as those of the last year—and that the said Seaton Grantland do give bond and security to his Excellency the Governor for the due performance of the contract, in the penal sum of three thousand dollars.

The President laid before Senate a communication from Daniel Sturges, esq. late Surveyor General, which being read, was referred to a special committee.

Ordered, That Messrs. Walker, Moore, Stewart, Hammond, and McCormie be that committee.

The Senate took up the report of the joint committee to contract for printing the Laws, Concurred Resolutions, and Journals of the present session, which was agreed to.

Your committee report, that they have received proposals from seven different persons, and upon opening and examining the same, they are of opinion that

the proposals made by Mr. Seaton Grantland, are the most advantageous to the State, being little more if any than half the sum paid last year for the same work, to wit: two and three fourth cents per sheet for the Laws and Resolutions, or Stephen Corker.

An act for the better regulating fence on Harris's neck, in the county of McIntosh. And

An act for the better regulation and government of the town of Clinton, in the county of Jones.

Ordered, that the committee do carry said acts to his Excellency the Governor for his revision.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President,  
The House of Representatives have passed the following bills, to wit :

A bill for the better regulation and government of the town of Louisville, and to repeal an act heretofore passed on that subject.

A bill for the relief of Peter H. Collins and the heirs of James Sims.

A bill to secure to Joshua Grinage the right of establishing a ferry over Little river, on the main road leading from Augusta to Petersburg. And

A bill supplemental to an act, to appropriate the funds heretofore set apart for the redemption of the public debt. And,

They have passed a resolution respecting the taxes due the State by George Sibbald—and he withdrew.

Ordered, That the said message do lie on the table.

Mr. Davies, (of Chatham) notified the Senate, that he would on to-morrow ask for leave to bring in a bill for altering the time of holding the General Elections in this state.

Mr. Owens presented a petition from a number of the inhabitants from Jones county, praying to continue the old line of Baldwinsville, which being read, was referred to a special committee.

Ordered, That Messrs. Owens, McLondon, and Carter, be that committee.

Adjourned 'till to-morrow morning 10 o'clock.

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FRIDAY, 1st December, 1809.

Mr. Reed presented a memorial from the Justices of the Inferior court of Putnam county, which being read, was referred to a special committee, consisting of Messrs. Reed, Park, and Talbot, with power to report by bill or otherwise.

The Senate took up the reconsideration of the Journal of yesterday, relative to the navigation of the Oconee river, which bill being read, on the question shall this bill pass, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 22—Nays 11.

Those in the affirmative, are, Messrs Barnett, Brown, Davis (of Walton) Davies (of Chatham), Foster, Hardoe, Henderson, Hurt, Lanier, Little, McLondon, Moore, Owens, Powell, Reed, Rimson, Runnells, Spalding, Spivey, Talbot, Watts (of Washington), and Watts (of Telfair.)

Those in the negative, are, Messrs. Carter, Davies (of Burke) Hammond, Hardin, Hogan, Jackson, Park, Scruggs, Stewart, Walker, and Williams.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,  
The House of Representatives have disagreed to the amendment made by the Senate to the bill to continue in force an act, passed the 22d December 1808, giving further time to the fortunate drawers in the late land lotteries to

take out their grants.

And he withdrew.

Ordered, That the said message do lie on the table.

The Senate again took up the bill to be entitled an act, to incorporate Mount Enon Academy, and the same being again read the 3d time, on the question, shall this bill now pass, it was determined in the negative, and the Yeas and Nays being required, are, Yeas 14—Nays 16.

Those in the affirmative, are, Messrs. Carter, Davis (of Burke) Davies (of Chatham), Davies (of Walton), Foster, Hogan, Jackson, Little, M'Lendon, Spalding, Spivey, Stewart, Talbot, and Walker.

Those in the negative, are Messrs. Barnett, Brown, Hammond, Hardin, Henderson, Hurt, Lanier, Moore, Owens, Park, Reed, Rimson, Runnells, Watts (of Washington), Watts [of Telfair], and Williams.

Mr. Foster from the committee on enrollment reported, as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to amend the 3d section of an act, entitled "an act, to establish the town of Wrightsborough in the county of Columbia, and to secure to the inhabitants thereof, certain lands appropriated for their benefit, and to incorporate the same," passed the 16th of February, 1799.

An act to alter the name of Rebecca Burnett, to that of Rebecca Turner, & the the name of Bartlett King to that of Bartlett M'Creaty.

An act to authorize the trustees of the Richmond Academy to convey a lot to the Baptist society, and to lay

off another range of lots in the of Augusta. And,

An act to alter and change the name of certain persons therein mentioned, which was severally presented to, and signed by the President.

Ordered, that the committee do the said acts to his Excellency the governor for his revision.

Mr. Talbot notifies the Senate, that he will on to morrow move for leave to introduce a bill to authorise Charles R. Carter to erect a toll bridge over Little river, in the county of Wilkes, at his mills.

Mr. Davies [of Chatham] agreeably to notice introduced a bill to alter the time of holding the General Elections of this state, which was received and read the first time.

Mr. Lanier from the committee on the state of the republic reported, on the petition of Charles Smith, which was read and ordered to lie on the table.

Mr. Little laid on the table the following resolution.

Resolved that it is the sense of this Legislature, that so long as the boundary of Walton county remains undefined, no delegation therefrom ought to be received in the General Assembly of this State, except those who adhere to the laws thereof.

Mr. Jackson called up the resolution relative to the distribution of the Digests of the Laws of this State....which was amended and agreed to....and is as follows :

Whereas, there remains a number of the Digests of the Laws of this state in the different counties, deposited with the clerks to make sale of in behalf

the state ;

And whereas it appears that a number of the civil officers of the counties of Morgan, Randolph, Putnam, Jones, Baldwin, Wilkinson, Pulaski, Laurens, Telfair, and Wayne, have never been furnished with said Digests, as the officers in other counties have ;

Be it therefore resolved by the Senate and House of Representatives, that his Excellency the Governor be, & he is hereby authorised and required to call in as many of said Digests as will furnish the different officers not heretofore provided for in the aforesaid counties with one, and distributed as heretofore done to other counties.

And whereas new districts have been laid out in the several counties in this state, since the late distribution of the said laws.

Resolved, That such new districts be also furnished with the said laws.

The Senate took up the several messages from the House of Representatives, and concurred in the resolution relative to the taxes due by George Sibald.

And the following bills were severally read the first time, to wit :

A bill supplemental to an act, to appropriate the funds heretofore set apart for the redemption of the public debt.

A bill to encourage the Female Asylum of Savannah.

A bill to alter & amend the 83d section of the Judiciary.

A bill for the relief of Peter H. Collins, and the heirs of James Sims.

A bill to secure to Joshua Grinage the right of establishing a ferry over Little River. And,

A bill for the better regulation and

government of the town of Louisville, and to repeal the acts heretofore passed on that subject, and they receded from their amendment made to the bill, to continue in force an act, passed the 22d of December, 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants—and concurred with the House of Representatives.

The Senate took up the report of the committee laid on the table yesterday, to contract for building a government house, which being read, was agreed to with the following amendment.

Your committee are of opinion that a Government House for the accommodation of the Governor ought to be built, and recommend that a committee of both branches of the Legislature be appointed, whose duty it shall be to report a plan of the said House, and the most eligible site for fixing the same.

Ordered, That Messrs. Barnett, Spalding, Foster, Runnells, and Walker, be the committee on the part of Senate.

The following bills were severally taken up and read the second time, to wit :

A bill to define the time in which lands are held in Wafford's settlement.

Ordered for a committee of the whole.

A bill for the relief of David Maddox.

Ordered for a committee of the whole.

A bill supplemental to the Judiciary law, and to establish an uniform practice in the Superior and Inferior courts.

Ordered for a committee of the whole.

A bill to vest the estate of Lewis

Johnson which remains unsold in Eliza Irvine, Rachael Johnson, and Sarah Drysdale, children of said Lewis Johnson.

Ordered for a committee of the whole.

A bill to amend & continue in force an act, to authorize Thaddeus Holt to build a bridge across the Oconee river.

Ordered for a committee of the whole.

A bill to alter and change the name of the town of Milledgeville.

Ordered for a committee of the whole. And,

A bill to appropriate the funds arising from leases of the twenty acre lots leased out for the term of seven years, in the town tract or commons of Milledgeville.

Ordered for a committee of the whole.

The Senate took up the reconsideration of the Journal, relative to the report of the committee of the whole on the bill to amend the proviso in the 5th section of an act, to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson, and the said report being again read, was disagreed to.

Whereupon the Senate again resolved itself into a committee of the whole, on the said bill, Mr. Park in the chair, Mr. President resumed the chair, and Mr. Park reported progress, and asked leave to set again in June next.

The Senate took up the report, which being read, on the question to agree to the same, it was determined in the affirmative—and the Yeas and Nays being required, are, Yeas 20—Nays 12.

Those who voted in the affirmative are Messrs. Barnett, Brown, Cartwright, Davies (of Burke), Davies (of Chatham), Hammond, Hardee, Hardin, Hurt, McLendon, Moore, Owens, Reed, Rinson, Rannels, Spivey, Stewart, Talbot, Walker, and Watts (of Washington.)

Those who voted in the negative, are Messrs. Foster, Henderson, Hogan, Jackson, Lanier, Little, Park, Powell, Scruggs, Spaulding, Watts [of Telfair], and Williams.

The following bills were severally taken up and read the second time, to wit:

A bill to compile and arrange laws and resolutions of this state.

Ordered for a committee of the whole.

A bill to divide the county of Wilkinson.

Ordered for a committee of the whole.

A bill to amend and explain an act, to incorporate the Savannah Poor House and Hospital Society.

Ordered for a committee of the whole.

A bill to make permanent the site of the public buildings in the county of Morgan.

Ordered for a third reading.

A bill to give relief to all Ordained Ministers of the Gospel.

Ordered for a committee of the whole.

A bill to divorce William Sorrow and Priscilla his wife.

Ordered for a committee of the whole.

A bill for the relief of certain What holders in the City of Savannah.



Ordered for a committee of the whole. Introduced a bill to authorise Charles R. Carter to erect a toll bridge across Little river, in Wilkes county...which was received and read the 1st time.

A bill to authorise Zachariah Simms to erect a bridge over the Oconee at his mills. Mr. Owens agreeably to notice introduced a bill to sell and dispose of six lots in Milledgeville, and to appropriate the monies arising from the sale thereof...which was received and read the 1st time.

Ordered for a committee of the whole. And, Mr. Runnells from the committee to whom was referred the petition of William Goodlett, which was received and read the 1st time.

A bill more effectually to punish the crime of horse-stealing, &c. Mr. Reed from the committee to whom was referred the memorial of Inferior court of Putnam county, report a bill to establish an Academy in the town of Eatonton and county of Putnam, by the name of Union Academy, which was received and read the 1st time.

Ordered for a committee of the whole. Mr. Owens presented a petition from three of the Justices of the Inferior court of Baldwin county, which being read, was referred to a special committee, consisting of Messrs. Owens, Hurt and Talbot.

Mr. Owens presented a petition from sundry inhabitants of Washington county, which being read, was referred to a special committee, consisting of Messrs. Owens, Foster, and Watts (of Washington.)

Mr. Walker from the committee to whom was referred the memorial of Daniel Sturges, esq. late Surveyor General, reported, which was read and ordered to lie on the table.

Adjourned 'till to-morrow morning 10 o'clock. Mr. Talbot moved that the rule requiring one days notice to be given previous to the introduction of a bill, be dispensed with, and that he be permitted to report the following bill.

A bill to be entitled an act, to authorise the holding of an extra session of the Superior court in the county of Wilkes, which was read and agreed to. Whereupon Mr. Talbot reported said bill, which was read the 1st time.

Mr. Walker moved that the rule requiring one days notice to be given previous to the introduction of a bill, be dispensed with, and that he be permitted to report the following bill.

A bill to render valid the plats and records made and signed by Daniel Sturges, late Surveyor General, so far as respects the land comprized within the original counties of Baldwin, Wilkinson,

**SATURDAY**, 2d December, 1809. Mr. Foster laid on the table a letter from Thomas Cobb, notifying the Senate of his resignation as a Trustee of the Columbia county Academy.

On motion of Mr. Foster, Resolved that William Magruder be, and he is hereby appointed a Trustee of the Columbia county Academy, in the place of Thomas Cobb, esq. resigned.

Mr. Talbot agreeably to notice, in-

and Wayne, which was read & agreed to.

Whereupon Mr. Walker reported said bill, which was read the 1st time.

Mr. Owens from the committee appointed, reported a bill to add a part of the county of Jones to Baldwin county which was received and read the first time.

Mr. Owens from the committee appointed, reported a bill to add a part of the county of Washington to Baldwin county, which was received and read the 1st time.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution appointing a joint committee to express the sentiments of the Legislature of the state upon the issue of a negotiation late pending between the United States and Great Britain. And,

A resolution appointing John Fullwood, John Thomas, and Jehro B. Spivey, Justices of the Inferior court of Laurens county. And they have passed the following bills, to wit:

A bill to repeal an act, compelling clerks to keep their offices at, or within one mile of their respective court-houses, so far as respects the county of Scriven.

A bill to amend an act, to protect the estate of orphans, and to make permanent provision for the poor. And,

A bill to prohibit dueling, &c.

And he withdrew.

The Senate took up the message, & concurred in the resolution appointing Justices of the Inferior court of Laurens county....and the said bills were sever-

ally read the 1st time.

Ordered that the remainder of said message do lie on the table.

The Senate took up the report of the committee on the petition of Jesse Sandford, which is as follows, to wit:

“The committee to whom was referred the petition of Jesse Sandford, setting forth that he purchased at the sales of fractional surveys, a tract of land situate, lying and being in the 4th District, Wilkinson county, and known as No. 21, and said to contain 161 1-2 acres, but which he the said Jesse has ascertained to fall very far short of that quantity, and not to contain much more than one half of the quantity for which the state’s grant calls; and praying to be relieved in such way as the Legislature may think proper.

Your committee beg leave to report, that whilst it becomes the state to husband with economical grasp, all her legitimate funds; Yet it would be derogatory to the dignity and magnanimity of the state, to take from her citizens their money without a proper and fair equivalent. They therefore recommend the following resolution.

Resolved, That his Excellency the Governor be requested to appoint a fit and proper person to resurvey the said fraction No. 21, in the 4th District of Wilkinson, as well as all other fractions in that District, and that an accurate plat of such resurvey be returned to the next Legislature, to the end that equal and impartial justice may be done the good citizens of this state.”

And the same being read, on the question to agree to the same, it was determined in the negative, and the Yeas and Nays being required, are Yeas 6

Nays 23.

Those who voted in the affirmative, are Messrs. Davies (of Chatham), Har-lee, Hogan, Jackson, Park, and Walker.

Those who voted in the negative, are Messrs. Barnett, Brown, Carter, Davis (of Walton), Davies (of Burke), Foster, Hammond, Hardin, Henderson, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Powell, Reed, Rimson, Runnells, Scruggs, Spalding, Spivey, Stewart, Talbot, Watts (of Washington), Watts (of Telfair), and Williams.

The Senate took up the report of the committee on the petition of Needham Bryant and Josiah Drew, and on the petition of sundry inhabitants of Jones county, which reports are as follows :

On the petition of Needham Bryant and Josiah Drew, your committee having taken said petition under their consideration, view it as all others of like description, and think that releasing petitioners as aforesaid, is a bad policy, and that the prayer of the petitioner ought not to be granted.

On the petition of sundry inhabitants of Jones county.

Your committee cannot at this time recommend the adoption of any measure to relieve the petitioners.

And the same being read were agreed to.

On motion of Mr. Davies (of Chatham).

Resolved, That John Grimes be, and he is hereby appointed a Justice of the Inferior court of Chatham county, in the room of William Smith resigned.

The Senate took up the report of the committee on the memorial of Zachariah Simms, amended the said report

which is amended in the words following, to wit :

The committee to whom was referred the memorial of Zachariah Simms, as to the establishment of a paper manufactory in this state, beg leave to report ;

That after taking the said memorial into their serious consideration, they conceive that the object of the memorialist is a desirable one, both privately & publicly—privately, because it will afford sale for articles now of no value in the Western part of this state—publicly, because it will supply one of the means of general information of great and primary object in a republican government. They therefore recommend the following resolution ;

Be it resolved, that his Excellency the Governor advance to the said Zachariah Simms the sum of three thousand dollars, out of the contingent fund, taking his bonds with good and sufficient security, under the penalty of ten thousand dollars, conditioned to establish a paper manufactory in this state, within three years from the time of his receiving such advance from the state, and conditioned also, for the repayment of the said sum of three thousand dollars, within the same period, to repay the same within three years from the time of his receiving such advance from the state.

Mr. Hardin then moved, that the words "with lawful interest," be inserted in the said resolution, and on the question to agree to the same, the Yeas and Nays being required, are, Yeas 14—Nays 14.

Those who voted in the affirmative, are Messrs. Barnett, Foster, Hardin, Hogan, Hurt, Lanier, Little, M'Lendon, Owens, Rimson, Runnells,

Scruggs, Watts, (of Washington) and Watts (of Telfair.)

Those who voted in the negative, are Messrs. Brown, Davies (of Walton), Davies (of Chatham) Hardee, Henderson, Jackson, Moore, Park, Powell, Spalding, Stewart, Talbot, Walker, and Williams.

There being an equal number, the President decided against the amendment.

The said resolution then being read as first amended, on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 16...Nays 12.

Those in the affirmative, are Messrs. Brown, Davis (of Walton) Davies (of Chatham), Hardee Henderson, Jackson Lanier, Moore, Park, Powell, Runnells Spalding, Stewart, Talbot, Walker, and Williams.

Those who voted in the negative are, Messrs. Barnes Foster, Hardin, Hogan, Hurt, Little, McLeod, Owens, Kimson, Scruggs, Watts (of Washington) and Watts (of Telfair.)

On motion,

The Messenger had leave of absence after to-day, until Monday morning next.

On motion of Mr. Foster,

Resolved by the Senate and House of Representatives, that his Excellency the Governor be authorised and requested to proceed to take such measures as he may deem expedient, to recover all such money from the person or persons who have heretofore borrowed money from the state of Georgia, and has not returned the same.

The following bills were severally taken up and read the third time, and

passed under their respective titles, to wit :

A bill to be entitled an act, to make permanent the site of the public buildings in Morgan county, at the town of Madison, and to incorporate the same... And,

A bill to authorise the Inferior court of Baldwin county to levy an extra tax.

The Senate took up the report of the committee on the petition of Charles Smith, which was read, and after some time spent in the consideration of said report, it was ordered to lie on the table.

The Senate adjourned 'till Monday morning 10 o'clock.

**MONDAY**, 4th December, 1809:

On motion of Mr. Hardin,

The Senate reconsidered the Journal of Saturday, so far as respects the report of the committee on the petition of Zachariah Simms.

The same being taken up and read,

Mr. Barnett moved that the words "lawful interest" after the words "three thousand dollars," in said report be inserted, on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 20....Nays 10.

Those in the affirmative, are Messrs. Barnett, Davies (of Burke), Foster, Hammond, Hardin, Henderson, Hogan, Hurt, Lanier, Little, McLeod, Owens, Reed, Rimson, Runnells, Scruggs, Spivey, Stewart, Watts [of Washington,] and Watts (of Telfair.)

Those in the negative, are Messrs. Carter, Davies (of Walton), Davies (of Chatham), Hardee, Moore, Park

Powell, Talbot, Walker and Williams. Mr. President resumed the chair, and

Mr. Barnett moved that the whole report of the committee be stricken out, and that the prayer of the petition of Zachariah Simms be *not* granted.

On the question, it was agreed to, & the yeas and nays being required, are Yeas 17, Nays 13.

Those who voted in the affirmative, are Messrs. Barnett, Davis (of Walton) Foster, Hammond, Hardin, Hurt, Hogan, Little, McLendon, Owens, Powell, Reed, Rimson, Scruggs, Spivey, Watts (of Washington), and Watts (of Tel-fair).

Those in the negative, are Messrs. Carter, Davies (of Burke), Davies (of Chatham) Hardee, Henderson, Jackson, Lanier, Moore, Park, Runnells, Stewart, Talbot, Walker, and Williams.

The bill to authorise the justices of Inferior courts of Laurens and Pulaski counties to levy an extra tax to defray the expense of running the dividing line between said counties was taken up and read the third time, and passed under the foregoing title.

The Senate resolved itself into a committee of the whole on the bill to add

part of the county of Jones to the county of Randolph, Mr. Hammond in the chair; Mr. President resumed the chair, and Mr. Hammond reported, that the further consideration of this bill be postponed 'till the 1st day of June next.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to appropriate the monies arising from the twenty acre lots in the town common Milledgeville, Mr. Foster in the chair.

Mr. Foster reported, that the further consideration of this bill be postponed until the first day of June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to define the tenure by which lands are held in that part of this state known by the name of Wafford's settlement; Mr. Lanier in the chair;

Mr. President resumed the chair and Mr. Lanier reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for the relief of David Maddox; Mr. Moore in the chair; Mr. President resumed the chair, and Mr.

Moore reported, that they had gone thro' the bill, & ask leave to set again.

Ordered, that the bill for the relief of David Maddox, and the bill to amend & continue in force an act entitled an act to authorise Thaddeus Holt to erect a bridge across the Oconee river, passed the 10th December, 1807, be engrossed for a third reading.

The bill to be entitled an act to alter the time of holding the General Elections of this state was taken up and read the 2d time.

Ordered for a third reading.

The Senate took up the following bills, which were severally read the 2d time, viz.

A bill to be entitled an act supplemental to an act to appropriate the funds heretofore set apart for the redemption of the public debt.

Ordered for a third reading.

A bill for the relief of Peter H. Col-

iens and the heirs of James Sims.

Ordered for committee of the whole.

A bill to be entitled an act to secure to Joshua Grinage the right of establishing a ferry over Little River, on the main road leading from Augusta to Petersburg.

Ordered for a committee of the whole.

A bill to be entitled an act to alter & amend the 83rd section of the Judiciary, passed the 9th of February, 1797.

Ordered for a third reading.

A bill to be entitled an act for the better regulation and government of the town of Louisville, and to repeal the acts heretofore passed on that subject.

Ordered for a third reading.

A bill to be entitled an act to encourage the Female Asylum of Savannah.

Ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to compile and arrange the Laws and Resolutions passed since the political year 1800 ; Mr. Park in the chair: Mr. President resumed the chair and Mr. Park reported progress & had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to alter and amend the several militia laws of this state, & to repeal the 8th and 10th sections of an act, entitled, an act to alter and amend the several militia laws of this state, & to organize the Cavalry; Mr. Talbot in the chair; Mr. President resumed the chair, & Mr. Talbot reported, that they had gone through the same with an amendment.

The Senate took up the report, which was read and ordered to lie on the table.

The Senate resolved itself into a com-

mittee of the whole on the bill to be entitled an act for the relief of certain wharf-holders in the City of Savannah; Mr. Davies (of Burke) in the chair; Mr. President resumed the chair and Mr. Davies reported, that they had gone through the bill with an amendment.

The Senate took up the report, and the amendment was agreed to.

The bill was read the third time and passed under the foregoing title.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the resolution relative to the printing the Laws, Concurred Resolutions and Journals of the present session—and they have passed the following bills, to wit:

A bill for the relief of David Limeberger.

A bill to regulate the elections of Receivers and Collectors of Taxes in this state.

A bill to regulate the rates of Tavern license in this state.

A bill to keep open the main channel of Broad river from the confluence of the same with Savannah river, to the mouth of Hudson's river in Franklin county.

A bill to amend an act, to compel clerks to keep their offices at, or within one mile of their respective court-houses, so far as respects the counties of Bulaski and Telfair.

A bill to authorise the clerks of the Superior and Inferior courts, clerks of the courts of Ordinary, Sheriffs, Coroners, and Surveyors, to hold their offices during the intervention between the election and commissioning of their successors, and to regulate the transfer

<p>papers and monies.</p> <p>A bill for the renewal of an audited certificate therein mentioned.</p> <p>A bill to extend the power of the Comptroller General.</p> <p>A bill to regulate the town of Eaton-ton, in the county of Putnam.</p> <p>A bill to amend the 7th section of an act, to amend the several militia laws, and to organize the Cavalry.</p> <p>A bill to levy an extra tax upon the lands of absentees in the county of Glyn, to be applied to the erecting bridges, &amp;c. in said county.</p> <p>A bill to repeal the 3d section of an act, respecting military schools, &amp;c.</p> <p>A bill to compel the Justices of Peace in this state to keep a fair and regular book of entry. And</p> <p>A bill to amend and repeal the first section of an act, to revise, amend, and consolidate the several militia laws of this state, and to adapt the same to the act of the Congress of the United States.</p> <p>And he withdrew.</p> <p>Ordered, That the said message do lie on the table.</p> <p>A message from his Excellency the Governor by Mr. Early his Secretary.</p> <p>Mr. President,</p> <p>His Excellency the Governor has approved and signed the following resolutions.</p> <p>One appointing Arthur Lott, senr. of Tattnall county, and Joseph Collins of Montgomery county, commissioners to mark the dividing line between said counties.</p> <p>One appointing Frederick H. Lisenhoff, a Lumber Measurer for the Port of Savannah. And</p> <p>One appointing Turner Persons, a</p>	<p>Justice of the Inferior court for the county of Warren, in place of E. Hurt, resigned ;</p> <p>And has directed me to return them to the Senate, it being the branch of the General Assembly in which they respectively originated. And he withdrew.</p> <p>The bill to be entitled an act, to give relief to all Ordained Ministers of the Gospel, so far as respects their serving as jurors or doing militia duty, was taken up and read the 3d time, and passed under the foregoing title.</p> <p>The Senate resolved itself into a committee of the whole, on the bill to divorce William Sorrow and Priscilla his wife. Mr. Henderson in the chair—Mr. President resumed the chair, and Mr. Henderson reported, that they had gone through the bill with an amendment.</p> <p>The Senate took up the amendment, which was agreed to.</p> <p>The bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 20. Nays 7.</p> <p>Those in the affirmative, are Messrs. Barnet, Carter, Davies (of Burke), Davies (of Chatham), Davis (of Walton), Henderson, Jackson, Lanier, M'Lendon, Moore, Owens, Park, Reed, Rimson, Runnells, Stewart, Talbot, Walker, Watts (of Washington), and Williams.</p> <p>Those in the negative, are Messrs. Foster, Hammond, Hardin, Little, Scruggs, Spivey, and Watts (of Tel-fair.)</p> <p>Whereupon the bill passed under the foregoing title as amended.</p> <p>Mr. Moore from the committee on</p>
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Finance reported.

Ordered to lie on table.

The President laid before Senate a letter from the Treasurer, which was read and referred to the committee on Finance.

A petition addressed to the General Assembly from a number of Subscribers, was read and referred to a special committee.

Ordered, That Messrs Walker, Barnett and Hammond be that committee.

Mr. Foster from the committee of enrollment reported as duly enrolled & signed by the Speaker, an act to carry into effect the first section of an act, entitled an act respecting Bastardy and other immoralities, and the more fully to empower the Inferior courts of the several counties in this state to provide for the maintainance of Bastard children.

An act to authorise James Smith of Camden county, to collect the taxes due in said county for the year 1802, and which remained uncollected by James M. Lindsay, dec'd.— which were presented to, and signed by the President.

Ordered, That the committee do carry said acts to his Excellency the Governor for his revision.

Adjourned 'till 10 o'clock to-morrow morning.

TUESDAY, 5th December, 1809.

Mr. Barnett presented a petition from Stephen Heard, which was read and referred to a special committee, consisting of Messrs. Barnett, Talbot, and Hardin.

The following bills were severally taken up, and read the second time, to wit :

A bill to authorise the Judge to hold an extra session of the Superior court in Wilkes county.

Ordered for a third reading.

A bill to authorise Charles R. Carter to erect a toll bridge across Little river at his mills in Wilkes county.

Ordered for a 3d reading.

A bill to render valid, the plats and records made and signed by Daniel Sturges, late Surveyor General.

Ordered for a 3d reading.

A bill to add a part of Washington to Baldwin county.

Ordered for a third reading.

A bill to add a part of Jones to Baldwin county.

Ordered for a third reading in June next.

A bill to establish an Academy in the town of Eatonton, in Putnam county.

Ordered for a third reading.

A bill to sell and dispose of six lots in Milledgeville, and to appropriate the monies arising from the sale thereof.

Ordered for a third reading in June next.

A bill to repeal an act, compelling clerks to hold their offices at, or within one mille of their respective court-houses, so far as respects the county of Scriven.

Ordered for a third reading.

A bill to amend an act, to protect the estate of orphans, and to make permanent provision for the poor.

Ordered for a committee of the whole. And

A bill to prohibit Dueling, &c.

Ordered for a third reading.

The Senate took up the message from the House of Representatives of yes-



terday, and the bills therein contained were severally read the first time.

Mr. Runnells moved the following resolution.

Resolved, that both branches of the Legislature will convene in the Representative Chamber at 12 o'clock on Thursday next, in order to elect a Judge of the Eastern District, in the room of the hon. Charles Tait, elected a Senator in the Congress of the United States.

Ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to divide Wilkinson county. Mr. Barnett in the chair. Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same with amendments.

The Senate took up the report, which being read, was agreed to with amendments.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass as amended? it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 24. Nays 5.

Those in the affirmative, are Messrs. Brown, Carter, Davies (of Burke), Davies (of Chatham), Davis (of Walton), Foster, Hammond, Hardin, Henderson, Hurt, Lanier, Little, McLen-don, Park, Reed, Rimson, Runnells, Scruggs, Spivey, Talbot, Walker, Watts (of Washington) Watts [of Telfair,] and Williams.

Those in the negative, are Messrs. Barnett, Hogan, Jackson, Moore, and Owens.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed the bill from Senate to amend an act, to alleviate the condition of Debtors, passed the 21st day of December 1808, with amendments. And he withdrew.

Ordered, That said message do lie on the table.

The Senate took up the report of the committee on the memorial of Daniel Sturges, which is in the words following.

The committee to whom was referred the memorial of Daniel Sturges, late Surveyor General,

Report, that they have taken the same under consideration, and are happy that the claims of justice unite with the finer feelings of humanity, in constraining the committee to recommend that the prayer of the petitioner be granted.

Upon an examination of, and reference to the plats in the Surveyor General's office, it will be found that they are neatly recorded, & certificates prepared for surveys yet to be carried into grants. In these preparatory steps for the dispatch of business, the Memorialist must have incurred considerable expence. The indulgence allowed to fortunate drawers in the late land lotteries, and the frequent extension of the time within which the grants should have been taken out, have prevented a remuneration to the Memorialist for the services thus performed. These extensions could not have been rationally calculated on by the Memorialist. As therefore the acts of the State have deprived him of that compensation to which he was entitled, your committee deem it but just & right that the state should remunerate the Memorialist.

ist, and the more especially when they take into view the very many services which he has rendered the state in the capacity of Surveyor General, and that without the interference of the Legislature he will be entirely remediless; deprived of the means of meeting the demands of his creditors, and in the particular charge of the Memorialist "left destitute of supporting a wife with six children."

Your committee also are of opinion, that great benefit will result to the good citizens of this state as well as those of the United States, by the promulgation of an accurate map of the state of Georgia; such a map the Memorialist is preparing, and from his skill no doubt can be entertained of its accuracy: It must be a source of regret therefore that the want of pecuniary resources should prevent the Memorialist from progressing with such a valuable work; your committee beg leave to offer the following resolutions:

Resolved, that the sum of two thousand dollars be paid to Daniel Sturges, for services rendered as Surveyor General, for which no fees of office have been paid; and for the better enabling the Memorialist to publish the Map of the state of Georgia,

Resolved also that the sum of sixteen hundred dollars be loaned the said Daniel Sturges, upon his giving good and sufficient security to his Excellency the Governor, for the return of the said sum of sixteen hundred dollars out of the sales of said map; and the same being read,

Mr. Hogan moved to strike out the words "two thousand" in the first sec-

tion of the said report, and insert "five hundred," which was agreed to; and on the question to agree to the 2d section of said report, it was determined in the negative, and the yeas and nays being required, are, Yeas 13, Nays 14.

Those who voted in the affirmative, are Messrs. Carter, Davies (of Burke), Davies (of Chatham), Foster, Hammond, Hogan, Jackson, Moore, Park, Reason, Talbot, Walker and Williams.

Those who voted in the negative, are Messrs. Barnett, Hardin, Henderson, Hurt, Lanier, Little, McLendon, Owens, Reed, Rumlells, Scruggs, Spivey, Watts (of Washington), and Watts (of Telfair.)

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President,

The House of Representatives have passed a bill to keep open, remove, and prevent obstructions in Savannah river, calculated to impede the free passage of fish, and the navigation of said river by boats, so far as respects the counties of Richmond, Columbia, Lincoln, Elbert and Franklin, so far as respects the mouth of Tugaloo and Mcowee rivers, &c. A bill supplementary to the Judiciary system of this state, and he withdrew.

The Senate took up the message, and the bills were severally read the first time.

On motion of Mr. Davies (of Chatham.)

Resolved that the person employed to print the Laws and Journals of the present session be directed to strike off immediately for the use of the members of the Legislature one hundred & fifty copies of the amendment proposed to

act for the alleviation of debtors by the House of Representatives.

The Senate resolved itself into a committee of the whole, on the bill for the relief of David Maddox; Mr. Moore in the chair, Mr. President resumed the chair, and Mr. Moore reported that they had gone through the same without any amendment.

The Senate took up the report which was read and agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate took up the report of the special committee on the petition of William Goodlet, which is as follows:

The special committee to whom was referred the petition of William Goodlet, praying compensation for a negro given him by the State of Georgia, for services rendered in the revolution, which negro has since been proven and taken from him by one of the citizens of the said state;

Recommend that the petition and documents be referred to the committee on the state of the republic.

And the same being read, was agreed to.

The rule of Senate being dispensed with, Mr. Owens had leave to introduce a bill to admit Cresswell M'Donald to plead and practice law in the several courts of this state, which was received and read the 1st time.

Adjourned 'till to-morrow morning 10 o'clock.

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**WEDNESDAY**, 6th Dec. 1809.

On motion of Mr. Barnett,

The Senate reconsidered the Jour-

nal of yesterday relative to the report of the committee on the Memorial of Daniel Sturges.

Ordered, That the same do lie on the table.

The Senate again resolved itself into a committee of the whole, on the bill to define more particularly the jurisdiction of the courts of Ordinary and Inferior courts. Mr. Moore in the chair; Mr. President resumed the chair, and Mr. Moore reported, that they had gone thro' the same with amendments.

The Senate took up the report, which was read, and agreed to with amendments.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass? it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 24. Nays 5.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Carter, Davies (of Burke), Davis (of Walton), Davies (of Chatham), Hammond, Hardee, Hardin, Henderson, Hogan, Hurt, Little, M'Lendon, Moore, Park, Reed, Rimson, Scruggs, Spivey, Talbot, Walker, Watts (of Washington) and Williams.

Those who voted in the negative, are Messrs. Foster, Lanier, Owens, Powell and Watts [of Telfair.]

The Senate took up the report of the committee of the whole on the bill to be entitled an act, to alter that part of the second section of the Judiciary, passed the 16th February 1799, so far as respects the time of holding the Inferior court of the county of Warren, which was amended and agreed to.

The bill was read the third time, and

passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to compile and arrange the Laws and Resolutions of this state passed since the political year 1800 ; Mr. Park in the chair : Mr. President resumed the chair and Mr. Park reported, that they had gone through the same with amendments.

The Senate took up the report, and agreed to the amendments.

Whereupon the bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole, on the bill supplemental to the Judiciary law in force in this state, and to establish an uniform practice in the proceedings of the Superior and Inferior courts of this state ; Mr. Powell in the chair, Mr. President resumed the chair, and Mr. Powell reported that the further consideration of said bill be postponed until June next.

The Senate took up the report, which was read and agreed to.

On motion of Mr. Walker,

The bill to alter and change the name of the town of Milledgeville, was taken up and ordered for committee in June next.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a bill securing to Joseph Hill his heirs and assigns, the right of erecting three toll bridges across Savannah river, &c. And he withdrew.

Ordered, that the said message do lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to

be entitled an act, to amend and explain an act, entitled " an act to incorporate the Savannah Poor house and Hospital Society"—passed 10th December 1808. Mr. Lanier in the chair,

Mr. President resumed the chair, and Mr. Lanier reported, that they had gone through the same with an amendment.

The Senate took up the report, which being read, was ordered to lie on the table.

The Senate took up the resolution laid on the table yesterday relative to the election of a Judge of the Superior court, in place of the honorable Charles Tait, a Senator in the Congress of the United States, which was agreed to.

A message from his Excellency the Governor by his Secretary Mr. Early, as follows :

*Executive Department, Georgia,*  
the 5th December, 1809.

*Mr. President,*

*and Gentlemen of the Senate.*

I have received a letter from the hon. Charles Tait, signifying his acceptance of the appointment of Senator from this state, in the Congress of the United States. His seat on the bench of the Superior court of the Western Circuit is therefore become vacant, and as the Legislature are now in session, it rests with them to fill that vacancy.

**D. B. MITCHELL.**

Ordered, that the same do lie on the table.

Mr. Walker from the committee to whom was referred the petition of sundry inhabitants of this state, reported as follows, to wit :

" The committee to whom was referred the petition of sundry inhabitants of this state, praying relief from the

urthens and expences heaped upon the table.  
 nem, by that description of persons called *Lawyers* ;

Report, That whilst in common with the petitioners, they venerate republican institutions—and whilst it must readily be acknowledged, that the Constitution of the State of Georgia is perhaps the most incomparably excellent, that ever guaranteed the rights of man—and whilst under that Constitution, freedom's banners are unfurled in every part of this growing and prosperous State—It is with deep concern your committee have recognized the fact, that this Constitution, whose vivifying rays might give health and vigor to the life of man, has not been productive of complete happiness to all the good citizens who live under its general influence. The committee however with pleasure recognize the right of the citizens to petition the Legislature of their country for a redress of grievances—

And as an equality of rights is the pride & boast of all the good people of this state—And as the property of each individual is equally protected by the laws—And as a lawyer has no right to demand a fee without being employed—And as the Constitution of the State of Georgia guarantees to every one, a right to be heard in his own cause ;

Be it therefore Resolved, That from and after the passing of this resolution, no one of the good people of this state shall employ an Attorney to manage or transact any business in any court of justice within this state, or elsewhere, unless he shall choose so to do ; any thing in any former resolution to the contrary notwithstanding.”

Which was read and ordered to lie upon the table.

The Senate took up the report of the committee to whom was referred the petition of Griffin L. Lamkin, which was amended, agreed to, and is as follows :

The committee to whom was referred the petition of Griffin L. Lamkin, Respectfully Report ;

That the certificate referred to by the petitioner Griffin L. Lamkin, was predicated upon a joint and Concurred resolution of the General Assembly in the year 1799, and is not one of those contemplated by the act of Assembly, passed in the year 1798, for calling in the outstanding evidences of debts due from the State of Georgia. It also appears from a certificate of Edwin Mounger, esq. late Treasurer of this State, that the said certificate was presented to the then Comptroller General soon after it had issued, in order that he might in terms of the law of 1798 renew the same, but that the said Comptroller refused to receive the same for the reasons before stated, he not believing that this certificate was one of that description contemplated by the said law ; under these circumstances, your committee recommend the adoption of the following resolution.

Resolved, that the Comptroller General be, and he is hereby required to receive the certificate granted by Edwin Mounger, esq. late Treasurer of this state to John F Gardener, on the 27th of November 1801 for one thousand acres of land, and that in lieu thereof, he do grant to Griffin L. Lamkin a certificate for the same number of acres in the usual form, and as contemplated by the act for calling in the outstanding

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evidences of debt. Provided it shall appear to the satisfaction of the Comptroller, that the said Charles L. Lanier is the rightful proprietor of said certificate, so intended to be renewed; and provided also, that the said certificate has not before been received.

A message from his Excellency the Governor by Mr. Early his Secretary Mr. President,

His Excellency the Governor has approved and signed the joint resolutions on the subject of printing the Laws, Resolutions and Journals of the present session, and has directed me to inform the Senate thereof, it being the branch of the Legislature in which the same originated. And he withdrew.

The following bills were severally taken up, read the third time, and passed under their respective titles, to wit:

A bill to alter and amend the 83rd section of the Judiciary, passed 9th February, 1797.

A bill to amend & continue in force an act, to authorise Thaddeus Holt, Esq. to erect a bridge across the Occochee river, passed 10th December, 1807.

A bill to secure to Joshua Grinage the right of establishing a ferry over Little river, on the main road leading from Augusta to Petersburg, with amendments—and

A bill supplemental to an act, to appropriate the funds heretofore set apart for the redemption of the public debt, with an amendment.

The bill to vest the estate both real and personal of Lewis Johnston, dec'd, which remains unsold, in Eliza Irvine, Rebecca Johnston, and Sarah Drydale, children of the said Lewis Johnston, was read the third time, and on the

question, shall this bill now pass, it was determined in the affirmative, and the Yeas & Nays being required, are, Yeas 21. Nays 6.

Those who voted in the affirmative, are Messrs. Brown, Carter, Davis (of Walton), Hardee, Hardin, Henderson, Logan, Lanier, Little, McLendon, Owens, Park, Powell, Reed, Runnells, Spivey, Talbot, Walker, Watts (of Washington), Watts (of Telfair) and Williams.

Those who voted in the negative, are Messrs. Burnett, Foster, Hammond, Hurt, Moore, and Remson.

The bill to establish military schools, &c. And

The bill to extend the powers of the Comptroller General, &c. were read the second time, and ordered for a committee of the whole. And

The following bills were severally read the 2d time, and ordered for a 3rd reading, to wit:

A bill to regulate the town of Eatonton, in the county of Putnam.

A bill to amend the 7th section of an act, to amend the several militia laws, and to organize the Cavalry.

A bill to levy an extra tax upon the lands of absentees in the county of Glynn, to be applied to the erecting bridges, &c. in said county. And

A bill to admit Cresswell McDonald to practice in the several courts of law and equity in this state.

The Senate took up the amendments made by the House of Representatives to the bill for the alleviation of debtors.

And the amendments being read, Mr. Foster moved that the amendments be agreed to; on the question, it was determined

determined in the negative, and the yeas and nays being required, are Yeas 13. Nays 15.

Those in the affirmative, are Messrs. Brown, Davis (of Walton) Foster, Henderson, Lanier, Little, Owens, Remson, Runnells, Spivey, Watts (of Washington), Watts (of Telfair), and Williams.

Those in the negative, are Messrs. Barnett, Carter, Hammond, Hardee, Hardin, Hogan, Hurt, M'Lendon, Moore, Park, Powell, Reed, Scruggs, Talbot, and Walker.

Whereupon, Resolved, that the Senate do adhere to their original bill, and that a committee of conference be appointed to join such as may be appointed by the House of Representatives to confer on the subject matter in dispute.

Ordered, That Messrs. Barnett, Walker, Davies (of Chatham), Powell, Runnells, Foster, and Hammond, be the committee on part of Senate.

The following communication from His Excellency the Governor by his Secretary Mr. Early, was received, viz:

*Mr. President,*

*and Gentlemen of the Senate.*

By the 6th section of the act of the 22d December 1808, "for the establishment and support of Military Schools, &c. &c." the Commander in Chief is "empowered to contract in any way he may deem most advisable for a number of tents for two Regiments, &c." and my immediate predecessor, (it would appear), has acted upon the said section, by giving directions to Messrs. Devereux and Thweatt, Merchants of Milledgeville, to procure fifty tents in terms of the said act.

Messrs. D. and T. have called upon, and informed me, that the said tents are now ready for delivery, and have presented their account, amounting to 1896 dollars 59 cents as the cost of said tents; a copy of which you will receive herewith. The act before mentioned does not direct out of which fund the expences incurred in carrying it into effect should be paid, and although it is presumable it was intended they should be charged to the contingent fund, I am precluded from giving it that course, in consequence of the balance of that fund being insufficient to meet the demand.

I therefore communicate the matter to the Legislature, for their decision thereon.

D. B. MITCHELL.

State-House, Milledgeville, }  
5th December, 1809. }

Which being read was referred to the committee on Finance.

Adjourned 'till to-morrow 10 o'clock.

**THURSDAY,** 7th December, 1809.

On motion of Mr. Foster,  
To reconsider the Journal of yesterday, so far as respects the alleviating bill, it was determined in the negative, and the yeas and nays being required, are, Yeas 11. Nays 18  
Those who voted in the affirmative, are Messrs. Foster, Henderson, Jackson, Lanier, Little, M'Lendon, Owens, Remson, Watts (of Washington), Watts (of Telfair), and Williams.  
Those who voted in the negative, are Messrs. Barnett, Carter, Davies (of

Burke), Davies (of Chatham), Hammond, Hardee, Hardin, Hogan, Hurt, Moore, Park, Powell, Reed, Runnells, Scruggs, Spivey, Talbot, and Walker.

Mr. Watts (of Washington) to whom was referred the petition of sundry inhabitants of this state, praying relief as to using and vending cotton machines, for which it is said one Eli Whitney had obtained a patent, report, which was ordered to lie on the table.

The Senate took up the reconsideration of the Journal, relative to the report of the committee on the memorial of Daniel Sturges.

Mr. Walker then moved that the blank in consideration for the services of the said D. Sturges be filled up with the sum of 2000 dollars; on the question to agree to the same, it was determined in the negative, and the yeas & nays being required, are Yeas 10—Nays 20.

Those in the affirmative, are Messrs. Carter, Hammond, Hardee, Hogan, Jackson, Park, Powell, Talbot, Walker, and Williams.

Those who voted in the negative, are Messrs. Barnett, Davies (of Burke) Davis (of Walton), Davies (of Chatham), Foster, Hardee, Henderson, Hurt, Lanier, Little, McLendon, Moore, Owens, Reed, Remson, Runnells, Scruggs, Spivey, Watts (of Washington) and Watts (of Telfair.)

Mr. Scruggs then moved that the said blank be filled with fifteen hundred dollars; and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 16...Nays 14.

Those who voted in the affirmative, are Messrs. Carter, Davies (of Burke),

Davies (of Chatham), Foster, Hammond, Hardee, Hogan, Jackson, Lanier, Park, Powell, Scruggs, Spivey, Talbot, Walker, and Williams.

Those who voted in the negative, are Messrs. Barnett, Davis (of Walton), Hardin, Henderson, Hurt, Little, McLendon, Moore, Owens, Reed, Remson, Runnells, Watts (of Washington), and Watts (of Telfair.)

Mr. Barnett then moved that the whole of the second section of said report be stricken out, and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 15. Nays 13.

Those who voted in the affirmative, are Messrs. Barnett, Davies (of Burke) Davis (of Walton), Hardin, Henderson, Hurt, Lanier, Little, McLendon, Owens, Reed, Runnells, Scruggs, Watts (of Washington,) and Watts [of Telfair.]

Those who voted in the negative, are Messrs. Carter, Davies (of Chatham), Foster, Hammond, Hardee, Hogan, Jackson, Moore, Park, Powell, Talbot, Walker, and Williams.

The following bills were severally read the third time, and passed under their respective titles, to wit :

A bill to authorise Charles R. Carter to erect a toll bridge across Little river, at his mills in Wilkes county.

A bill to authorise the holding of an extra session of the Superior court of Wilkes county.

A bill to establish an Academy in the town of Eatonton, in the county of Putnam, by the name of Union Academy, and to incorporate the same.—

And



A bill to admit Creswell McDonald to plead and practice in the several courts of law and equity in this state. county, & appo. ing Joshua Hightower & James Walea, Justices of the Inferior court of said county. And

The Senate took up the report of the committee of the whole, on the bill to be entitled an act, to amend and explain an act, to incorporate the Savannah Poor-house and Hospital Society—passed December 10, 1808. A resolution confirming the Executive appointment of Jesse Bull, a Justice of the Inferior court of Columbia county. And

Which was agreed to with an amendment. They have concurred in the resolution from Senate, appointing this day at 12 o'clock for the election of a Judge of the Western District, in the place of the honorable Charles Tait, elected a Senator to the Congress of the United States.

Whereupon the said bill was read the third time, and passed as amended. The House of Representatives adhere here to their amendments made to the bill for the alleviation of debtors, and

The bill to be entitled an act, to encourage the Female Asylum of Savannah, was read the third time, and passed under the title thereof. concur in the appointment of a committee of conference thereon, and have appointed a committee on their part, consisting of Messrs. Ware, Williams, Bryan, Allen, Byne, Wellborn, Houston, Bacon, Montgomery, Greene, and Chandler, to join the committee appointed by Senate, to confer on the subject matter in dispute between the two Houses.

The bill to be entitled an act, to render valid the plats and records made & signed by Daniel Sturges, late Surveyor General, so far as respects the land comprised in the original counties of Baldwin, Wilkinson, and Wayne...and They disagree to the amendments made by Senate, to the bill to divide the county of Wilkinson, adhere to their original bill, and request a committee of conference, and have appointed Messrs Hutchinson, Bryan, Williams, Fort, and Holt, a committee on their part, to join such committee as may be appointed by Senate, to confer on the subject matter in dispute, relative to said bill.

The bill to add a part of Washington to Baldwin county, were postponed till June next. And he withdrew.

A message from the House of Representatives by Mr. Holt their clerk. The Senate took up the message, & concurred in the appointment of the committee of conference on the bill to divide the county of Wilkinson, and

Mr. President, appointed Messrs. Jackson, Park, Walker

The House of Representatives have passed a resolution appointing George Moore a Trustee of Mason Academy, in Oglethorpe county.

A resolution confirming the Executive appointment of Robert L. Troup, a Justice of the Inferior court of Montgomery

er, and Foster, a committee on their part. And the resolution, were severally concurred in.

A message from his Excellency the Governor by Mr. Early his Secretary.

Mr. President,

His Excellency the Governor has approved and signed a joint resolution, fixing on this day at 12 o'clock for the election of a Judge of the Western District in the room of the hon. Charles Tait, lately elected a Senator in the Congress of the United States, and has directed me to inform the Senate thereof, it being the branch of the Legislature in which the same originated. And he withdrew.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed by the House of Representatives to inform the Senate that they are now in readiness to receive them in the Representative Chamber for the purpose of proceeding to the election of a Judge of the Superior courts for the Western District, in place of the hon. Charles Tait, elected a Senator in the Congress of the United States, agreeably to a concurred and approved resolution. And he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to said election, and on counting out the votes, it appeared that Col. Thomas P. Carnes was duly elected.

The Senate then returned to their Chamber, and took their seats.

The Senate took up the bill from the House of Representatives, securing to Joseph Hill, his heirs and assigns, the exclusive right of erecting three toll-

bridges across Savannah river, &c. which was read the 1st time.

The following bills were severally read the 2d time, to wit :

A bill to regulate the election of Receivers and Collectors of Taxes in this State.

Ordered for a committee of the whole on June next.

A bill to authorise Clerks, Sheriffs, Coroners, & Surveyors to hold their offices during the intervention between the election and commissioning of their successors, and to regulate the transfer of monies and papers.

Ordered for a third reading.

A bill to repeal an act, to compel clerks to keep their offices at, or within one mile of their respective court-houses, so far as respects the counties of Pulaski and Telfair.

Ordered for a 3d reading.

A bill to regulate tavern license in this state.

Ordered for a 3d reading.

A bill for the relief of David Limeberger.

Ordered for a third reading.

A bill for the renewal of an audited certificate therein mentioned.

Ordered for a 3d reading.

A bill to keep open the main channel of Broad river from the confluence of the same with Savannah river, to the mouth of Hudson's river in Franklin county.

Ordered for a 3d reading.

A bill to compel Justices of the Peace of this state, to keep a fair book of entry.

Ordered for a third reading.

A bill to keep open, remove, and prevent obstructions in Savannah river, so

far as respects the counties therein mentioned, &c.

Ordered for a 3d reading.

A bill to amend and repeal the first section of an act, to revise, amend, and consolidate the several militia laws of this state, and to adapt the same to the act of the Congress of the United States.

Ordered for a committee in June next. And

A bill supplementary to the Judiciary system of this state.

Ordered for a committee of the whole.

The Senate took up the bill to be entitled an act, to prohibit dueling, &c. which being read ;

Mr. Walker moved that the bill be postponed 'till June next, and on the

question to agree to the same, it was determined in the negative, & the Yeas & Nays being required, are Yeas 8. Nays 22.

Those who voted in the affirmative, are Messrs. Hammond, Hardin, Hogan, Jackson, Moore, Park, Powell, and Walker.

Those who voted in the negative, are Messrs. Barnett, Carter, Davies (of Burke) Davies (of Chatham), Davis (of Walton), Foster, Hardee, Henderson, Hurt, Lanier, Little, M'Lendon, Owens, Reed, Remson, Runnells, Scruggs, Spivey, Talbot, Watts (of Washington), Watts [of Telfair], and Williams.

The said bill was then read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 22. Nays 8.

Those who voted in the affirmative are Messrs. Barnett, Carter, Davie (of Burke), Davie (of Chatham), Da-

vis (of Walton), Foster, Hardee, Henderson, Hurt, Lanier, Little, M'Lendon, Owens, Reed, Remson, Runnells, Scruggs, Spivey, Talbot, Watts (of Washington), Watts (of Telfair), and Williams.

Those who voted in the negative, are Messrs. Hammond, Hardin, Hogan, Jackson, Moore, Park, Powell, and Walker.

The bill to levy an extra tax upon the lands of Absentees in the county of Glynn, to be applied to the erecting bridges, &c. in said county.

The bill to amend the 7th section of an act, to amend the several militia laws of this state, and to organize the Cavalry—passed the 17th December, 1808.

And The bill to regulate the town of Eastonton, in the county of Putnam, were severally taken up, read the third time; and passed under their respective titles.

The Senate resolved itself into a committee of the whole, on the bill the more effectually to punish the crime of horse-stealing, &c. Mr. Henderson in the chair, Mr. President resumed the chair, and Mr. Henderson reported, that they had gone through the same without any amendment.

The Senate took the report, which was agreed to.

Whereupon the said bill was read the 3d time, & passed under the title thereof.

The Senate took up the bill which was ordered for a committee of the whole, to be entitled an act, further extending the powers of the Comptroller General, so far as to relieve the heirs of William Pierce, a soldier in the late late Troops, which was read the 3d

time, and passed under the title thereof, and shall be found qualified;" and of.

Adjourned 'till to-morrow 10 o'clock.

FRIDAY 8th December, 1809.

On motion of Mr. Owens,

The Senate reconsidered the Journal of yesterday so far as respects the bill which was passed relative to the admission of Creswell McDonald to plead and practice in the several courts of law and equity in this state.

On motion of Mr. Davies [of Chatham.]

Resolved, that the bill is now in the stage and order in which it was considered at its passage.

On motion of Mr. Barnett,

Resolved, that it is the sense of this Senate that the bill is in order, and can be amended.

On the question to agree to the last resolution, it was determined in the affirmative, and the yeas and nays being required, are Yeas 27 Nays 3.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Carter, Davis [of Walton], Hammond, Hardee, Hardin, Henderson, Hogan, Hurt, Jackson, Lanier, Little, M'Lendon, Moore, Owens, Park, Powell, Reed, Remson, Runnells, Spivey, Talbot, Walker, Watts (of Washington) Watts (of Telfair) and Williams.

Those who voted in the negative are, Messrs. Davies (of Chatham) Foster and Scruggs.

Mr. Owens then moved, that the proviso in said bill be stricken out, which is in the words following: "Provided he undergoes the customary examina-

tion, and shall be found qualified;" and the same was agreed to.

Mr. Foster then moved that the name of George Walton, and Mr. Hardee that the name of James C. W. Stewart be inserted in said bill, which was also agreed.

Whereupon the said bill was then read the third time, and on the question shall this bill pass as amended? it was determined in the affirmative, and the yeas and nays being required, are, Yeas 20. Nays 10.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Carter, Davis (of Walton) Foster, Hammond, Hardee, Hardin, Henderson, Hogan, Hurt, Jackson, Lanier, Little, M'Lendon, Owens, Remson, Spivey, Talbot, and Williams.

Those who voted in the negative, are Messrs. Davies (of Burke), Davies (of Chatham), Moore, Park, Powell, Runnells, Scruggs, Walker, Watts (of Washington), and Watts (of Telfair).

Mr. Barnett from the joint committee of conference to whom was referred the subject matter of disagreement on the alleviating bill, Reported, which was ordered to lie on the table.

On motion of Mr. Barnett,

Resolved, that his Excellency the Governor be, and he is hereby requested to pay out of the contingent fund, the accounts of the several printers who have published the sales of confiscated property, postponed by order of the present General Assembly, on their being certified by a majority of the commissioners of confiscated property.

Mr. Walker laid on the table the following resolution;

Resolved, by the Senate & House of

Representatives of the State of Georgia in General Assembly met, that the Commissioners of Milledgeville be, & they are hereby authorised to dispose of an additional number of Lots in the town of Milledgeville, not to exceed twenty, and to lease out not exceeding ten twenty acre lots, under the same restrictions and regulations as lots have been heretofore sold and leased. Ten of said lots to be sold lying adjacent to the Penitentiary square, the other ten where the Commissioners may deem most advantageous; and the twenty acre lots to be laid out below Fishing Creek on the river.

The following bills were severally taken up, read the third time, and passed under their respective titles, to wit:

A bill to authorise the clerks of the Superior and Inferior Courts, Clerks of the Courts of Ordinary, Sheriffs, Coroners and Surveyors, to hold their offices during the intervention between the election and commissioning of their successors, and to regulate the transfer of papers and monies.

A bill to amend an act to compel clerks to keep their offices at, or within one mile of their respective court-houses, so far as respects the counties of Pulaski and Telfair.

A bill for the renewal of an audited certificate therein mentioned.

A bill for the relief of David Limeberger.

A bill to compel the Justices of the Peace in this state to keep a fair and regular book of entry.

A bill to regulate the rates of tavern license in this state.

The bill to be entitled an act to keep open the main channel of Broad river

from the confluence of the same with Savannah river, to the mouth of Hudson's river in Franklin county, was read the third time, and on the question shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 19. Nays 12.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Davis (of Walton), Foster, Hardee, Henderson, Hurt, Lanier, Little, M'Lendon, Moore, Owens, Reed, Remson, Runnells, Scruggs, Talbot, Watts (of Telfair), and Williams.

Those who voted in the negative, are Messrs. Carter, Davies (of Burke) Davies (of Chatham), Hammond, Hardin, Hogan, Jackson, Park, Powell, Spivey, Walker, and Watts (of Washington).

The bill to be entitled an act, to keep open, remove, and prevent obstructions in Savannah river, calculated to impede the free passage of fish, and the navigation of said river by boats, so far as respects the counties of Richmond, Columbia, Lincoln, Elbert, and Franklin, as far as the mouth of Tugalo and Keowee rivers, was taken up for a third reading.

Mr. Walker moved that so much of the bill as relates to Richmond county be stricken out; on the question, it was determined in the negative, and the Yeas and Nays being required, are, Yeas 10. Nays 19.

Those who voted in the affirmative, are Messrs. Davies (of Burke), Davies (of Chatham), Hammond, Hardee, Hardin, Hogan, Park, Scruggs, Walker, and Watts (of Washington.)

Those who voted in the negative,

are Messrs. Barnett, Brown, Davis (of Weldon), Foster, Henderson, Hurt, Lanier, Little, McLendon, Moore Owens, Powell, Reed, Remson, Runnells, Spivey, Talbot, Watts [of Telair], and Williams.

Whereupon the said bill was read the 3d time, & passed with amendments.

The bill securing to Joseph Hill, his heirs and assigns, the exclusive right of erecting three toll bridges across Savannah river, &c. was read the 2d time, and ordered for a third reading.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed the bill from Senate, to provide for taking the Census of this state, as required by the constitution.

They still disagree to the amendments made by Senate to the bill to repeal an act, to compensate the Justices of the Inferior courts.

They have passed a resolution on the petition of John M Leod.

A resolution on the petition of Gibson and Fort. And

A resolution on the petition of Charles Harris. And he withdrew.

The Senate took up the message & receded from their amendment to the bill to repeal an act, to compensate the Justices of the Inferior court, and concurred with the House of Representatives, and the said resolutions were severally read and concurred in.

The Senate again took up the report of the committee on the state of the republic, on the resolution passed by the State of Virginia, recommending an amendment to the constitution of the United States, empowering the State Le-

gislatures to remove their Senators in the Congress of the United States,

which being again read, was agreed to. The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, supplementary to the Judiciary system of this state; Mr. Owens in the chair, Mr. President resumed the chair, and Mr. Owens reported that they had gone through the same with an amendment.

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate took up the report of the joint committee of conference, on the alleviating bill, which is as follows:

That the House of Representatives recede from their first clause, and concur with the Senate in their 2d.

2d Section. The Senate recede and concur with the House of Representatives.

3d Section. The House of Representatives recede.

4th Section. The Senate recede and concur.

5th Section. The Senate recede and concur.

6th Section. The Senate recede and concur.

7th Section. The Senate recede and concur.

8th Section. The Senate recede and concur.

9th Section. The Senate recede and concur.

10th Section. The Senate recede and concur.

11th Section. Add in the 87th line after the word "peace" "such securi-

y," the balance of the clause, the Senate recede and concur.

12th Section. The House of Representatives recede and concur with the Senate on their 4th section.

13th Section. The Senate recede and concur.

14th. Section. The Senate recede and concur.

15th Section. The Senate recede & concur.

And the same being read was agreed to.

On motion of Mr. Davies (of Chatham.)

Resolved, That the printer employed to print the Laws and Journals of the Legislature, be required to strike off three hundred copies of the bill to alleviate the condition of debtors, as agreed upon and reported by the committee of Conference, for the use of the members of the Legislature.

Adjourned 'till to-morrow 10 o'clock.

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*SATURDAY*, 9th December, 1809.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution appointing a joint committee to examine certain books in the Executive Office, mentioned in the Governor's communication of the 8th December, made to the House of Representatives.

They have passed a bill to be entitled an act, to appropriate monies for the political year 1810. And he withdrew.

The Senate took up the message, and

the resolution was concurred in.

Ordered, That Messrs. Hardee and Foster be the committee on part of Senate.

And the appropriation act was read the 1st time.

The bill to be entitled an act, securing to Joseph Hill, his heirs and assigns, the exclusive right of erecting three toll bridges across Savannah river and its branches, & raising causeways across Hutchinson's island, and other islands in the said river, was taken up, read the third time, and passed under the foregoing title.

The Senate took up the report of the committee of the whole, on the bill to be entitled an act, to alter and amend the several militia laws of this state, & to repeal the 8th and 10th sections of an act, entitled an act, to alter and amend the several militia laws of this state, and to organize the Cavalry, and the same being amended, was ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to authorise Zachariah Sims to erect a bridge over the Oconee river at his mills. Mr. Powell in the chair, Mr. President resumed the chair, and Mr. Powell reported that they had gone through the bill without any amendment.

The bill was read the third time, and passed under the foregoing title.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to amend an act, entitled an act, to protect the estate of orphans, and to make permanent provision for the poor, passed 18th December 1792. Mr. Lanier in the chair, Mr.

President resumed the chair, and Mr. Lanier reported that they had gone through the same without any amendment.

The bill was read the third time, and passed under the foregoing title.

The bill to be entitled an act, to repeal the 3d section of an act, for the establishment of a military school, was taken up, read and postponed 'till June next.

Mr. Walker called up the resolution to sell and lease lots in the town of Milledgeville, laid on the table yesterday, which was amended to read as follows :

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, that the Commissioners of Milledgeville be, & they are hereby authorised to dispose of an additional number of Lots in the town of Milledgeville, not to exceed twenty, under the same restrictions and regulations as lots have heretofore been sold.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, for the relief of Peter Collens and the heirs of James Sims. Mr. Barnett in the chair, Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same ; and that the further consideration of said bill be postponed 'till June next.

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, & the Yeas and Nays being required, are Yeas 13—Nays 6.

Those in the affirmative, are Messrs Barnett, Carter, Davis (of Walton) Davies (of Chatham), Hammond, Har-

din, Hogan, Hurt, Little, Moore, Owens, Park, Powell, Reed, Stewart, Talbot, Walker, and Watts [of Telfair].

Those in the negative, are Messrs. Foster, Jackson, Lanier, M'Lendon, Scruggs, and Spivey.

Mr. Jackson from the committee of conference, on the bill to divide the county of Wilkinson, in the words following ;

The joint committee of conference to whom was referred the subject matter of disagreement between the two Houses on the bill to divide Wilkinson county, Report ;

That the Senate recede from their amendments to the bill so far as respects the name of the Ocmulgee division of said county, and concur with the House of Representatives—& that the House of Representatives recede and concur with Senate in their amendments to the remaining parts of said bill.

On the question to agree to the same, it was determined in the affirmative.

Adjourned 'till to-morrow 10 o'clock.

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MONDAY, 11th December, 1809.

Mr. Foster moved that the Journal of Senate of Saturday be re-considered, so far as respects the report of the committee of the whole, on the bill for the relief of Peter Collens and the heirs of James Sims.

On the question to re-consider, it was determined in the negative.

Mr. Moore from the committee on Finance made the following final reports :  
1st The committee of Finance to whom was referred the memorial of Hines Holt, together with the accounts from



Edm. B. Jenkins and John Moore, are of opinion, that the account of Hines Holt is correct, with the exception of one charge, amounting to two hundred and seventeen dollars fifty cents, commissions on lands sold to George Baily. They are further of opinion, that Edmund B. Jenkins is entitled to eighty dollars, including forty dollars advanced him by Hines Holt, for his trouble in re-surveying the Knozboro' lands ;— & that Jno. Moore is entitled to 10 dols for drawing a map of the said lands. Whereupon, Resolved, that there be appropriated the sum of 347 dols. 37 1-2 cts. in favor of Hines Holt, and that there be appropriated the sum of 40 dols in favor of E. B. Jenkins ; also the sum of 10 dols. in favor of John Moore, in full for their services as above stated.

2dly. The committee of Finance, to whom was referred the communication of his Excellency the Governor, enclosing an account of Devereux and Thweatt for Tents,

Further Report,

That your committee are of opinion, the account is well calculated to evade a proper investigation of its correctness, as we are neither furnished with the makers bills, or the bills of Buller, Burroughs & Sturges ; and we are also of opinion, that the charge of commission is in one instance too high, and in the other, being connected with other charges, we are thereby precluded the power of judging of its correctness.

We therefore recommend the following resolution ;

Resolved, That his Excellency the Governor be requested to cause a proper investigation of the correctness of the accounts of Devereux & Thweatt, and that he be authorised and requir-

ed to pay to them such sum as may appear to be justly due on such investigation, out of the Contingent Fund of the present year.

3dly. The committee of Finance to whom were referred the communication of the Comptroller General and Treasurer, under a resolution of Senate, dated the 23d of November ult.

Further Report,

That on an examination of said communication, they find that no digest of taxable property has been returned or transmitted to the Comptroller General's Office from the following counties, viz.

From the county of	
Camden for the years	1805, 6, & 7.
Effingham	- 1806.
Bulloch	- 1887.
McIntosh	1800 & 1807.
Scriven	- 1807.
Montgomery	1800, 1801, 2, 3, [and 4.
Wilkinson	- 1807

And that the jusutices of Inferior courts of the aforementioned counties, who were required by a resolution of the last Legislature to shew cause why they should not be removed from office for having failed to transmit to the proper department the Bonds of the Receivers and Collectors of said counties for the following years, to wit.

Glynn for the year	1807
Lincoln	1807.
McIntosh	- 1800 & 1802.
Montgomery	1801.
Tatnall	- 1805, 6, and 7.
Wilkinson	1807. [For this

county Collector's bond only wanting. Having in contempt of said Resolution neglected to shew cause for not having forwarded said bonds.

The committee therefore recommend the following resolution :

Resolved, that his Excellency the Governor be requested to have the bonds now in the Treasury-Office, of such Receivers of taxable property, as have failed or neglected to make return of their digest agreeably to law, immediately put in suit.

And that the Justices of the Inferior courts of the above mentioned counties ought by the next General Assembly to be removed from office, unless they transmit the bonds which are wanting as aforesaid to the proper officer, or shew good cause why the same is not done.

On the second communication on this subject, from the Treasurer, the committee find that the bonds of the Collectors whose accounts are not closed for the following counties and years, are also wanting, to wit ;

Baldwin for	1809.
Bryan	1801 & 1809.
Camden	- 1801 & 1809.
Chatham	1809.
Columbia	1808.
Effingham	1807, 8 & 9.
Glynn	1808 and 9.
Greene	1809.
Hancock	1808.
Jackson	1809.
Jones -	1808.
Laurens	1809.
Liberty	1808.
Lincoln	1808 and 9.
M'Intosh -	1801
Morgan	1809.
Montgomery	1809
Oglethorpe	1809
Pulaski	1809
Scriven	1809
Tellico	1809 and 9

Warren 1808  
Wilkinson 1808 and 9.

The committee therefore recommend the following resolution :

Resolved, that the Justices of the Inferior courts of the said last above mentioned counties do cause the aforesaid Bonds to be returned to the proper office on or before the first day of the meeting of the next General Assembly, or shew good cause why they should not be removed from office for failing so to do.

4thly. & also The committee of Finance to whom was referred the statement of the Commissioners of Millidgeville, further Report,

That on examination of that statement it appears that there is due to said commissioners for services and Printers bills the sum of dols. 145 25 cts. which we recommend be provided for in the appropriation law.

It also appears, that agreeably to the appropriation law of last year Messrs Thomas and Scott have received the sum of dols. 29,999 99 cts. in addition to what they had before received, on their contract for building the State-House, and which house they were bound to have completed on the 1st day of October, 1807, and which, altho' the great indulgence those Contractors have received, and the liberal advances made them, it appears is not yet completed, by which it would appear by the report of the commissioners, they have been unable to obtain a valuation of the work, as directed by a resolution of the last Legislature ; your committee therefore recommend the following resolution ;

Resolved, that his Excellency the Go-

vernor be and he is hereby authorized and requested immediately to have the bond of the contractors for building the State-House put in suit.

And be it further resolved, That the commissioners of Milledgeville be, and they are hereby required, to procure a valuation of the work now done on the State-House, and report the same to the next Legislature.

The Senate took up the several reports, which being read ;

Resolved, that the Senate do agree to the 1st, 2d and 3d reports.

Resolved, that so much of the 4th report as relates to the balance due the commissioners of Milledgeville of 146 dols. 25 cents be agreed to ; and on the question to agree to that part of said report relative to the bond of the undertakers of the State-House being put in suit, it was determined in the negative.

On motion of Mr. Davies (of Chatham),

Resolved, that his Excellency the Governor be and he is hereby requested to cause the necessary steps to be taken, by suit or otherwise, for the purpose of establishing the right and title of the state to nine hundred & forty acres of land, lying on Savannah river in the county of Chatham, being part of a tract of land called Knoxboro' and which was formerly the property of some person or persons named in the bill of banishment and confiscation.

On motion of Mr. Davies (of Chatham),

Resolved, that a committee be appointed to adjust the accounts of the members of the Senate and its officers against the state for their attendance and services during the present session

of the General Assembly.

Ordered, That Messrs. Davies (of Chatham), Jackson and Lanier be that committee.

The bill to be entitled an act, to appropriate monies for the political year eighteen hundred and ten, was taken up and read the 2d time.

The Senate resolved itself into a committee of the whole, on said bill, Mr. Moore in the chair, Mr. President resumed the chair and Mr. Moore reported progress, and had leave to set again.

Mr. Foster from the committee of enrollment, reported as duly enrolled & signed by the Speaker, the following acts, viz :

An act to divorce William Sorrow and Priscilla his wife.

An act to regulate the town of Eatonton in the county of Putnam.

An act for the relief of certain Wharfholders in the City of Savannah.

An act to levy an extra tax upon the lands of Absentees in the county of Glynn, to be applied to the erecting bridges, &c. in said county.

An act to prohibit Dueling.

An act to amend the 26th section of the Judiciary law of this state.

An act to alter and amend the 83rd section of the Judiciary, passed the 9th of February 1797, and to amend the Judiciary, passed the 16th February 1799.

An act supplemental to an act, to appropriate the funds heretofore set apart for the redemption of the public debt.

An act to repeal an act, compelling clerks to keep their offices at, or within one mile of their respective court-houses, so far as respects the county of

Scriven.

An act to amend the 7th section of an act, entitled an act, to alter and amend the several militia laws of this state, & to organize the Cavalry, passed the 17th December, 1808.

An act to give relief to all ordained ministers of the Gospel, so far as respects their serving as jurors or doing militia duty.

An act to secure to Joshua Grinager the right to erect a ferry over Little river, at or near his mills in the county of Lincoln, on the road leading from Augusta to Petersburg.

An act to compile and arrange the laws and resolutions of this state, passed since the political year eighteen hundred.

An act to continue in force an act, passed on the 22d day of December, eighteen hundred and eight, giving further time to the fortunate drawers in the late land lotteries to take out their grants.

An act to make permanent the site of the public buildings in Morgan county, at the town of Madison, and to incorporate the same.

An act to provide for taking the Census of this state, as required by the Constitution.

An act to enable the commissioners of the Camden county Academy to ascertain and collect the amount of the funds belonging to said institution.

An act further to extend the powers of the Comptroller General, so far as to relieve the heirs and legal representatives of William Pierce, a soldier in the late state troops. And

An act more effectually to punish the crime of Horse-stealing.

The said acts were severally presented to, and signed by the President.

Ordered, That the committee on enrolled bills do carry said acts to his Excellency the Governor for his revision.

The Senate took up the report of the committee on the petition of Charles Smith, and the same being read, was amended and agreed to, & is as follows:

The committee on the state of the republic to whom was referred the petition of Charles Smith, are of opinion that his petition deserves the attention of the Legislature, and recommend the following resolution:

Resolved by the Senate and House of Representatives in General Assembly met, and by the authority of the same, That in case of any complaint being had by any individual or individuals in this state, touching the inaccuracy of any survey or surveys of lands as stated to have been made by either of the surveyors, under, and by virtue of the several lottery laws of the late ceded Territory of this state, such complainant or complainants shall have due recourse to the bond or bonds of the Surveyor of the district as the case may require, for a redress of grievances in the Superior court.

And be it further resolved, That his Excellency the Governor be, and he is hereby required to cause a certified copy of the Surveyor's bond, on application to be given to said complainant, his agent or attorney, which copy when duly certified as aforesaid, under the privy seal of his Excellency the Governor, for the time being, shall be deemed, held and taken as good and sufficient in the place of the said original bond, and rules or principle of law to the contrary thereto notwithstanding.

The Senate took up the report of the committee on the petition of Brittain M'Cullers, to wit :

The committee to whom was referred the petition of Brittain M'Cullers,  
REPORT,

That the prayer of the petitioner is reasonable and just, and therefore recommend the following resolution :

Resolved, That the Comptroller General be, and he is hereby required to issue a certificate in favor of Brittain M'Cullers, for 640 acres of land in lieu of a certificate for the same number of acres of land in favor of the said Brittain M'Cullers, & which has been destroyed by fire, as stated in the petition of the said Brittain M'Cullers, which certificate when issued, is to be received by the Treasurer in payment of the debts due for the purchase of fractional surveys, at the rates specified by an act, entitled an act, &c. Provided the said Brittain M'Cullers shall before the issuing of the said certificate, give a bond with good and sufficient security to his Excellency the Governor for indemnifying the State against any consequence which may result from the renewal of the said certificate, and the same being read, was agreed to.

On motion of Mr. Walker,

Resolved, That both branches of the General Assembly will convene in the Representative Chamber to-morrow at 11 o'clock, for the purpose of electing a person to digest and arrange the Laws and concurred resolutions of this state, passed since the political year 1800, agreeably to an act of the General Assembly.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives disagree to the report of the committee of conference on the bill to divide Wilkinson county, in the words following :

“ And that the House of Representatives recede and concur with Senate in the remainder of their amendments to said bill,” and the House of Representatives request a second committee of conference to take into consideration that subject matter of disagreement between the two branches—and have appointed a committee on their part, consisting of eleven members to confer thereon. And he withdrew.

The Senate took up the message, agreed to a second committee of conference on the bill, and appointed Messrs. Jackson, Lanier, Stewart, Davies (of Burke), Owens, Talbot, Haradin, Park, Spivey, and Scruggs.

On motion of Mr. Powell,

Resolved, That William Knight be, and he is hereby appointed a commissioner of the court-house and jail for the county of Wayne, in lieu of Jones Bevin, removed out of the county.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the resolution appointing John Grimes a Justice of the Inferior court for the county of Chatham ; In the resolution making distribution of the remaining Digest of Marbury & Crawford to the new counties and districts ; In the resolution appointing Joseph Lain a justice of the Inferior court of Morgan ; In the resolution requiring the printer of the present Laws and Journals to strike off 300 copies of the

<p>bill to alleviate the condition of debtors; Ogechee, at High Bluff.</p> <p>In the resolution appointing William McGruder a Trustee of the Columbia Academy; In the resolution requiring the commissioners of confiscated estates to postpone the sale of property; In the resolution requesting the Governor to pay the several printers who have published the sales of confiscated property. And</p> <p>The House of Representatives have passed the following bills from Senate to wit:</p> <p>A bill to amend the tax acts now in force in this state.</p> <p>A bill for the relief of David Mad dox.</p> <p>A bill to authorise the Inferior court of Baldwin county, to levy an extra tax.</p> <p>A bill to limit the Jurisdiction of the Aldermen of the City of Savannah, so far as relates to the regulation of the market.</p> <p>A bill to authorise the Inferior court of Pulaski county to draw grand and petit jurors.</p> <p>A bill to authorise the Inferior court of Telfair county, together with the clerk and sheriff, to draw jurors for said county.</p> <p>A bill to alter and amend an act, to regulate and keep in repair the public roads, causeways and bridges in the counties of Burke, Jefferson, Richmond, Greene, and Morgan, so far as respects the counties of Burke, Jefferson, and Richmond.</p> <p>A bill to appoint commissioners to run and ascertain the dividing line between the counties of Wayne and Camden.</p> <p>A bill to authorise Sherwood McCulloch to erect a bridge across the river Great</p>	<p>A bill to authorise the Inferior court of Wayne county, together with the clerk and sheriff, to draw grand and petit jurors for said county.</p> <p>A bill to authorise the Inferior court of Laurens and Pulaski counties to levy an extra tax, to defray the expence of running the dividing line between said counties.</p> <p>A bill to alter and amend an act, to authorise the Justices of the Inferior courts of this state to discharge insolvent debtors, confined by any process, from any court of this state.</p> <p>A bill to make permanent the seat of the public buildings in the county of Pulaski. And</p> <p>A bill to amend an act, to revive and continue in force an act, for the limitation of actions, and avoiding suits in law, passed 8th December eighteen hundred and eight.</p> <p>They have passed a bill to be entitled an act, to alter and amend an act, regulating roads in this state, so far as respects the county of Camden, with an amendment. And</p> <p>The bill to add a part of Liberty to Tattnall county, with an amendment. And he withdrew.</p> <p>The Senate took up the message, &amp; the amendment made by by the House of Representatives to the bill entitled an act, to alter and amend an act, regulating roads, so far as respects the county of Camden, was agreed to.</p> <p>Ordered, That the amendment to the bill to add a part of Liberty, to Tattnall county, be disagreed to.</p> <p>The Senate adjourned 'till 4 o'clock this afternoon.</p> <p>The Senate met agreeably to ad-</p>
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journalment.

The Senate again resolved itself into a committee of the whole, on the bill to appropriate monies for the political year 1810. Mr. Moore in the chair, Mr. President resumed the chair, and Mr. Moore reported, that they had gone through the bill with amendments.

Ordered, that the report do lie on the table.

On motion of Mr. Brown,

Resolved, That Sterling Grimes be and he is hereby appointed a Notary Public for the county of Morgan.

Adjourned 'till to-morrow 10 o'clock.

**TUESDAY, 12th December, 1809.**

The Senate took up the report of the committee of the whole on the bill to appropriate monies for the political year 1810.

On motion of Mr. Barnett,

Resolved that the Senate do disagree to the section in said bill appropriating 4,500 dollars to John Scott for a Government House; and that they amend the clause to read,

“ The sum of five hundred dollars be appropriated for house-rent for His Excellency the Governor. On the question to agree to the amendment, it was determined in the affirmative, and the yeas and nays being required, are Yeas 19, Nays 10.

Those who voted in the affirmative are Messrs. Barnett, Brown, Davis [of Walton], Davies (of Burke), Davies (of Coatham) Hardee, Hogan, Hurt, Lanier, Little, M'Lendon, McCormick, Owens, Powell, Reed, Scruggs, Spivey, Watts (of Washington) & Watts (of Telfair).

Those who voted in the negative, are

Messrs. Carter, Foster, Hardin, Jackson, Moore, Runnells, Stewart, Talbot, Walker and Williams.

The report of the committee being amended, and agreed to,

The bill was read the third time and passed as amended.

On motion of Mr. Davies of (Chatham),

Resolved, that His Excellency the Governor be, and he is hereby requested to procure insurance to be effected on the State-House for the sum of seventy thousand dollars, in some one of the Insurance offices of the United States, and that the amount of such insurance, and the expences thereof, be paid out of the contingent fund.

On motion of Mr. Davies (of Chatham),

Resolved, that His Excellency the Governor be, and he is hereby requested to pay to Seaton Grantland out of the Contingent Fund, the amount of his account for printing 150 copies of the bill from the House of Representatives for alleviating the condition of debtors, and three hundred copies of the same bill as reported by the committee of conference, provided the said account shall appear to be reasonable & according to the usual rates of charges.

Mr. Davies (of Chatham) from the joint committee of both branches, appointed to draught an address to the President of the United States, expressive of the sense of the Legislature on the conduct of Francis James Jackson, the resident Minister from the Court of St. James, in the late negotiation between the U. States and Great Britain,

Reported as follows:

The deep and solemn affection of a

people for the government of their choice.... The proud Independence of freemen disdaining a quiet submission to repeated injuries.... The long continued outrages and insults which have characterized the conduct of the British Cabinet towards our country, urge the Legislature of Georgia at this momentous crisis to an emanation of their sentiments.

While with an eye of prudent suspicion we have marked the rapid strides of that imperious government, towards the despotism of the ocean, we could not but recognize the pointed jealousy of her Orders in Council, which have with undeviating constancy levelled their shafts at the infant, but widely expanding commerce of America.

The Legislature had at one time sympathized in the fond hope of their Brethren at large in the Union, that a character of virtue and integrity, sanctioned by the manifestations of a peevish loving community, would have entitled them to reciprocal moderation and justice from the governments of the old world. But the steady determination evinced by the two great belligerents of Europe, to a continuation of their encroachments and an unrelenting adherence to their violations of the universally received principles of National Law, served entirely to eradicate the fond hope, that a steady and virtuous neutrality would be adequate to the maintainance of our rights upon the ocean; and hence resulted throughout

the State of Georgia, that animated approbation of the principles of an embargo, which they deemed best calculated to restore the proud despots of Europe to a sense of justice and of right.

But while indulging in the pleasing expectations, that an effect so desirable was about to be produced, while reposing in the grateful retrospection of the virtuous and patriotic policy which had dignified the last administration; and contemplating an equally honorable in the present, we have been roused from a confidence so magnanimous to the recognition of an insult offered to the heads of Department in our government, in whose hands are intrusted all negotiations with foreign powers.... And feeling as we do, that an insult to officers so high, in whom rests a responsibility so great, while in the decent, honorable, rightful, and dignified performance of duties incumbent upon them through the insolence of a foreign minister, is an insult to the nation at large.... and deeply impressed with the importance of supporting the Executive in all actions sanctioned by justice, when the rights and dignity of our National Government are involved.

*BE it therefore Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That we conceive the conduct of FRANCIS JAMES JACKSON, late resident Minister from the Court of St. James, has been highly insulting and censurable, and that with one voice we approve the spirited and decisive manner of the Executive of the United States in refusing to further to negotiate with the British government through the medium of that minister.

*And be it further resolved,* That we as Citizens of Georgia and members of the Union, will ever be found in willing readiness to assert and support the rights & dignity of our country when



ver called upon by the proper authority of our National Republic,

*And be it further Resolved,* That his Excellency the Governor be requested to transmit these our resolutions to our Senators in Congress, to be by them presented to the President of the United States.

Which being read, was unanimously agreed to.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President ;

The House of Representatives have passed a resolution on the memorial of James Holt, and he withdrew.

The Senate took up the message, & the resolution was concurred in.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have concurred in the resolution appointing this day for the purpose of electing a fit and proper person to arrange and digest the laws &c. with an amendment ; strike out " eleven " and insert three o'clock this afternoon.

The Senate took up the Message, & the amendment was agreed to.

On motion of Mr. Park ;

Resolved, that Messrs. Hammond, Jackson and Owens be a committee to join such committee as may be appointed by the House of Representatives, to see the Great Seal of the state affixed to the several laws passed this session, and to examine the balance of the Journal of Senate, and that they be allowed three days for the same.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have agreed to all the amendments made by Senate to the bill appropriating monies for the political year 1810, except the amendment to strike out 4,500 dollars to John Scott, for the purchase of his house, which they disagree to.

The Senate took up the message and adhere to their amendment, and request a committee of conference on the subject matter in dispute, and have appointed Messrs. Barnett, Davies (of Chatham), Hardin, Powell, and Jackson, a committee on their part.

The Senate took up the report of the committee of the whole on the bill to alter and amend the several militia laws of this state so far as respects the cavalry, which was amended.

And on the question to agree to the amendments, it was determined in the affirmative, and the yeas and nays being required, are, Yeas 17, Nays 4.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Carter, Davis (of Walton), Hardin, Hogan, Hurt, Lanier, McLendon, Powell, Remson, Scruggs, Stewart, Talbot, Walker, and Watts (of Washington).

Those who voted in the negative, are Messrs. Foster, Owens, Park, & Runnells.

The bill was read the third time and passed as amended.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have concurred in the several reports of the committee on the state of the republic, relative to the amendments proposed by the several States to the Constitution of the United States.

In the reports of the committee of *Mr. President,*  
Finance of yesterday.

In the resolution on the petition of *Mr. Speaker, and*  
Charles Smith. *Gentlemen of the Senate,*

In the resolution relative to the Knox-  
boro' lands, with an amendment.

The Senate took up the message and  
the amendment to the last resolution  
was agreed to.

Mr. Lanier from the second commit-  
tee of conference on the bill to divide  
the county of Wilkinson, Reported ;

That the Senate recede and concur  
with the H of Representatives in the  
name of the Oconee division of said cou-  
nty, & that it retain the name of Wilkin-  
son. And that the Senate recede & con-  
cur with the House of Representatives,  
to strike out *that section of said bill* de-  
fining the dividing line between Wil-  
kinson and Baldwin counties.

The Senate took up the report, and  
the same being read, on the question to  
agree, it was determined in the affirma-  
tive, and the yeas and nays being re-  
quired, are Yeas 22. Nays 6.

Those in the affirmative, are Messrs.  
Barnett, Brown, Carter, Davies (of  
Burke), Davis (of Walton), Foster,  
Hardin, Hurt, Lanier, Little, M'Lend-  
on, M'Cornick, Owens, Powell, Reed,  
Rannells, Scruggs, Spivey, Stewart,  
Watts (of Washington), Watts (of  
Telfair), and Williams.

Those in the negative, are Messrs.  
Davies (of Chatham), Hammond,  
Hardee, Hogan, Talbot, and Walker.

A message was received from His  
Excellency the Governor by his Secre-  
tary Mr. Early, enclosing an answer  
from the President of the United States  
to the address of the Legislature at their  
session of 1808, viz :

*Gentlemen of the H. of Representatives,*  
You will herewith receive the answer  
of Thomas Jefferson, late President of  
the United States, to the address of the  
Legislature of this state, at their sessi-  
on of 1808.

This address bears date the third of  
February last, and was received at the  
Executive Office some time in the same  
month. I deem it proper that the Le-  
gislation should be informed of its re-  
ception and contents, and my being  
without any information that such a pa-  
per was in the office until this morning,  
will account for its being communicat-  
ed at this late period of the session.

(Signed)

D. B. MITCHELL.

P. S. The address herewith transmit-  
ted being an original, and no copy ta-  
ken, the Senate will please communicate  
the same, together with this message, to  
the House of Representatives.

Executive Department, }  
the 12th December, 1809. }

THE ANSWER TO THE ADDRESS.

*To the Legislature of the State of Geor-  
gia.*

The address which the Legisla-  
ture of Georgia, the immediate or-  
gan of the will of their Constitu-  
ents, has been pleased to present  
me, is received with that high satisfac-  
tion which the approbation of so res-  
pectable a state is calculated to inspire.  
During the unexampled contest which  
has so long afflicted Europe, which has  
precluded all the laws which have hitherto  
been deemed sacred among nati-

ons, and have so long constituted the rule of their intercourse, we had vainly hoped that our distance from the scene of carnage, and the unvariable justice with which we have conducted ourselves towards all parties, would shield us from its baleful effects; but that commerce indispensably necessary for the exchange of the produce of this great Agricultural country, for the things which we want, increased by a temporary succession to the commerce of other nations, as being ourselves the only neutrals, has brought us into contact with the lawless belligerents in every sea, and threatens to involve us in the vortex of their contests.

The privations from the want of a vent for our produce, have been the unavoidable result of the edicts of the belligerent powers. Should the measure adopted in consequence of them, and which meets your approbation, still save the lives and property of our brethren from the insults and rapacity of these powers, it will be a fortunate addition to the other benefits derived from it; on the other hand should our present embarrassments eventuate in war, I am satisfied that the State of Georgia will zealously emulate her sister states in supporting the Governments of their choice, & in maintaining the rights and interest of the nation. Our soil, our industry, and our numbers with the bravery which will be engaged in the cause, can never leave us without resources to maintain such a contest.

To no events which can concern the future welfare of my country, can I ever become an indifferent spectator. Her prosperity will be my joy—Her calamities my affliction.

Thankful for the indulgence with which my conduct has been viewed by the Legislature of Georgia, and for the kind expression of their good will. I supplicate the favour of Heaven towards them, and our beloved countries.

(Signed)

TH: JEFFERSON.

3d February, 1809.

On motion of Mr. Jackson,

Whereas there appears some uncertainty as respects the present line between the counties of Wilkinson and Baldwin, as there is two lines; and some persons do not know to which county they belong; and suits are now instituted against persons living between the two lines, under a law subjecting any person to a fine of thirty dollars "who shall vote at any election out of the county in which he resides."

Be it therefore resolved by the Senate and House of Representatives, That there shall not be any fine or fines imposed upon any person or persons living between the two lines as aforesaid for any vote or votes heretofore given in either of the aforesaid counties of Baldwin or Wilkinson.

Ordered to lie on the table.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives are in readiness to receive the Senate for the purpose of proceeding to the election of a fit and proper person for to arrange and digest the Laws and Concurred Resolutions, which have passed since the year 1809. And he withdrew.

The Senate then repaired to the Representative Chamber, and being scat-

ed, proceeded to said election, and upon counting out the votes, it appeared that Smith Clayton, esq. Attorney in the Western Circuit was duly elected.

The Senate returned to their Chamber and took their seats.

Mr. Fowler from the committee on enrollments reported as duly enrolled and signed by the Speaker, the following acts to wit:

An act to amend an act, to alleviate condition of Debtors.

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

An act to authorise the Inferior court of Baldwin county to levy an extra tax, &c.

An act to repeal an act, to estop and regulate the Justices of the Inferior courts.

An act to authorise the Justices of the Inferior courts of this state to discharge insolvent debtors confined by process, from any court of this state whatever.

An act to compel Justices of the Peace to keep a fair and regular book of entries.

An act to limit the jurisdiction of the Aldermen of the City of Savannah, &c.

An act to authorise the Inferior court of Wayne county to draw grand and petit jurors, &c.

An act to encourage the Female Academy of Savannah.

An act to amend an act, to compel clerks to keep their offices at, or within one mile of their respective court houses, so far as respects the counties of

Pulaski and Telfair.

An act to authorise the clerks of the Superior & Inferior courts, clerks of the courts of Ordinary, Sheriffs, Coroners, & surveyors, to hold their offices during the intervention between the election & commission of their successors, and to regulate the transfer of papers and monies.

An act for the renewal of an audited certificate therein mentioned.

An act to keep open the main channel of Broad river from the confluence of the same with the Savannah river, to the mouth of Hudson's river in Franklin county.

An act to authorise the Inferior court of Pulaski county, to draw a grand & petit jury, &c.

An act for the relief of David Maddox.

An act to amend an act, to revive and continue in force an act, for the limitation of actions, and avoiding suits in law.

An act to authorise the Inferior court of Telfair county, together with the clerk and sheriff, to draw grand & petit jurors.

An act for the relief of David Limeberger.

An act to appoint commissioners to ascertain the dividing line between Wayne and Camden counties.

An act to amend the tax acts now in force in this state.

An act to make permanent the seat of the public bulidings in the county of Pulaski.

An act to authorise Sherwood McCall to erect a brige across the river Great Ogeechee, at High Bluff—and

An act to authorise the Inferior courts of Laurens and Pulaski counties.

to levy an extra tax to defray the expense of running and ascertaining the dividing line between said counties.

Ordered, That the committee of enrollment do carry the said several acts to his Excellency the Governor for his revision.

Mr. Moore had leave of absence for the remainder of the session, after this day 12 o'clock.

Adjourned 'till to-morrow 10 o'clock.

WEDNESDAY, 13th Dec. 1809.

A message from the House of Representatives by Mr. Holt their Clerk :

Mr. President ;

The House of Representatives have concurred in the resolution appointing William Knight a Commissioner of the Court House and Jail in the county of Wayne.

They have passed the bill to be entitled an act to authorise the holding of an extra session of the Superior Court in the county of Wilkes : and

The bill to amend and continue in force an act to authorise Thaddeus Holt Esq. to erect a bridge across the Oconee River, passed 10th Dec. 1807.

Also, the bill to establish an academy in the town of Eatonton and county of Putnam, by the name of Union Academy, and to incorporate the same.

And also, the bill to authorize Charles R. Carter to erect a Toll-bridge across Little River at his Mills in Wilkes county.

They have passed the bill to authorize Creswell M'Donald and others to practice law in the courts of law and equity in this state, with an amendment; and the bill to alter the times of holding

the Superior courts in the several courts of this state, with amendments; and he withdrew.

The Senate took up the message, and agreed to the amendments in the last mentioned bill.

Ordered, that the amendments to the bill, admitting Creswell M'Donald and others to practice law &c. do lie on the table.

On motion, of Mr. Watts (of Washington).

Resolved, That Francis Powell, John Lawson, Robert Glynn and Arthur Fort be, and they are hereby appointed Justices of the Inferior Court for the county of Twiggs.

A message from his Excellency the Governor by Mr. Early his Secretary.

Mr. President ; his Excellency the Governor has assented to and signed the following act, viz.

An act to provide for taking the census of this state agreeably to the constitution.

Ordered, that the committee of enrollment do carry said act to the Secretary of State's Office, and have the big seal affixed to the same.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President ;

The House of Representatives have passed the bill to authorise William Garrett, Leroy Hammond and Walter Leigh and Edward Rowell to erect toll-bridges at the places therein mentioned, with amendments.

The Senate took up the message, and agreed to the amendments.

Mr. Foster from the committee of enrolled bills,

Reported as duly enrolled and signed

by the Speaker, the following acts;

An act to authorise Zachariah Sims to erect a bridge over the Oconee River at his mills.

An act supplementary to the Judiciary system of this state.

An act to regulate the rates of tavern licence in this state.

An act to keep open remove & prevent obstructions in Savannah river calculated to impede the free passage of fish, and the navigation of said river by boats, so far as respects the counties of Richmond, Columbia, Lincoln, Elbert and Franklin, as far as the mouth of Lagado & Keowee rivers, which was presented to & signed by the President.

Ordered, that the committee of enrollment do carry said acts to his Excellency the Governor for his revision.

On motion of Mr. Park,

Resolved that the Printer of the Laws be required to strike off one hundred copies of the act for taking the census of this state, for the use of the members and information of the courts.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President;

The House of Representatives have disagreed to the joint report of the committee of conference on the appropriation act; and he withdrew.

The Senate took up the message, & Resolved that the Senate do adhere to their amendments made to said bill, and agreed to in committee of conference.

A message from his Excellency the Governor by Mr. Early his Secretary.

Mr. President,

His Excellency the Governor has approved and signed the following concurrent resolutions:

One that his Excellency the Governor be authorized and required to call in as many of the digests of the Laws of this state as will furnish the different officers not heretofore provided for in the counties of Morgan, Randolph, Putnam, Jones, Baldwin, Wilkinson, Laurens, Pulaski, Telfair and Wayne, with one copy &c.

One appointing William M'Gruder, esq. a trustee of the Columbia county Academy, in the place of Thomas Cobb esq. resigned.

One appointing Joseph Lain, esq. a justice of the Inferior court for the county of Morgan in the place of William Randle, resigned.

One appointing John Grimes, esq. a Justice of the Inferior court for the county of Chatham, in placé of William Smith, resigned.

One that the Printer employed to print the Laws and Journals of the Legislature be required to strike off 300 copies of the bill to alleviate the condition of debtors, as agreed upon and reported by the committee of conference, for the use of the members of the Legislature.

One requiring the commissioners of confiscated estates to postpone the sale of property by them advertised to be sold on the — day of January next, until the 3d Monday of Nov. 1810.

One requesting his Excellency the Governor to pay out of the contingent fund the accounts of the several printers, who have published the sales of confiscated property, postponed by order of the present General Assembly, on their being certified by a majority of the commissioners of confiscated property.

And one that in case any complaint

being had by any individual in this State touching the inaccuracy of any survey or surveys of land as stated to have been made by either of the surveyors, under and by virtue of the several lottery laws of the late ceded territories of this state, such complainant or complainants shall have due recourse to the bonds of the surveyor of the district, as the case may require, for a redress of grievances in the Superior court, &c. &c.

On motion of Mr. Walker,

Resolved, that a committee be appointed to join such committee as may be appointed by the other branch of the Legislature, to wait on his Excellency the Governor and inform him that the Senate and House of Representatives are ready to adjourn, and to know whether he has any further communication to lay before them.

Ordered, that Messrs. Walker, Davies (of Chatham) and M'Cormick be the committee on the part of Senate.

The Senate took up the amendments made by the House of Representatives to the bill to be entitled an act to admit Creswell McDonald and others to practice law in the courts of law and equity in this state, and the amendments being read were agreed to.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President,

The House of Representatives have unanimously concurred in the memorial to Congress, relative to Walton county.

They have passed a resolution on the subject of re-surveying the 8th District of Wilkinson county, and he withdrew.

The Senate took up the message, and the resolution was agreed to.

Mr. Foster from the committee of enrolled bills reported as duly enrolled and signed by the Speaker, the following acts, viz :

An act to divide the county of Wilkinson and to form one other new county.

An act to amend an act, to protect the estates of orphans, and to make permanent provision for the poor, passed the 18th day of December, 1792.

An act securing to Joseph Hill, his heirs and assigns, the exclusive right of erecting three toll bridges across Savannah river, its branches, &c.

An act to amend and explain an act, entitled an act, to incorporate the Savannah Poor-house and Hospital Society, passed December 10th, 1803.

An act to quiet the claim of Sylvanus Church, to so much of a tract of land lying and being on the Great Satilla, in the county of Camden, as has been laid off for the town of Jefferson, the seat of the public buildings of said county of Camden.

Ordered, That the committee of enrollment do carry the said acts to his Excellency the Governor for his revision.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution on the subject matter of selling the 7th district of Baldwin county, &c.

A resolution on the report of the committee of Finance on that part of the Treasurer's Abstract, relative to the bonds for reverted confiscated proper-

ty and bonds and notes for Indian Goods.

They have passed a resolution appointing Daniel Hicks and Willoby Sykes, Justices of the Inferior court for the county of Wilkinson.

They have concurred in the resolution, that his Excellency the Governor be requested to pay Seaton Grantland for printing copies of the alleviating act; In the resolution requiring the printer to strike off 100 copies of the act for taking the Census of this state;

In the resolution appointing a joint committee to have the seal fixed to the laws and resolutions, and have added on their part, Messrs. Cullens, Day, & Adams.

The Senate took up the message, and ordered that the resolution on the subject of selling the 7th district, do lie on the table.

They concur in the resolution relative to bonds for confiscated property and bonds for Indian goods.

They agree to the resolution appointing Justices of the Inferior court for the county of Wilkinson, with the following amendment.

Strike out the names of "Daniel Hicks and Willoby Sykes," and insert Stephen Johnson and William Cauley.

On motion of Mr. Walker,

Resolved, That the Secretary of Senate be authorised to deliver to the hon. Allen B. Powell a receipt of the Sheriff of Glynn county to Gibson and Fort for their taxes for the year, 1807.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President.

The House of Representatives have agreed to the report of the committee

of Finance, authorising his Excellency the Governor to put in suit the bond of the Contractor for building the State House.

And they do still disagree to the report of the committee of conference on the subject matter in dispute relative to the appropriation act. And have appointed a second committee to confer on the same subject matter. And he withdrew.

The Senate took up the message, & Resolved, That the Senate agree to a second committee of conference on the appropriation act.

Ordered, That Messrs. Barnett, Walker, Park, Talbot, Remson, Stewart, Hogan, Foster, and M'Cormick be the committee on part of Senate. And

On motion,

That the report of the committee of Finance authorising his Excellency the Governor to put in suit the bond of the Contractor for building the State-house do lie on the table; on the question, it was determined in the affirmative, and the yeas and nays being required, are Yeas 16. Nays 9.

Those in the affirmative, are Messrs. Carter, Davies (of Chatham), Foster, Hardin, Jackson, Lanier, M'Lendon, M'Cormick, Owens, Park, Stewart, Talbot, Walker, Watts (of Washington), Watts (of Felfair), and Williams.

Those in the negative, are Messrs. Barnett, Brown, Hammond, Hardee, Hogan, Powell, Reed, Remson and Serroggs.

Mr. Bennett from the 2d committee of Conference, Reported that the Senate do recede and concur with the House of Representatives on the subject matter in dispute.



The Senate took up the report, and on the question to agree to the same it was determined in the negative, and the yeas and nays being required, are Yeas, Messrs Foster, Hardin, Jackson, Park, Remson, Stewart, Talbot, Walker and Williams.

Those in the negative are, Messrs. Barnett, Brown, Davies (of Chatham), Hogan, Lanier, M'Lendon, M'Cor-mick, Owens, Powell, Reed, Scruggs and Spivey.

A message from the House of Representatives by Mr. Holt their Clerk; Mr. President ;

The House of Representatives have agreed to the report of the 2d committee of conference on the bill to appropriate monies for the political year 1810, and he withdrew.

\* Ordered, that the message do lie on the table.

On motion of Mr. Barnett,

Resolved, that a committee be appointed on the part of the Senate, to join any committee that may be appointed by the House of Representatives to finally adjust the difference between the two Houses on the subject matter of difference on the Appropriation Law; whose report shall be conclusive.

Ordered, that Messrs. Barnett, Walker, Davies (of Chatham), Park and Carter be that committee.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President,

The House of Representatives have concurred in the resolution appointing a joint committee to finally adjust the difference in dispute between the two branches on the appropriation act, so far as respects the appointment of that com-

mittee ONLY, and have appointed a committee on their part, consisting of ten members, and he withdrew.

The Senate took up the message and disagreed to the amendment of the House of Representatives.

On motion of Mr. Jackson,

Resolved, that the Secretary of Senate and the Clerk of the House of Representatives be, and they are hereby authorised to have made and placed in each of their offices, suitable book cases and escrutors for the books and papers belonging to their offices respectively ; and the Governor is hereby authorised and required to pay the expence thereof out of the contingent fund.

Adjourned 'till to-morrow 10 o'clock

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THURSDAY, 14th December, 1809.

Mr. Jackson moved that the Journal of yesterday be reconsidered, so far as relates to the appointment of Justices of the Inferior court of Twiggs county, which was agreed to.

Mr. Jackson then moved that the name of Francis Powell be stricken out, and the name of John Williams be inserted; on the question to agree, it was determined in the negative.

Mr. Foster moved that the Journal of yesterday, so far as respects the disagreement of Senate to the second report of the committee of conference on the appropriation law, be reconsidered ; on the question to agree, it was determined in the negative.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have

W

concurred in the resolution appointing a joint committee to adjust the subject matter in dispute, relative to the appropriation act, and have added a committee on their part.

Mr. Foster from the committee of enrollment, reported as duly enrolled and signed by the Speaker,

An act to appropriate monies for the political year 1810.

Which was presented to, and signed by the President.

Ordered, that the committee do carry said act to his Excellency the Governor for his revision.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed a resolution requesting his Excellency the Governor to pursue measures to compel the return of all monies loaned to the respective persons, except the money loaned to the University. And he withdrew.

The Senate took up the message, and concurred in the resolution.

Mr. Walker from the joint committee appointed to wait on his Excellency the Governor, and inform him that both branches of the Legislature are ready to adjourn, and to know whether he had any further communication to lay before them, reported, that his Excellency the Governor would be ready to lay a communication before this branch of the Legislature in a few minutes.

A message from his Excellency the Governor by Mr. Early his Secretary.

Mr. President,

I am directed by his Excellency the Governor to lay before Senate the following communication, with the return

of a concurred resolution, viz.

*Mr. President,*

*and Gentlemen of the Senate.*

A concurred resolution of the 11th instant, originating in your house, has been presented to me, founded on a report of the committee on Finance, on the subject of Messrs. Devereux & Thweatt's account for the purchase of tents, communicated to the Legislature on the 5th instant. The committee appear to have mistaken the nature of my communication. It did not proceed from any want of disposition on my part to investigate the account of Messrs. Devereux and Thweatt, and to do justice between these parties and the state; it proceeded from a want of funds, the Contingent Fund of 1809 being so far expended, that the balance in the Treasury was insufficient to meet the demand. I am therefore compelled to say, that the report of the committee has been made without a due regard to my communication, and ought not to have imputed motives to individuals for which there was no just cause. Had the committee expressed a wish to investigate the accounts, every document in this office would have been furnished, and the parties interested would have been notified to attend to make such explanations as might have been required.

I cannot therefore approve the resolution, because I should thereby admit reflections upon persons whose motives were honest and fair.

D. B. MITCHELL.

Executive Department, Georgia, }  
the 14th December, 1809. }

The following is a copy of the Resolution disapproved of by his Excellency

the Governor ;

IN SENATE, 11th Dec. 1809.

The committee on Finance to whom was referred the communication of his Excellency the Governor, enclosing an account of Devereux and Thweatt for Tents,

Report,

That your committee are of opinion, the account is well calculated to evade a proper investigation of its correctness, as we are neither furnished with the makers bills or the bill of Butler, Burroughs and Sturges, and we are also of opinion that the charge of commission is in one instance too high, and in the other being connected with other charges; we are thereby precluded the power of judging its correctness ; we therefore recommend the following resolution;

Resolved, that His Excellency the Governor be requested to cause a proper investigation of the correctness of the accounts of Devereux and Thweatt, and that he be authorised and required to pay to them such sum as may appear to be justly due on such investigation out of the Contingent Fund of the present year.

Read and passed,

HENRY MITCHELL,

Predident.

Attest,

*William Robertson*, Secretary.

In the House of Representatives.

Read and concurred in,

B. WHITAKER,

Speaker.

Attest,

*Hines Holt*, Clerk.

A message from his Excellency the

Governor by Mr. Early his Secretary.

Mr. President,

His Excellency the Governor has assented to, and signed the following acts, to wit :

An act to alleviate the condition of debtors, and to repeal "an act to alleviate the condition of debtors, and to afford them temporary relief"—passed the 21st day of December 1808.

An act to amend an act, to authorise the Justices of the Inferior courts of this state to discharge insolvent debtors confined by process from any court of this state whatever.

An act to authorise the Justices of the Inferior court of Baldwin county to levy an extra tax for county purposes, for building a court-house in said county, and for paying for a bridge built across Little river, at Mullen's ford.

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

An act to limit the jurisdiction of the Aldermen of the City of Savannah—so far as relates to the regulation of the market.

An act to authorise the Justices of the Inferior court of the county of Wayne, with the clerk and sheriff of said county, to draw grand and petit jurors, &c.

An act to amend the tax acts now in force in this state.

An act to make permanent the seat of the public building in the county of Pulaski.

An act to authorise Sherwood M'Call

to erect a bridge across the river Great Ogechee on his land at High Bluff.

An act to appoint commissioners to run and ascertain the dividing line between the counties of Wayne and Camden.

An act to authorise the Justices of the Inferior court of Telfair county, with the clerk and sheriff, to draw grand and petit jurors.

An act to amend an act, to revive and continue in force an act, for the limitation of actions, and avoiding suits in law—passed 8th December, 1908.

An act to authorise the justices of the Inferior court of Pulaski county to draw grand and petit jurors, &c.

An act for the relief of David Maddox. And

An act to authorise the Justices of the Inferior courts of Laurens and Pulaski counties to levy an extra tax for the purpose of defraying the expences of running the dividing line between said counties.

Ordered, That the committee of enrolled bills do carry the said several acts to the Office of the Secretary of State, and have the big seal affixed to them respectively.

Mr. Foster from the committee on enrollment, reported as duly enrolled & signed by the Speaker, the following acts, to wit :

An act to alter the time of holding the Superior courts in three several Circuits of this state.

An act to vest the estate both real & personal of Lewis Johnston, dec'd. (a person named on the act of confiscation and banishment), which remains unsold in Fliza Irvine, Rachael Johnston, and Sarah Dryedale, children of the said

Lewis Johnston.

An act to authorise William Garrett and Leroy Hammond, & Walter Leigh and Edward Rowell to erect toll bridges at the places therein mentioned.

An act to admit Cresswell McDonald, James C. W Stewart, George Walton, William Robertson, John R. Brown, John G. Willingham, Thaddeus Holt, John B. Barnes, and David Simms, to plead and practice in the several courts of law and equity in this state.

An act to amend an act, to regulate roads in this state, so far as respects the counties of Bryan, Liberty, McIntosh, Glynn, Camden, and Wayne, so far as respects the county of Camden.

A message from the House of Representatives by Mr Holt their clerk.

Mr. President—The House of Representatives have concurred in the resolution appointing a joint committee to wait on his Excellency the Governor to know whether he has any further communication to make or lay before the present General Assembly.

Resolved unanimously, That the thanks of the Senate be presented to the President, for the faithful and impartial discharge of the duties of his station.

The Senate adjourned without a day.



# JOURNAL

OF THE

# SENATE

OF THE

# State of Georgia;

AT an Annual Session of the General Assembly, begun and held at Milledgeville, the seat of Government, in November and December, 1810.

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MILLEDGEVILLE:

*Printed by* S. GRANTLAND.—*Printer to the State.*

JANUARY—1811.



# JOURNAL

OF THE

## SENATE

OF THE

### *State of Georgia.*

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MONDAY, 5th November, 1810.

On motion of Mr. Spalding,	<i>Telfair,</i>	Ben. Mitch. Griffin
The Honorable John Foster was nominated Chairman, and took his seat.	<i>Lincoln,</i>	Rem. Remson.
Present, the following members elect; who produced their several credentials, and the oath, agreeably to the Constitution of this state & that of the U. States being administered to them by John W. Devereux, Esquire, a Justice of the Peace for the county of Baldwin, took their seats, viz.	<i>Wilkes,</i>	Matthew Talbot.
From the county of	<i>Burke,</i>	William Byne.
<i>M. Intosh,</i> the Hon. Thomas Spalding.	<i>Oglethorpe,</i>	George Hudspeth.
<i>Wayne,</i>	<i>Walton,</i>	John Davis.
<i>Putnam,</i>	<i>Clarke,</i>	Zadock Cook.
<i>Warren,</i>	<i>Laurens,</i>	Henry Shepherd.
<i>Columbia,</i>	<i>Twiggs,</i>	James Johnston.
<i>Bullock,</i>	<i>Jefferson,</i>	Solomon Wood.
<i>Elbert,</i>	<i>Hancock,</i>	William Rabun.
<i>Wilkinson,</i>	<i>Franklin,</i>	James H. Little.
<i>Glynn,</i>	<i>Tatnall,</i>	Martin Hardin.
Allen B. Powell.	<i>Washington,</i>	Jared Irwin.
William D. Lane.	<i>Effingham,</i>	Jesse Scruggs.
John Haraway.	<i>Jackson,</i>	Samuel Henderson
John Foster.	<i>Baldwin,</i>	Benj. Taliaferro.
Sheppard Williams	<i>Randolph,</i>	Charles Crawford.
William Barnett.	<i>Camden,</i>	John Hardie.
John Ball.	<i>Bryan,</i>	John Pray.
John Burnett.	<i>Morgan,</i>	William Brown.

Montgomery,  
Greene,  
Pulaski,  
Scriven,

David M'Cormick,  
Ezekiel E. Parke,  
Henry Fulgham,  
Clement Lanier.

The Senate proceeded to the choice of their President, and on counting out the votes, it appeared that the Hon. Jared Irwin was duly elected, who was conducted to the Chair.

They then proceeded to the choice of their Secretary, and on counting out the votes, it appeared that William Robertson was duly elected.

They then proceeded to the choice of Messenger and Door-Keeper, and on counting out the votes, it appeared that Henry Williams was duly elected Messenger, and Alexander Greene, Door-Keeper.

On motion of Mr Foster,

Resolved, that the Secretary inform the House of Representatives, that the Senate have formed a quorum, & made choice of the Hon. Jared Irwin their President, and William Robertson their Secretary, and are ready to proceed to business.

The Hon. William Butler, the member elect from the county of Jones attended, produced his credentials, and the oath to support the Constitution of this state and that of the United States being administered to him by John W. Devereux, Esq. a Justice of the Peace for the county of Baldwin, took his seat.

On motion of Mr. Foster,

Resolved, that the Senate be governed by the rules of the last session.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President,

I am directed to inform the Senate

that the House of Representatives have formed a quorum, appointed the Hon. Benjamin Whitaker their Speaker, and Hines Holt their Clerk, and are ready to proceed to business; & he withdrew.

Mr. Hardin laid before the Senate a letter enclosing the resignation of Benjamin Wyche and John H. Bryan, Justices of the Inferior Court of Tatnall county. Ordered to lie on the table.

A message from the House of Representatives by Mr. Holt their Clerk. Mr. President;

The House of Representatives have appointed a joint committee on their part to join such committee as may be appointed by the Senate, to wait on His Excellency the Governor and inform him that the General Assembly are now convened, and are ready to proceed to business.

The Senate took up the Message, & joined on their part Messrs. Scruggs, Barnett and Harden.

Mr. Scruggs from the joint committee informed the Senate, that they had waited on His Excellency the Governor, and received for answer, that he would be ready on to-morrow in the forenoon to lay his Communication before each branch of the Legislature.

On motion,

Ordered, that Messrs. Lane, Powell, Foster, Wood and Little, be a committee on Privileges and Elections.

The Senate adjourned 'till 10 o'clock to-morrow morning.

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TUESDAY, 6th November, 1810.

From the county of Chatham attended the Honorable William Davis, and







from the county of Richmond the Hon. Freeman Walker, who severally produced their credentials, and the usual oath being administered to them by John V. Devereux, Esq. a justice of the Peace for the county of Baldwin, took their seats.

Mr. Byne notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend an act, for regulating and keeping in repair the public roads, causeways, and bridges, in the counties of Burke, Jefferson and Richmond.

Mr. Davis (of Walton) laid on the table a petition from a number of the inhabitants of Walton county, which was read and referred to the committee on Privileges and Elections.

On motion of Mr. Taliaferro,

Resolved, That Abraham Miles, Esq. be, and he is hereby appointed a justice of the Inferior Court of the county of Baldwin, in the place of Elijah Owens, Esq. resigned.

On motion of Mr. Scruggs,

Resolved, That William Lucas, Paul Bevill, Thomas Scruggs and John Greene be, and they are hereby appointed Lumber-Measurers for the port of Savannah.

Mr. Lane notifies the Senate, That he will on to-morrow move for leave to introduce a bill amendatory of an act giving further time to fortunate drawers in the late land Lotteries.

On motion of Mr. Davis (of Chatham.)

Resolved, That both branches of the Legislature will convene in the Representative Chamber on Thursday next,

at twelve o'clock, for the purpose of electing a Senator to represent this state in the Congress of the United States for six years from the first day of March next.

On motion of Mr. Lanier,

Resolved, that a committee be appointed on the part of Senate, to join such as may be appointed on the part of the House of Representatives, to compose a committee on the state of the Republic.

Ordered, that Messrs. Lanier, Park, Spalding, Foster, Barnett, Wood, and Rabun be a committee on the part of Senate.

Mr. Hudspeth notifies the Senate that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend an act for the better regulating taverns & shop-keepers.

Mr Wood laid before the Senate a Memorial from Charles Lane, Esq. of Walton county, which, together with the documents accompanying the same, being read, was referred to the committee on Privileges and Elections.

On motion of Mr. Pray,

Resolved, that the Executive appointment of Reuben S. Saffold as a Justice of the Inferior court for the county of Bryan, in the room of James Eyrd, Esquire, resigned, be, and the same is hereby confirmed.

On motion of Mr. Walker,

Resolved, that Richard H. Wilde, Robert Campbell and Thomas C. Russell be, and they are hereby appointed Notaries Public for the City of Augusta and county of Richmond.

On motion of Mr. Williams,

Resolved, that a committee on Petitions be appointed.

Ordered, That Messrs. Williams, Cook and Shepherd be that committee.

A message from His Excellency the Governor, by Mr. Porter, his Secretary.

Mr. President,

I am directed by his Excellency the Governor to lay before this branch of the Legislature his Communication, together with the Documents accompanying the same.—And he withdrew.

The Senate took up the message, and the communication being read, is as follows, to wit :

*Executive Department, Georgia. }  
Milledgeville, 5th Nov. 1810. }*

Fellow Citizens of the Senate, and of the House of Representatives.

Being now assembled in your legislative capacity as the Representatives of the people, I proceed with cheerfulness to fulfil the duty assigned me by the Constitution, of giving you information on the state of the Republic, and of recommending for your consideration, such measures as I deem necessary and expedient.

The memorial of the last Legislature addressed to the President of the United States on the dismissal of the late British Minister, Francis J. Jackson, I forwarded to our Senators in Congress, to be by them presented to the President, which they did, and the papers marked No. 1. will disclose to you the answer they received.

It must be a subject of serious regret to every patriotic mind, that the many

and aggravated wrongs our country has received from the two great belligerents of Europe, have not yet been redressed; at least nothing official has transpired to relieve us from that disagreeable state of suspense in which our foreign relations have been so long involved.

This state of things has grown out of the contest which has so long desolated Europe. Austria, Prussia and Russia, with some of the minor powers on the Continent, aided and assisted by Great-Britain, prompted no doubt in some measure by their fears, but in my mind more by their ambition; coalesced against France at the commencement of her revolution, and insultingly attempted to dictate to a nation in arms, their form of government—defeated and driven out of the field, the three first powers gave up the contest, and France assumed the character of a Republic.—

New coalitions were however soon formed, and immense armies again carried into the field, with the professed object of restoring monarchy to France, and of prescribing bounds to her Empire. After the slaughter of millions of fellow-creatures in this ambitious and kingly crusade against republicanism, France has settled down into a military despotism, under one of the most extraordinary characters that ever appeared upon the stage of human life, who by his victorious arms has subjugated continental Europe, and compelled her to acknowledge his sway. England alone with the utmost gallantry and perseverance maintains the contest—deriving security from her insulated situation, and immense naval power, she bids defiance to the legions of France, and

In her turn usurps the sovereignty of the Ocean.

The United States, separated by the Atlantic from those conflicting parties, and having no ambitious views of aggrandisement, but content and happy in the enjoyment of peace and independence, proclaimed her neutrality, and maintained it with firmness and good faith during the most turbulent periods of the French revolution. This honorable and independent course was however insufficient to preserve her widely extended commerce from the depredations and spoliations of the Belligerents, but, more especially from those of Great-Britain, whose piratical conduct was the more reprehensible, because it was without the shadow of excuse. Solicitous to avoid those scenes of misery incident to a state of war, our government, notwithstanding the provocation they had received, presented the olive branch accompanied by a demand of reparation for past injuries, and a treaty was made with Britain in 1794, much to the advantage of that nation, which for a time left us to prosecute our commercial pursuits with more freedom. The struggle however continuing between Great-Britain and France, the result thus far is, that the commerce of the latter has been nearly destroyed and driven from the Ocean, and the former has been shut out from the continent, and her European trade almost annihilated. Interpolations to the law of nations have been proclaimed and enforced, and a system of retaliation adopted as unjust and arbitrary, as it has been injurious and oppressive to our neutral commerce.

A retrospective view of our relations, with those powers will however satisfy any one not blinded by prejudice that, we have infinitely more cause of complaint against Great-Britain than France, notwithstanding the recent unwarrantable and arbitrary seizures and confiscations of the property of our merchants by the latter power.

The spoliations and aggressions of Great-Britain have not only been of longer duration and of greater extent and variety, but have been marked by a degree of malignity which evidences a settled sentiment of hostility in their ministry, to this country. To my mind there can be no stronger proof of this fact, than that which has been exhibited in their conduct since the peace of 1783 to the present day—At one time plundering and confiscating the property of our merchants—impressing our seamen and detaining them on board their fleets, in a cruel bondage, compelled to acts of aggression against their own country; and at another bullying us with their ships of war; then pretending they will make satisfaction, & proceed to negotiation for no other purpose, as it would seem, but to deceive and insult us. To enumerate all the instances I allude to would be as disgusting as it is useless. I hope they are fresh in the recollection of every one who has been an attentive observer, and who feels for the honor and prosperity of his country.

Our government however still actuated by the same principles of justice and moderation which dictated a declaration of neutrality on a former occasion, and no doubt considering peace as

the greatest blessing a free people can enjoy, next to the preservation of their independence and national honor, had recourse to an Embargo; a measure which, if strictly enforced would I am convinced have compelled those powers to do us justice, and have respect for our lawful commerce, and the only one, short of actual war, which could then be devised to meet the critical situation of our foreign affairs. To those who have asserted that the Embargo was a measure which evidenced hostility to England and partiality to France, I would answer, that if such was the effect, every man of candor will admit its justice, when he reflects that the cowardly and piratical attack on the Chesapeake was the principal cause for the adoption of it. Neither ought it to be forgotten, that those very men who have been most opposed to the Embargo were, not many years before (under a different administration it is true) presenting memorial after memorial to Congress urging for war, and pledging their lives and fortunes in support of the government, and yet, strange as the fact may appear it is nevertheless true, that they not only opposed the Embargo, but every other measure of resistance or security under circumstances doubly aggravated. Such is the inconsistency of selfish policy and political prejudice.

The Embargo was repealed and a system of non-intercourse adopted; the repeal became in my opinion a measure of propriety since it was not, or else could not be effectually enforced; for whilst the honest & patriotic merchants submitted to the privations consequent

upon the measure, the unprincipled speculator was in the constant habit of violating its provisions and profiting by his turpitude.

It is equally far from my intention to palliate the conduct of France any more than to aggravate that of Great-Britain. Truth justifies a discrimination in their conduct to us, and justice ought equally to direct our measures with them or either of them.

It ought not to be the wish, as it assuredly would not be for the interest of this country, that, either should triumph so far as to ruin the other, altho' experience warrants the conclusion, that, it would be greatly to the interest not only of the United States, but of every other nation engaged in commercial pursuits that, the naval power of Great-Britain should be reduced and confined within those limits which, while consistent with their own safety, should leave the rights of other nations equally secure.

Before the adjournment of Congress last spring, the non-intercourse act was also repealed, leaving to the President the power of renewing the system against either Belligerent who should refuse to repeal their obnoxious Orders and Decrees in case it should be done by the other, and a report is in circulation that France has acceded to the terms presented by our repealing act, and has revoked her Berlin and Milan Decrees. Should this intelligence prove true, the question of retaliation which has been made the pretext by both nations for the flagrant violation of our national rights is at end, and the profession of Great-Britain upon this sub-

act, will be put to the test. Yet who in peruse the letter of the British Secretary of State for Foreign Affairs of the 14th March last, in answer to a well-timed and able communication of Mr. Pinkney's, and not to anticipate an evasion of their previous declarations and professions? that letter carries on the face of it such evident marks of contempt and indifference for our representation of their aggressions, that little is to be expected from that quarter, but what will be the result of their own critical and unparalleled situation, or from some energetic and decisive measures of our own government, or from both.

But should the course attributed to France by the intelligence received, prove untrue, or delusive, and we are still left to contend for our undoubted rights with both powers, I have the fullest confidence, that under the protection of, and aided by that Almighty Power which enabled the United States in their infancy to establish their independence, the firmness and energy of the government, the resources of the country, and the patriotism of our citizens will be found equal to the contest. By the forbearance of our government hitherto we have preserved peace; but that it should continue under a continuance of our injuries, is in my opinion, what we ought neither to hope for nor desire. For although war ought not to be resorted to, if peace can be preserved by any honorable means, yet war, with all its horrors, is preferable to a submission, which must end in ignominy and disgrace.

What immense inducements does not

a view of our foreign relations hold out to us, to excite us to unanimity among ourselves. We have more to dread from our own differences than from a dispute with any foreign power, or from a combination of foreign powers with union at home. Yet great and all-important as these inducements are, it is nevertheless true, that there are some professing patriotism & respect for the Constitution, who pretend they can neither see the insults and indignities heaped upon our government, nor feel for the wrongs and sufferings inflicted upon our fellow-citizens; their greatest pleasure appears to be, in exciting discord and disunion among their fellow-citizens, and in endeavours to impair their confidence in the government — Such men have no just claim to the character of American citizens, and merit the contempt due to wretches whose vicious propensities predominate over their love of country. It is immaterial to the real American from what quarter his country's rights are invaded; his conduct is influenced by no foreign attachments or prejudices, neither does he make any cold calculations about expence, but rallies round the government of his injured country, and with all his energy aids it in procuring redress. Let it therefore be our pride, as it is our indispensable duty, to watch over our free and happy institutions, & hand them down to posterity unimpaired.

With our Indian neighbours, the usual friendly intercourse and good will has been maintained; except indeed some excesses which were committed on the frontiers of Camden county by

some Indians of the Seminole tribe, who plundered the house of one Maj. Tyre, on or about the 6th of September last. On receiving information of the fact, I immediately gave orders to have it ascertained if possible, to what town the plunderers belong, and in the meantime communicated the case to Colonel Hawkins, accompanied with a requisition that he would have the plunderers punished, and cause restitution to be made to the citizens injured, or compensation for their loss. To which I have received assurance that every exertion will be made to cause justice to be done, and I rely with confidence on that assurance.

It having become the duty of the Executive, under a resolution of the 10th December, 1807, to appoint a person or persons, to demand and receive of the agents of the different Indian tribes adjacent to the State, all property in possession of said Indians, claimed by citizens of this State, I appointed General Daniel Stewart of Liberty county, to proceed to the Creek Agency, and to demand of Col. Hawkins, the United States Agent there, a restoration of property claimed by our citizens, or an equivalent for such as they could not restore. There being very little property contained in the Schedule made by the Comptroller General *under the law made for that purpose*, other than that in possession of the Creeks, I deemed it unnecessary to send at this time to any other Agency. A copy of my letter to Col. Hawkins and of my instructions to General Stewart, together with the copy of a Journal kept by the

General, of all his proceedings during his mission, in which is inserted the correspondence between Col. Hawkins and himself, will be found in the packet marked No. 2, from which you will perceive, that the case is to be submitted by Col. Hawkins to the President of the United States for his determination. This is the result which I anticipated, and it now rests with the Legislature to direct, what further proceedings they deem necessary, to support the claims of our citizens, thus transferred to the Executive of the General Government for a decision.

If the claims are just, as no doubt the greater part of them are, it is high time they were settled; and as the United States are a party to the treaties entered into, and dictated the articles which bind the Indians to a compliance on their part, and further, being guarantee for the fulfilment of the stipulations contained in these treaties, the business has now taken a course which must be conclusive, in bringing the matter to a close; it is a course to which I did not object, because I rely with full confidence on the honor, the dignity, and the good faith of the general government, for speedy and ample justice in the case.

In the amendments to the Constitution of the United States, we find the following article, viz. "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." Under the declaration contained in the first part of the article of our Federal Constitution just recited,



and other provisions contained in that sacred instrument, the Congress of the United States have legislated, and have prescribed a course of discipline for their militia; but have left to the states respectively as the Constitution directs, the training of them to that discipline, and the appointment of the officers. It is also required by Congress, that every citizen enrolled as a militia man, shall furnish himself in a given time after his enrollment, with the necessary arms and accoutrements of a soldier. Nor have the States been indifferent to this important object; great attention has been bestowed upon it by their Legislatures. In some, their exertions have been attended with considerable success, whilst in others they are scarcely perceivable; and the latter is unfortunately our condition. From what, may it not be asked, does our want of organization and discipline proceed? Our citizens are as patriotic as any others in the Union—they believe in the necessity of the system as unequivocally—and they are, I am convinced, as willing to submit to that organization and discipline which alone can entitle them to the high character of being the safeguard of their country's liberty, as any others. The truth is, we have neglected the first grand requisite to the accomplishment of this important object, to wit, the procuring and placing in the hands of our citizens the necessary arms and accoutrements; for it is unreasonable to expect a citizen to provide himself with those articles which are not to be had in the country. He is from necessity a delinquent, and the requisition of the law in this particular a mere dead letter; yet they are as indispensable to the soldier, as the anvil to the Smith, or the chissel to the Carpenter; and before they can acquire a competent use of either, they must have them in possession. I therefore recommend to your most serious consideration, the propriety of passing a law authorizing the purchase of a sufficient quantity of arms and accoutrements suitable for military service, on public account, for the purpose of selling them to the citizens. By this measure every citizen will have an opportunity of providing himself as the law requires, and if he neglects to do so, its penalties can in that case, with the more propriety be enforced against him; at the same time the State will be reimbursed the amount of the purchase with all charges. Should this proposition meet your concurrence, or any other plan be adopted by you, which you may consider better calculated for attaining the end proposed, it will afterwards be necessary to revise our Militia Laws, and introduce some amendments of obvious necessity—to enter into a detail of which, is at this time unnecessary, as they can only be useful when the militia have arms in their hands.

By the ninth section of the second article of the Constitution it is declared that, "when any office shall become vacant by death, resignation or otherwise, the Governor shall have the power to fill such vacancy." And by the fifth section of the act passed the 10th of December, 1807, it is also declared, "that all vacancies which may happen by death, resignation or otherwise, of any Major-General, Brigadier-General,

Quarter-Master General, shall be filled by the General Assembly by joint ballot of both branches &c. from the general terms in which this section of the law is expressed. I was under some apprehension that the Legislature might have intended such a construction of the before recited parts of the Constitution as to deprive the Governor of the power of appointing the particular officers designated in the section of the law just referred to, and although I cannot assent to such a construction as correct, yet a sentiment of delicacy and respect for the opinion of the Legislature induced me to forbear issuing commissions to fill four vacancies which happened during the recess, until I should have an opportunity of ascertaining your sense thereon. The vacancies I allude to are those occasioned by the death of Brigadier General Abraham Jackson of the second Brigade of the first division, and of Brigadier General Thomas Glascock of the first Brigade of the second Division, and by the removal of Brigadier General David Adams of the second Brigade of the second Division, and Brigadier General Buckner Harris of the second Brigade of the fourth Division. The document marked No. 3, contains a list of executive appointments made during the recess, which are subject to legislative interference.

Permit me to call your attention for a moment to our Judicial Department. Among the same people it must be desirable at all times that the laws should be administered alike. That justice which is rendered to one ought to be rendered to all.

I am led to these observations not by any neglect or wilful misinterpretation of our laws by those appointed to administer them, but because, from a variety of circumstances depending upon custom, intellect, perception, &c. the course of practice and the decisions of the courts upon the same points are different in the different circuits. This leads not only to great confusion, but may in some instances be attended with great injury & injustice, where the same party has business depending in more than one of the circuits. In one he has a point decided in his favor, and in another he has the same point decided against him, and both are decisive of the merits of his case. This uncertainty can only be removed by the establishment of some controlling power over the practice and decisions of the different circuits; and I think the necessity for the establishment of such a power will be the more readily admitted when it is recollected that important constitutional questions often occur before the courts, and their decisions are subject to the same uncertainty.

Whether a court having appellate jurisdiction composed of all the judges, in which cases could be reviewed, and uniformity as well in matters of practice as of law established? or whether a convention of the Judges upon any other plan, or what plan, will best answer the purpose, I leave for your consideration.

By several acts of preceding legislatures passed from the year 1777 to the year 1784 both inclusive, you will find that the common law of England

is recognized and adopted as the law of Georgia, as far as respects criminal matters, with an exception in favor of our Constitution and acts of Assembly.

This was a prudent and wise provision to a certain extent, but I apprehend it was too general, for by it we have recognized their doctrine in cases of libel; a doctrine which is often used by a profligate and wicked ministry as an engine for the punishment of a citizen who dares to tell the people the truth, & expose their oppressions or their folly, and although its obnoxious tendency has often been felt and exposed in that country, yet their people have no relief; some melioration has taken place it is true by modern statutes, which make the jury the judges as well of the law as the fact, but what can a jury do when the evidence of the most important fact attending the case is not permitted to go to them, viz. the truth or falsity of what the defendant is accused of.

A learned commentator on the laws of England says, "it is immaterial with respect to the essence of the libel, whether it be true or false; since the provocation and *not the falsity* is the thing to be punished criminally," and again he says, "in such prosecutions the only points to be enquired into, are, first, the making or publishing the book or writing; and secondly, whether the matter be criminal; and if both these points are against the defendant, the offence against the public is complete."

In a civil action by one individual against another for a libel, the case is very different, for then the defendant may

give the truth of the matter in evidence, and by proving the truth of what he has published defeat the plaintiff, who in that case has no ground to demand compensation, since he has received no injury. If then this doctrine was not intended as a political gag to prevent the people from complaining of their oppressions and exposing the vices of the wicked, why distinguish the case from a case of slander, in which the defendant may justify and give the truth in evidence as in a civil action for a libel? the one is as aggravating to the feelings of an individual as the other, and has as great a tendency to cause a breach of the peace, yet the English doctrine is, that "the greater the truth the greater the libel," and consequently the greater the vices, the oppressions, or the follies of the government, or individuals, the greater the criminality in publishing them, because it enlarges the matter of truth, for as I have already shewn, if it be proven that the defendant either made or published the libel, he must be punished, although he may have had it in his power to prove unequivocally the truth of every word he had either written or published.

Professor Tucker observes on this subject, "when we consider the source from whence these doctrines have been brought to us, the reasonableness of them ought to be examined, before we yield our full assent to all of them." I do not at this time recollect any criminal case of libel in our own courts, which has been prosecuted to a final decision; yet one case is fresh in my recollection, where a true bill was found

by the Grand Jury, but never prosecuted further ; and I think it more than probable that the feelings of the Court as well as the prosecuting officer upon that occasion, dictated a postponement of the case, in the expectation of some legislative interference, rather than be compelled to decide in favor of a principle so obnoxious, or to call in question our own acts of adoption.

There are two additional circumstances which induce me to present this subject for your consideration ; the 1st is, that in the state of New York, where the English common law was recognized as being in force, this principle received a solemn decision, after a very able and animated discussion by the most eminent counsel men in the state, in the case of one Crosswell, in which the English doctrine was upheld and governed the case.

This case consequently might have great weight with our courts in producing a similar decision in any case of libel, should it occur. The Legislature of the state of New-York it is true, soon after the decision in Crosswell's case, passed a law declaring the English doctrine in cases of libel, not to be law, or that it should not in future be law. And I understand other states have also rejected it.

The second consideration is, that by the third article of the amendments to the Constitution of the United States, it is declared that " Congress shall make no law abridging the freedom of speech or of the press," and although this article is prohibitory to Congress only, yet it is to be recollected that it was the States who dictated this prohibition, and similar restrictive expressions in regard to the press, are to be found in our own constitution ; and as the liberty of the press must unquestionably be abridged if the conductors of it can be prosecuted and punished for publishing the truth ; or if one can be punished for publishing by reading aloud to his fellow-citizens any facts within his knowledge, exposing the vices or follies of the government or of individuals, and cannot give the truth of what he has published in evidence, because the exposure of their vices or folly has a tendency to bring the individual or government into contempt and ridicule ; it therefore results, that to save the feelings of an individual or government from a just exposure to ridicule & contempt, an individual must be immured in a loathsome prison, and his finances ruined at discretion, whilst his family, if he has one, are left in misery & want. I think the recognition of such a doctrine approaches too near to a breach of our Constitution, and is as repugnant to the spirit and genius of our government, as it is to the feelings of our citizens. As all this, however, depends upon opinion, and as it is uncertain what decision the doctrine might receive in our courts, with the acts I have referred to staring them in the face on the one hand, and with a strong implication of an unconstitutional tendency on the other, I beg leave to recommend the passing of a declaratory act upon the subject, not only as a direction for our courts, but for preserving that certainty with which all criminal proceedings ought to be distinguished.

The revision of our Road laws is a

subject well worthy of your attention. In the counties immediately on the seaboard it is indeed less necessary than in any other part of the state, because, generally speaking, their roads are in better order, & are less subject to those circumstances which render a revision in the other parts of the state necessary.

By the decisions of our courts, many of the penalties created by those laws, as well for the omission as the commission of matters therein expressed, cannot be enforced as contemplated, and besides, it does appear to me that the authority of the Inferior Court is too local to have a proper effect, neither is there a sufficient responsibility attached to that particular duty. They have no other agency but what appertains to them as a court, and for which they receive no compensation, and their authority over the roads they delegate to individuals under the name of Commissioners or Overseers, whose agency is altogether insufficient for the purpose of making a good road. I might appeal to the individual knowledge of every member of the Legislature who has had occasion to travel much through the state, whether he has not often found the public road turned out of its course by individuals, for the apparent purpose of squaring their fields; or by those appointed to work upon it, for the purpose of avoiding the mending of some place, which by the washing of the rains or the softness of the ground, required some more labour than it was convenient at the time to bestow upon it; these are circumstances which have often oc-

curred, and so long as they are suffered to exist, we shall never have a permanent or good road. In our state we have great inducements to stimulate us to every exertion in our power to improve our roads. Our raw materials which we raise for market are bulky & heavy, and the expence of transportation greatly enhanced in consequence of the bad state of our roads, and intercourse generally throughout the country rendered more difficult. The inconvenience is however more particularly felt in procuring those articles of real necessity, such as iron and steel, salt and sugar, &c. which from their great weight and the quantity required to supply the consumption, is a very serious object to the consumer, who pays for all those additional expences, occasioned by the length and badness of the roads, and every other inconvenience attending their transportation. I need not enter into a detail to convince you of the utility of good roads; it is only necessary that I should present the subject to your view, and your own judgments will direct you better than any thing I can say.

I will however take the liberty of suggesting for your consideration, whether our roads would not be rendered more permanent, & be better laid off as to course and distance &c. by persons appointed by the legislature who would be exempt from all those localities attached to the Inferior Court? and that no power but the Legislature should be competent to alter the course of a public road when once established; and also, that all the work to be laid out

should be applied to the established road and no other? And here permit me to make an observation on this part of the subject: We find from past experience, that individuals are desirous of procuring from the Legislature exclusive rights to collect toll for mending and keeping in repair the very worst parts of our roads, or such as has been considered almost impassable, and find their advantage in it; and why should not the state who is so deeply interested perform the same labor and reap the same advantage? System with energy and perseverance are only necessary. And I will venture to say, that our public roads can be made equal to, or better than any in the Union. All neighborhood roads may be properly left to the discretion and under the direction of the Inferior courts.

The improvement of the navigation of our rivers is of at least equal importance to the improvement of our public roads, and when you reflect on the advantages which would result from the undertaking, and the facility with which it could be partially accomplished so as to be highly beneficial, I trust you will give the subject a serious consideration. Although our country is comparatively yet in its infancy, when we view those countries of the old world where such immense advantages are derived from their inland navigation, their example with a knowledge of those advantages ought to stimulate us to improve those gifts which the God of Nature has so bountifully bestowed upon our country—few of them are in possession of such noble streams as the Savannah and Altamaha, opening a na-

igation into the very centre of our interior, abounding in natural advantages & inviting our industry to the improvement of those benefits to our own use. Just after the close of the last session I received a letter from the Honorable Pierce Butler enclosing a memorial of John Hills, Esq. of Philadelphia, intended for the Legislature, offering to dispose of to the state a plan or chart of our sea-board. From the terms in which Major Butler speaks of this gentleman, I have no doubt but that the papers in his possession are executed with accuracy; and their usefulness in a commercial point of view, or as materials for a correct map of that part of the state is evident. The memorial of Mr. Hills is now submitted and is marked as Document No 4.

The memorial of the last Legislature on the subject of Walton county I forwarded to our Representatives in Congress, and it has been presented by them to the House of Representatives, but no decision has been had thereon.

As the result of all our endeavors heretofore to ascertain the boundary between this state & the state of North Carolina, have been unsatisfactory; and as the time when Congress may decide on the memorial now before them is uncertain as well as the nature of that decision, I beg leave to suggest the propriety of procuring the assistance of an artist of undoubted integrity, skill and experience, and whose residence being in neither state, would preclude all idea of partiality, to go upon the ground and ascertain with precision this much disputed point. By

this means I am persuaded the state will be better satisfied, and it will enable us either to support our pretensions before Congress with more effect, or else to relinquish the pursuit. That some immediate step should be taken will appear evident from the particular situation of the people of that county. They are now organized as a county of North Carolina by the name of Haywood and are represented in the Legislature, and perform all the duties required by the laws of North-Carolina of her citizens, at the same time they hold partial elections and send forward representatives to the Legislature of this state. The dignity of the State demands that this controversy should be brought to a close, and if you shall be of opinion that another trial to ascertain the 35th degree of North Latitude would be either useful or satisfactory, I have the pleasure to inform you that you may command the services of Mr. Ellicott, than whom few men can be supposed to be better qualified for such an undertaking.

By the abstract of Warrants drawn on the treasury during the past political year, marked as document No. 5, you will find the sum of 32,051 dolis. 95 3-4 cents has been drawn for under various appropriations. Of the Contingent Fund which makes part of the before-mentioned sum, 10,139 dollars 57 3-4 cents, has been drawn, leaving a balance of 4,860 dollars 42 1-4 cents subject, however, to be drawn on for any accounts contracted during the political year which have not yet been presented for payment. It will be proper here to observe that a practice has heretofore prevailed with the

Legislature of requesting, nay often requiring the Governor by resolution to pay certain sums therein specified out of the Contingent Fund, by which that fund is much reduced, and in case of any emergency or real contingency of serious import happening during the recess, would be quite insufficient to meet any important event, and there would be no resource but to call the Legislature, a measure attended with great expence and inconvenience. I am persuaded the Legislature on a proper view of the subject, will believe with me, that whenever the *amount is ascertained*, which it is their desire should be paid, that it ceases to be a *contingency* and ought to be specifically appropriated; besides, it will be recollected that no monies can be drawn from the Treasury, but by appropriations made by law; these resolutions however have all the effect of a law, without undergoing the formalities necessary to its constitutional passage.

It affords me real satisfaction that I have it in my power to inform you that under the act "appropriating the funds heretofore set apart for the redemption of the public debt" the sum of 111,713 dollars 25 1-4 cents has been received at the treasury, in state-paper in payment of Fractional Surveys, and a small sum has been drawn for in payment of some of those papers; and paid out of the specie part of the payments made on the same account—there appearing however some doubt of the proper construction to be given to that part of the act which authorises the executive to draw for this money, and as I deemed the operation of it under the construction it had received, as partial

in its operation, I declined drawing on dants still refused to pay, yet I have that fund until the amount contemplated by the act is in the Treasury, or again renewed, and the attempt made, until the Legislature shall have had an opportunity of expressing their sense voluntarily to make payment, to impede thereon. the collection of the money due upon those sales. The papers marked No. 6, will be found to appertain to this subject.

The payment of our public debt is a subject in which the honor and the interest of our state is deeply involved, and every difficulty which occurs to impede its speedy accomplishment ought to be removed.—The state having pledged the proceeds of the sales of Fractional Surveys for this object, I feel that I am in duty bound to present for your consideration every obstacle or difficulty which presents itself in carrying into complete effect this very desirable and important undertaking. To the Execution issued by the treasurer in pursuance of law for the recovery of monies due by purchasers of Fractional Surveys, an objection has been made, stating the Execution to have issued illegally, and that the course pursued by the state for the security and collection of those monies is unconstitutional for reasons set forth in the affidavits of the parties. When the Treasurer informed me of the fact, and laid the papers before me, I issued an Executive Order, that the Sheriffs should proceed to levy and collect the money notwithstanding the shewing of illegality; and although the rule which was granted by the Superior court of Baldwin county, and served upon the Treasurer, calling upon him to shew cause why a writ of prohibition should not issue, has been dismissed, and the sheriffs have proceeded to sell the property levied on by them, where the defen-

The fractions as well as some full lots in the 7th district of Baldwin, now Twiggs county still remain unsold, and as they are a part of the pledge from which the funds for the payment of our public debt is derived, I take the liberty of proposing for your consideration, the expediency of selling them under such stipulations as you in your wisdom may deem best—some of them having been leased out for the year 1809, I sent one of my secretaries last spring, with instructions to lease them out again for the year 1810 which was done, but the sum is so inconsiderable, and the payment so uncertain, that it is not a sufficient object, for which to delay their sale—the legal interest on the amount they would sell for, would very far exceed the amount of rents.

In order to carry into effect the intention of the Legislaturc as expressed in their resolution of the 15th December last, I appointed Daniel Sturges, Esq and directed him to proceed to re-survey the Fractional Surveys of the 8th district of Wilkinson now Telfair county, formerly surveyed by Major John Coffee. Mr. Sturges has executed the work assigned him with ability and fidelity, and the return of his works exhibits a clear and correct view



of the situation of that district on that side which is bounded by the Ocmulgee river—considerable errors in the works of the former surveyor have been detected, and it is my duty to say, that some of the most important of them appear to have been intentional—as these re-surveys are attended with considerable expense to the state, and may also be attended with further losses in consequence of difficulties in which the purchasers of fractions are thereby likely to be involved, it will be for you to direct what steps are necessary to be taken against the former surveyor in order to make him accountable.

At a Superior court held in the county of Greene in September last, one Ed. Downing was convicted of the murder of his slave, & an application was made for Executive clemency ; upon a review of the case with such evidence as accompanied the application, I was of opinion that the case presented no features of malice, either express or implied, and that consequently the conviction ought to have been for manslaughter. I therefore respited the execution of the prisoner until the 30th day of November, instant, in order to report the case for your consideration. The papers marked No. 7, are those appertaining to the case.

In all measures which may occupy your attention, having for their object the public good, you may rely upon my most cordial co-operation.

D. B. MITCHELL.

Ordered, that the documents do lie on the table.

On motion of Mr. Hardin,

Resolved, that a committee be ap-

pointed to join such as may be appointed by the House of Representatives, to compose a committee on Finance.

Ordered, that Messrs. Hardin, Davis, of Chatham, M'Cormick, Walker, Crawford, Talbot and Scruggs be the committee on the part of Senate.

The Senate took up the documents accompanying his Excellency the Governor's Communication, which being read,

Ordered, that documents No. 2, 4 and 6 be referred to the committee on the State of the Republic.

Document No. 5, be referred to the committee on Finance.

Documents No. 1 and 3 do lie on the table.

And that document No. 7, be referred to a special committee.

Ordered, that Messrs Park, Barnett and Foster be that committee, to report by bill or otherwise.

The Senate adjourned to 10 o'clock to-morrow morning.

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WEDNESDAY, 7th Nov. 1810.

On motion of Mr. Williams,

Resolved, that Jonathan Robinson be and he is hereby appointed a justice of the Inferior court of Bulloch county.

On motion of Mr. Byne,

Resolved, that the Executive appointment of Col. John Davis, as a justice of the Inferior court of Burke county be, and the same is hereby confirmed.

On motion of Mr. Davis (of Chatham)

Resolved, that Thomas E. Lloyd

D

Samuel M. Mondecai, John N. Brailsford, Joseph H. Clark, George Schley, George Glenn and Charles Pope, Esquires, be, and they are hereby appointed Notaries Public for the county of Chatham.

Mr. Johnson gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill amendatory to the act laying out the county of Twiggs.

On motion of Mr. Davis (of Chatham)

Resolved, that so much of his Excellency the Governor's Communication as relates to the Judiciary of this state, be referred to a select committee to report by bill or otherwise.

Ordered, that Messrs. Davis (of Chatham) Walker and Spalding be that committee.

Mr. Barnett notifies the Senate that he will to-morrow move for leave to report a bill to suspend the operation of an act for laying out a county in the new territory lately acquired by cession from the General Government, known by the name of Walton county.

Mr. Park from the committee reported a bill to pardon Edward Downing, which was received and read the first time.

Mr. Talbot presented a memorial from the Wilkes Manufacturing Company, which was read and referred to a special committee, consisting of Messrs. Talbot, Spalding and Rabun.

Mr. Hudspeth, agreeably to notice, moved for the appointment of a committee to report a bill to amend an act

for the better regulation of tavern & shop-keepers.

Ordered, that Messrs. Hudspeth, Barnett and Foster be that committee.

Mr. Byne agreeably to notice moved for the appointment of a committee to report a bill to amend an act for keeping in repair the public roads in the counties of Burke, Jefferson and Richmond.

Ordered, that Messrs. Byne, Wood and Walker be that committee.

On motion of Mr. Walker,

Resolved, That James Frazer and Thomas Barrett be and they are hereby appointed Vendue Masters for the city of Augusta.

On motion of Mr. Griffin,

Resolved, that John Pearce and Wm. Hendley be, and they are hereby appointed justices of the Inferior court of Telfair county.

On motion of Mr. Henderson,

Resolved, that the Executive appointment of Peter Boyle as a justice of the Inferior court of Jackson county be, and the same is hereby confirmed.

Mr. Pray notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to alter the time for electing Aldermen for the city of Savannah.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the resolution from Senate appointing Thursday next for the election of a Senator in Congress.

In the resolution appointing Abraham Miles, Esquire, a justice of the Inferior court of Baldwin county.

And in the resolution appointing a committee on the State of the Republic, and have added a committee on their part.

They have passed a resolution appointing a committee on Finance; and he withdrew.

The Senate took up the message and concurred in the resolution appointing a committee on Finance, and added on their part Messrs. Hardin, Davis (of Chatham) M'Cormick, Walker, Crawford, Talbot and Scruggs.

Mr. Walker presented a memorial from a number of the inhabitants of the state of Georgia, stockholders of the bank to be established at the city of Augusta, which was read and referred to a special committee consisting of Messrs. Walker, Barnett and M'Cormick.

Mr. Lane from the committee on Privileges and Elections reported as follows:

Your committee on Privileges and Elections respectfully report, that having attentively considered the mass of testimony exhibited in the documents referred to them, are unanimously of opinion that in the contested election for Senator to represent the county of Walton that the sitting member, the Hon. John Davis was not legally elected—that his credentials are informal, and that no species of testimony has been produced to your committee, upon which his right to a seat in this Honorable body can be predicated.

Your committee are of opinion, that

Charles Lane, Esq. is legally and regularly elected to represent the county of Walton in the Senate of this present Legislature and is entitled to a seat.

The Senate took up the report, which was read and agreed to.

Whereupon, the said Charles Lane, Esq. attended at the Secretary's table, and the usual oath being administered to him by Archibald M. Devereux, Esq. a justice of the Inferior court of Baldwin county, took his seat.

Mr. Park presented a Petition from John Bethune, which was read and referred to the committee on Finance.

Mr. Hudspeth from the committee reported a bill to amend an act for the better regulation of tavern and shopkeepers, which was received and read the first time.

Mr. Davis (of Chatham) gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to regulate and govern free persons of color coming or residing in this state.

On motion of Mr. Scruggs,

Resolved, that William Bird and James King, Esquires be, and they are hereby appointed Notaries Public for the county of Effingham.

On motion of Mr. Lane (of Putnam)

Resolved, that a committee be appointed on the part of the Senate to contract for printing the Laws & Journals for the present session.

Ordered, That Messrs. Lane (of Putnam) Foster and Davis, be that committee.

Mr. Powell gives notice that he will on to-morrow move for leave to introduce a bill to alter and amend an act

for selecting and drawing Jurors for several counties, so far as respects the county of Wayne.

Mr. Remson gives notice that he will on to-morrow move for the appointment of a committee to prepare & report a bill to authorise the Justices of the Inferior Court of Lincoln county to levy an extra tax for county purposes.

The Senate adjourned 'till to-morrow morning 10 o'clock.

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THURSDAY, 8th Nov. 1810.

Mr. Barnett presented a petition from John Davis Esq. of Walton county, which was read & referred to the committee on Finance.

Mr. Walker from the committee reported a bill to incorporate the Bank of Augusta, which was received and read the first time.

On motion of Mr. Lanier,

Resolved, that John Pollock, William Black and Daniel Blackburn be, & they are hereby appointed Justices of the Inferior court of the county of Scriven in the room of Caleb Howell and Robert Williamson, resigned, & Jacob Dunn removed.

On motion of Mr. Lane (of Putnam),

Resolved, that the Executive appointment of Willis Roberts as a Justice of the Inferior Court of Putnam county in the place of Robert Iverson Esq. be & the same is hereby confirmed, and that James B. Clopton be, and he is hereby appointed a Justice of the Inferior Court for the county of Put-

nam in the place of Edmund Lane Esq. resigned.

On motion of Mr. Johnston,

Resolved, that both branches of the General Assembly do meet on Saturday next at twelve o'clock in the Representative Chamber, for the purpose of electing an Attorney General for the Middle District, as also Solicitors General for the Eastern, Western and Ocmulgee Districts.

Mr. Barnett introduced the following resolution;

Resolved, that a committee be appointed on the part of Senate to join such committee as may be appointed by the House of Representatives, to prepare and report a bill for the improvement of the navigation of the several navigable water-courses in this state, which was read and ordered to lie on the table.

Mr. Powell agreeably to notice introduced a bill to alter an act for the better selection and drawing Grand Jurors for the several counties in this state, so far as respects the county of Wayne, which was received and read the first time.

Mr. Davis agreeably to notice moved for the appointment of a committee to prepare and report a bill to regulate & govern free persons of color coming into this state, or residing therein.

Ordered, that Messrs. Davis, Fulgham and Pray be that committee.

Mr. Pray agreeably to notice moved for the appointment of a committee to prepare and report a bill for altering the time of electing Aldermen in the City of Savannah.

Ordered, that Messrs. Pray, Davis

and Burnett be that committee.

Mr. Lane (of Putnam) gives notice, that he will on Saturday next move for the appointment of a committee to prepare and report a bill to revise & amend the several acts for the government of the Justices courts in this state, and to limit and define the powers of the Justices of the Peace.

Mr. Hudspeth notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to alter and amend an act for the better protection of orphans and their estates.

Mr. Walker presented a petition from Charles Jones, which was read and referred to the committee on Finance.

Mr. Lane (of Putnam) presented a Petition from Francis Davis, which was read and referred to a special committee consisting of Messrs. Lane (of Putnam) Foster and Brown.

Mr. Spalding presented a Petition from John Pray, Esq. which was read and referred to a special committee consisting of Messrs. Spalding, (Lane of Putnam and M'Cormick.

Mr. Foster presented a petition from Elizabeth Jones, which was read & referred to a special committee, consisting of Messrs. Foster, Scruggs and Little.

The following bills were severally taken up and read the second time, to wit;

A bill to pardon Edward Downing. Ordered for committee of the whole on Monday next. And

A bill to repeal and amend some parts of an act for the better regulation

and government of tavern and shopkeepers.

Ordered for committee of the whole on Monday next

Mr. Walker notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare & report a bill to incorporate Mount Enoch Academy in the county of Richmond.

On motion of Mr. Burnett, Resolved, that Leighton Wilson and John Gignilliat, Esquires, be, and they are hereby appointed Justices of the Inferior Court for the county of Glyn.

A message from His Excellency the Governor by Mr. Porter his Secretary.

Mr. President, I am directed by His Excellency the Governor to inform the Senate, that he has approved of and signed the resolution appointing this day at twelve o'clock for the election of a Senator in the Congress of the United States.

Mr. Rabun gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to regulate the collection of rent.

Mr. Taliaferro notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend the 1st, 4th and 5th sections of the 3d article of the Constitution of this state.

Mr. Barnett gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to revise, amend and consolidate the several laws of this state for the government of courts of Ordinary.

Mr. Hardin gives notice that he will on Tuesday next move for the appointment of a committee to prepare and report a bill pointing out the mode of electing Delegates in the several counties in this state, to form a convention for the purpose of framing a constitution for the government of the state of Georgia.

A message from the House of Representatives by Mr. Holt their Clerk;  
Mr. President;

I am directed to inform the Senate, that the House of Representatives are now ready to receive them in the Representative Chamber, for the purpose of proceeding to the election of a Senator from this state to the Congress of the United States, in conformity to a joint and approved resolution, and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to said election; and on counting out the tickets it appeared that the hon. William H. Crawford was duly elected.

The Senate then returned to their chamber and took their seats; and

Adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 9th Nov. 1810.

Mr. Hardie presented a petition from a number of the inhabitants of Camden county, which was read and referred to a special committee, consisting of Messrs. Hardie, Scruggs and Foster.

A message from the House of Representatives by Mr. Holt their Clerk;  
Mr. President;

The House of Representatives have

concurr'd in the resolution appointing a committee to contract for printing the Laws and Journals of the present session, and have added a committee on their part;

They have passed a resolution appointing David Neal a Justice of the Inferior court of Warren county;

A resolution appointing Saturday next at ten o'clock for the election of four Brigadiers General in the place of Abraham Jackson & Thomas Glascock, deceased, and David Adams and Buckner Harris, removed;

A resolution appointing a committee on their part to join such as may be appointed by the Senate, to systematize, digest, and so far as expedient, to ameliorate the Criminal Code of this state; and

A resolution appointing Saturday next at ten o'clock for the election of Judges, an Attorney and Solicitors General for the Eastern, Middle, Western and Ocmulgee circuits—and he withdrew.

The Senate took up the message, & concurr'd in the resolution for the election of Judges, an Attorney and Solicitors General, with the following amendment; strike out all but the "Judge and Solicitor General for the Eastern Circuit."

They concurr'd in the resolution for the election of Brigadiers General.

In the resolution appointing a Justice of the Inferior court for Warren county; and

In the resolution appointing a joint committee to systematize, digest and so far as expedient to ameliorate the Criminal Code of this state, and added a

committee on their part, consisting of Byne and Hardaway be that committee.  
Messrs. Davis, Walker, Spalding and Barnett.

Mr. Byne from the committee reported a bill to amend an act regulating and keeping in repair the public roads &c. in the counties of Burke, Jefferson and Richmond, which was received and read the first time.

The Senate took up the resolution laid on the table yesterday for the appointing of a joint committee to prepare and report a bill to improve the navigation of the several navigable water-courses in this state, which was read and agreed to, and a committee added on the part of Senate, consisting of Messrs. Barnett, Hardin, Spalding, Lane (of Putnam) and Johnson.

Mr. Talbott from the committee reported a bill to incorporate the Wilkes' Manufacturing company, which was received and read the first time.

Mr. Hudspeth agreeably to notice, moved for the appointment of a committee to report a bill to amend an act for the better protection of orphans and their estates.

Ordered, that Messrs. Hudspeth, Park, Foster and Pray be that committee.

Mr. Lane (of Putnam) presented a petition from Zachariah Sims, which was read and referred to a special committee, consisting of Messrs. Lane (of Putnam,) Spalding and Park.

Mr. Walker agreeably to notice moved for the appointment of a committee to prepare and report a bill to incorporate Mount Enon Academy.

Ordered, That Messrs Walker,

Mr. Taliaferro, agreeably to notice, removed for the appointment of a committee to prepare and report a bill to amend the first, fourth and fifth sections of the third article of the Constitution.

Ordered, that Messrs. Taliaferro, Lane (of Punam) and Henderson be that committee.

Mr. Rabun, agreeably to notice, moved for the appointment of a committee, to prepare and report a bill to regulate the collection of rent.

Ordered, That Messrs. Rabun, Butler and Ball be that committee.

Mr. Hardin from the committee on Finance, reported on the petition of Ambrose Wright, which was read and ordered to lie on the table.

Mr. Spalding from the committee reported a bill to manumit a certain Negro girl named Clarissa which was received and read the first time.

The following bills were severally taken up and read the second time, to wit:

A bill to alter an act for the better selection and drawing Grand Jurors, for the several counties of this state so far as respects the county of Wayne.

Ordered, for a third reading—and

A bill to incorporate the Bank of Augusta.

Ordered for a committee of the whole on Thursday next.

Mr. Ball notifies the Senate, that he will on Monday next move for the appointment of a committee to prepare and report a bill more particularly

pointing out the mode of selecting and drawing Grand and Petit Jurors so far as respects the county of Wilkinson.

*Mr. Johnson* agreeably to notice, moved for the appointment of a committee to prepare and report a bill amendatory to the act laying out the county of Twiggs.

Ordered, That *Messrs. Johnson, Powell and Fulgham* be that committee.

*Mr. Burnett* presented a petition from a number of the inhabitants of the island of St. Simons in the county of Glynn, which was read and referred to a special committee, consisting of *Messrs. Burnett, Hardee and Spalding*.

*Mr. Lanier* gives notice that he will on Monday next move for the appointment of a committee to prepare and report a bill to authorize three commissioners to carry into effect the opening and clearing out a canal from the Altamaha to the Turtle river.

*Mr. Lane* (of Putnam) agreeably to notice moved for the appointment of a committee to prepare and report a bill to continue in force an act giving further time to the fortunate drawers in the late land lotteries to take out their grants.

Ordered, that *Messrs. Lane* (of Putnam) *Pray and Cook* be that committee.

On motion of *Mr. Burnett*,

Resolved, that *George Abbott* be, and he is hereby appointed a Commissioner of the town and common of Frederica, in the county of Glynn, in place of *A. D. Laurence*, removed; and that *John Harris* and *John Morgan* be, and

they are hereby appointed Commissioners of the town and common of Brunswick in said county.

*Mr. Lane* [of Putnam] from the committee reported a bill to continue in force an act giving further time to fortunate drawers in the late Land Lotteries to take out their grants, which was received and read the first time.

On motion of *Mr. Foster*,

Resolved, that one hundred and fifty copies of the bill now before Senate for incorporating the Augusta Bank be printed; and that a committee be appointed to superintend and contract for printing the same as early as possible.

Ordered, that *messrs Foster, Park and Walker* be that committee.

On motion of *Mr. Hudspeth*,

Resolved, that a committee be appointed to see the Journals of this House are fairly and correctly engrossed.

Ordered, that *messrs. Hudspeth Talbot and Lane* (of Putnam) be that committee.

Adjourned 'till 10 o'clock to-morrow morning.

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SATURDAY, 10th Nov. 1810.

A message from the House of Representatives by *Mr. Holt* their Clerk

*Mr. President*;

The House of Representatives have concurred in the resolution appointing *Vendue Masters* for the City of Augusta.

In the resolution appointing *Lumber Measurers* for the Port of Savannah

In the resolution appointing *Notaries Public* for the county of Chatham



In the resolution appointing Notaries Public for the City of Augusta.

In the resolution confirming the Executive appointment of John Davis Esq. a Justice of the Inferior Court for the county of Burke.

In the resolution appointing Justices of the Inferior Court of Telfair.

In the resolution appointing a Justice of the Inferior Court of Bryan county,

In the resolution appointing a Justice of the Inferior court of Jackson county.

In the resolution appointing a Justice of the Inferior court of Bullock county—and

In the resolution appointing a Justice of the Inferior court of the county of Scriven.

They have passed a resolution appointing a Notary Public for the county of Jefferson;

A resolution appointing Justices of the Inferior court of Wayne county;

A resolution appointing a committee on their part to join such as may be appointed by Senate, to prepare and report a bill to revise and consolidate the several road laws within this state, and

A resolution appointing a committee on their part to join such as may be appointed by Senate, to prepare and report a bill to lay off a fifth Judicial Circuit.

They disagree to the amendment made by Senate to the resolution appointing this day for the election of judges &c. and still adhere to their original resolution.

The Senate took up the message and

concurr'd in the resolution appointing a Notary Public for the county of Jefferson;

In the resolution appointing a Justice of the Inferior court for the county of Wayne.

In the resolution appointing a joint committee to prepare and report a bill to revise and consolidate the several road laws in this state; and added a committee on their part consisting of Messrs. Barnett, Hardin, Pray, Hardie and Lane (of Putnam)—and

They concurr'd in the resolution appointing a joint committee to prepare & report a bill to lay off a fifth Judicial circuit; and added a committee on their part consisting of messrs. Walker, McCormick and Wood; and they recede from their amendment and concur with the House of Representatives in the resolution appointing this day for the election of Judges, &c.

Mr. Hardie from the committee on Finance, reported upon the petitions of John Davis & John Collins Esq. which was read & ordered to lie on the table.

A message from the House of Representatives by Mr. Holt their Clerk.

*Mr. President*—His Excellency the Governor has notified the H. of R. that he has approved of and signed resolutions appointing this day to proceed to the election of four Brigadiers General; the Judges of the Eastern, middle, Western and Ocmulgee Circuits; the Attorney and Solicitors General for said Circuits; and I am directed to inform the Senate, that the House is now ready to receive the Senate on their floor, for the purpose of proceeding to said

elections ; and he withdrew.

Mr. Pray from the committee reported a bill to be entitled, an act to alter the time for the election of Aldermen of the City of Savannah, which was received and read the first time.

The Senate took up the report of the committee of Finance on the Petition of Ambrose Wright, as follows ;

Upon the petition of Amb. Wright praying to be released from liability as security to a bond entered into by Geo. micklejohn and the said Amb. Wright, for the payment of a sum of money to the state of Georgia.

Your committee are of opinion, that the prayer of the Petitioner is unreasonable and ought not to be granted," and the same being read was agreed to.

The Senate repaired to the Representative Chamber, agreeably to a concurred and approved resolution, for the purpose of proceeding by joint ballot to the election of four Brigadier Generals, four Judges, an Attorney & three Solicitors General ; and being seated, proceeded to said elections ; and on counting out the votes it appeared that Col. William Byne was duly elected Brigadier General of the second Brigade of the first division of the militia of this state, in the room of Abraham Jackson deceased ; Col. Valentine Walker was duly elected Brigadier General of the First Brigade of the Second Division of the militia of this state, in the room of Thomas Glascock, deceased ; Col. Eppes Brown was duly elected Brigadier General of the second Brigade of the Second Division of the militia of this state, in the place of David Adams removed ; and that Col. Freder-

ick Beall was duly elected Brigadier General of the Second Brigade of the Fourth Division of the Militia of this state, in the place of Buckner Harris removed.

They then proceeded by joint ballot to the election of a Judge for the Eastern, Middle, Western and Ocmulgee Circuits, and on counting out the votes it appeared, that John M. Berrien, Esq. was duly elected Judge for the Eastern, His Hon. Robert Walker re-elected for the Middle, Young Gresham Esq. for the Western, and His Honor Peter Early re-elected for the Ocmulgee Circuit.

They then proceeded to the election of an Attorney and three Solicitors General, and on counting out the votes it appeared that John Forsyth was duly elected Attorney General, John Kell, Solicitor General for the Eastern Circuit, Oliver Skinner, Solicitor General for the Western Circuit, and Bedney Franklin, Solicitor General for the Ocmulgee Circuit.

The Senate again returned to their chamber and took their seats.

The Senate adjourned 'till Monday morning 10 o'clock.

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MONDAY, 12th Nov. 1810.

The Hon. Thomas Bacon, a member elect from the county of Liberty attended, produced his credentials, and the usual oath to support the Constitution of this state and that of the United States being administered to him by John W. Devereux Esq. a Justice of the Peace for the county of Baldwin, took his seat.

Mr. Davis presented a petition from the Agricultural Society of Georgia, which was read and referred to a special committee consisting of Messrs Davis, M'Cormick, Pray, Barnett and Foster.

Mr. Foster presented a letter from George R. Clayton, Esquire, Treasurer, enclosing an abstract of the Treasury, which was read and referred to the committee on Finance.

On motion of Mr. Barnett,

Resolved, that a committee be appointed to examine the accounts of the members of Senate the present session.

Ordered, that Mess. Barnett, Scruggs and Powell be that committee.

Mr. Lane (of Putnam) presented a petition from a number of the inhabitants of Putnam county, which was read and referred to the committee on the state of the Republic.

On motion of Mr. Barnett,

Resolved that it is the sense of Senate, that John Davis, Esq. having taken his seat in Senate, and having been qualified as a member of the same, is entitled to pay during the time he sat in the same, as also for travelling to & from Milledgeville.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to pardon Edward Downing; Mr. Wood in the Chair; Mr. President resumed the chair, and Mr. Wood reported progress and asked leave to set again.

The Senate took up the report of the committee, which was read and agreed to.

The Senate resolved itself into a

committee of the whole on the bill to be entitled an act to repeal and amend some parts of an act for the better regulation of tavern and shop-keepers, and more effectually to prevent their trading with slaves, passed at Milledgeville on the 22d of December, 1808; Mr. Wood in the Chair; Mr. President resumed the Chair, and Mr. Wood reported progress and asked leave to set again.

The Senate took up the report, which being read,

Ordered, that the bill be re-committed to the original committee.

The bill to be entitled, an act to alter an act entitled an act for the better selecting and drawing Grand & Petit Jurors in this state was taken up, read the third time and amended.

Resolved, that the said bill do pass, under the title of an act to alter an act entitled an act for the better selection & drawing Grand Jurors for the several counties in this state, passed on the 7th Dec. 1805, so far as respects the counties of Wayne and Camden.

The following bills were severally taken up, and read the second time, to wit:

A bill to amend an act, giving further time to fortunate drawers to take out their grants.

Ordered for committee of the whole.

A bill to amend an act, to keep in repair the public roads, &c. in the counties of Burke, Jefferson and Richmond.

Ordered for committee of the whole.

A bill to manumit a certain negro girl named Clarissa.

Ordered for committee of the whole.

A bill to alter the time of electing the Aldermen of the City of Savannah. the third time, and passed under the title aforesaid.

Ordered for 3d reading—And

A bill to incorporate the Wilkes Manufacturing Company. 'Resolved, that the Executive ap-

Ordered for a 3d reading.

Mr. Davis presented a petition from Thomas Young, attorney in fact for Peter Kemble, which was read and referred to the committee on the State of the Republic.

Mr. Talbot presented a petition from John B. Jackson, which was read & referred to a special committee, consisting of Messrs. Talbot, Remson and Hudspeth.

Mr. Lane (of Putnam) from the committee to whom was referred the petition of Zachariah Sims, reported, which was read, and ordered to lie on the table.

Mr. Walker from the committee reported a bill to incorporate Mount Enon Academy—which was received and read the first time.

Mr. Lane (of Putnam) presented a petition from Jesse Sanford, which was read, and ordered to lie on the table.

A message from his Excellency the Governor, by Mr. Porter, his Secretary.

On motion of Mr. Foster,

Resolved, that a committee be appointed on the part of Senate to join such as may be appointed by the House of Representatives, to compose a committee of enrolment.

Ordered, that Messrs. Foster, Barnett and Walker be that committee.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act, to pardon Edward Downing—Mr. Wood in the chair—

Mr. President resumed the chair, and Mr. Wood reported, that they had gone through the same with an amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read

On motion of Mr. Butler, 'Resolved, that the Executive appointment of William Horton as a Justice of the Inferior Court of Jones county be, and the same is hereby confirmed.

Mr. Talbot presented a petition from John B. Jackson, which was read & referred to a special committee, consisting of Messrs. Talbot, Remson and Hudspeth.

Mr. Walker from the committee reported a bill to incorporate Mount Enon Academy—which was received and read the first time.

Mr. Lane (of Putnam) presented a petition from Jesse Sanford, which was read, and ordered to lie on the table.

A message from his Excellency the Governor, by Mr. Porter, his Secretary.

Mr. President,

I am directed by His Excellency the Governor to notify the Senate that he has approved of a resolution which originated in Senate, appointing Abraham Miles a Justice of the Inferior Court for the county of Baldwin—and

Also, to lay before the Senate a communication. And he withdrew.

Ordered, that said message do lie on the table.

Mr. Rabun gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to amend the third section of an act pointing out the duty of sheriffs in selling lands under execution.

The Senate then adjourned 'till 10 o'clock to-morrow morning.

TUESEAY, 13th Nov. 1810.

On motion of Mr. Brown,

Resolved, That Thomas Carleton Sen. and Sterling Grimes be, and they are hereby appointed Notaries Public for the county of Morgan.

Mr. Taliaferro presented a petition from a number of the inhabitants of the town of Milledgeville, which was read and referred to a special committee consisting of Messrs. Taliaferro, Spalding and Walker.

Mr. Talbot from the committee, reported a bill for the relief of John B. Jackson, which was received and read the first time.

Mr. Hardin agreeably to notice, moved for the appointment of a committee to prepare and report a bill pointing out the mode for electing delegates in the several counties in this state, for forming a convention to frame a Constitution for the government of the state of Georgia.

Ordered, that Messrs. Hardin, Talbot, and Byne be that committee.

Mr. Rabun, agreeably to notice, moved for the appointment of a committee to prepare and report a bill to amend an act pointing out the duty of Sheriffs selling lands under execution.

Ordered, that Messrs. Rabun, Lane (of Walton) and Williams be that committee.

A message from the House of Representatives, by Mr. Holt their Clerk.

Mr. President,

The House of Representatives have concurred in the resolution appointing justices of the Inferior court of Glynn county.

In the resolution appointing Notaries Public for Effingham county, with amendments.

And in the resolution appointing justices of the Inferior court for Putnam county.

They have passed a resolution appointing a committee on their part to compose a committee on Enrollment.

A resolution appointing a Notary Public for the city of Augusta.

And a resolution appointing justices of the Inferior court of the county of Camden.

They have passed a bill to continue in force an act giving further time to fortunate drawers to take out their grants

And a bill to vest the property of George Bartholomew dec. in certain Commissioners for the use of his natural children and their mother; and he withdrew.

Ordered, that the said message do lie on the table.

Mr. Foster from the committee, reported on the Petition of Elizabeth Jones, which was read and ordered to lie on the table.

Mr. Barnett presented a petition from the Executors of Beverly Low, dec'd, which was read and referred to the committee on Petitions.

Mr. Williams gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to exempt justices of the Inferior court from performing militia duty in times of peace, and from working personally on the public roads.

Mr. Taliaferro presented a petition from a number of the inhabitants of the town of Milledgeville, which being read was referred to a special committee, consisting of Messrs. Taliaferro, Walker and Rabun.

Mr. Pray notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to repeal an act to amend an act to regulate the wharves and shipping in the several ports of this province, &c.

On motion of Mr. Rabun,

Resolved, that William Chandler be, and he is hereby appointed a justice of the Inferior court for the county of Hancock.

The Senate took up the message from the House of Representatives, and agreed to the amendment made to the resolution by the House of Representatives appointing Notaries Public for the county of Effingham.

They concurred in the resolution appointing John D'Antignac, Esq. a Notary Public for the city of Augusta.

In the resolution appointing a committee on Enrollment.

And the bills in said Message were read the first time.

Ordered, that the remainder of said message do lie on the table.

Mr. Bacon from the committee reported a bill to authorize certain commissioners to establish a Lottery for the purpose of enclosing the burial ground of Midway Church, in Liberty county, which was received and read the first time.

Mr. Rabun from the committee reported a bill to regulate the collection

of rents, which was received and read the first time.

The bill to be entitled an act to alter the time of electing the Aldermen of the city of Savannah, was taken up, read the third time, and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to authorize John Pray of Bryan county, to manumit a certain negro girl named Clarissa. Mr. Wood in the Chair. Mr. President resumed the chair and Mr. Wood reported, that they had gone through the same with an amendment.

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time, and on the question, "Shall this bill now pass?" it was determined in the affirmative, and the Yeas and Nays being required, are, Yeas 24, Nays 10.

Those who voted in the affirmative are, Messrs. Barnett, Bacon, Ball, Brown, Butler, Burnett, Foster, Hardin, Henderson, Johnson, Lane (of Putnam) Lane (of Walton) Lanier, McCormick, Rabun, Remson, Spalding, Taliaferro, Talbot, Walker, Williams, and Wood.

Those who voted in the negative are, Messrs. Byne, Cook, Fulgham, Griffin, Hardaway, Hudspeth, Little, Powell, Scruggs, and Shepherd.

The Senate took up the petition of Jesse Sanford, which was laid on the table yesterday, and the same being read was referred to a select committee consisting of Messrs. Lane (of Putnam) Taliaferro and Butler.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to amend an act regulating and keeping in repair the public roads &c. in the counties of Burke, Jefferson and Richmond. Mr. Park in the chair. Mr. President resumed the chair, and Mr. Park reported they had gone through the same with an amendment.

The Senate took up the report which was read and ordered to lie on the table. The bill to be entitled an act to incorporate Mount-Enon Academy, was read the second time and ordered for a third reading.

The bill to amend and repeal some parts of an act for the better regulation of tavern and shop keepers &c. was read the second time.

Ordered, for a Committee of the whole.

The Senate took up the resolution from the House of Representatives appointing justices of the Inferior court of Camden county, which was read & concurred in.

Mr. Barnett notifies the Senate that he will after to-day move for leave to introduce a bill to incorporate the Planter's Store in the town of Petersburg.

Adjourned till ten o'clock tomorrow.

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WEDNESDAY, 14th Nov. 1810.

Mr. Davis from the committee reported a bill to incorporate the Agricultural Society of Georgia, which was received and read the first time.

Mr. M'Cormick presented a petition

from a number of the inhabitants of Montgomery county, which was read and referred to the committee on Petitioning.

Mr. Lanier agreeably to notice moved for the appointment of a committee to prepare and report a bill to authorize three Commissioners to carry into effect the opening and clearing out a Canal from the Alatamaha river into the Turtle river.

Ordered, that Messrs. Lanier, Burnett and Hardie be that committee.

Mr. Talbot gives notice that he will on to-morrow move for leave to introduce a bill to prescribe the oath of Special Jurors in cases of Divorce.

Mr. Johnston from the committee reported a bill to amend an act for laying out the county of Twiggs; which was received and read the first time.

Mr. Park presented a petition from Col. Samuel Alexander in behalf of himself and Beckam and Heard, which was read and referred to the committee on the state of the Republic.

Mr. Wood presented a petition from William Lowry, which was received, read and referred to a special committee consisting of Messrs. Wood, Park & Taliaferro.

Mr. Taliaferro presented a petition from Rene Fitzpatrick, which was received, read and referred to the committee on the state of the Republic.

Mr. Wood presented a petition from John Smith, which was received, read and referred to a special committee consisting of Messrs. Wood, Park and Scruggs.

Mr. Pray agreeably to notice moved

for the appointment of a committee to prepare and report a bill to repeal an act to amend an act to regulate the wharves and shipping in the several ports of this province, &c.

Ordered, that Messrs. Pray, Hardee and Davis be that committee.

Mr. Rabun from the committee reported a bill to amend an act pointing out the duty of Sheriffs in selling lands under execution, which was received and read the first time.

The Senate took up the bill to be entitled an act to incorporate the Wilkes Manufacturing Company, which was read the third time, and passed under the title aforesaid.

The Senate took up the report of the committee of the whole on the bill to be entitled an act to amend an act for regulating and keeping in repair the public roads, causeways and bridges in the counties of Burke, Jefferson and Richmond, which was read and agreed to with amendments.

Whereupon the said bill was read the third time and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend and repeal some parts of an act for the better regulation of tavern and shop-keepers, and more effectually to prevent their trading with slaves—Mr. Foster in the Chair—Mr. President resumed the chair, and Mr. Foster reported, that they had gone through the same with sundry amendments.

The Senate took up the report, and the same being read was agreed to with

amendments.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required are, Yeas 21, Nays 15.

Those who voted in the affirmative, are, Messrs. Barnett, Ball, Brown, Butler, Davis, Hardaway, Hardin, Hardee, Henderson, Hudspeth, Lanier, Little, Park, Rabun, Remson, Scruggs, Talbot, Taliaferro, Walker, Williams and Wood.

Those who voted in the negative are Messrs. Bacon, Burnett, Byne, Cook, Foster, Fulgham, Griffin, Johnston, Lane (of Putnam) Lane (of Walton) M'Cormick, Powell, Pray, Shepperd and Spalding.

The bill to be entitled an act to incorporate Mount Enon Academy in the county of Richmond, was read the third time, and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are, Yeas 27, Nays 9.

Those who voted in the affirmative, are Messrs. Bacon, Brown, Butler, Burnett, Byne, Davis, Foster, Fulgham, Hardaway, Hardie, Henderson, Johnston, Lane (of Putnam) Lane of Walton, Lanier, Little, Pray, Park, Rabun, Remson, Scruggs, Shepperd, Spalding, Talbot, Walker, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Ball, Cook, Griffin, Hardin, Hudspeth, M'Cormick, Powell and Taliaferro.

The following bills were severally



aken up and read the second time, to wit;

A bill for the relief of John B. Jackson;

Ordered for a third reading.

A bill to authorise certain Commissioners to establish a Lottery in Liberty county.

Ordered, for a third reading.

A bill to regulate the collection of rent;

Ordered, for a committee of the whole.

A bill to vest the property of George B. tholomey in certain Commissioners for the use of his natural children and their mother;

Ordered for committee of the whole; and

A bill to continue in force an act to give further time to fortunate drawers to take out their grants;

Ordered for a committee of the whole.

Mr. Hardie from the committee reported a bill to repeal the several acts of confiscation of this state, so far as relates to the confiscation of certain tracts of land in Camden county, which was received and read the first time.

The Senate took up the report of the committee on the petition of Elizabeth Jones, which was amended as follows:

The committee to whom was referred the petition of Elizabeth Jones, Report, that they have examined the vouchers accompanying the same, wherein it appears, that George Walton in the year 1783, purchased of the commissioners of Confiscated Property a certain tract of land containing one hundred acres on Savannah river, at the

mouth of Redd's Mill-Creek, near the City of Augusta, (now in the county of Columbia) which said tract of land was sold as the property of Lacklan M'Gilvery.

And whereas the said George Walton, on the 9th day of March, 1787, did transfer his right to James Stallings, who did on the 2d day of January 1792 transfer his right to Thomas Jones, and the said Geo. Walton did draw an order in favor of said Tho's Jones, on the Commissioners of Confiscated property, requiring them to convey the said tract of land to the said Thomas Jones (who is since dead). And whereas also it appears, that James Stallings has paid and discharged the purchase money for the said land, and it appears that no deed of conveyance has as yet been made, Recommend the following resolution;

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the present Commissioners of Confiscated property, or a majority of them, do make and execute titles for the said land to the heirs of T. Jones, dec. to wit, Susannah, Tho's, Penelope, Joseph, Elizabeth, Mary, Barbara, Tabitha and Sam'l Jones, the children of said Jones; provided that nothing herein contained shall be so construed as to bar Elizabeth Jones, the widow of the said Thomas Jones, from her right of dower to the said tract of land. And provided also, that nothing herein contained shall be construed to impair or injure the claim of any person or persons, having or pretending to have a claim to the said tract of land, further than such claim would have been effected if the

titles had been made by the Commissioners of Confiscated Estates at the time of the original sale.

And the same being read was agreed to.

Mr. Griffin presented a petition from the inhabitants of Telfair, which was received and referred to a special committee, consisting of Messrs. Griffin, M'Crick and Lanier.

Mr. Williams agreeably to notice moved for the appointment of a committee to prepare and report a bill to exempt justices of the Inferior Court from performing militia duty in times of peace, and from working personally on the public roads.

Ordered, that Messrs. Williams, Powell and Brown be that committee.

On motion of Mr. Spalding,

Resolved, that the Executive appointment of Henry Gignilliat as a justice of the Inferior Court for the county of McIntosh, in the place of Emanuel Warbersea resigned, be and the same is hereby confirmed.

Mr. Lane (of Putnam) from the committee reported a bill for the relief of Jesse Sanford, which was received and read the first time.

On motion of Mr. Barnett,

Resolved, that Martin Hardin and Daniel Brinson be, and they are hereby appointed justices of the Inferior court of Tatnell county, in place of Batt Wyche and John H. Bryant, Esquires, resigned.

Mr Fulgham gives notice that he will on to-morrow move for leave to introduce a bill to amend an act to make permanent the seat of the public buildings in the county of Pulaski.

The Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, 15th Nov. 1810.

Mr. Brown presented a petition from Mathew M'Kinney which was read and referred to the committee on Finance.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to incorporate the Bank of Augusta. Mr. Barnett in the Chair. Mr. President resumed the Chair, and Mr. Barnett reported progress, and asked leave to sit again.

The Senate took up the report which was read and agreed to.

The bill to be entitled, an act to authorise certain commissioners therein named to establish a lottery for the purpose of raising fifteen hundred dollars, to enclose the burial ground of Midway Church in Liberty county, was read the third time and passed under the title thereof.

The bill to be entitled an act for the relief of John B. Jackson, was read the third time and passed under the title thereof.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President ;

The House of Representatives have passed a bill to extend the power of the Commissioners of Wrightsboro' in Columbia county ;

They have passed a resolution appointing a Justice of the Inferior court of the county of Hancock.

A resolution appointing a Notary Public for the county of Hancock.

A resolution appointing a Lumber

Wood-Measurer for the City of Savannah; and

A resolution appointing a Justice of the Inferior Court for the county of Effingham; and he withdrew.

Ordered, that the said message do lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to regulate the collection of rent. Mr. Wood in the chair. Mr. President resumed the chair, and Mr. Wood reported, that they had gone through the same with an amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the third time, and on the question, "shall this bill now pass?" it was determined in the affirmative; and the yeas and nays being required, are yeas 25, nays 11.

Those who voted in the affirmative, are Messrs. Barnett, Ball, Brown, Butler, Davis, Foster, Griffin, Hardaway, Hardin, Hardee, Hudspeth, Lane (of Putnam), Lane (of Walton), Laniér, Little, M'Cormick, Powell, Rabun, Remson, Scruggs, Talbot, Taliaferro, Walker and Williams.

Those who voted in the negative, are Messrs. Burnett, Byne, Cook, Fulgham, Henderson, Johnson, Pray, Park, Shepherd, Spalding and Wood.

The following bills were severally read the second time, viz.

The bill to be entitled an act amendatory to an act for laying out the county of Twiggs.

Ordered for a committee of the whole.

The bill to be entitled an act to incorporate the Agricultural Society of Georgia.

Ordered for a third reading.

The bill to amend an act pointing out the duty of Sheriffs in selling lands under execution.

Ordered for a committee of the whole.

The bill to repeal the several acts of confiscation, so far as respects the confiscation of certain lands in Camden county.

Ordered for a committee of the whole.

And the bill for the relief of Jesse Sanford.

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole, on the bill to vest the estate of George Bartholomew in certain trustees for the use of his natural children and their mother. Mr. Park in the chair. Mr. President resumed the chair, and Mr. Park reported, that they had made progress and requested leave to sit again.

The Senate took up the report which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to amend an act giving further time to fortunate drawers to take out their Grants, &c. Mr. Foster in the chair.

Mr. President resumed the chair and Mr. Foster reported, that they had gone through the same with an amendment.

The Senate took up the report which was read and the amendment agreed to.

Whereupon the said bill was read

the third time and passed as amended.

The Senate took up the message from the House of Representatives, laid on the table to-day ; and

The bill to extend the power of the Commissioners of the town of Wrightsborough, in Columbia county, was read the first time.

They concurred in the resolution appointing a justice of the Inf. court of Columbia county.

In the resolution appointing a Justice of the Inferior court of Hancock County.

And in the resolution appointing a Notary Public for the county of Hancock.

Ordered, that the remainder of the message do lie on the table.

Mr. Taliaferro from the committee, reported a bill for the better regulation and government of the town of Milledgeville, which was received and read the first time.

Mr. Pray from the committee, reported a bill to repeal an act to amend an act to regulate the wharves and shipping in the several ports of this Province, &c. which was received and read the first time.

On motion of Mr. Walker,

Resolved, that the Executive appointment of Thomas Flournoy, Esq. as a member of the board of Trustees of the Richmond Academy be, and the same is hereby confirmed.

Mr. Taliaferro gives notice, that he will on to-morrow move for leave to introduce a bill to change the names of certain persons therein mentioned.

Mr. Fulgham, agreeably to notice,

introduced a bill to make permanent the seat of public buildings in the county of Pulaski, which was received and read the first time.

Mr. Talbot agreeably to notice introduced a bill to prescribe the oath of the special jury in cases of divorce, which was received and read the first time.

On motion of Mr. McCormick, Mr. Johnson had leave of absence till Monday next.

The Senate adjourned till 10 o'clock to-morrow morning.

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#### FRIDAY, 16th Nov. 1810.

W. Williams from the committee to whom was referred the petitions of the inhabitants of Montgomery, praying that a part of said county might be taken off and added to Laurens, reported that the prayer of the petitioners is unreasonable and ought not to be granted. The Senate took up the report which was read and agreed to.

Mr. Lane (of Putnam) gives notice that he will to-morrow move for leave to introduce a bill for the relief of Wm Brown, Stephen Noble and I. Hughes.

Mr. Burnett from the committee reported a bill to explain an act to amend the several road acts in this state, & which was received and read the first time.

Mr Lanier from the committee the state of the republic, reported the petition of Peter Kemble, which was read and ordered to lie on the table.

Mr Pray agreeably to notice, introduced a bill the more effectually securing the Probate of Wills &c, which

ived and read the first time. The Senate again resolved itself into a committee of the whole on the bill to be enacted an act, to incorporate the Bank of Augusta. Mr. Barnett in the chair. President resumed the chair, and Mr. Barnett reported that they had gone through the same with amendments. The Senate took up the report and the same being read was agreed to with amendment.

Whereupon the said bill was read a third time, and on the question, "Will this bill now pass?" it was determined in the affirmative, and the yeas and nays being required, are yeas 7.

Those who voted in the affirmative, Messrs. Bacon, Barnett, Brown, Burnett, Byne, Cook, Davis, Fulgham, Hardaway, Hardin, Henderson, Hudspeth, Lane (of Walston) Lane (of Walton) Little, Mick, Park, Pray, Rabun, Rem-crudds, Talbot, Walker, William Wood.

Those who voted in the negative, Messrs. Ball, Griffin, Lanier, Pow-shepherd, Spalding and Talia-

notion of Mr. Hardie ;

Resolved, that the sales of confiscated property, which is advertised for Monday next, be postponed until Monday the 26th inst.

Mr. Barnett laid on the table the following resolution: That the treasurer immediately proceed to deposit in the hands of the proper officers, all notes, or other securities given in payment of money due this State out of the sales of Fractional

Surveys, made under the authority of an act of the General Assembly of this State, passed 7th December, 1805.

Mr. Williams from the committee reported a bill to manumit certain persons therein contained, which was received and read the first time.

A message from His Excellency the Governor by Mr. Rousseau his Secretary ;

Mr. President ;

I am directed by His Excellency the Governor to inform the Senate, that he has approved of and signed sundry Resolutions which originated in this branch of the Legislature, to wit ;

One confirming the Executive appointment of Reubin S. Saffold, Esq. as a Justice of the Inferior Court of the county of Bryan, in the room of James Bird, Esquire, resigned.

One appointing John Pollock, William Black, and Daniel Blackburn, Esquires, Justices of the Inferior Court of the county of Scriven, in the room of Caleb Howell and Robert Williamson, Esquires, resigned, and Jacob Dunn, Esquire, removed.

One appointing Jonathan Robinson, Esquire, a Justice of the Inferior court of the county of Bullock, in the place of Stephen Denmark, Esquire, resigned.

One appointing John Pearce & William Hendley, Esquires, Justices of the Inferior court of the county of Telfair, in the place of Henry Joice and William Carrell, Esquires, resigned.

One confirming the Executive appointment of Peter Boyle, Esquire, as a Justice of the Inferior court of the county of Jackson, in the place of Buckner Harris, Esquire, removed.

One confirming the Executive appointment of Col. John Davis, as a justice of the Inferior court of Burke county, in the place of David Emanuel, Esquire, deceased.

One appointing Wm. Lucas, Paul Bevill, Thomas Scruggs and John Greene, esquires, Lumber-Measurers for the Port of Savannah.

One appointing Jas. Frazer & Thomas Barrett, esquires, Vendue Masters for the City of Augusta.

One appointing Richard H. Wilde, Robert Campbell and Thomas C. Russell, esquires, Notaries Public for the City of Augusta and county of Richmond.

One appointing Thomas E. Lloyd, Samuel M. Mordecai, John N. Brailsford, Joseph H. Clark, George Schley, George Glenn, and Charles Pope, esquires, Notaries Public for the county of Chatham ;

And also to lay before the Senate a Communication ; and he withdrew.

Ordered, that the said message do lie on the table.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have passed a resolution appointing a Notary Public for the county of Chatham.

They have passed a bill to amend an act to extend the laws of this state over the persons residing in Wafford's settlement; and

A bill vesting the appointment of Harbor Master and Health Officer of the Port of Savannah in the Mayor and Aldermen of said City ; and for other purposes therein mentioned. And he

withdrew.

Ordered, that the said message do lie on the table.

The Senate took up the message from His Excellency the Governor, & the Communication was referred to a special committee, consisting of Messrs Davis, Spalding, Bacon, M'Cormick and Pray, to join such as may be appointed by the House of Representatives, to take the same into consideration.

The Senate took up the Message from the House of Representatives laid on the table this day, and the resolution therein contained was concurred in, and the said bills were severally read the first time.

Mr. Davis from the committee reported a bill to regulate free persons of color coming into this state or residing therein ; which was received and read the first time.

Mr. Walker presented a petition from Sarah Oliver, which was received, read and referred to the committee on the state of the Republic.

On motion,

Mr. Brown & Mr. Rabun had leave of absence 'till Monday morning next.

Adjourned till ten o'clock tomorrow morning.

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SATURDAY, 17th Nov. 1810.

On motion of Mr. Foster,

The Journal of yesterday was reconsidered, so far as respects the resolution for the postponement of the sale of confiscated property.

Ordered, that the same do lie on the table.

Mr. Henderson gives notice, that he will on Monday next move for the appointment of a committee to prepare & report a bill to amend the 68th section of an act to revise and amend the Judiciary of this state.

Mr. Barnett presented a petition from Hugh M. Donald, which was received, read and referred to the committee on petitions.

The bill to be entitled an act to incorporate the Agricultural Society of Georgia, was read the third time and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to repeal the several confiscation acts of this state, so far as respects the confiscation of certain lands in Camden county.—Mr. Wood in the Chair.—Mr. President resumed the Chair, and Mr. Wood reported, that he was requested to report the further consideration of said bill be postponed until June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for the relief of Jesse Sanford.—Mr. Park in the Chair.—Mr. President resumed the Chair, and Mr. Park reported, that they had made progress and asked leave to sit again.

The Senate took up the report, which was read and agreed to.

On motion of Mr. Lanier, The Messenger had leave of absence the remainder of the day.

The following bills were severally taken up and read the second time, to wit;

A bill to repeal an act to amend an act to regulate the wharves and shipping in the several ports of this province, &c.

Ordered, for a committee of the whole.

A bill to amend an act to make permanent the seat of the Public Buildings in Pulaski county.

Ordered for committee of the whole; A bill to prescribe the oath of the special jury in cases of divorce.

Ordered, for a third reading.

A bill for the regulation of free persons of color coming into this state, or residing therein.

Ordered, for a committee of the whole.

A bill to manumit certain persons of colour therein named.

Ordered for a committee of the whole.

A bill to explain an act to amend the several road acts &c. so far as respects the county of Glynn.

Ordered for a third reading.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President;

The House of Representatives have concurred in the resolution from Senate appointing a Justice of the Inferior court of Hancock county.

They have passed a resolution appointing a commissioner for the court-house and Jail in Wayne county; and

A resolution appointing a justice of the Inferior court of Clark county.

They have passed a bill to regulate the rate of interest in this state—and

A bill to repeal the 9th section of an

act to lay out a county in the territory acquired from the General Government &c.—and he withdrew.

Ordered, that said message do lie on the table.

The following bills were read the 2d time, to wit ;

A bill to amend an act to extend the law of this state over the persons residing in Wafford's settlement &c.

Ordered for a committee of the whole.

A bill to extend the powers of the commissioners of Wrightsboro' in Columbia county.

Ordered for a committee of the whole.

A bill for vesting the appointment of Harbor-Master and Health-Officer of the Port of Savannah in the Mayor and Aldermen of said City, &c.

Ordered for a committee of the whole ; and

A bill more effectually securing the Probate of Wills &c.

Ordered for a committee of the whole on Monday.

Mr. Lane (of Putnam) from the committee to contract for printing the Laws and Journals of the present session, reported, which was read and ordered to lie on the table.

Mr. Lane of Putnam agreeably to notice introduced a bill for the relief of William Brown, Stephen Noble and Isaac Hughes, which was received and read the first time.

Mr. Barnett agreeably to notice introduced a bill to incorporate the Petersburg Mercantile Company, which was received and read the first time.

Mr. Walker presented a petition from a number of the Inhabitants of Columbia county, which was read and referred to a special committee, consisting of Messrs. Walker, Hudspeth and Foster.

Mr. Hudspeth notifies the Senate that he will on Monday next move for leave to introduce a bill to repeal an act supplementary to the Judiciary of this state.

Mr. Griffin from the committee reported a bill to authorize Henry Joyce to erect a ferry across the Oconee River.

On motion,

Mr. Butler had leave of absence 'till Monday and Mr. Wood 'till Tuesday next.

Adjourned 'till ten o'clock Monday morning.

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MONDAY, 19th Nov. 1816.

On motion of Mr. Foster,

The Journal of Saturday, so far as respects the petition from the inhabitants of Columbia county, was reconsidered.

Ordered, that the said petition be referred to a joint committee of both branches of the Legislature, and that Messrs. Walker, Foster and Hudspeth be that committee on part of Senate.

Mr. Hardin presented a petition from Catharine Fitzgerald, executrix of Henry Osborn, which was received, read and referred to the committee on petitions.

Mr. Taliaferro presented a petition from Jacob Mordecai, which was read and referred to the committee on Peti



tions.

A message from the House of Representatives by Mr. Holt their clerk. Mr. President;

The House of Representatives have concurred in the resolution on the petition of Elizabeth Jones.

In the resolution appointing a justice of the Inferior court of Jones county.

In the resolution appointing Justices of the Inferior court of Tannall county.

In the resolution appointing Notaries Public for the county of Morgan.

In the resolution appointing a justice of the Inferior court of McIntosh county.

In the resolution appointing a member of the Board of Trustees of the Richmond Academy; and

In the resolution appointing a commissioner of the town and commons of Frederica, and Commissioners for the town and commons of Brunswick, in the county of Glynn.

They have disagreed to the amendment made by Senate to the bill giving further time to fortunate drawers to take out their grants.

They have passed a resolution postponing the sale of a lot of land in the city of Savannah, advertised to be sold this day by the Commissioners of Confiscated Estates; and

A resolution appointing a justice of the Inferior court of Franklin county; and

They have concurred in the resolu-

tion appointing a joint committee to take into consideration His Excellency the Governor's Communication on the subject of the Planter's Bank, & have added a committee on their part; and he withdrew.

Ordered that the same do lie on the table.

The Senate took up the message from the House of Representatives, and

On motion of Mr. Foster,

To recede from their amendment & concur with the House of Representatives to the bill giving further time to the fortunate drawers to take out their grants; the yeas and nays were required, and are as follows, Yeas 15, Nays 15.

Those who voted in the affirmative, are Messrs Bacon, Ball, Burnett, Cook, Foster, Fulgham, Hardaway, Hardin, Henderson, Lanier, Little, M'Cormick, Shepherd, Spalding and Williams.

Those who voted in the negative, are Messrs. Barnett, Byne, Davis, Griffin, Hardie, Hudspeth, Lane (of Walton) Park, Powell, Pray, Kemson, Scruggs, Talbot, Taliaferro, & Walker.

There being an equal number of votes, the President decided in the affirmative.

The bill to regulate the rate of interest in this state, and

The bill to repeal the 9th section of an act to lay out and establish a county in the territory lately acquired from the General Government, &c. were severally read the first time.

They concurred in the resolution

appointing a justice of the Inferior court of Clark county.

In the resolution appointing a commissioner of the court-house and jail of Wayne county, and

In the resolution appointing a justice of the Inferior court of Franklin county.

Ordered, that the remainder of said Message do lie on the table.

Mr. Barnett presented a petition from Stephen Heard, which was referred to the committee on petitions.

On motion of Mr. Barnett,

Resolved, that the commissioners of Confiscated Estates be, and they are hereby authorized and required to postpone the sales advertised by them to commence this day, until Thursday next ten o'clock.

Mr. Scruggs notifies the Senate, that he will on to-morrow move for the appointment of a committee to prepare & report a bill to alter the time for the meeting of the General Assembly, &c.

Mr. Park presented a petition from Henry D. Stone, which was read and referred to the committee on petitions.

Mr. Davis from the committee reported a bill supplementary to the Judiciary act now in force, and to establish an uniform system of practice in the proceedings of the Superior courts of this state, which was received and read the first time.

Mr. Byne presented the presentments of the Grand Jury of Burke county, which were read and referred to the committee on the State of the Republic.

Mr. Henderson agreeably to notice,

moved for the appointment of a committee to prepare and report a bill to amend the 68th section of an act to revise and amend the judiciary of this state.

Ordered, that Messrs. Henderson, Barnett and Little be that committee.

Mr. Johnson gives notice, that he will on to-morrow move for leave to introduce a bill amendatory to an act allowing donations to the several counties in this state, for the erection of Academies.

The Senate took up the report of the joint committee to contract for printing &c. which is as follows;

Your committee Report, that they have received proposals from several Printers, and upon opening and examining the same, are of opinion, that the proposals made by Mr. Seaton Grantland are moderate and reasonable, and something less than the work was executed for at the last session, viz. two and one third cents per sheet for the Laws and Resolutions, and two and three quarter cents per sheet for the Journals.

They therefore recommend the following resolutions;

Resolved, that Seaton Grantland have the printing of the Laws & Concurred Resolutions of the present Legislature at the rate of two and one third cents per sheet of sixteen pages octavo, to be delivered to the Executive by the first day of February next; and also the printing of the Journals of both branches of the Legislature, at and after the rate of two cents and three quarters per sheet of eight pages

quarto, to be delivered to the Executive by the first day of March next; the work to be executed in the same manner, and of as good materials as it was the last year. The said Seaton Grantland to give bond with good security to His Excellency the Governor for the due performance of the contract in the penal sum of three thousand dollars.

Resolved, that fifteen hundred copies of the Laws and Concurred Resolutions, (except such resolutions as relate to elections) of the present session, and twelve hundred copies of the Journals of each House, be printed and distributed as heretofore; and the same being read was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act the more effectually securing the Probate of Wills, limiting the time for Executors to qualify and Widows to make their election; and for other purposes therein mentioned. Mr. Byne in the Chair. Mr. President resumed the Chair, and Mr. Byne reported progress, and asked leave to sit again.

The Senate took up the report, which was agreed to.

On motion of Mr. Bacon,

Resolved, that John A. Cuthbert and John Dunwoody be, and they are hereby appointed Justices of the Inferior court of Liberty county, in the room of Thomas Bacon, sen. and Elijah Baker, esquires, resigned.

Adjourned 'till 10 o'clock to-morrow morning.

TUESDAY, 20th Nov. 1810.

On motion of Mr. Lanier,

Resolved, that Samuel Loekhart, Sheppard Williams, Charles M'Call, John Rawles and William Holloway, be, and they are hereby appointed Commissioners of the Academy for the county of Bullock.

Mr. Park from the committee reported on the petition of William Lowry, as follows, to wit;

Your committee have resorted to every enquiry in their power, relative to the unfortunate case of the Petitioner, and are of opinion, that the principles of humanity, benevolence and restitution ought to be extended to his relief, and therefore recommend the following resolution:

Resolved, that the sum of seven hundred dollars be appropriated to William Lowry of Jefferson county, as a remuneration for the loss of three Negroes, killed by a patrol in the late suspected insurrection of Negroes.

And the same being read was ordered to lie on the table.

Mr. Bacon presented a petition from Paul H. Wilkins, which was read and referred to a special committee, consisting of Messrs. Bacon, Spalding and Pray.

On motion of Mr. Little,

Resolved, that John E. Carson, Frederick Beall and John Mullin be, and they are hereby appointed Commissioners of the Academy in Franklin county; in place of Larkin Cleveland, Thomas P. Carnes and Robert Walton, removed.

Mr. Henderson from the committee reported a bill to amend the 68th section

on of an act to revise and amend the Judiciary system of this state ; which was received and read the first time.

Mr. Lanier gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend an act to sell and dispose of the Fractional parts of Surveys of Lands, in the counties of Baldwin and Wilkinson.

On motion of Mr. Barnett,

Resolved, that a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives, to call on the Commissioners of the town of Milledgeville, and such other persons as may have had charge of public monies, appropriated for building the State-House, and to ascertain how the same has been applied ; and further to enquire why the contract for building the same has not been complied with ; and also to report the description and quantity of furniture which should be provided for the Senate and Representative Chambers.

Ordered, that Messrs. Barnett, Park, Hudspeth, Bacon and Lane (of Putnam) be the committee on the part of Senate.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act for the more effectually securing the Probate of Wills, limiting the time for Executors to qualify and Widows to make their election, and for other purposes therein mentioned. Mr. Byne in the Chair. Mr. President resumed the Chair, and Mr. Byne reported, that they had gone

through the same with amendments.

The Senate took up the report, and the same was read and agreed to with amendments.

Ordered to be engrossed for a third reading.

Mr. Bacon from the committee to whom was referred the petition of Paul Hamilton Wilkins, Reported the following resolution ;

Be it Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, That the Treasurer of the state be, and he is hereby directed to re-deliver to the Commissioners of Confiscated Sales, a Funded Certificate deposited by them in the Treasury of the state for safe-keeping, and receipted for by Edwin Moulnger to the said Paul Hamilton Wilkins ; that the said Commissioners may finally settle with the said Paul Hamilton Wilkins, in terms of their original assumpsit.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for vesting the appointment of Harbor-Master & Health Officer of the port of Savannah in the Mayor and Aldermen of the said City, and for other purposes therein mentioned. Mr. Talbot in the Chair. Mr. President resumed the Chair, and Mr. Talbot reported, that the committee rise, report progress, and have leave to sit again.

The Senate took up the report, which was read and agreed to.

On motion of Mr. M'Cormick, Resolved, that William A. Harper,

Henry Fulghem, George G. Gaines, William S. Lancaster & George Walker, of Pulaski county; Henry Shepherd, Jonathan Sawyer, Thomas Davis, John G. Underwood and John Fulwood, of Laurens county; Robert Flournoy, James Alston, Robert L. Troup, Abram Jones, & David McCormick, of Montgomery county; Thos. Mitchell, William Carrell, Mitchell Griffin, Abraham F. Powell and Benj. Cray, of Telfair county; John Hatch-er, Mathew Carswell, Daniel Hicks, Stephen Gafford, Jeremiah Lofton, of Wilkinson county, be, and they are hereby appointed Commissioners of the Academies of their several counties.

On motion of Mr. Remson,  
Resolved, That Robert Ware, John H. Walker, Henry Jones, William Dowsing, Gibson Clark, Robert Fleming, Thomas Murray, be, and they are hereby appointed Commissioners of the Academy of Lincoln county.

Mr. Scruggs agreeably to notice, moved for a committee to prepare and report a bill, to alter the time for the meeting of the General Assembly of this State, and to alter the time for the election of Members of the General Assembly.

Ordered, That Messrs. Scruggs, Davis, Barnett, Foster, Burnett, McCormick and Park be the committee.

The Senate adjourned till 10 o'clock to-morrow morning.

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WEDNESDAY, 21st Nov. 1810.  
The Senate resolved itself into a

committee of the whole on the bill to be entitled an act, amendatory to an act for laying out the county of Twiggs, passed the 14th December 1809—Mr. Lanier in the chair; Mr. President resumed the chair, and Mr. Lanier reported, that they had gone through the same with amendments.

The Senate took up the report, and the same being read, was agreed to.

Ordered to be engrossed for a 3d reading.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to make permanent the seat of the public buildings in the county of Pulaski—Mr. Barnett in the Chair; Mr. President resumed the chair, and Mr. Barnett reported that they had gone through the same with amendments.

The Senate took up the report, which was agreed to.

Ordered for a 3d reading.

The Senate again resolved itself into a committee of the whole on the bill for the relief of Jesse Sanford—Mr. Park in the Chair, Mr. President resumed the chair, and Mr. Park reported, that he has requested to report the further consideration of said bill be postponed till June next.

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 21—Nays 12.

Those who voted in the affirmative are, Messrs. Barnett, Bacon, Ball, Brown, Cook, Foster, Griffin, Hardaway, Henderson, Hudspeth, Johns on

Little, M'Cormick, Powell, Rabun, Hudspeth reported, that they had gone through the same without any amendment.

Those who voted in the negative, are Messrs. Butler, Burnett, Byne, Fulgham, Lane (of Putnam), Lane (of Walton), Lanier, Park, Pray, Shepherd, Walker and Wood.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend the third section of an act, pointing out the duty of Sheriffs in selling lands under execution—Mr. Scruggs in the Chair, Mr. President resumed the chair, and Mr. Scruggs reported that they had gone through the same with an amendment.

The Senate took up the report, which was agreed to.

Ordered that the said bill be engrossed for a 3d reading.

The following bills were severally read the 3d time, & passed under their titles, to wit :

A bill to be entitled, an act to prescribe the oath of the special jury in cases of Divorce ; and

A bill to be entitled, an act to explain an act to amend the several road acts in this state, so far as respects the counties therein named—so far as respects the county of Glynn.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to repeal an act for amending an act to regulate the wharves and shipping in the several ports of this province, and ascertaining the rates of wharfage and shipping, &c. Mr. Hudspeth in the chair. Mr. President resumed the Chair, and Mr.

The Senate took up the report, and it was agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill for regulating & governing free persons of colour coming into this state or residing therein. Mr. Barnett in the Chair. Mr. President resumed the Chair, and Mr. Barnett reported, that they had gone through the same with amendments.

The Senate took up the report, and the same was agreed to with amendments.

Whereupon the said bill was read the third time, and on the question, "shall this bill now pass?" it was determined in the affirmative, and the yeas and nays being required, are, Yeas 24—Nays 11.

Those who voted in the affirmative, are, Messrs. Barnett, Bacon, Butler, Burnett, Byne, Davis, Foster, Fulgham, Griffin, Hardaway, Hardie, Henderson, Hudspeth, M'Cormick, Powell, Pray, Remson, Scruggs, Shepperd, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative, are, Messrs. Ball, Cook, Hardin, Johnston, Lane (of Putnam), Lane (of Walton) Lanier, Little, Park, Rabun and Walker.

The Senate resolved itself into a committee of the whole on the bill to

be entitled, an act to manumit certain persons therein named. Mr. Lane (of Putnam) in the Chair. Mr. President resumed the Chair, and Mr. Lane reported, that he was requested to report the further consideration of said bill be postponed until May next.

The Senate took up the report, and the same being read was agreed to

The following bills were severally read the 2d time, and ordered for a committee of the whole, to wit ;

A bill to authorize Henry Joice to erect a Ferry ; and

A bill to regulate the rate of Interest.

A bill to amend an act to regulate the town of Milledgeville.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have concurred in the report of the joint committee on the subject of printing

In the resolution on the petition of Paul H. Watkins.

In the resolution appointing Commissioners of the Franklin county Academy.

In the resolution requiring the Commissioners of Confiscated Sales to postpone their sales.

In the resolution appointing Justices of the Inferior Court of Liberty county ; and

In the resolution appointing Commissioners of the Bullock county Academy.

They have passed a resolution appointing a Justice of the Inferior court of Elbert county :

A resolution appointing Thursday next twelve o'clock for the election of a Lieut. Colonel to command the third regiment of Cavalry &c. in the place of Felix H. Gilbert Esq. resigned.

A resolution appointing Thursday next twelve o'clock for the election of a Harbor Master for the Port of Savannah—and he withdrew.

Ordered to lie on the table.

Mr. Walker presented a petition from the Roman Catholic Society of the City of Augusta ; which was read and referred to a special committee consisting of Messrs. Walker, M'Comick and Foster.

The following bills were severally read the second time, and ordered for a committee of the whole.

A bill to incorporate the Petersburg Mercantile Company.

A bill to amend an act to revive and amend the Judiciary system of this state ; and

A bill supplementary to the Judiciary act now in force in this state, &c.

The Senate took up the message from the House of Representatives, and concurred in the resolution appointing Thursday next for the election of a Harbor-Master for the Port of Savannah.

In the resolution appointing Thursday next 12 o'clock for the election of a Lieut. Colonel &c.—and

In the resolution appointing a Justice of the Inferior Court of Elbert county.

On motion of Mr. Powell,

Resolved, that James Fort, George Linder, Moses Harrison, John Wal-

lace and John Fort, Esquires, be, and they are hereby appointed Commissioners of the Wayne county Academy.

Mr. M'Cormick presented a Petition from Mary M'Wright, which was read and referred to a special committee, consisting of Messrs. M'Cormick, Lane (of Putnam), and Burnett.

Mr. Bacon presented a Petition from a number of the inhabitants of Liberty county, which was read and referred to the committee on Petitions.

Mr. M'Cormick presented a petition from a number of the inhabitants of Randolph county, which was read and referred to a special committee, consisting of Messrs. M'Cormick, Lanier and Lane (of Putnam.)

Mr. Lane (of Putnam) gives notice, that he will on to-morrow move for leave to introduce a bill to repeal certain parts of an act to establish an Academy in Putnam county.

Adjourned 'till ten o'clock to-morrow morning.

THURSDAY, 22d Nov. 1810.

On motion of Mr. Brown,

Resolved, that John E. Dawson, William Mitchell, James Mitchell, David Files and John B. Whatley, be, and they are hereby appointed Commissioners of the Morgan county Academy.

Mr. Lanier from the committee on the state of the Republic, reported on the memorial of John Hill, as follows, viz.

The committee on the state of the Republic, to whom was referred the memorial of John Hill, on the subject of a

survey of the coasts of the state of Georgia, Report, that from all the information they can procure upon the subject, they are impressed with the opinion, that the original draughts proposed to be surrendered to the state of Georgia by Mr. Hill, were made by Hopkins, M'Lane and Co and that it would be unjust in the extreme to make any arrangement with Mr. Hill, until assured that the survivor, to wit, major Hopkins, had transferred his claim to Mr. Hills.

Your committee therefore recommend the following resolution;

Be it resolved by the Senate and House of Representatives of the state of Georgia in General Assembly met, and by the authority of the same, That His Excellency the Governor be, and he is hereby required to ascertain from major Hopkins, whether the draughts tendered by Mr. Hills are his original survey; and if so, whether he has transferred the same to Mr. Hills, or not; and that His Excellency be requested to report to the next Legislature the result of the said enquiry; so that necessary provision may be made for the carrying fully into effect this very desirable object.

And the same being read was agreed to

A message from the House of Representatives by Mr. Holt their Clerk; Mr. President;

The House of Representatives have passed a resolution appointing Commissioners of the Scriven county Academy; and



- They have passed a bill to sell and full value and amount of the said loan, dispose of certain lands in the seventh to be judged of by the justices of the district, formerly Baldwin, now Twiggs Inferior court of Greene county, or a county ; and he withdrew.

Ordered that the said message do lie on the table.

The Senate took up the report of the committee on the Petition of Zachariah Sims, which is as follows :

The select committee to whom were referred the Petition of Zachariah Sims, praying a loan of four thousand dollars to enable him to compleat the establishment of a Paper Manufactory in Greene county in this state, are of opinion that the prayer of the petitioner is reasonable and ought to be granted.

Your committee have received information from persons of the most respectable standing in society, for integrity and capacity to judge, that Mr. Sims' expenditures have been great to accomplish the said object, and his works are in considerable forwardness, and that with the aid of the solicited loan he will in a very few months have his said works in complete operation to the great benefit of the state. Your committee therefore recommend, that the prayer of the petitioner be granted, and that the sum of four thousand dollars upon his giving bond with two securities to be approved of by his Excellency the Governor, for the return of the money into the Treasury of this state within the term of three years from the time of his receiving the same, and that the said payment be further secured by a mortgage on the real estate of the said Zachariah Sims, to the

any three of them, and therefore recommend the following resolution, viz.

Resolved, that his Excellency the Governor be, and he is hereby requested to draw on the Contingent Fund for the sum of four thousand dollars in favour of Zachariah Sims, to enable him to carry into operation a Paper Manufactory, upon his giving bond and a mortgage as security that may be deemed by His Excellency the Governor sufficient to secure the return of the said money with interest into the treasury of this state, at the expiration of three years next after the said Zachariah Sims shall receive the same.

On motion to strike four thousand dollars out of said resolution it was agreed to.

Mr. Powell then moved to insert Three Thousand Dollars, and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 19, Nays 17.

Those who voted in the affirmative, are Messrs. Brown, Butler, Burnett, Cook, Davis, Hardin, Hardie, Henderson, Hudspeth, Johnston, Lane (of Putnam) M'Cormick, Park, Powell, Rabun, Spalding, Talbot, Walker and Wood.

Those who voted in the negative, are Messrs Bacon, Barnett, Ball, Byne, Foster, Fulgham, Griffin, Hardaway, Lane (of Walton) Lanier, Little, Pray, Remson, Scruggs, Shepherd, Taliaferro, and Williams.

Mr. Walker then moved the following resolution as a substitute for the original, to wit:

Resolved, that there shall be appropriated to the said Zachariah Sims, out of any monies unappropriated, the sum of three thousand dollars, to enable him to carry into operation a Paper Manufacturing, upon his giving bond and sufficient security to his Excellency the Governor for the return of said money with interest into the treasury of this state at the expiration of three years next, after the said Zachariah Sims shall receive the same.

And the same being read was agreed to.

A message from His Excellency the Governor, by Mr. Rousseau, his Secretary.

Mr. President;

I am directed by His Excellency the Governor to inform the Senate that he has approved of and signed sundry Concurring Resolutions which originated in this branch of the Legislature, to wit:

One directing the Treasurer to deliver to the Commissioners of Confiscated Property, a Funded Certificate deposited by them in the treasury for safe-keeping, and receipted for by Edwin Moulter to Paul Hamilton Wilkins, in order that the said Commissioners may finally settle with the said Paul Hamilton Wilkins in terms of their original assumption.

One confirming the Executive appointment of Willis Roberts, Esqr. a Justice of the Inferior Court of Put-

nam county in the place of Robert L. Iverson, Esq. resigned, and appointing James B. Clopton, Esq. in the place of Edmond Lane, Esq. resigned.

One appointing Leighton Wilson, and John Gignilliatt, Esqrs. Justices of the Inferior court of Glynn county, &

One appointing William Bird and William King, Esqrs. Notaries Public for the county of Effingham, and he withdrew.

Mr. Park gives notice that he will on to-morrow ask leave to report a bill to incorporate a company for the improvement of the navigation of the Oconee river.

Mr. Lanier from the committee on the State of the Republic reported on the petition of Sarah Oliver as follows, to wit:

The committee on the State of the Republic to whom were referred the petition of Sarah Oliver, report that the prayer of the petitioner is unreasonable and ought not to be granted.

The Senate took up the report and the same being read was agreed to.

Mr. Henderson presented a petition from a number of the inhabitants of Jackson county, which was read and ordered to lie on the table.

Mr. Park from the committee reported on the petition of John Smith, which was read and ordered to lie on the table.

Mr. Lane [of Putnam], agreeably to notice, introduced a bill to repeal certain parts of an act to establish an Academy in Eatonton, Putnam county, &c. which was received and read the

first time.

Mr. Walker from the committee reported a bill to incorporate the Roman Catholic Society of Augusta, &c. which was received and read the first time.

Mr. Taliaferro agreeably to notice, introduced a bill to alter the name of certain persons therein named, which was received and read the first time.

Mr. Lane [of Putnam,] presented a petition from a number of the inhabitants of Putnam county, which was read and referred to a special committee consisting of Messrs. Lane, Walker and Bacon.

Mr. Rabun presented a petition from a number of the inhabitants of Handcock county, which was read and referred to a special committee, consisting of Messrs. Rabun, Taliaferro and Hudspeth.

On motion of Mr. Hardin,

Resolved, that Clement Bryant, John P. Blackmore, Richard Cooper, Moses Westberry and Ezekiel Clifton be, and they are hereby appointed Commissioners of the Tatnall county Academy.

Mr. Lane [of Putnam] presented a petition from James Espy and others, which was read and referred to a special committee consisting of Messrs. Lane, Foster and Wood.

Mr. Davis agreeably to notice introduced a bill to incorporate the Planter's Bank of the State of Georgia, &c. which was received and read the first time.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President;

I am directed to inform the Senate, that the House of Representatives are now ready to receive them in the Representative Chamber, for the purpose of proceeding to the election of Harbor Master for the port of Savannah and a Lieutenant Colonel to command the fourth regiment of Cavalry in the Militia of this state, agreeably to a joint and approved resolution; and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to said elections, and on counting out the votes it appeared that Robert Greer was duly elected Harbor Master and Johnson Wellborn elected Lieutenant Col. to command the 4th regiment of Cavalry.

The Senate again returned to their Chamber and took their seats.

Mr. Scruggs from the committee reported a bill to alter the time for the meeting of the General Assembly of this state, and for other purposes therein mentioned, which was received and read the first time.

Adjourned till 59 minutes after 9 o'clock to-morrow morning.

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FRIDAY, 23d Nov. 1810.

On motion of Mr. Lanier,

The Journal of yesterday was reconsidered so far as respects the report of the committee on the petition of Sarah Oliver.

A message from the House of Representatives by Mr. Holt their Clerk.

Mr. President ;  
The House of Representatives have passed the bill from Senate to Edward Downing.

They have passed a bill for the improvement of the navigation of the Oconee, Altamaha and Savannah Rivers.

They concurred in the resolution appointing a joint committee to call on the Commissioners of Milledgeville and such other persons as may have had charge of public moneys appropriated for building the State House, and for the counties of Telfair, Laurens, and such other as may have been appointed, &c.—and

They have passed a resolution appointing a Lumber-Measurer of the City of Savannah; and he withdrew.

Ordered, that the said message do lie on the table.

The bill for the relief of William Brown and others, which was read a second time, and ordered for a committee of the whole.

The bill to be entitled an act, to amend the third section of an act, entitled, an act providing out the duty of Sheriffs in selling lands under execution, passed Dec. 1808, and

The bill to be entitled an act, to amend the more effectually securing the Probate of Wills, limiting the time for Executors to qualify and Windows to make their election, and for other purposes therein mentioned; were severally read the third time and passed under their respective titles.

The Senate resolved itself into a committee of the whole on the bill extending the powers of the Commissioners of the town of Wrightsboro' in Co-

lumbia county. Mr. Byne in the Chair. Mr. President resumed the Chair, and Mr. Byne reported, that they had gone through the same without any amendment.

The report was taken up and agreed to. Whereupon the said bill was read the third time, and passed under the title thereof.

The bill amendatory to an act laying out the county of Twiggs, passed Dec. 1809, and authorising the drawing Grand and Petit Jurors from the counties of Telfair, Laurens, Wilkinson, Pulaski and Montgomery.

The bill to be entitled an act to amend an act to make permanent the seat of public buildings in Pulaski county—were severally read the third time, and passed under their respective titles.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend the 1st section of an act to extend the Laws of this State over the persons residing in Wafford's settlement, and for organizing the same—Mr. Park in the Chair—Mr. President resumed the Chair and Mr. Park reported, that they had gone through the same without any amendment.

The report was taken up and agreed to.

Whereupon the said bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to repeal the 9th section of an act to lay out and establish a county in the Ter-

territory lately acquired by cession from the Gen. Government, passed on the 10th of Dec. 1805, so far as respects the proviso contained in the said section. Mr. Wood in the chair. Mr. President resumed the chair and Mr. Wood reported progress and asked leave to sit again.

The report was taken up and agreed to.

The Senate resolved itself into a committee of the whole on the bill to amend the 68th section of an act to revise and amend the Judiciary System of this state, passed the 9th February, 1797. Mr. Byne in the chair. Mr. President resumed the chair, and Mr. Byne reported progress and asked leave to sit again.

The report was taken up and agreed to.

The Senate resolved itself into a committee of the whole on the bill to incorporate the Petersburg Mercantile Company. Mr. Foster in the chair. Mr. President resumed the chair, and Mr. Foster reported, that they had gone through the same without amendment.

The report was taken up and agreed to.

Whereupon the said bill was amended, read the third time and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill supplementary to the Judiciary act now in force, and to establish an uniform system of practice in the proceedings of the Superior courts in this state. Mr. Pray in the chair. Mr. President re-

sumed the chair, and Mr. Pray reported progress and asked leave to sit again.

The report was taken up and agreed to.

The Senate dispensed with the order of the day and took up the resolution from the House of Representatives directing the Commissioners of Confiscated Estates to postpone the sale of Lot No. 10, Hicks Tything, Percival Ward, in the city of Savannah, and the same being read was amended to read as follows :

Resolved, that the sale of Lot, No. 10, Hicks Tything, Percival Ward, in the city of Savannah now advertised and to take place on Monday next be, and the same is hereby postponed until the meeting of the next Legislature : & the Commissioners of Confiscated Estates are directed to proceed accordingly ; and be it further resolved, that His Excellency the Governor be, and he is hereby directed to take the necessary steps to have the present possessor of said lot ejected therefrom and to establish the title of the state thereto, provided she has such title; and on the question to agree to the same it was determined in the affirmative, and the yeas & nays being required, are yeas 26, nays 6.

Those who voted in the affirmative are Messrs. Barnett, Bacon, Ball, Brown, Butler, Barnett, Byne, Cook, Davis, Fulgham, Hardin, Hudspeth, Henderson, Johnston, Lane [of Putnam,] Lannier, Little, Pray, Rabun, Scruggs, Shepherd, Spalding, Talbot, Taliaferro, Williams, & Wood.

Those who voted in the negative are, Messrs. Foster, Griffin, Hardaway, Lane [of Walton] Park and Powell.

Mr. Barnett presented a petition from John Cunningham, which was read and referred to the committee on petitions.

Mr. Hardaway presented a petition from Robert Abercrombie and others, which was read and referred to the committee on the State of the Republic.

Mr. Park presented a petition from William Hammit which was read and referred to the committee on Petitions.

The Senate took up the Message from the House of Representatives and concurred in the resolution appointing Lumber-Measurers for the city of Savannah.

In the resolution appointing Commissioners of the Joint Academy of Jackson and Clark counties.

In the resolution appointing Commissioners of the Scriven county Academy.

And in the resolution appointing a Lumber-Measurer and Wood-Cutter for Savannah.

The bill to sell and dispose of the Squares and Fractional parts of Surveys of lands in the 7th district formerly Baldwin, now Twiggs county, &c. &

The bill for improving the navigation of the Oconee, Alatamaha and Savannah rivers, were severally read the first time.

Mr. Wood notifies the Senate that he will on to-morrow move for the ap-

pointment of a committee to report a bill to make plain the line between Montgomery and Jefferson counties from the Sunbury road to Williamson Swamp.

On motion of Mr. Henderson, Resolved, that a committee be appointed to join such as may be appointed by the House of Representatives to take into consideration a petition from sundry inhabitants of Jackson & Franklin counties.

Ordered, that Messrs. Henderson, Little and Cook be that committee on the part of Senate.

On motion of Mr. Taliaferro, Resolved, that William Rowe be, and he is hereby appointed a Notary Public for the county of Baldwin.

On motion of Mr. Taliaferro, Resolved, that Alexander Green be, and he is hereby appointed Vendue Master for the town of Milledgeville.

Mr. Williams from the committee reported on the petition of Hugh McDonald, as follows :

Your committee are of opinion that the prayer of the petitioner is just and ought to be granted, and recommend the following resolution :

Resolved, that the Comptroller General be authorised to issue a duplicate bounty land warrant No 576 for 800 acres in the name of Oliver Rock, which was renewed the 30th November 1801, upon the said Hugh McDonald giving bond with security to His Excellency the Governor in the sum of eight hundred dollars

conditioned to indemnify the state against any loss which hereafter may be sustained by reason of the said Warrant being formerly issued as aforesaid, and the same being read was agreed to.

Adjourned till 10 o'clock to-morrow morning.

**SATURDAY, 24th Nov. 1810.**

Mr. M'Cormick from the committee reported a bill for the relief of Mary M'Wright, which was received and read the first time.

The Senate took up the re-consideration of the Journal on the report of the committee on the petition of Sarah Oliver, and the same being read was amended to read as follows, viz.

The committee on the State of the Republic; report on the petition of Sarah Oliver the following resolution:

Be it resolved by the Senate & House of Representatives of the State of Georgia in General Assembly met, & by the authority of the same, that the Attorney or Solicitor General and Sheriffs or other officers be directed to stay all further proceedings against the estate of James B. Oliver, dec. on account of the debt due by said estate to this state, for the term of three years from the passing of this resolution upon her paying the interest of the same and giving satisfactory security to his Excellency the Governor, to secure the payment of the balance at the expiration of said term; and on the question to agree to the same it was deter-

mined in the affirmative, and the yeas and nays being required, are yeas 26, Nays 11.

Those who voted in the affirmative, are Messrs Bacon, Ball, Brown, Butler, Burnett, Davis, Foster, Fulgham, Hardaway, Hardie, Johnston, Lane (of Put.) Lane (of Walton) Lanier, M'Cormick, Park, Pray, Remson, Scruggs, Shepherd, Spalding, Talbott, Taliaferro, Williams, Walker and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Crawford, Griffin, Hardin, Henderson, Hudspeth, Little, Powell and Rabun.

Mr. Walker introduced the following resolution;

Resolved, that it is the opinion of the Senate that the President of the Senate is authorized to sign all enrolled bills in Senate presented for his signature, without asking the leave of the Senate for the purpose, and on the question to agree to the same it was determined in the negative, and the yeas and nays being required are, yeas 15, nays 22.

Those who voted in the affirmative are Messrs. Bacon, Burnett, Byne, Crawford, Johnson, Lanier, Park, Pray, Remson, Scruggs, Shepherd, Spalding, Talbott, Taliaferro and Walker.

Those who voted in the negative are Messrs. Barnett, Ball, Brown, Butler, Cook, Davis, Foster, Fulgham, Griffin, Hardaway, Hardin, Hardie, Henderson, Hudspeth, Lane (of Putnam) Lane (of Walton) Little, M'Cormick, Powell, Rabun, Williams and Wood.

Mr. Foster from the committee reported as duly enrolled and signed by

the Speaker, an act to pardon Edward Downing, which was presented to and signed by the President.

Ordered, that the committee do take said act to His Excellency the Governor for his assent.

The Senate resolved itself into a committee of the whole on the bill to regulate interest in this state. Mr. Byne in the chair. Mr. President resumed the chair, and Mr. Byne reported, that he was requested to report the further consideration of said bill be postponed 'till June next.

The report was taken up, and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 24. Nays 11.

Those who voted in the affirmative are, Messrs. Barnett, Ball, Brown, Butler, Burnett, Byne, Foster, Fulgham, Hardaway, Hardin, Hudspeth, Johnston, Lane (of Walton), Park, Pray, Rabun, Remson, Scruggs, Shephard, Spalding, Talbot, Taliaferro, Walker and Wood.

Those who voted in the negative are, Messrs. Bacon, Cook, Davis, Griffin, Hardie, Henderson, Lanier, Little, McCormick, Powell and Williams.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend an act for the better regulating and governing the town of Milledgeville. Mr. Barnett in the chair. Mr. President resumed the chair, and Mr. Barnett reported, that they had gone through the same with amendments.

The report was taken up and agreed

to with amendments.

Whereupon the said bill was read the third time and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to authorize Henry Joice to erect a ferry across the Oconee river. Mr. Spalding in the chair. Mr. President resumed the chair and Mr. Spalding reported, that they had gone through the same with amendments.

The report was taken up and agreed to.

Ordered, that the said bill be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill for the relief of William Brown, Stephen Noble and Isaac Hughes. Mr. Little in the chair. Mr. President resumed the chair and Mr. Little reported, that they had gone through the same without any amendment.

The report was taken up and agreed to.

Whereupon the said bill was read the third time and passed under the title thereof.

The following bills were severally read the second time, to wit ;

A bill to Incorporate the Roman Catholic Society of Augusta &c.

Ordered, for a committee of the whole.

A bill to change the names of certain persons therein named.

Ordered for a third reading.

A bill to repeal certain parts of an act to establish an academy in Putnam county &c.



Ordered for a committee of the whole on Monday next.

A bill to incorporate the Planter's Bank of the State of Georgia, &c.

Ordered, for a committee of the whole.

A bill to improve the navigation of the Oconee, Altamaha and Savannah rivers.

Ordered, for a committee of the whole.

A bill to sell the squares and fractional parts of surveys in the formerly Baldwin, now Twiggs county, &c.

Ordered, for a committee of the whole.

A bill to alter the time of holding the General Assembly of this state, &c.

Ordered, for a committee of the whole.

A message from His Excellency the Governor, by Mr. Porter his Secretary.

Mr. President;

I am directed by His Excellency the Governor to inform the Senate, that he has approved of and signed sundry resolutions, which originated in this branch of the Legislature, viz.

One appointing Robert Ware, John H. Walker, Henry Jones, Wm. Dowling, Gibson Clark, Robert Fleming and Thomas Murray, Esquires, Commissioners of the Academy of Lincoln county.

One appointing William A. Harper, Henry Fulgham, George G. Gaines, William S. Lancaster, George Walker, of Pulaski county; Henry Shepherd, Jonathan Sawyer, Thomas Davis, Jno. G. Underwood, John Fulwood of Lau-

rens county; Robert Flournoy, James Alston, Robert L. Troup, Abraham

Jones, David M'Cormick of Montgomery county; Thomas Mitchell, William

Carroll, Mitchell Griffin, Abraham F. Powell, Benjamin Cray, of Telfair

county; John Hatcher, Mathew Carswell; Daniel Hicks, Stephen Gafford, Jeremiah Loftin, of Wilkinson county;

Jacob Ricks, James M'Cormick, James Johnston, Thomas Daniel, Abraham

Wood, of Twiggs county—Commissioners of the academies of their several counties.

One appointing Thomas Carleton, sen. and Sterling Grimes, Esquires, Notaries Public for the county of Morgan.

One confirming the Executive appointment of William Horton, Esquire, as a justice of the Inferior Court of Jones county, in the place of Hillory Pratt, esquire, resigned:

One appointing George Abbott, Esquire, a Commissioner of the town and common of Frederica, in the county of Glynn, in the place of A. D. Lawrence, esquire, removed, and appointing John Harris and John Morgan, esquires, Commissioners of the town and common of Brunswick in said county.

One confirming the Executive appointment of Thomas Flournoy, Esq. as a member of the board of Trustees of the Richmond Academy.

One appointing Martin Hardin and Daniel Brinson, esquires, justices of the Inferior court of Tattnall county, in the place of Batt Wyche and John Hill Bryan, esquires, resigned.

One appointing Samuel Lockhart,

Shepherd Williams, Charles McCall, John Rawles and William Holloway, Esquires, Commissioners of the Academy of the county of Bullock. to be delivered to the Executive by the first day of March next &c.—and he

One appointing John E. Carson, Frederick Beall & John Mullin, esquires, Commissioners of the Academy in Franklin county, in the place of Har- Robert Wilson, esquires, removed.

One appointing John A. Cuthbert and John Dunwoody, esquires, Justices of the Inferior court of Liberty county, in the room of Thos. Bacon, sen. and Elyah Baker, esquires, resigned.

One confirming the executive appointment of Henry Cognilliat, Esq. a Justice of the Inferior court of Milledgeville county, in the place of Emanuel Wambance, esquire, resigned.

One appointing William Chandler, Esquire, a justice of the Inferior court of Hancock county, in the place of Wm. Terrett, esquire, resigned.

One on the petition of Elizabeth Jones, directing the present Commissioners of Consecrated property, or a majority of them, to make and execute titles for a certain tract of land therein mentioned, to the heirs of Thos. Jones, deceased; and

One that Beaton Grantland have the printing of the Laws and Resolutions of the present Legislature, at the rate of two and one third cents per sheet of 16 pages octavo, to be delivered to the Executive by the first day of February next: and also the printing of the Journals of both branches of the Legislature, at and af-

Mr. Foster from the committee on enrolment, reported as duly enrolled and signed by the Speaker, an act to continue in force an act giving further time to fortunate drawers to take out their grants &c. which was presented and signed by the President. Ordered that the committee do take said act to his Excellency the Governor for his assent.

The Senate again resolved itself into a committee of the whole on the bill assenting the appointment of Harbor-Master and Health-Officer of the Port of Savannah in the Mayor and Aldermen of said City, and for other purposes therein mentioned. Mr. Talbot in the chair. Mr. President resumed the chair and Mr. Talbot reported, that they had gone through the same with amendments.

The report was taken up and agreed to with amendments.

Whereupon the said bill was read the third time, and passed under the title of a bill to regulate the fees of the Health-Officer and Harbor Master of the City of Savannah, and to repeal an act entitled an act establishing the fees of Harbor Master and Health-Officer of the Port of Savannah, passed 12th December, 1804.

Mr. Hardin from the committee on Finance, reported on the petition of Charles Jones & John Bethune, which was read & ordered to lie on the table.

Mr. Davis gives notice that he will on Monday next move for the appointment of a committee to prepare & report a bill pointing out the mode of electing the Electors of President and Vice-President of the United States.

On motion of Mr. Crawford, Resolved, That Peter W Goutier, David Adams, Jarrett Beasley, Zephaniah Harvey and Charles Crawford be appointed Commissioners of the Academy of Randolph county.

On motion of Mr. Foster, Resolved, That James Wood, Esq. be, and he is hereby appointed Commissioner of the Academy of Columbia county in place of John Apling, deceased.

Adjourned 'till 10 o'clock Monday morning.

MONDAY, 26th Nov. 1810.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to vest the property of George Bartholomew, deceased, in certain trustees for the use of his natural children and their mother. Mr. Pray in the Chair. Mr. President resumed the Chair and Mr. Byne reported, that the further consideration of this bill be postponed until the first Monday in June next.

The Senate took up the report which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to amend the 68th section of an act, entitled an act to amend

the Judiciary System of this State. Mr. Byne in the chair. Mr. President resumed the Chair, and Mr. Byne reported, that they had gone through the same without any amendment.

Ordered, that the report do lie on the table.

The Senate again resolved itself into a committee of the whole, on the bill to be entitled, an act supplementary to the Judiciary act now in force & to establish an uniform system of practice in the proceedings of the Superior Courts of this state. Mr. Barnett in the Chair. Mr. President resumed the Chair, and Mr. Barnett reported progress and had leave to sit again.

The Senate again resolved itself into a committee of the whole, on the bill to be entitled an act to repeal the 9th section of an an act entitled, an act to lay out and establish a county in the territory lately acquired by cession from the General Government, passed on the 10th day of December 1803, so far as respects the proviso contained in said section. Mr. Pray in the chair. Mr. President resumed the chair, and Mr. Pray reported, that he was requested to report the further consideration of said bill be postponed until June next.

The Senate took up the report which was read, and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are yeas 23, nays 13.

Those who voted in the affirmative are, Messrs. Bacon, Butler, Burnett, Byne, Davis, Foster, Fulgham, Hard-

way, Hardin, Johnston, Lane (of Putnam) Lane (of Walton) Lanier, McCormick, Park, Pray, Remson, Shepherd, Spalding, Talbot, Taliaferro, Walker and Wood.

Those who voted in the negative, are Messrs. Barnett, Ball, Brown, Cook, Crawford, Griffin, Hardie, Henderson, Hudspeth, Little, Powell, Rabun and Scruggs.

The bill for the relief of Mary McWright was read the 2d time

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to incorporate the Roman Catholic Society in Augusta. Mr. Wood in the Chair. Mr. President resumed the Chair, and Mr. Wood reported that they had gone through the bill without amendment.

The Senate took up the report, which was agreed to.

Whereupon the bill was read the 3d time and passed under the title of a bill to be entitled an act to incorporate the Roman Catholic Society of Augusta, and to enable the trustees herein after named, to establish a Lottery for the purpose of raising the sum of three thousand dollars to enable them to build a church; and also to authorise the Trustees of the Richmond Academy to convey a lot of land in the city of Augusta to the said Roman Catholic Society.

The bill to authorise Henry Joice to erect a Ferry across the Oconee river, was taken up, read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to alter the time of the meeting of the General Assembly of this state, and for other purposes therein mentioned. Mr. Park in the Chair. Mr. President resumed the chair, and Mr. Park reported, that they had gone through the same without any amendment.

The Senate took up the report and on the question to postpone the bill until June next, it was determined in the negative, and the Yeas and Nays being required, are Yeas 16, Nays 19.

Those who voted in the affirmative, are Messrs. Bacon, Ball, Butler, Byne, Cook, Foster, Fulgham, Johnston, Lane (of Putnam) Lane (of Walton) Powell, Rabun, Shepherd, Spalding, Taliaferro and Wood.

Those who voted in the negative, are Messrs. Barnett, Brown, Burnett, Crawford, Davis, Griffin, Hardaway, Hardin, Hardie, Henderson, Hudspeth, Lanier, Little, McCormick, Park, Remson, Scruggs Talbot and Walker. Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the negative, and the Yeas and Nays being required, are Yeas 17, Nays 18.

Those who voted in the affirmative, are Messrs. Barnett, Brown, Burnett, Crawford, Davis, Hardaway, Hardin, Hardie, Henderson, Hudspeth, Lanier, Little, Park, Remson, Scruggs, Talbot and Walker.

Those who voted in the negative, are Messrs. Bacon, Ball, Butler, Byne-

Cook, Foster, Fulgham, Griffin, Johnston, Lane (of Putnam) Lane (of Walton) M'Cormick, Powell, Rabun, Shepherd, Spalding, Taliaferro and Wood.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act, to incorporate the Planters' Bank of the State of Georgia, and to repeal an act entitled, an act to incorporate the Planters' Bank of the State of Georgia, passed the 5th December, 1807. Mr. Wood in the chair. Mr. President resumed the chair, and Mr. Wood reported, that they had gone through the same with amendments.

The report was taken up, and  
On motion of Mr. Foster,

That the following clause be inserted in said bill :

And be it further enacted by the authority aforesaid, That a branch of the aforesaid bank shall be extended to the city of Augusta, under the superintendance of eight directors, one of whom shall be President, to be appointed by the Legislature, whose seat shall be vacated and filled up at the same time and in the same manner as the President and Directors of the Bank in Savannah ; & the said branch at Augusta shall go into operation at the same period with the bank in Savannah, which branch bank shall at all times be amenable to the bye-laws, rules and regulations that may be adopted by the Corporation of the Planters' Bank of the State of Georgia ; it was determined in the negative, and yeas and nays being required, are

yeas 8, nays 26.

Those who voted in the affirmative, are Messrs. Ball, Foster, Hardaway, Lane (of Putnam), Lanier, Little, Tabbot and Walker.

Those who voted in the negative, are Messrs. Barnett, Bacon, Brown, Butler, Burnett, Byne, Cook, Crawford, Davis, Fulgham, Griffin, Hardin, Hardie, Hudspeth, Johnston, Lane (of Walton), M'Cormick, Park, Powell, Rabun, Remson, Scruggs, Shepherd, Spalding, Taliaferro and Wood.

The report being again read was agreed to

Ordered, for a third reading.

A message from His Excellency the Governor by Mr. Porter his Secretary.

Mr. President ;

I am directed to lay before Senate a short communication ;—and he withdrew.

The Senate took up the communication, which was read and referred to the committee on the state of the republic, and is as follows ;

The Honorable, the President,  
and members of the Senate;  
The Honorable, the Speaker,  
and members of the House of Representatives.

The present situation of the records of the Executive Department, which were kept during the period of the Revolution and for some years afterwards, induces me to present the subject for your consideration. The frequency of applications for extracts & copies of papers having reference to proceedings of those times, renders it necessary

ry that they should be put in some regular order, by which those applications could with more facility be complied with, and their mutilated condition renders it equally necessary that something should be done with them in order to ensure their preservation.

A view of those records will I am persuaded, produce a conviction of the necessity of transcribing them into good & durable books, and as I deem Legislative sanction necessary to such a proceeding, they will be submitted to the inspection of any committee who may be appointed by both branches, whose report will enable the Legislature to decide on the measures necessary to be taken to give validity and effect to a transcript of such records.

D. B. MITCHELL.

*Executive Department, Georgia.  
Milledgeville, 26th Nov. 1810.*

Mr. M'Cormick from the committee reported a bill to regulate the town of Monticello in Randolph county, which was received and read the first time.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President,

The House of Representatives have passed a resolution on the petition of Devereux & Thweatt.

A resolution requiring the Tax-Collectors of the counties of Montgomery, Tattnall, Bullock and Bryan, to sell so much of the land held by Geo. Sibald, dec. as will be sufficient to pay the taxes due by him to this state. And

A resolution appointing a committee on their part to join such as may be appointed by Senate, to review and take into consideration the constitution of

this state, and report if any and what alterations are necessary—and he withdrew.

Ordered, that the same do lie on the table.

On motion;

Ordered, that Messrs. Remson and Lane (of Putnam), be added to the committee on the state of the Republic.

Mr. Burnett presented a petition from John M'Kennon, which was read and referred to the committee on Finance.

On motion;

Mr. Pray had leave of absence 'till Saturday next.

Mr. Scruggs presented a petition from James Gibson, which was read & referred to a special committee, consisting of Messrs. Scruggs, Walker and Lanier.

Adjourned 'till 10 o'clock to-morrow morning.

TUESDAY, 27th Nov. 1810.

Mr. Ball presented an enclosed resignation of John T. Fairchild, Esq. as Justice of the Inferior court for the county of Wilkinson; whereupon,

Resolved, that Abraham Lucas be, and he is hereby appointed a Justice of the Inferior court for the county of Wilkinson, in the room of John T. Fairchild, resigned.

Mr. Hardin from the committee on Finance, reported, on the subject of bonds given for Indian goods, which was read and ordered to lie on the table.

On motion of Mr. Walker,

Resolved, that two additional members on the part of this House be added to the joint committee on the petition of sundry inhabitants of Columbus county, praying to be added to Richmond county, to join such as may be added on the part of the House of Representatives.

Ordered, that Messrs. Davis & Park be added on the part of Senate.

Mr. Park reported a bill to be entitled an act to incorporate a company for the improvement of the Oconee river, from the mouth of Fishing Creek near Milledgeville, up to the Big Shoals at John Barnett's; which was read the first time.

A message from the House of Representatives by Mr. Holt their Clerk

Mr. President;

The House of Representatives have passed the following bills:

A bill to be entitled, an act to authorize the Judge of the Middle District to hold an extra session of the Superior court in the county of Washington.

A bill to be entitled, an act to alter the name of Wilkinson county

A bill to be entitled an act to divorce and separate John Nelson and his wife.

They have passed a resolution appointing a joint committee on the Governor's communication of yesterday; and he withdrew.

Ordered, that the message do lie on the table.

Mr. Barnett presented a petition from Elijah Blackshear, which was read and referred to the committee on petitions.

Mr. Lane (of Putnam) notified the

Senate, that he will on to-morrow move for leave to introduce a bill to be entitled an act to authorize the Judge of the Superior courts of the Oconee District to hold an extra session in and for the county of Putnam; & also,

That he will on to-morrow move for a committee to be appointed to prepare and report a bill to be entitled, an act to regulate Mills in this state.

The Senate took up the message from the House of Representatives laid on the table yesterday, and concurred in the resolution on the subject of the sales of the lands of George Sibbald, deceased.

In the resolution appointing a joint committee to review the Constitution of this state, and added on their part, Messrs. Hudspeth, Lanier, Powell, Foster, Walker and Byne.

In the resolution on the petition of Devereux and Thweatt.

Mr. Hardin from the committee on Finance, reported on the petition of M. McKennie;

Ordered to lie on the table.

Mr. Bryan presented a petition from Gilbert Neyland, which was read and referred to the committee on Finance.

Mr. Hardin from the committee appointed reported a bill to be entitled an act to point out the time and manner of electing delegates to form a convention to alter the constitution, which was read the first time.

Mr. Lanier from the committee on the state of the republic, reported on the petition of Rene Fitzpatrick, which was ordered to lie on the table.

Mr. Johnston presented a petition from John Hathorn, which was read and referred to the committee on the state of the Republic.

Mr. Burnett notified the Senate, that he will to-morrow move for a committee to be appointed to prepare and report a bill to explain and amend the escheat laws of this state.

On motion of Mr. Butler,

Resolved, that Abner Biddle, Thos. White, Reuben Cole, David White and Wornly Rose be, and they are hereby appointed Commissioners of Jones county academy

Mr. Scruggs from the committee reported a bill to authorize James Gibson to retail spirituous liquors in the county of Effingham, which was received and read the first time.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to repeal certain parts of an act, passed on the 15th day of December, 1809, entitled an act to establish an academy in the town of Eatonton and county of Putnam, by the name of Union Academy, and to incorporate the same—Mr Hardin in the Chair—Mr. President resumed the Chair, and Mr. Hardin reported progress and had leave to sit again.

A message from His Excellency the Governor by Mr. Porter his Secretary;

Mr. President;

His Excellency the Governor has assented to and signed an act to pardon Edward Downing—and he withdrew.

Ordered, that the committee of enrolled bills do carry said act to the Secre-

tary of State's Office, and see the Great Seal affixed to the same.

The bill to be entitled an act to alter the names of Joshua, Jacob, Benjamin, Elizabeth and Susannah Sellers, to that of Joshua, Jacob, Benj'n, Elizabeth and Susannah Averet, and to entitle them to inherit under the same, was taken up, read the third time and passed under the title aforesaid.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for improving the navigation of the Oconee, Alatomaha & Savannah rivers in this state—Mr Lanier in the Chair.—Mr. President resumed the Chair, and Mr Lanier reported that they had gone through the same with sundry amendments.

The Senate took up the report.

On motion of Mr. Park,

To strike out 5000 dollars to the clearing the Ocmulgee river, and insert 2000 dols. it was determined in the affirmative, and the yeas and nays being required, are, Yeas 19—Nays 18.

The <sup>S</sup> who voted in the affirmative are, Messrs. Barnett, Bacon, Brown, Dyer, <sup>of</sup> Cook, Davis, Foster, Hardaway, Henderson, Hudspeth, Little, <sup>of</sup> Park, Powell, Rabun, Remson, Scruggs, Talbot & Taliaferro.

Those who voted in the negative, are, Messrs. Ball, Butler, Burnett, Crawford, Fulgham, Griffin, Hardin, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, M'Cormick, Shepherd, Spalding, Walker and Wood.

On motion of Mr. Barnett,

Resolved, that the Senate do strike



but the whole clause relative to navigating the Ocmulgee river, and on the question to agree, it was determined in the negative, and the yeas and nays being required, are Yeas 14, Nays 21.

Those who voted in the affirmative, are Messrs. Barnett, Bacon, Byne, Cook, Foster, Hardaway, Hardin, Henderson, Hudspeth, Little, Powell, Rabun, Remson and Taliaferro.

Those who voted in the negative, are Messrs. Ball, Brown, Butler, Burnett, Crawford, Davis, Fulgham, Griffin, Hardie, Johnston, Lane (of Putnam) Lane (of Walton) Lanier, M'Cormick, Park, Scruggs, Shepherd, Spalding, Talbot, Walker and Wood.

On motion of Mr. Lanier,

Resolved, that the sum of two thousand dollars be stricken out of the clause for the navigating the Ocmulgee river, and the sum of three thousand dollars be inserted; & on the question to agree, it was determined in the negative; and the Yeas and Nays being required, are Yeas 17, Nays 13.

Those who voted in the affirmative, are Messrs. Ball, Butler, Burnett, Crawford, Fulgham, Griffin, Hardin, Hardee, Johnston, Lane (of Putnam) Lane [of Walton] Lanier, M'Cormick, Shepherd, Spalding, Walker and Wood.

Those who voted in the negative, are, Messrs. Barnett, Bacon, Brown, Byne, Cook, Davis, Foster, Hardaway, Henderson, Hudspeth, Little, Park, Powell, Rabun, Remson, Scruggs, Talbot and Taliaferro.

On motion of Mr. Hudspeth, That the following clause be inserted as an amendment to said bill.

*Be it enacted, That* be, and they are hereby appointed Commissioners for superintending the improving of the navigation of broad river, and that the sum of be appropriated for that purpose; on the question to agree to said clause, it was determined in the negative, and the yeas and nays being required, are, yeas 10, nays 25.

Those who voted in the affirmative, are Messrs. Barnett, Davis, Henderson, Hudspeth, Little, Powell, Rabun, Remson, Talbot and Walker.

Those who voted in the negative, are Messrs. Bacon, Ball, Brown, Butler, Burnett, Byne, Cook, Crawford, Foster, Fulgham, Griffin, Hardaway, Hardin, Hardie, Johnston, Lane (of Putnam) Lane (of Walton) Lanier, M'Cormick, Park, Scruggs, Shepherd, Spalding, Taliaferro and Wood.

Mr. Davis moved that the following clause be inserted in said bill.

And be it further enacted, That be, and they are hereby appointed Commissioners for superintending the improving the navigation of Great Ogechee river, and that dollars be appropriated for that purpose; and on the question to agree to the same, it was determined in the negative, and the yeas & nays being required, are, yeas 13, nays 22.

Those who voted in the affirmative, are, Messrs. Barnett, Bacon, Byne, Da-

vis, Hardin, Hudspeth, Lanier, Powell, Rabun, Scruggs, Talbot, Walker and Wood.

Those who voted in the negative, are Messrs. *Bain, Brown, Butler, Burnett, Cook, Crawford, Foster, Fulgham, Griffin, Hardaway, Hardie, Henderson, Johnston, Lane (of Putnam) Lane (of Walton) Little, M'Cormick, Park, Remson, Shepherd, Spalding, & Taliaferro.*

Mr. *Bacon* moved that the following clause be inserted in said bill.

And be it further enacted by the authority aforesaid, That

be, and they are hereby appointed Commissioners for superintending the opening and improving the navigation of Canouchee river, and that

dollars be appropriated therefor; and on the question to agree to the same it was determined in the negative; and the yeas and nays being required, are yeas 5, nays 20.

Those who voted in the affirmative, are Messrs. *Barnett, Bacon, Hardin, Hudspeth and Powell.*

Those who voted in the negative, are Messrs. *Bain, Brown, Butler, Burnett, Byne, Cook, Crawford, Davis, Foster, Fulgham; Griffin, Hardaway, Hardie, Henderson, Johnston, Lane (of Putnam) Lane (of Walton) Lanier, Little, M'Cormick, Park, Rabun, Remson, Scruggs, Shepherd, Spalding, Talbot, Taliaferro, Walker and Wood.*

The amendments being gone thro' the report was agreed to as amended.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are Yeas 27, Nays 8.

Those who voted in the affirmative are, Messrs. *Bain, Brown, Butler, Burnett, Cook, Crawford, Davis, Fulgham, Griffin, Hardie, Henderson, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Little, M'Cormick, Park, Rabun, Remson, Scruggs, Shepherd, Spalding, Talbot, Taliaferro, Walker and Wood.*

Those who voted in the negative, are Messrs. *Barnett, Bacon, Byne, Foster, Hardaway, Hardin, Hudspeth & Powell.*

The bill to be entitled an act to incorporate the Planter's Bank of the state of Georgia and to repeal an act to incorporate the Planters' Bank of the state of Georgia, was read the third time, and passed under the title thereof.

Mr. *Wood* agreeably to notice moved for the appointment of a committee to report a bill to alter and make plain the line between the counties of Jefferson and Montgomery, &c.

Ordered, that Messrs. *Wood, M'Cormick and Foster* be that committee.

Mr. *Lanier* agreeably to notice, moved for the appointment of a committee to report a bill to amend the fifth section of an act to sell and dispose of the fractional parts of surveys of Lands in the counties of Baldwin and Wilkinson.

Adjourned 'till 10 o'clock to-morrow morning.

WEDNESDAY, 28th Nov. 1810.

On motion of *Mr. Hardin*,

That so much of the minutes as respects the act for appropriating the several sums therein mentioned for the improvement of the several navigable water courses therein mentioned, be reconsidered—on the question to agree to the same, it was determined in the negative.

*Mr. Foster* from the committee to whom was referred the petition of *Jas. Espey* and others, reported, which was ordered to lie on the table.

*Mr. McCormick* presented the following resolution :

Resolved, that the following items in the Treasurer's Abstract, to wit, Governors, Presidents and Speakers' warrants, paper medium, audited certificates, State-Troop bounty Warrants & Funded Certificates, are of no value to the state, but an incumbrance to the Treasury ; therefore it is ordered, that the Treasurer do cause a fair and accurate list of said papers, in which shall be shewn the number, the date and amount of each description of paper, & the persons name in whose favor each issued, to be made out and entered in a book or books to be by him provided for that purpose, and that as soon as said list shall have been completed, that the Treasurer and Comptroller General, under the direction and in the presence of His Excellency the Governor do destroy said papers by burn-

ing them.

Ordered, that the same do lie on the table.

*Mr. Lane* of Putnam reported a bill to be entitled an act, to authorize an extra session of the Superior court of Putnam county, which was received and read the 1st time.

*Mr. Taliaferro* reported a bill to be entitled an act to repeal the 2nd section of an act, passed the 22nd day of December, 1808, entitled an act, to authorize the Justices of the Inferior Court of Baldwin county to levy an extra tax, which was read the 1st time.

*Mr. Walker* presented a petition from *Rebecca T. Baldwin*, which was received and referred to the committee on Finance.

Agreeably to notice, *Mr. Burnett* moved for a committee to prepare and report a bill to explain and amend the Escheat Laws of this State.

Ordered, That *Messrs. Burnett, Park, and Walker* be that committee.

The Senate took up the message from the House of Representatives yesterday, and the bills therein mentioned, were severally read the 1st time.

The Senate took up the report of the committee on Finance, as follows :

On the petition of *Charles Jones*, your committee recommend the following resolution.

Resolved, That the Tax Collector of Richmond county be, and he is hereby authorized and required to allow the said *Charles Jones* credit in a settlement of his taxes for the year 1808, the sum charged improperly for the tax on a Billiard Table as stat-

ed in the said petition.

And the same being read was agreed to.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President,

The House of Representatives have concurred in the resolution appointing two additional members on the petition of sundry inhabitants of Columbia county, and added Messrs. Newsom, J. Beall and Josiah Watts, on their part

In the resolution appointing a joint committee to take into consideration the petition of sundry inhabitants of Jackson and Franklin counties, and have added a committee on their part.

In the resolution appointing Alexander Greene, Vendue Master for the town of Milledgeville.

In the resolution appointing James Wood, a commissioner of the Academy of Columbia county.

In the resolution appointing Abraham Lucas a Justice of the Inferior court for the county of Wilkinson.

In the resolution appointing Abner Biddle, Thomas White, Reuben Cole, David White and Wormly Rose, commissioners of Jones county Academy.

In the resolution appointing Peter W. Gotier, David Adams, Jarret Beasley, Zepheniah Harvey and Charles Crawford, Commissioners of the Academy of Randolph county.

In the resolution appointing John E. Dawson, William Mitchell, James Mitchell, David Files, and John B. Whatley Commissioners for the Morgan county Academy.

In the resolution appointing James Fort, George Linder, Moses Harrison, John Wallace and John Fort, commissioners of Wayne county Academy.

In the resolution appointing Clement Bryan, John P. Blackman, Richard Cooper, Moses Westbury and Ezekiel Clifton, commissioners of the Tattnal county Academy; and,

In the resolution appointing William Rowe a Notary Public for the county of Baldwin.

They have passed the following bills.

A bill to incorporate the Agricultural Society of Georgia.

A bill to be entitled an act, to define the duties of the clerks of the Superior and Inferior courts of this state.

A bill to secure to Jane Bridgwater, any property she may acquire hereafter.

A bill to be entitled an act, amendatory to an act, entitled an act, to enable

the Trustees of the Richmond Academy to lease out the commons of Augusta, and for other purposes therein mentioned.

A bill to be entitled an act to keep open Savannah, and Tugalo rivers.

A bill to authorise the commissioners of St. Mary's Lottery to dispose of the funds that may arise from the same.

A bill to be entitled an act to authorize the Inferior court of Greene county to transcribe the records of that county into bound books.

A bill to be entitled an act, to secure to Lewis Calfrey and John Coats, their heirs and assigns the sole and exclusive right of running a line of Stage

Carriages between the Cities of Savannah and Augusta.

A bill to alter and amend the third section of an act, to impose a tax for the support of government for the year 1808.

A bill to be entitled an act, to repeal the first and second sections of an act to amend an act, entitled an act, to revise, amend and consolidate the several militia laws of this state, &c.

A bill to be entitled an act, to incorporate the town of Warrenton, and,

A bill to point out a definitive rule for the priority of judgments.

The Senate took up the message, & the said several bills were read the 1st time.

Mr. Remson presented a petition from Richard Whitfield, which was received and referred to the committee on petitions.

Mr. Wood reported a bill to be entitled, an act to ascertain the line between the counties of Montgomery and Jefferson, which was read the 1st time.

Mr. Rabun from the committee to whom was referred the petition of a number of inhabitants of Hancock and Baldwin, Reported.

Ordered, to lie on the table.

Mr. Butler presented a petition from a number of inhabitants of Putnam, Lane (of Putnam), and Taliaferro.

Agreeably to notice, Mr Lane (of

Putnam) moved for a committee to prepare and report a bill to be entitled an act to regulate Mills in this state.

Ordered, that Messrs. Lane, Henderson and Wood be that committee.

On motion of Mr Davis,

Resolved, that Sampson Mordecai be and he is hereby appointed a Notary Public for the county of Chatham.

On motion of Mr Hardie,

Resolved, that Daniel Miller and Jas. Hanny be and they are hereby appointed Lumber-Measurers for the City & river St. Mary's in the county of Camden.

The Senate took up the report of the committee on the petition of William Lowry, which being amended was agreed to, and is as follows :

Resolved, that the prayer of the petitioner is unjust and ought not to be granted.

On motion of Mr. Barnett,

Resolved, that no new business be received in Senate after Friday next.

Ordered to lie on the table.

The Senate took up the following bills, which were severally read the second time.

A bill for the incorporation of the town of Monticello in the county of Randolph.

Ordered for a third reading.

A bill to be entitled an act to point out the manner and time of electing

Delegates in the several counties in this state, to form a convention for

the purpose of framing a constitution for the state of Georgia.

Ordered for a third reading in June

next. A bill to be entitled an act to authorise James Gibson to retail spirituous liquors in the county of Effingham.

Ordered for a third reading ; and

A bil to incorporate a Company for

the improvement of the Oconee river from the mouth of Fishing Creek near Milledgeville, up to the Big Shoals at John Barnett's.

Ordered for committee of the whole. The Senate again resolved itself into a committee of the whole on the bill to be entitled an act to repeal certain parts of an act passed on the 15th day of December, 1809, entitled, an act to establish an academy in the town of Eatonton and county of Putnam, by the name of Union Academy, & to incorporate the same—and to amend the same. Mr. Davis in the Chair. Mr. President resumed the Chair, and Mr. Davis reported, that they had made progress in said bill, and beg leave to sit again in June next.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill for the relief of Mary M'Wright. Mr. Henderson in the chair. Mr. President resumed the Chair, & Mr. Henderson reported, that they had gone through the bill without any amendment.

The Senate took up the report and agreed to the same.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to sell and dispose of the squares and fractional parts of surveys of lands in the seventh district, formerly Baldwin, now Twiggs county, which remains yet unsold or disposed of, the same being re-surveyed by Da-

vid M'Cord, surveyor appointed by His Excellency the Governor to re-survey the fractional surveys in said district, which was originally surveyed by Benjamin Smith, surveyor, and other lots therein mentioned. Mr. Foster in the chair. Mr. President resumed the chair, & Mr. Foster reported progress and had leave to sit again.

The Senate took up the report of the committee of the whole, on the bill to be entitled, an act to amend the sixth section of an act, to revise and amend the Judiciary System of this state, which being again read was ordered to lie on the table.

Mr. Lanier from the committee reported a bill to be entitled an act to amend the fifth section of an act entitled an act to sell and dispose of the fractional surveys of land in the counties of Baldwin and Wilkinson, which was read the first time.

Mr. Park from the committee, reported a bill to be entitled an act, to explain and amend the escheat laws, which was read the 1st time.

Mr. Henderson notified the Senate, that he will on to-morrow ask leave to report a bill to be entitled an act to change the name of Josiah Smith, to that of Josiah Bush Harris.

On motion of Mr. Burnett,

Resolved, that John Guyton be, and he is hereby appointed Notary Public for the county of Jefferson.

Adjourned 'till 10 o'clock to-morrow morning.

THURSDAY, 29th Nov. 1810.

Mr. Brown presented a petition from

Silvanus Walker, which was received, read and referred to Messrs. Brown, Hannah Leprot, which was received, Lane (of Putnam), and Cook, a special read and referred to the committee on committee, to report thereon. Petitions.

Mr. Taliaferro laid before Senate Mr. Cook from the committee on pe- the following communication from titions reported, on the petition from James Bozeman, Comptroller General, Catharine Fitzgerald, Executrix of viz. Henry Osborne, which being read was

Mr. President, and  
Gentlemen of the Senate.

I now do myself the honor to lay before you, an estimate of the receipts and payments made at the Treasury Office, between the 6th Nov. 1809, and the 31st October, 1810, inclusive, by which you will perceive that the sum of 71,109 dols. 39 1-3 cts. in cash, & 87,003 dols. 76 1-2 cents in state-pa-

pers have been received at that office in the above mentioned period, and that there has been checked in the same time, Governor's, President's and Speaker's Warrants to the amount of 50,334 dols. 9 cents. I should have done this at an earlier day, but my indisposition has been such, as to render me incapable of attending to business.

I am gentlemen,  
with the highest respect & esteem,  
Your most obedient humble  
servant.

JAMES BOZEMAN,  
Comptroller General.

29th November, 1810.

Ordered to be referred to the committee on Finance.

Mr. Lane (of Putnam) presented a petition from George Hill, which was received, read and referred to the committee on Finance.

agreed to ; and is as follows :

That whilst it must be a source of regret to every benevolent mind to view the widow and orphan deprived of their property, yet an interference by the Legislature in cases similar to this, would be impolitic and of dangerous tendency. They therefore recommend that the prayer of the petitioner be not granted.

Mr. Park presented a petition from the inhabitants of Greensboro', which was received, read & referred to a special committee, consisting of Messrs. Park, Crawford and Taibor.

On motion of Mr. Crawford,  
Resolved, that John C. Gibson and Eli Glover be appointed Notaries Public for the county of Randolph.

Mr. Cook from the committee to whom was referred the petition of Jacob Mordecai, reported a bill to be entitled an act to authorise Jacob Mordecai to Peddie in this state ; and on the question, *shall this bill be read the first time?* it was determined in the negative.

Mr. Park from the committee to whom was referred the Petition of the inhabitants of Greensboro', reported a bill to be entitled an act to vest power in the Commissioners of Greensboro' to sell and convey certain lands there-

in mentioned, which was read the first time.

The Senate took up the following bills, which were severally read the 3d time and passed.

A bill to be entitled an act to regulate the town of Monticello in the county of Randolph.

A bill to be entitled an act to authorize James Gibson to retail spirituous liquors in the county of Effingham.

The following bills were taken up and severally read the second time.

A bill to be entitled an act to ascertain the line between the counties of Montgomery and Jefferson.

Ordered for a third reading.

A bill to be entitled an act to repeal the 2d section of an act, passed the 22d day of December 1808, entitled an act to authorize the justices of the Inferior court of Baldwin county to levy an extra tax.

Ordered for a committee of the whole.

A bill to authorize an extra session of the Superior Court of Putnam county.

Ordered for a committee of the whole.

A bill to be entitled an act to explain and amend the Escheat Laws.

Ordered for a committee of the whole.

And a bill to be entitled an act to amend the 5th section of an act, entitled an act to sell and dispose of the Fractional parts of Surveys of Land in the counties of Baldwin and Wilkingson.

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to incorporate a company for the improvement of the Ocoee river from the mouth of Fishing Creek, near Willedgeville, to the Big Shoals at John Barnett's. Mr. Wood in the chair. Mr. President resumed the chair, & Mr. Wood reported, that they had gone through the said bill with sundry amendments.

The Senate took up the amendments, which were read and agreed to.

Whereupon the said bill was read the third time and passed.

The following bills from the House of Representatives were taken up and severally read the second time.

A bill to be entitled an act to repeal the first and second sections of an act to revise amend and consolidate the several Militia Laws of this state, & to adapt the same to the act of the Congress of the United States.

Ordered for a committee of the whole.

A bill to be entitled an act to authorize the judge of the Middle district to hold an extra session in the county of Washington.

Ordered for a third reading.

A bill to be entitled an act to secure to Lewis Calfrey & John Coats, their heirs and assigns, the sole and exclusive right of running a line of stage-carriages between the cities of Savannah and Augusta, for the term of ten years.



Ordered for a third reading.

A bill to be entitled an act to incorporate the town of Warrenton, in the county of Warren, and to vest certain powers in the commissioners thereof.

Ordered for a third reading.

A bill to alter and amend the 3d section of an act to impose a tax for the support of government, for the year 1808.

Ordered for a third reading.

A bill to be entitled an act to authorize the Inferior court of Green county to transcribe the records of that county into bound books, and to confirm the same in courts of record.

Ordered for a committee of the whole.

A bill to authorize the Commissioners of St. Mary's Lottery to dispose of the funds that may arise from the same.

Ordered for a committee of the whole.

A bill to be entitled an act to keep open Savannah and Tugalo rivers.

Ordered for a committee of the whole.

A bill to be entitled, an act amendatory to an act entitled, an act to enable the trustees of the Richmond Academy to lease out the commons of Augusta, and for other purposes therein mentioned, and to enlarge their powers.

Ordered for a third reading.

A bill to secure to Jane Bridgewater any property she may hereafter acquire.

Ordered for a committee of the whole.

A bill to be entitled an act to divorce and separate John Nelson & Celah his wife.

Ordered for a committee of the whole.

A bill to be entitled an act to alter the name of Wilkinson county.

Ordered for a committee of the whole.

A bill to be entitled an act to define the duties of the Clerks of the Superior and Inferior courts of this state and sheriffs.

Ordered for a committee of the whole.

And a bill to point out a definitive rule for the priority of judgments.

Ordered for a committee of the whole.

A message from the House of Representatives, by Mr. Holt their clerk.

Mr. President ;

The House of Representatives have passed the following bills.

A bill to be entitled an act to authorize the commissioners of the Academies of the several new counties in this state to purchase one thousand pounds worth of Confiscated property.

A bill to be entitled an act to establish and make permanent the site of the public buildings in the county of Twiggs.

A bill to be entitled an act to authorize the Commissioners of the town and common of Frederica to sell five acres of the common belonging to said town.

A bill to be entitled an act for the relief of Charles Sthal.

A bill to be entitled, an act to incorporate a Company for the purpose of

opening the Ogechee river, and for the improvement of the navigation thereof.

A bill for the relief of Kenneth Irwine.

A bill to be entitled, an act to divorce Thomas Harvey and Martha his wife.

A bill to be entitled, an act for the renewal of a certain bounty warrant therein mentioned

A bill to repeal an act to remove the courts, elections, and other county business of Telfair county, and to fix on a proper seat for the same.

And they have passed the bill from Senate to incorporate the Bank of Augusta, with amendments; and he withdrew.

The Senate took up the message, and the said several bills were read the first time.

Resolved, That the Senate do agree to the amendments made by the House of Representatives to the bill to incorporate the bank of Augusta, except the following clause;

“And be it further enacted, that the Directors of said bank shall pay all expence which may arise from the promulgation of this law;”

Which is disagreed to by Senate.

Mr. Rabun presented a Petition from John Coffee, Esq. which was read and referred to the committee on the state of the Republic.

Mr. Bacon called up the following resolution:

Resolved, that no new business will be received in Senate after Friday next.

Which was agreed to by striking out

Friday and inserting Saturday.

Mr. Foster from the committee reported as duly enrolled and signed by the Speaker, an act to incorporate the Agricultural Society of Georgia, which was presented to and signed by the President.

Ordered, that the committee do carry said act to His Excellency the Governor for his assent.

Mr. Butler from the committee reported a bill to add a part of Putnam to Jones county; which was received and read the first time.

Adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 30th Nov. 1810.

The following bills were taken up & severally read the second time.

A bill to be entitled an act to vest power in the Commissioners of Greensboro' to sell and convey certain lands therein mentioned.

Ordered for a third reading; and

A bill to add a part of Putnam county to Jones county;

Ordered for a third reading.

The bill to be entitled an act to ascertain the line between the counties of Montgomery and Jefferson was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to authorize an extra session of the Superior court of the county of Putnam. Mr. Hardie in the Chair. Mr. President resumed the Chair and Mr. Hardie reported, that they had gone through the bill without

any amendment.

The Senate took up the report, the same being amended was agreed to; Whereupon the said bill was read the third time, and passed under the afore-said title.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to repeal the 2d section of an act, passed the 22d day of Dec. 1808, entitled, an act to authorize the Justices of the Superior Court of the county of Baldwin to levy an extra tax, which shall not exceed one half of the general tax, for the purpose of building a courthouse and jail in said county, and to appoint Commissioners to carry the same into effect. Mr Barnett in the Chair. Mr President resumed the Chair, and Mr. Barnett reported, that they had gone through said bill, and that the committee rise and report, that the further consideration of this bill be postponed until the first Monday in June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to amend the fifth section of an act, entitled an act to sell and dispose of the fractional parts of surveys of land in the counties of Baldwin and Wilkinson—Mr. Byne in the Chair—Mr. President resumed the Chair, and Mr. Byne reported, that they had made progress, and ask leave to sit again in June next.

The Senate took up the report, which was amended to strike out June next.

Ordered, that the bill do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to explain & amend the Escrow Laws—Mr. Walker in the Chair—Mr. President resumed the Chair, and Mr Walker reported, that they had gone through the same and made no amendment.

The Senate took up the report, which was read and ordered to lie on the table.

The following bills were taken up & severally read the 2d time, viz.

A bill to be entitled, an act to incorporate a company for the purpose of opening the Ogeechee river.

Ordered, for committee of the whole.

A bill to be entitled, an act to authorize the Commissioners of the Academies of the several new counties in this state, to purchase one thousand pounds worth of Consecrated Property.

Ordered for committee of the whole.

A bill to be entitled, an act to establish and make permanent the site of the Public Buildings in the county of Twiggs.

Ordered for committee of the whole.

A bill to be entitled an act to authorize the Commissioners of the town & common of Frederica, to sell five acres of the common belonging to said town.

Ordered for a third reading.

A bill to be entitled, an act for the relief of Charles Stahl.

Ordered, for committee of the whole.

A Bill for the relief of Kenneth Irvine.

Ordered for a third reading.

A bill for the renewal of a certain bounty warrant therein mentioned severally read the third time, and passed, under their respective titles, to wit;

Ordered for committee of the whole. A bill to be entitled an act to alter &

A bill to be entitled an act to divorce Thomas Harvey and Martha his wife amend the third section of an act to impose a tax for the support of govern-

ment for the year 1808: and

And

A bill to repeal an act to remove the trustees of the Richmond county academy to lease out the commons of Augusta, and for other purposes therein mentioned, and to enlarge their powers.

Ordered for a third reading.

The following bills were taken up, read the third time, and passed under their respective titles.

A bill to be entitled an act to authorize the Judge of the Middle District to hold an extra session in the county of Washington.

A bill to be entitled, an act to secure to Lewis Caffrey and John Coan, their heirs and assigns, the sole and exclusive right of running a line of Stage-Carriages between the Cities of Savannah and Augusta, for the term of ten years, and

A bill to be entitled, an act to incorporate the town of Warrenton in the county of Warren, and to vest certain powers in the Commissioners thereof.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to point out a definitive rule for the priority of judgments.

Mr. Park in the Chair. Mr. President resumed the Chair, and Mr. Park reported, that they had gone through the same with amendments.

Ordered, that the report do lie on the table.

The following bills were taken up & severally read the third time, and passed, under their respective titles, to wit;

Ordered for committee of the whole. A bill to be entitled an act to alter &

A bill to be entitled an act to divorce Thomas Harvey and Martha his wife amend the third section of an act to impose a tax for the support of govern-

ment for the year 1808: and

And

A bill to repeal an act to remove the trustees of the Richmond county academy to lease out the commons of Augusta, and for other purposes therein mentioned, and to enlarge their powers.

Ordered for a third reading.

The following bills were taken up, read the third time, and passed under their respective titles.

A bill to be entitled an act to authorize the Judge of the Middle District to hold an extra session in the county of Washington.

A bill to be entitled, an act to secure to Lewis Caffrey and John Coan, their heirs and assigns, the sole and exclusive right of running a line of Stage-Carriages between the Cities of Savannah and Augusta, for the term of ten years, and

committee of the whole, on the bill to be entitled an act to authorise the Inferior court of Greene county to transcribe the records of said county, &c. Mr. Byne in the chair. Mr. President resumed the chair, and Mr. Byne reported progress and had leave to sit again.

Mr. M'Cormick called up the following resolution, which was read and agreed to, to wit ;

Resolved, That the following items in the Treasurer's Abstract, to wit ; Governor's, President's and Speaker's Warrants, Paper Medium, Audited Certificates, State Troop Bounty Warrants and Funded Certificates are of no value to the State, but an encumbrance to the Treasury. Therefore it is ordered, that the Treasurer do cause a fair and accurate list of said papers, in which shall be shewn the number, the date and amount of each description of paper and the person's name in whose favor each issued, to be made out and entered in a book or books to be by him provided for that purpose, & that as soon as said list shall have been completed, that the Treasurer and Comptroller General under the direction and in the presence of his Excellency the Governor, do destroy said papers by burning them.

Resolved further that the sum of dollars be appropriated to the Treasurer to enable him to purchase the necessary books, and pay for transcribing and making out the list aforesaid.

A message from the House of Representatives by Mr. Holt their

Clerk.

Mr. President ;

The House of Representatives have passed a resolution appointing Freeman Walker, Esq. a Trustee of the Richmond Academy, in place of John Catlett, Esq. resigned.

A resolution authorising the Tax-Collector of M'Intosh county to receipt to the Hon. Pierce Butler for his taxes, &c.

A resolution appointing a Justice of the Inferior court of Twiggs county—and

A resolution appointing a Commissioner of the road leading from Noddings Point to the public road from Fort Barrington to St. Mary's in Camden county.

They have passed a bill pointing out the mode of electing Receiver and Tax Collector and

A bill to compel Coroners, Sheriffs, Clerks, Attorneys, Justices of the Peace and Constables to pay over all monies when collected. &c.

A bill to change the name of certain persons therein mentioned. And

A bill to establish a certain and definitive mode of calculating interest ; &

They recede from their amendments to the bill to incorporate the Augusta Bank, and concur with Senate ; & he withdrew.

Ordered that the same do lie on the table.

Mr. Cook from the committee reported on the petition of Rich'd Whitehead, Elijah Blackshear and John Cunningham, which said reports were severally read and ordered to lie on

the table.

Mr. Davis gives notice that he will on to-morrow report a bill for the relief of Noah W Bradley,

Mr. M'Cormick gives notice that he will to-morrow report a bill to authorise the running the dividing line between Montgomery and Tatnall counties.

Mr. Hudspeth gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to alter and amend the first section of the third article of the constitution of this state.

Mr. Foster gives notice, that he will on to-morrow move for leave to report a bill to afford temporary relief to the purchasers of Fractional Surveys; and

Mr. Lane of Putnam reported a bill to regulate Mills in this state, which was received and read the first time.

On motion of Mr. Barnett,

Resolved, that the Hon. Freeman Walker of the county of Richmond, have leave of absence from Senate after to-morrow for the remainder of the session.

Adjourned 'till 10 o'clock to-morrow morning.

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SATURDAY, 1st Dec. 1810.

Agreeably to notice, Mr. Hudspeth moved for a committee to be appointed to prepare a bill to alter and amend the 1st section of the 3d article of the Constitution of this state.

Ordered that Messrs. Hudspeth, Remson and Powell be that commit-

tee.

Mr. M'Cormick agreeably to notice, reported a bill to be entitled, an act for running the line dividing the counties of Montgomery and Tatnall, and plainly marking the same, which was received and read the first time.

Mr. Walker from the joint committee to whom was referred the petition of the inhabitants of district No. 1, in the county of Columbia, reported as follows :

The joint committee to whom was referred the petition of Sundry inhabitants of Columbia county, praying that district No. 1 of said county might be severed from and annexed to Richmond report, that the prayer of the petitioners is unreasonable and ought not to be granted.

The Senate took up the report,

Whereupon Mr. Walker moved that the report be disagreed to, and that he have leave to report a bill to be entitled an act to annex a part of Columbia to Richmond county; and on the question it was determined in the negative, and the original report was agreed to.

Mr. Hudspeth from the committee, reported a bill to alter and amend the 1st section of the third article of the Constitution of this state, which was received and read the first time.

Mr. Burnett presented a petition from James Ballin and Mary his wife, which was received, read and referred to a special committee, consisting of Messrs. Barnett, Davies and Bar-

Mr. Davies agreeably to notice, re-

ported a bill to be entitled, an act for the relief of Noah W. Bradley, an insolvent debtor, confined in the common Jail of the county of Chatham, which was received and read the first time.

On motion of Mr. Rabun;

Resolved, by the Senate and House of Representatives of the state of Georgia in General Assembly met,

That all the Confiscated property hereafter advertised or to be advertised by the Commissioners of Confiscated Estates situate in the Eastern District of this State, shall be sold at the city of Savannah; and all property of the same description situate in the upper district, shall be sold at Augusta or Milledgeville, as a majority of the Commissioners shall deem most expedient for the interest of this state; provided that notice be given of such sales agreeably to the laws now in force regulating such sales.

Ordered, the resolution do lie on the table.

The Senate took up the message from the House of Representatives laid on the table yesterday, and concurred in the several resolutions therein contained, and the several bills were read the 1st time.

The Senate took up the report of the committee of the whole, on the bill to be entitled, an act to explain and amend the Escheat Laws of this state, and the same being amended was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to authorise the Commissioners of St. Mary's Lottery to dispose of the funds that may arise from the same. Mr. Park in the chair. Mr. President resumed the chair, and Mr. Park reported that they had gone through the same without any amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to keep open Savannah and Tugalo rivers, and to prevent obstructions in the same calculated to impede the free passage of boats and fish, so far as respects the county of Franklin. Mr. Henderson in the chair. Mr. President resumed the chair, and Mr. Henderson reported, that they had gone through the bill with an amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act for the relief of Jane Bridgewater. Mr. Bacon in the chair. Mr. President resumed the chair, and Mr. Bacon reported, that they had gone through the same without any amendment.

The Senate took up the report, which was amended and agreed to; and

On the question that the report do lie on the table, there being an equal number, the President determined in the affirmative.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to divorce John Nelson and Celah his wife—Mr. Remson in the chair—Mr. President resumed the chair, and Mr. Remson reported, that they had gone through the bill without any amendment.

The Senate took up the report, and the same was agreed to.

Whereupon the said bill was read the third time, and on the question shall this bill now pass? it was determined—The yeas and nays being required are, Yeas 22 Nays 11.

Those who voted in the affirmative, are, Messrs. Barnett, Ball, Brown, Butler, Burnett, Crawford, Davies, Hardie, Henderson, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, M'Cormick, Park, Powell, Remson, Shepherd, Spalding, Talbot, Taliaferro and Wood.

Those who voted in the negative are, Messrs. Bacon, Byne, Cook, Foster, Fulgham, Griffin, Hardaway, Hardin, Little, Scruggs and Rabun.

There being a tie as to *Constitutional requisite*, the President voted in the affirmative.

On motion of Mr. Foster ;

Whereas the General Assembly did at their last session appoint a person to arrange and digest all the laws and resolutions of this state, subsequent to Marbury and Crawford's Digest, up to the year one thousand eight hundred and ten, and report the same to His Excellency the Governor for his perusal and assent; and whereas there

was no mention of the same in His Excellency's Communication :

Resolved, that there be a committee appointed on the part of this House, to join such as may be appointed by the House of Representatives, to examine what progress has been made in the same, and report especially thereon.

Ordered that the resolution do lie on the table.

On motion of Mr. M'Cormick ;

Resolved, that His Excellency the Governor be instructed to transmit the Laws of this state to the Executive Departments of the different states, composing the United States, and that he be authorized to purchase such books for the Executive Department of this state, as he may believe necessary for that Department ; and

Be it further Resolved, That he be authorized to draw on the Contingent fund for the same, in any sum not exceeding two hundred dollars.

Ordered, that the resolution do lie on the table

A message from the House of Representatives by Mr. Holt their Clerk ;  
Mr. President ;

The House of Representatives have concurred in the resolution of Charles Jones ;

In the resolution appointing Lumber Measurers for the river and City of St. Mary's in Camden county ; and

In the resolution appointing Sampson Mordecai a Notary Public for the county of Chatham.

They disagree to the amendments



made by the Senate to the bill vesting the appointment of Harbor Master and Heath-Officer in the Mayor and Aldermen of the City of Savannah; and to the amendments made by Senate to the bill for improving the Oconee, Altamaha and Savannah rivers; and still adhere to their original bills—and he withdrew.

Ordered, that the message do lie on the table.

Mr. Foster from the committee on enrollment, reported the following acts as duly and correctly enrolled, viz.

An act to incorporate the Agricultural Society of Georgia.

An act to extend the powers of the Commissioners of the town of Wrightsboro' in the county of Columbia.

An act to amend the first section of an act, entitled, an act to extend the laws of this state over the persons residing in Wafford's settlement, and to organize the same; which were severally signed by the President.

Ordered, that the committee of enrolled bills do carry the said several acts to the Office of the Secretary of State, and have the Great Seal affixed to them.

The Senate adjourned 'till Monday morning 10 o'clock.

MONDAY, 3d Dec. 1810.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to alter the name of Wilkinson county—Mr. Hardin in the chair—Mr President resumed the chair and Mr. Hardin reported, that they had

gone thro' the same with the following amendment; "strike out "Marion" and insert Habersham."

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, & the yeas and nays being required, are Yeas 22—Nays 13.

Those who voted in the affirmative are, Messrs. Barnett, Brown, Burnett, Byne, Cook, Crawford, Davies, Foster, Fulgham, Hardaway, Hardin, Hardie, Henderson, Hudspeth, Lane (of Putnam), Park, Remson, Scruggs, Shepherd, Talbot and Wood.

Those who voted in the negative are Messrs. Bacon, Ball, Butler, Griffin, Johnston, Lane (of Walton), Lanier, Little, M'Cormick, Powell, Pray, Rabun and Spalding.

Whereupon the said bill was taken up and read the third time, and on the question shall this bill now pass as amended? it was determined in the negative, and the yeas and nays being required are, Yeas 14, and Nays 21.

Those who voted in the affirmative, are, Messrs Byne, Crawford, Davis, Fulgham, Hardin, Hardie, Henderson, Remson, Scruggs, Shepherd, Spalding, Talbot, Taliaferro and Wood.

Those who voted in the negative are Messrs. Barnett, Bacon, Ball, Brown, Butler, Burnett, Cook, Foster, Griffin, Hardaway, Hudspeth, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Little, M'Cormick, Park, Powell, Pray and Rabun.

The following bills were taken up & severally read the third time, and passed, viz.

A bill to add a part of Putnam county to Jones county;

A bill to amend an act to remove the courts, elections and other county business of F. Fair County, and to fix on a proper seat for the same.

A bill for the relief of Kenneth Irvine.

A bill to be entitled an act to authorize the Commissioners of the town and commons of Frederica to sell five acres of the commons belonging to said town.

A bill to be entitled, an act to vest power in the Commissioners of Greensboro' to sell and convey certain lands therein mentioned.

The Senate resolved itself into a committee of the whole on the bill to authorize the Commissioners of the Academies of the State to purchase one thousand pounds worth of Confiscated Property.—Mr. Brown in the Chair.—Mr. President resumed the chair, and Mr. Brown reported, that they had gone through the bill and made no amendment.

Whereupon the bill was taken up, read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to establish & make permanent the site of the Public Buildings in the county of Twiggs.—Mr. Powell in the chair.—Mr. President resumed the Chair, and Mr. Powell reported, that they had gone through the bill and made no amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to incorporate a Company for the purpose of opening the Ogeechee river, and for the improvement of the navigation thereof.—Mr. Talbot in the chair.—Mr. President resumed the chair, and Mr. Talbot reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole, on the bill for the relief of Chas. Sthal.—Mr. Crawford in the chair.—Mr. President resumed the chair, and Mr. Crawford reported, that they had gone through the bill without any amendment.

Whereupon the said bill was taken up and read the third time, & on the question shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are Yeas 20. Nays 11.

Those who voted in the affirmative, are Messrs. B. H. Butler, Burnett, Byne, B. H. Hardaway, Hardin, Hardie, Henderson, Johnston, Lane of Putnam, Lane of Walton, Lanier, Little, McCormick, Park, Pray, Remson, Scruggs, Shepherd, Spalding and Talbot.

Those who voted in the negative, are Messrs. Barnett, Brown, Cook, Crawford, Foster, Griffin, Hudspeth, Powell, Rabun, Taliaferro and Wood.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act for the renewal of a certain Bounty Warrant therein mentioned, Mr. Remson in the chair.—Mr. President resumed the chair, and Mr. Remson reported, that they had gone through the bill and made no a-

amendment.

Whereupon the said bill was taken up, read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to divorce Thomas Harvey and Martha his wife. Mr. Foster in the chair. Mr. President resumed the Chair and Mr. Foster reported, that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are yeas 24, nays 11.

Those who voted in the affirmative are Messrs. Barnett, Ball, Brown, Buder, Burnett, Crawford, Davies, Hardin, Hardee, Henderson, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, McComick, Park, Powell, Pray, Remson, Shepherd, Spalding, Talbot, Taliaferro and Wood.

Those who voted in the negative, are Messrs. Bacon, Byne, Cook, Foster, Fulgham, Griffin, Hardaway, Hudspeth, Little, Rabun and Scruggs.

The following bills were taken up and severally read the second time, to wit:

A bill to be entitled, an act to point out the mode of electing a Receiver & Tax Collector, for the several counties of this state, to repeal the 27th section of an act, entitled, an act to raise a tax for the support of government, for the year, 1805.

Ordered for a committee of the

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whole.

A bill to be entitled, an act to compel Coroners, Sheriffs, Clerks, Attorneys, Justices of the Peace and Constables, to pay over all monies so soon as collected, by virtue of execution placed in their hands.

Ordered for a committee of the whole.

A bill to alter and change the names of certain persons therein named.

Ordered for a 3d reading.

A bill to establish a certain and definitive mode of calculating interest in this state.

Ordered for a committee of the whole.

A bill for the relief of N. W. Bradley.

Ordered for a Committee of the whole.

A bill to run the dividing line between the counties of Montgomery & Tannall.

Ordered for a 3d reading.

A bill to be entitled, an act to regulate Mills in this state.

Ordered for a committee of the whole.

And a bill to alter the first section of the 3d article of the Constitution of this state.

Ordered for a committee of the whole.

The report of the committee of the whole, on the bill to be entitled, an act to point out a definitive rule for the priority of judgments was taken up, amended and agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass? it was determined in the negative, and the yeas & nays being required, are yeas 14, nays 20.

Those who voted in the affirmative, are Messrs. Barnett, Butler, Byne, Crawford, Davis, Foster, Hardaway, Hardin, Hudspeth, Powell, Remson, Scruggs, Talbott and Wood.

Those who voted in the negative, are Messrs. Bacon, Ball, Brown, Burnett, Cook, Fugham, Griffin, Hardy, Henderson, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Little, Park, Pray, Rabun, Shepherd, Spalding, and Taliaferro.

Mr Foster from the committee reported a bill to be entitled, an act to afford temporary relief to the purchasers of Fractional Surveys, and to prevent the said fractions from being sold, for the tax thereon. They are paid for to the state, which was read the first time.

Mr Cook from the committee on Petitions reported, to wit ;

On the petition of a number of the inhabitants of the upper district of Liberty county praying to be added to Tatnall, your committee are of opinion, that the prayer of the petitioners is unreasonable and ought not to be granted, which was read and agreed to.

On the petition of Stephen Herd, your committee having considered the case of the petitioner and feel a gratitude for the services of our Revolutionary Patriots. Yet the time of making the demand for remuneration hav-

ing long since expired, we deem it improper to afford longer indulgence, and therefore recommend, that the prayer of the petitioner be not granted; which was read and agreed to.

Mr Burnett from the committee to whom was referred the petition of Geo. Bating and Mary Bating his wife, reported, that from the documents accompanying the petition, the claim of the said petition appears to have been founded in justice to be one of those meritorious claims, which ought long since to have been discharged. The committee therefore recommend the following resolution,

Resolved by the Senate and House of Representatives of the state of Georgia in General Assembly met. and it is hereby resolved, that the Auditor General of this state be, and he is hereby authorized and required, to issue a certificate in favor of James & Mary Bating, formerly Mary Hardy, for the sum of nine hundred and eight pounds, in full for the claims of the late Capt. John Hardy, deceased, against the state of Georgia; which certificate shall be received at the treasury, at the rate pointed out by the laws of this state with respect to other audited certificates, that is to say, one eighth of its nominal value. The Senate took up the report, and the same being read, on motion, resolved, that the report be disagreed to, and that the petition is unreasonable, & ought not to be granted for the want of proper vouchers.

A message from the House of Representatives by Mr. Holt their Clerk; Mr. President ;

The House of Representatives have passed a bill to fix on the site of the Public Buildings in Laurens county; and

A bill to admit Eldred Simkins to plead and practice as an Attorney and Solicitor in the several courts of law & equity in this state.

They have passed a resolution appointing a Commissioner of Warren county Academy;

A resolution appointing Lumber-Measurers for the Port of Savannah; and

A resolution appointing a Lumber-Measurer for the Port of Darien; and he withdrew.

The Senate took up the message, & the bills were severally read the first time.

They concurred in the resolution appointing a Commissioner of the Warren county academy;

In the resolution appointing Lumber Measurers for the City of Savannah with an amendment; and

In the resolution appointing a Lumber Measurer for the Port of Darien; with an amendment.

On motion of Mr. Hardie,  
Resolved, that Stephen Westmore be, and he is hereby appointed Vendue Master for the town of St. Mary's in Camden county.

Adjourned 'till 10 o'clock to-morrow morning

TUESDAY, 4th Dec. 1810

On motion of Mr. Hardin,  
To re-consider the Journal of yesterday so far as respects the bill to change

the name of Wilkinson county, it was determined in the affirmative, and the yeas & nays being required are, Yeas 21; Nays 15.

Those who voted in the affirmative, are, Messrs. Ball, Brown, Byne, Crawford, Davis, Foster, Fulgham, Hardin, Hardie, Henderson, Johnston, Lane of Putnam, Lane of Walton, Pray, Shepherd, Scruggs, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Bacon, Butler, Bunnett, Cook, Griffin, Hardaway, Hudspeth, Lanier, Little, McCormick, Park, Powell, Rabun, and Remson.

Ordered that the same lie on the table.

On motion of Mr. Hardin,  
The Journal of yesterday so far as respects the bill to point out a regular and definitive mode for the priority of judgments, was re-considered; and

Ordered, that the bill do lie on the table.

Mr. Foster called up the resolution appointing a joint committee to examine what progress has been made by the person appointed to arrange and digest the Laws and Resolutions subsequent to Marbury and Crawford's Digest.

Ordered, that Messrs. Foster, Hardin and Remson be the committee on the part of Senate.

The Senate took up the message of Saturday last, and

Resolved, that the Senate do adhere to all and each of their amendments made to the bill for improving the navigation of the Oconee, Alatomaha and Savannah rivers in this state.

Resolved also, That the Senate do claim the right of appeal shall first adhere to all and each of their amendments made to the bill vesting the appointment of Health-Officer and Harbour-master of the Port of Savannah in the Mayor and Aldermen of the said City.

Mr. Hardin called up the reconsideration of the minutes of yesterday, so far as relates to the bill to be entitled an act to alter the name of Wilkinson county, and that the proceedings thereon be disagreed to; and

Resolved, that the name of "Habersham" be stricken out, and the name of Emanuel be inserted in lieu thereof, which was agreed to.

Whereupon the said bill was read the third time and passed amended.

Mr. Hardin also called up the reconsideration of the minutes of yesterday, so far as relates to the bill to be entitled an act to point out a definitive rule for the priority of judgments, and to amend the proceedings thereon be disagreed to, which was agreed to.

Whereupon the report of the committee of the whole on said bill was taken up, and

On motion of Mr. Hardin, That the following clause be inserted in said bill, to wit; "And if either party be dissatisfied with the decision of the jury, he, she or they may enter an appeal to the Superior court within the time and according to the mode pointed out by the Judiciary laws of this state, with regard to appeals from the Inferior to the Superior courts; and the trial on such appeal shall be final and conclusive, provided the party

make oath, that the value of the property in dispute exceeds the amount of thirty dollars; on the question, it was determined in the negative, and the yeas and nays being required, are Yeas 15—Nays 18.

Those who voted in the affirmative, are, Messrs. Barnett, Bacon, Burnett, Byne, Hardin, Hardie, Hudspeth, Park, Powell, Pray, Scruggs, Spalding, Talbot, Williams and Wood.

Those who voted in the negative are Messrs. Ball, Brown, Cook, Crawford, Foster, Fulgham, Griffin, Hardaway, Henderson, Johnston, Lane of Putnam, Lane of Walton, Lanier, Little, m'Comick, Rabun, Remson, Shepherd and Taliaferro.

Whereupon the said bill was read the third time and passed.

The following bills were taken up & severally read the third time and passed:

A bill to be entitled, an act for running the line dividing the counties of Montgomery and Tattnall, and marking plain the same; and

A bill to alter the names of certain persons therein mentioned.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to regulate mills in this state—Mr. Rabun in the chair—Mr. President resumed the chair, and Mr. Rabun reported progress, and had leave to set again in June next.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to al-

ter the 1st section of the 3d article of the Constitution of this state—*Mr. Wallace* in the chair ; *Mr. President* resumed the chair, and *Mr. Bacon* reported that they had gone through the bill without any amendment.

The Senate took up the report, which was amended and agreed to.

Whereupon the said bill was read the third time, and passed the Senate without a dissenting voice.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to point out the mode of electing a Receiver of Returns of Taxable property and Tax-Collectors for the several counties of this state, and

to repeal the 27th section of an act entitled an act to raise a tax for the support of government for the year 1805, passed the 12th December, 1804—*Mr. Park* in the chair—*Mr. President* resumed the chair, and *Mr. Park* reported that they had gone through the bill without any amendment.

Ordered that the report do lie on the table.

A message from His Excellency the Governor by *Mr. Rousseau* his Secretary ;

*Mr. President* ;

I am directed by His Excellency the Governor to inform the Senate, that he has approved of and signed sundry resolutions which originated in this branch of the Legislature, viz.

One appointing *James Wood, Esq.* a Commissioner of the Columbia county Academy, in the place of *John Appling Esq.* deceased.

One appointing *James Fort, George*

*Linder, Moses Harrison, John Wallace and John Fort Esqrs.* Commissioners of the Wayne county academy.

One appointing *Abner Biddle, Thomas White, Reuben Cole, David White & Wormley Rose, Esqrs.* Commissioners of Jones county academy

One appointing *John E. Dawson, William Mitchell, James Mitchell, David Files and John B. Wharley, Esqrs.* Commissioners of the Morgan county academy.

One appointing *Clement Bryan, Jno. P. Blackman, Richard Cooper, Moses Westberry and Ezekiel Clifton, Esqrs.* Commissioners of the Tattnal county academy.

One appointing *Peter W. Gautier, David Adams, Jarret Beasley, Zephaniah Harvey and Charles Crawford, Esquires,* Commissioners of the Academy of Randolph county.

One appointing *Abraham Lucas Esquire,* a justice of the Inferior Court for the county of Wilkinson, in the room of *John T. Fairchild, Esq.* resigned.

One appointing *Alexander Greene, Esq.* a Vendue-Master for the town of Milledgeville—and

One appointing *William Rowe, Esq.* a Notary Public for the county of Baldwin ; and he withdrew.

A message from the House of Representatives by *Mr. Holt* their Clerk ;

*Mr. President* ;

The House of Representatives have passed a bill to incorporate a Company for improving the navigation of Broad River.

A bill for the relief of the heirs and

lawful representatives of James Sims and for the relief of Peter H. Collins—And

A bill for the relief of John Barnes; and he withdrew.

Ordered that the same do lie on the table.

On motion of Mr. Rabun,

Resolved that the committee on the state of the Republic have leave to receive any document or evidence that may be adduced or introduced to them in the examination of the survey of the 8th dist. of Wilkinson county.

On motion of Mr. Paul,

Resolved that William W. Strain be and he is hereby appointed a justice of the Inferior court of the county of Greene, in place of James Wisbet Esq. resigned.

Adjourned till 10 o'clock to-morrow morning.

**WEDNESDAY, 5th Dec. 1810.**

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have concurred in the resolution appointing a Notary Public for the county of Jefferson.

In the resolution appointing Notaries Public for the county of Randolph—And,

In the resolution on the petition of Zachariah Sims.

They have passed a resolution appointing a committee on their part to join such as may be appointed by Senate, to take into consideration the pe-

titions of sundry inhabitants of the counties of Clarke, Elbert, Jackson, Oglethorpe and Franklin—and,

They have passed a bill for the relief of Rev'd Charles Oddingsells Scriven; and he withdrew.

Ordered, that the same lie on the table.

Mr. Barnett laid on the table the following resolution.

Resolved, That upon the re-consideration of the Journal upon the final passage of a bill, the question shall be on the passage of the bill only, and that no amendment can be made for the same.

The Senate took up the report of the committee on the petition of James Espey and others, which is as follows, viz:

On the petition of James Espey, Wiley Espey, and John Espey, the legal heirs and representatives of Capt. Thomas Espey, dec. who served as a captain of the Dragoons, commanded by Col Leonard Marbury, in the late Revolutionary War,

Your committee are of opinion that from the vouchers produced to them, the prayer of the petitioners is just and reasonable, and ought to be granted, as it has been allowed to others in similar situation, and recommend the following resolution;

Resolved, That an appropriation be made in their favour for four hundred and sixty-six dollars eighteen and three quarter cents agreeably to a resolution of the General Assembly, passed May, 1782.

And on the question to agree to the



same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 22—Nays 11.

Those who voted in the affirmative, are Messrs Barnett, Ball, Brown, Butler, Burnett, Crawford, Foster, Hardin, Hardie, Hudspeth, Lane of Wilton, Lanier, Parr, Ray, Rabun, Remson, Shepherd, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Bacon, Byne, Cook, Fulgham, Griffin, Hardaway, Henderson, Johnston, Little, Powell, and Scruggs.

On motion of Mr. Powell,

Resolved, That John Fort, esquire, be, and he is hereby appointed a Justice of the Inferior court of Wayne county, in place of Matthew Jones, esquire, removed.

Mr. Hardin from the committee reports as follows :

On the petition of Gilbert Neyland your committee after making every enquiry, find that the said Neyland stands charged as a defaulter in the digest of taxable property from the county of Burke for the year 1809, in the sum of 102 dollars, which appears to be a double tax on a Billiard table including the other property he was supposed to possess, and from the vouchers accompanying the petition it appears, that the Billiard table on which the said double tax was charged, was not in use until after the 30th day of January 1809; also from a statement made by the Comptroller General, that William Davis Tax-Collector for Burke county for the year aforesaid, has made a final

settlement of the taxes for that year, as stated in the digest deposited in the said Comptroller's office. They therefore recommend the following resolutions.

Resolved, that the prayer of the petitioner be granted, so far as respects the tax on said Billiard Table. And be it further resolved, that the sum of one hundred dollars, which is already paid into the treasury of this state by William Davis, Tax Collector of Burke county for the year 1809, being the tax on the said Billiard table, be appropriated to the said William Davis, & the same being taken up and read was agreed to.

Ordered that Messrs. Lanier, Byne and Wood be the committee on the part of Senate to take into consideration his excellency the Governor's Communication relative to the transcribing the records of the Executive.

The Senate took up the several messages from the House of Representatives, and the several bills therein contained were read the third time.

They added on their part a committee consisting of Messrs. Cook, Henderson, Barnett, Little and Hudspeth, to join the committee appointed by the House of Representatives to take into consideration the petitions of the inhabitants of the counties of Clark, Jackson, Elbert, Franklin and Oglethorpe.

The Senate again resolved itself into a committee of the whole, on the bill to authorize the Inferior Court of Greene County to transcribe the re-

cords of said county, &c. Mr Byne in the chair. Mr. President resumed the chair, and Mr Byne reported, that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the third time and passed under the title aforesaid.

The Senate again resolved itself into a committee of the whole on the bill to incorporate a company for the improvement of the navigation of the Ogeechee river. Mr Remson in the chair. Mr. President resumed the chair and Mr Remson reported progress, & had leave to sit again.

The report was taken up and agreed to.

The Senate took up the report of the committee of the whole on the bill to secure to Jane Bridgewater, any property which she may hereafter acquire by deed, will or otherwise, and the same being read, M Hardin moved that the further consideration of said bill be postponed until June next, and on the question to agree to the same it was determined in the negative, and the yeas and nays being required, are yeas 13, nays 22.

Those who voted in the affirmative, are Messrs. Byne, Crawford, Davis, Foster, Griffin, Hardaway, Hardin, Hudspeth, Park, Pray, Rabun and Scruggs.

Those who voted in the negative, are Messrs. Bacon, Ball, Brown, But-

ler, Burnett, Cook, Fulgham, Hardee, Henderson, Johnston, Lane (of Walton,) Lanier, Little, McCormick, Powell, Remson, Shepherd, Spalding, Talbot, Tahaferro, Williams and Wood.

The report was then amended and agreed to.

Whereupon the said bill was read the 3d time, and on the question shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are yeas 18, nays 16.

Those who voted in the affirmative are Messrs Butler, Burnett, Cook, Fulgham, Hardie, Henderson, Johnston, Lane (of Walton) Lanier, Little, McCormick, Powell, Shepherd, Spalding, Talbot, Tahaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Ball, Brown, Byne, Crawford, Davis, Foster, Griffin, Hardaway, Hardin, Hudspeth, Park, Pray, Rabun, Remson and Scruggs.

The Senate took up the report of the committee of the whole, on the bill to repeal the first and second sections of an act to amend an act to revise amend and consolidate the several Militia laws of this state, and to adapt the same to the act of the Congress of the United States, and the same being amended was agreed to.

Whereupon the said bill was read the third time and passed under the title thereof.

The Senate again resolved itself into a committee of the whole, on the

bill to amend an act to sell and dispose of the fractional parts of Surveys of land in the counties of Baldwin and Wilkinson, so far as respects the fifth section of said act. Mr Byne in the chair. Mr. President resumed the chair and Mr Byne reported, that they had gone through the same with amendments.

The Senate took up the report and the same being read was agreed to

Whereupon the said bill was read the third time and passed under the title thereof.

The Senate again resolved itself into a committee of the whole, on the bill to point out the mode of electing Receiver of returns of taxable property and Tax Collector for the several counties of this state, and to repeal the 27th section of an act to raise a tax for the support of government for the year 1805, passed the 12th December, 1804. Mr Park in the chair. Mr President resumed the chair and Mr Park reported, that they had gone through the same without any amendment.

Ordered that said report do lie on the table.

The following bills were severally read the 2d time, to wit :

A bill to fix on the site of the public buildings in Lanrens county.

Ordered for a committee of the whole.

A bill to afford temporary relief to the purchasers of Fractional Surveys, &c.

Ordered for a committee of the whole.

A bill to admit Eldred Simkins, Esq. to plead and practice in the several courts of law and equity in this state.

Ordered for a committee of the whole

Mr. Foster from the committee reported as duly enrolled and signed by the Speaker, the following acts, to wit ;

An act to authorize an extra session of the Superior Court of Washington county.

An act to make permanent the site of the Public Buildings in Twiggs county.

An act to incorporate the town of Warrenton in the county of Warren, & to vest certain powers in the Commissioners thereof.

An act to authorize the Commissioners of the Academies of the several new counties in this state to purchase one thousand pounds worth of Confiscated property.

An act to divorce Thomas Harvey and Martha his wife.

An act for the renewal of a certain bounty warrant therein mentioned.

An act for the relief of Charles Sthal.

An act authorizing the Comm'rs of the town and commons of Frederica to sell five acres of the commons of said town.

An act to repeal an act, to remove the courts, elections, and other county business of the county of Telfair &c.

An act to keep open Savannah and Tugalo rivers, and to prevent obstructions in the same, calculated to im-

pede the free passage of boats & fish, so far as respects the county of Franklin.

An act amendatory to an act to enable the Trustees of the Richmond county Academy to lease out the commons of Augusta, and for other purposes therein mentioned; and to enlarge their powers.

An act to secure to Lewis Calfrey & John Coats, their heirs and assigns, the sole and exclusive right of running a line of Stage-Carriages between the Cities of Savannah and Augusta for the term of ten years.

An act to alter and amend the third section of an act to impose a tax for the support of Government for the year 1808.

An act to divorce and separate John Nelson and Celia his wife.

An act to authorize the Commissioners of St. Mary's Lottery to dispose of the funds that may arise from the same—and

An act for the relief of Kenneth Irvine.

Ordered that the committee do take said acts to His Excellency the Governor for his assent.

Adjourned 'till 10 o'clock to-morrow morning.

THURSDAY, 6th Dec. 1810.

Mr. Wood from the committee reported on the petition of John Smith;

Ordered that he have leave to withdraw the report, together with the vouchers on which the same was founded.

A message from the House of Re-

presentatives by Mr. Holt their Clerk;  
Mr. President;

The House of Representatives have passed a Resolution appointing William Jones a Notary Public for the county of Richmond—and

A resolution appointing John H. Mann a Notary Public for the county of Richmond.

They have passed a bill to authorize the Commissioners of Milledgeville to sell and dispose of certain lots in said town—and

A bill to appropriate monies for the political year 1811—and he withdrew.

Ordered that the same do lie on the table.

The report of the committee on the petition of Col John Cunningham was taken up, which was read and again ordered to lie on the table.

The report of the committee on the petition of Elijah Blackshear, was taken up, and the same being read was agreed to, and is as follows, to wit;

On the petition of Elijah Blackshear praying to be remunerated for services rendered as Adjutant in the Regiment commanded by Col. John Rutherford of Washington county—Your committee are of opinion, that the prayer of the petitioner appears to be reasonable, and that the said Elijah Blackshear be paid the sum of twenty-six dollars, being for services rendered as Adjutant, from the 8th to the 20th of Dec. 1805 inclusive.

The report of the committee on the petition of John Bethune was taken up, and the same was amended to read as follows and agreed to, viz. On the

petition of John Bethune, Adm'r of Micajah Little, your committee having taken under serious consideration the said petition, and being willing to grant indulgence to the said John Bethune, as Administrator as aforesaid, recommend that the execution against the property of the said Micajah Little, dec. as security for John Darracott, Collector of the Taxes for Wilkes county for the year 1808, be suspended until the 1st day of November 1812—provided nevertheless, that nothing herein contained shall operate to defeat the lien which the state has upon the property of the said Micajah Little, deceased.

Mr. Johnston gives notice, that he will on to-morrow move for leave to introduce a bill to make valid all the official acts of the clerk of the county of Twiggs.

Mr. Lanier laid on the table the following resolution ;

Resolved that Daniel Daley be and he is hereby appointed Lumber-Measurer for the Port of Savannah.

The Senate called up the resolution on the subject of Confiscated Sales, which being read,

Mr. Barnett moved the following amendment ;

Resolved, that where any land may be sold by the Commissioners of Confiscated Property, the said Commissioners shall be liable in their individual capacity for the title of the land so sold—and on the question to agree to the same, it was determined in the negative—and the yeas and nays being required, are Yeas 8, Nays 23.

Those who voted in the affirmative, are, Messrs. Barnett, Bacon, Brown, Burnett, Hardin, Hardee, Johnston & Powell.

Those who voted in the negative, are, Messrs. Ball, Butler, Byne, Cook, Crawford, Foster, Fulgham, Griffin, Hardaway, Henderson, Lanier, Little, McCormick, Park, Pray, Remson, Scruggs, Shepherd, Talbot, Talliferro, Williams and Wood.

The said resolution was then amended, agreed to, and is as follows, to wit ;

Resolved by the Senate and House of Representatives of the state of Georgia in General Assembly met, that all the Confiscated Property hereafter advertized or to be advertised by the Commissioners of Confiscated Estates, situate in the Eastern District of this state, shall be sold at the City of Savannah ; and all the property of the same description situate in the Upper Districts, shall be sold at Augusta or Milledgeville, as a majority of the commissioners shall deem most expedient for the interest of the state ; provided that notice be given of such sales agreeably to the laws now in force, regulating such sales—and that there be paid by the purchaser or purchasers at Confiscated Sales (except for Academies) one and an half per cent in cash, towards the re-surveying & defraying the expences of such sales.

The Senate took up the message from the House of Representatives, & the bills therein contained were severally read the first time.

The resolution appointing William

Jones a Notary Public for Richmond county—and

The resolution appointing John H. Mann a Notary Public for Richmond county, were considered in.

A message from His Excellency the Governor by Mr. Mousseau his Secretary ;

Mr. President ;

I am directed by His Excellency the Governor to inform the Senate, that he has assented to and signed the following acts, to wit ;

An act to incorporate the Bank of Augusta—and

An act to incorporate the Agricultural Society of Georgia ; and he withdraws.

Ordered, that the committee on enrollment do carry said acts to the office of the Secretary of State, and see the great seal affixed thereto.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to fix the site of the public buildings in the county of Laurens.

Mr. Fulgham in the Chair. Mr. President resumed the chair, and Mr. Fulgham reported, that they had gone through the same with amendments.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the third time and passed under the title thereof.

The Senate again resolved itself into a committee of the whole, on the bill to be entitled, an act to incorporate a company for the purpose of improving the navigation of the Ogechee ri-

ver. Mr. Talbot in the chair. Mr. President resumed the Chair, and Mr. Talbot reported, that they had gone through the same with amendments.

The report was taken up, read and agreed to.

Whereupon the said bill was read the third time and passed under the title of a bill to be entitled, an act to incorporate a company for the purpose of opening the Ogechee river, and for improving the navigation thereof from the mouth of Canouchee to the mouth of Stoney Comfort

Mr. Wood presented a petition from John Thomas, which was read and referred to the committee on Petitions.

Mr. Lanier from the committee on the State of the Republic,

Reported on the part of His Excellency the Governor's Communication which relates to the resurvey of the 8th district of Wilkinson county, which was read and ordered to lie on the table.

The Senate resolved itself into a committee of the whole, on the bill to compel Coroners, Sheriffs, Clerks, Attornies, Justices of the Peace and Constables, to pay over all monies so soon as collected by virtue of Executions placed in their hands.

Mr. Butler in the Chair. Mr. President resumed the chair, and Mr. Butler reported, that they had gone through the same without any amendment.

Whereupon the bill was taken up, read the third time, and on the question, shall this bill now pass, it was determined in the negative.

The Senate resolved itself into a committee of the whole, on the bill to print out a certain and definite mode for the calculation of interest in this state. Mr Powell in the chair. Mr President resumed the chair, and Mr Powell reported progress and asked leave to sit again in June next.

The Senate took up the report which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to afford temporary relief to the purchasers of fractional surveys and to prevent said Fractions from being sold for the tax thereof until they are paid for to the state. Mr Rabun in the chair. Mr President resumed the chair, and Mr Rabun reported progress and asked leave to sit again.

Ordered that said report do lie on the table.

Adjourned till 10 o'clock to-morrow morning.

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FRIDAY, 7th Dec. 1810.

On motion of Mr Barnett,

Resolved that the Journal of yesterday be reconsidered, so far as respects the bill to point out a definitive mode of calculating interest in this state.

Ordered that the same do lie on the table.

A message from the House of Representatives, by Mr Mr Holt their Clerk.

Mr President ;

The House of Representatives have passed a bill to apportion the Representatives among the several counties

in this state, according to the third section of the first article of the Constitution ; and

They disagree to the amendment made by Senate to the bill to change the name of Wilkinson county ; and he withdrew.

The Senate took up the Message, and the bill to apportion the representatives, &c was read the first time.

They still adhere to their amendment made to the bill to change the name of Wilkinson county.

The Senate took up the report of the committee on the Petition of Peter Kemble, which is as follows :

The committee on the State of the Republic to whom was referred the memorial of Peter Kemble, praying payment for a Warrant, number seven, issued by Edward Telfair, on the 24th of February, 1786, to Isaac Governeur, Esq. or order, the sum of one thousand two hundred and one pounds, three shillings and four pence three farthings sterling, the same to be charged to the general expenditures, are of opinion, that the same is inadmissible at this time, inasmuch as the same is not brought in & charged agreeable to the several laws of this state for calling in the outstanding evidences of debt, in order that the same might have been passed to the credit of the State of Georgia on their settlement of accounts with the General Government ; and

The same being read was again ordered to lie on the table.

Mr Lane of Putnam presented a pe-

ation from James Scott, which was received, read & referred to the committee on Petitions.

On motion of Mr Lane (of Putnam,) Resolved that Henry Branham, Esq. be, and he is hereby appointed a Notary Public for the county of Putnam.

On motion of Mr Lane (of Walton),

Resolved, that the Executive appointment of Thomas Duncan, as a Justice of the Inferior court for the county of Walton be, and the same is hereby confirmed; and that John Perkins be, and he is hereby appointed a Justice of the Inferior court of Walton county in the place of Kitt Smith removed

The following bills were severally taken up and read the second time, to wit:

A bill to incorporate a company for the purpose of improving the navigation of Broad river.

Ordered for a committee of the whole.

A bill to authorise the Commissioners of the town of Milledgeville to sell and dispose of certain lots in said town.

Ordered for a committee of the whole.

A bill to appropriate monies for the political year 1811

Ordered for a committee of the whole.

A bill for the relief of the heirs and lawful representatives of James Sims and for the relief of Peter H. Collins.

Ordered for a committee of the whole. And

A bill for the relief of the Reverend Charles O Scriven.

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole, on the bill to admit Eldred Simpkins, Esq. to plead and practice in the several courts of Law and Equity in this state. Mr. Barnett in the chair. Mr. President resumed the chair and Mr. Barnett the same with amendments

The Senate took up the report which being read, Mr. Barnett moved to disagree to Mr Lanier's amendment made in Committee, which is as follows:

Provided he shall pay the same tax imposed on other attornies of the bar in this state; and the yeas and nays being required, are yeas 25, nays 12

Those who voted in the affirmative, are, Messrs, Barnett, Bacon, Butler, Burnett, Ryne, Crawford, Davis, Fulgham, Hardin, Hardie, Ludspeth Johnston, Lane (of Putnam), Lane (of Walton,) McCormick, Park, Pray, Rabun, Remson, Scruggs, Spalding, Talbot, & Wood.

Those who voted in the negative, are Messrs. Ball, Cock, Foster, Griffin, Hardaway, Henderson, Lanier, Little, Powell, Shepherd, Taliaferro, & Williams.

The report was then agreed to as amended, and the bill read the third time and passed under the title thereof.



The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act for the relief of Noah W Bradley. Mr Park in the chair. Mr President resumed the chair, and Mr Park reported, that he was instructed to report the further consideration of said bill be postponed till June next. The report was taken up & agreed to. Adjourned 'till 10 o'clock to-morrow morning.

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SATURDAY, 8th Dec. 1810.

The Senate took up the report of the committee of the whole, on the bill to be entitled, an act to afford temporary relief to the purchasers of Fractional Surveys and to prevent said Fractions from being sold for the tax thereof, until they are paid for to the state.

Mr Lanier moved that the first blank be filled with the month of April next, and on the question, it was determined in the affirmative, and the yeas and nays being required, are yeas 18, nays 17.

Those who voted in the affirmative, are Messrs Ball, Brown, Butler, Crawford, Foster, Fulgham, Hardaway, Hardin, Lane [of Putnam], Lane (of Walton,) Lanier, M'Cormick, Remson, Shepherd, Spalding, Taliaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Bacon, Burnett, Byne, Cook, Davis, Griffin, Hardee, Henderson, Hudspeth, Johnston, Little, Park, Powell, Pray, Scruggs and Talbot.

On motion of Mr Hudspeth to fill

up the blank with the whole amount due by the purchasers, it was determined in the negative, and the yeas and nays being required, are yeas 16, nays 18.

Those who voted in the affirmative are Messrs Barnett, Bacon, Burnett, Byne, Cook, Davis, Griffin, Hardin, Hardie, Henderson, Hudspeth, Little, Park, Pray, Scruggs and Talbot.

Those who voted in the negative, are Messrs Ball, Brown, Butler, Crawford, Foster, Fulgham, Hardaway, Lane (of Putnam), Lane (of Walton), Lanier, M'Cormick, Powell, Remson, Shepherd Spalding, Taliaferro, Williams and Wood.

The said bill was then read as amended.

Ordered to lie on the table.

Mr. Barnett from the joint committee appointed to call on the State Commissioners for the Town of Millersville, for information relative to the disposition of the monies appropriated by this state for building the State-House, reported, which was read and ordered to lie on the table.

He also reported from the committee who were instructed to report what quantity and description of Furniture is requisite to be purchased for the Senate and House of Representative Chambers, which was read and ordered to lie on the table.

Mr. Johnston agreeably to notice introduced a bill to make valid the proceedings of the Clerk of the Superior Court of Twiggs County, &c. which was received and read the first time.

A message from the House of Re-

representatives by Mr. Holt their clerk named, to draw Grand and Petit Jurors &

Mr. President, The House of Representatives have passed a bill from Senate to repeal and amend some parts of an act to regulate Tavern and Shopkeepers &c. with amendments; and

The bill from Senate for the relief of Mary M'Wright; with an amendment.

And they have passed the following bills without any amendment;

A bill to authorize the establishment of a Lottery for the purpose of enclosing the Burial Ground of M'way Church in Liberty county.

A bill to incorporate the Wilkes Manufacturing Company.

A bill to incorporate the Roman Catholic Society of Augusta and county of Richmond, &c. &c.

A bill for the relief of Wm. Brown, Stephen Noble and Isaac Hughes.

A bill to alter an act for the better selection and drawing Grand and Petit Jurors, &c. so far as respects the counties of Wayne and Camden.

A bill to regulate the collection of rents.

A bill to explain an act regulating roads, so far as respects the operation of said act in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne, so far as respects the county of Glynn.

A bill to prescribe the oath of the Special Jury in cases of Divorce.

A bill amendatory to an act for laying out the county of Twiggs, and to authorize the Justices of the Inferior courts of the several counties therein

A bill to authorize an extra session of the Superior Court in Putnam county.

A bill to authorize Henry Jones to erect a Ferry across the Ocoee River.

A bill to amend an act to make permanent the seat of the public buildings in Pulaski county.

They have passed a bill for the relief of John McCloud and the Adm'rs of M. Little deceased. And

A bill to amend the 4th section of an act, passed 14th December, 1809, to divide the county of Wilkinson; and he withdrew.

Ordered, that the message do lie on the table.

Mr. Park called up the report of the committee on the state of the Republic which was read and agreed to, and is as follows:

"The Committee on the State of the Republic to whom was confided the duty of reporting upon that part of His Excellency the Governor's Communication relative to the survey of John Coffee, and that of the resurvey of Mr. Sturges of the 8th District of Wilkinson, report, that having maturely deliberated on the subject matter of difference in the two surveys of the said district, are of opinion, that from the satisfactory nature and the respectability of the testimony adduced to the committee, they are unanimously of opinion, that the inundation of the waters on the low grounds, the dead rivers, lakes and lagoons upon the Oak-

the Mulgee river has been the entire cause of producing the difference in the survey.

We feel ourselves authorized to draw this conclusion especially from the testimony of Mr. Gable, who declares upon oath that he acted as Marker for Major Coffee in the survey of that district, and was frequently necessitated to wade to his breast in water, and at times to swim, in order as near as possible to ascertain the margin of the river; and in many instances they were at a loss, and indeed found it impracticable assuredly to identify the same— This also appears from the report of Mr. Stewart, who re-surveyed the premises (a man who we presume is not liable to suspicion of collusion or impropriety); as also from the testimony of Mr. Harris, that when Mr. Sturges made his re-survey of the said district, the river was uncommonly low; so that the dead rivers or cut-offs in the bends of the said river, were either dry or did not run. It follows of course, that the margin exhibited by Mr. Sturges, and that exhibited by Major Coffee's survey must be different, and that in many instances arable land is found between their respective marginal lines.

The committee are therefore decidedly of opinion, that no degree of blame can, or ought to be attached to Major Coffee; the rectitude of his conduct in making the survey above all is indisputable, and his reputation in that respect entirely unimpeachable.

We also state with pleasure, that we have entire confidence in the accuracy of the re-survey of said district made by

Mr. Sturges; and with respect to the surplus land discovered by the same, recommend the following resolution:

Resolved, that the Commissioners to be appointed to sell the Fractions of the 7th district, in Twiggs county, be directed by law to sell 1614 acres of land, as discovered in the 8th district of Wilkinson county by re-survey of Daniel Sturges, Esquire. The Yeas and Nays being required, are, Yeas 5.

Those who voted in the affirmative, are, Messrs. Barnett, Bacon, Ball, Brown, Butler, Burnett, Byno, Cook, Crawford, Foster, Fulgham, Hardaway, Hardin, Henderson, Hudspeth, Lane (of Putnam), Lane (of Walton), Lanier, Park, Pray, Shepherd, Spalding, Talbot, Williams and Wood.

Those who voted in the negative, are Messrs. Griffin, Little, Powell, Scruggs and Taliaferro.

Mr. Henderson from the joint committee to whom was referred the petition of sundry inhabitants of Franklin and Jackson counties, praying a new county, reported, that they had taken the same under consideration, and are of opinion, that the objects of the petitioners cannot be granted without in-

fringing on the sites of the Public Buildings in said counties; therefore recommend that the prayer of the Petitioners be not granted.

Ordered that the report do lie on the table.

On motion of Mr. Barnett,

Resolved, that the General Assembly of this state will adjourn sine die on Wednesday next.

The Senate took up the message of this day, and the amendments made by the House of Representatives to the bill for the relief of Mary M. Wright, and to the bill to repeal and amend some parts of an act to regulate Taverns and Shop-keepers, were agreed to, and the bills therein mentioned were severally read the 1st time

Mr. Burnett reported, to wit;

The committee to whom was referred a petition for enquiring into the practicability and utility of the plan proposed in making a Canal from the Alatomaha into Turtle River, have taken the matter into consideration, and do not hesitate to say, in their opinion the measure is entirely practicable, & would redound very much to the interest and convenience of a great part of the population of this country to have a safe place of deposit for produce, lumber, merchandize &c. at or near the mouth of the Alatomaha river; but we conceive the better way of identifying this important object, would be by commissioners from the western part of this state to explore the premises. We therefore recommend the following resolution;

Resolved, that ————— be, and they are hereby appointed Commissioners to explore the inlets of the Alatomaha and Turtle river, also Sapaloe river, for the purpose of ascertaining the best possible place of deposit for merchandize, produce, lumber, &c. and that they do report thereon upon oath, to the next legislature, and an estimate of the probable expence that may arise from opening and improving the

navigation to the same. Ordered that the report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to authorize the Commissioners of the town of Milledgeville, to sell and dispose of certain lots in said town. Mr. Davis in the chair. Mr. President resumed the chair, and Mr. Davis reported, that they had gone through the bill without any amendment. The report was taken up and agreed to. Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act for the relief of the heirs and representatives of Jas. Sims, and for the relief of Peter Collins—Mr. Pray in the chair—Mr. President resumed the chair, and Mr. Pray reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill for the relief of John Barnes—Mr. Byne in the Chair—Mr. President resumed the Chair, and Mr. Byne reported, that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are yeas 21, nays 11.

Those who voted in the affirmative, are Messrs Bacon, Burnett, Byne, Davis, Foster, Fulgham, Hardin, Hardie, Johnston, Lane [of Pamam], Lane (of

Walton) Lanier, Park, Pray, Remson, Shepherd, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative are Messrs Barnett, Ball, Brown, Cook, Griffin, Hardaway, Henderson, Hudspeth, Little, Powell and Scruggs.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to incorporate a company for the improving the navigation of Broad river. Mr Bacon in the chair. Mr President resumed the chair, and Mr Bacon reported, that they had gone through the bill and made no amendment.

Whereupon the said bill was read the third time and passed.

The Senate adjourned till 10 o'clock Monday morning.

MONDAY, 10th Dec. 1810.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to appropriate monies for the political year, 1811. Mr Taliaferro in the chair. Mr President resumed the Chair, and Mr Taliaferro reported progress and had leave to sit again.

The bill to be entitled, an act to alter and amend the 4th section of an act passed the 14th of December, 1809, to divide the county of Wilkinson, was taken up and read the second time.

Ordered for a third reading.

A message from the House of Representatives by Mr Holt, their clerk.

Mr. President—The House of Representatives have agreed to some and disagreed to others of the amendments

made to the bill to be entitled an act to incorporate a company for the purpose of opening and improving the navigation of the Ogechee river.

They disagree to the amendment made by Senate to the bill to define the duties of the Clerks of the Superior and Inferior courts of this state.

They also disagree to the amendments made by Senate to the bill to alter the name of Wilkinson county, & have appointed a confer. committee thereon.

They also disagree to the amendments made to the bill vesting the appointment of Harbor Master and Health Officer of the port of Savannah, in the Mayor and Aldermen of said city, and have appointed a committee of Conference on the subject matter of dispute.

And they still do disagree to the amendments made by Senate to the bill to be entitled an act for improving the navigation of the Oconee, Alatomaha and Savannah rivers, and have appointed a committee of Conference on the subject matter in dispute; and he withdrew.

The Senate took up the Message, and resolved that the Senate do adhere to their amendments, made to the bill to be entitled, an act to incorporate a company for the purpose of opening the Ogechee river.

Resolved, that they do recede from their amendments made to the bill to be entitled an act to define the duties of Clerks and Sheriffs, &c.

Resolved, that the Senate do still adhere to their amendments made to the bill to alter the name of Wilkinson county. And

Ordered, that messrs. Barnett, Wood, Byne & Lanier be a committee

of conference on the part of Senate.

They also adhere to their amendments made to the bill to be entitled, an act vesting the appointment of Harbor Master and Health-Officer of the port of Savannah in the Mayor and Aldermen of said city. And

Ordered that Messrs. Spalding, Foster and Little be a committee on the part of Senate to confer on the subject matter of dispute relative to said bill; and resolved that the Senate do still adhere to their amendments made to the bill for improving the navigation of the Oconee, Altamaha and Savannah rivers in this state; and

Ordered that Messrs. Bacon, Spalding, m'Cormick, Lane (of Putnam) Griffin, Park, Taliaferro, Johnston & Fulgham, be a committee on the part of Senate to confer on the subject matter of disagreement between the two branches.

The following bills were read the second time, to wit:

A bill to make valid the proceedings of the Clerk of Twiggs county.

Ordered for a committee of the whole; And

A bill to be entitled an act for the relief of John m'Cloud, and the Administrators of micajah Little, dec.

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to apportion the Representatives among the several counties in this state, according to the 3d enumeration in conformity to the seventh section of the first article of the Constitution; Mr. Foster in the chair. Mr. President resumed the chair, and Mr. Foster reported, that they had

gone through the bill and made no amendment. Ordered that the report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act for the relief of Chs. Odingsells Scriven; Mr. Crawford in the chair; Mr. President resumed the chair, and Mr. Crawford reported progress and had leave to set again.

The bill to be entitled an act to afford temporary relief to the purchasers of Fractional Surveys, and to prevent said Fractions from being sold for the tax thereof until they are paid for to the state, was taken up, and on the question, shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are Yeas 17—Nays 17.

Those who voted in the affirmative are, Messrs. Ball, Brown, Butler, Crawford, Foster, Fulgham, Hardaway, Hardin, Lane (of Putnam, Lane (of Walton,) Lanier, Powell, Shepherd, Spalding, Taliaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Bacon, Burnett, Byne, Cook, Davis, Foster, Griffin, Hardie, Henderson, Hudspeth, Johnston, Little, Park, Pray, Remson, Scruggs and Talbot.

There being an equal number, the President determined in the affirmative.

The report of the committee of the whole on the bill to be entitled an act to point out the mode of electing a Receiver and Tax-Collector for the several counties of this state, and to repeal the 27th section of an act entitled, an act to raise a tax for the support of government for the year 1805, was taken up and agreed to. Whereupon the

said bill was read the 3d time & passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to sell and dispose of the Squares and Fractional Parts of Surveys of Land in the 7th district, formerly Baldwin, now Twiggs county, which remains yet unsold or disposed of, and other lots therein mentioned. Mr. Foster in the chair. Mr. President resumed the chair, and Mr. Foster reported, that they had gone through the bill without any amendment.

Ordered that the report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act for the relief of the heirs of James Sims and Peter H. Collins. Mr. Pray in the chair. Mr. President resumed the chair, and Mr. Pray reported, that they had gone through the bill without any amendment. Whereupon the said bill was read the third time, & on the question, shall this bill now pass? it was determined in the negative, and the yeas and nays being required, are, Yeas 13, Nays 19.

Those who voted in the affirmative, are, Messrs. Foster, Fulgham, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Park, Scruggs, Shepherd, Spalding, Taliaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Ball, Brown, Butler, Byne, Cook, Crawford, Davis, Griffin, Hardaway, Hardin, Henderson, Hudspeth, Little, M'Cormick, Powell, Pray, Remson and Talbot.

The Senate took up the report on the petition of Col. John Cunningham; Mr. Barnett moved to amend the report to read as follows :

The committee sympathize with the Petitioner and regret his unfortunate situation, and acknowledge the obligations which this state ought to feel to those who have been instrumental in delivering our country from a foreign yoke. Your committee find by an act of the General Assembly of this state, that Officers who served during the late revolutionary war, were entitled to one hundred guineas as a gratuity, and therefore are of opinion, that the prayer of the petition be granted, and recommend the following resolution :

Resolved, that four hundred & sixty six dollars 18 3-4 cts. be appropriated to Col. John Cunningham, as a gratuity for his services as an officer during the late revolutionary war; which being read was agreed to; and the yeas and nays being required, are Yeas 16. Nays 14.

Those who voted in the affirmative, are, Messrs Barnett, Butler, Crawford, Davis, Hardin, Henderson, Lane (of Putnam), Lane (of Walton), Lanier, M'Cormick, Park, Scruggs, Spalding, Talbot, Taliaferro and Williams.

Those who voted in the negative, are Messrs. Bacon, Ball, Byne, Cook, Foster, Fulgham, Griffin, Hardaway, Hudspeth, Johnston, Little, Powell & Wood.

On motion; The Honorable John Burnett and the Hon. John Hardie had leave of absence from Senate the remainder of the session after this day.

On motion of Mr. Hudspeth, Resolved, that His Excellency the Governor be, & he is hereby directed to cause to be published in one of the Milledgeville Gazettes the bill to be entitled, an act to amend the first section of the 3d article of the constitution.

Ordered to lie on the table.

A message from His Excellency the Governor by Mr. Porter his secretary ;  
Mr. President ;

I am instructed by His Excellency the Governor to inform the Senate, that he has approved of and signed a resolution which originated in this branch of the Legislature, stating that the sum of three thousand dollars shall be appropriated to Zachariah Sims out of any monies unappropriated, to enable him to carry into operation a Paper Manufactory, upon his giving bond & sufficient security to His Excellency the Governor, for the return of said money with interest, into the Treasury of this state, at the expiration of three years next after the said Zachariah Sims shall have received the same.

Ordered to lie on the table.

Adjourned till 10 o'clock to-morrow morning.

**TUESDAY, 11th Dec. 1810.**

On motion of *Mr. Barnett*,

Resolved, that the Journal of yesterday be re-considered, so far as respects the bill to afford temporary relief to the purchasers of fractional surveys &c.

Ordered that the same do lie on the table.

*Mr. Wood* moved to reconsider the Journal of yesterday, so far as respects the bill for the relief of the heirs of James Sims and Peter H. Collins—and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 20—Nays 12.

Those who voted in the affirmative, are Messrs *Bacon, Ball, Butler, Byne, Foster, Fulgham, Hardaway, Hardin,*

*Johnston, Lane [of Putnam], Lane (of Walton,) Lanier, Park, Remson, Scruggs Spalding, Taliaferro, Talbot Williams and Wood.*

Those who voted in the negative, are Messrs. *Barnett, Brown, Cook, Crawford, Davis, Griffin, Henderson, Hudspeth, M'Cormick, Powell, Rabun and Shepherd.*

Ordered, that the same do lie on the table.

On motion of *Mr. Wood*,

Resolved, That the Journal of yesterday be reconsidered, so far as respects the report of the committee on the petition of Col. John Cunningham.

Ordered, That the same do lie on the table.

*Mr. Bacon* from the joint committee of conference on the subject matter of disagreement between the two branches of the Legislature, on the bill to be entitled an act, for improving the navigation of the Oconee, Altamaha, and Savannah rivers, in this State,

Reported,

That the House of Representatives do recede and concur with Senate in each and every of the amendments made by Senate to the aforesaid bill.

Ordered, That the report do lie on the table.

*Mr. Barnett* from the joint committee of conference on the subject matter of disagreement, on the bill to alter the name of Wilkinson county, Reported,

That the House of Representatives do recede and concur with Senate.

Ordered to lie on the table.

The Senate again resolved itself into a committee of the whole, on the bill for the relief of the Rev. Charles O.



Scriven, Mr. Crawford in the chair. Mr. President resumed the chair, and Mr. Crawford reported that they had gone through the same without any amendment.

The report was taken up, and Mr. Park moved to amend the same by inserting the following enacting clause, to wit:

And be it further enacted by the authority aforesaid, That the Comptroller General of this State be, and he is hereby required to receive a certificate issued at Augusta on the 12th day of November seventeen hundred and ninety three, by John Wreath then Auditor of the State, in favour of George Cook for eleven hundred and fifty two pounds nineteen shillings & three pence three farthings, and issue to the said George Cook another certificate for the like amount in lieu thereof, any law to the contrary notwithstanding. Provided the said George Cook shall give bond with sufficient security to indemnify the state in case the certificate should prove to be spurious or counterfeit.

And on the question to agree to the same, it was determined in the negative, and the yeas and nays being required, are Yeas 11. Nays 19.

Those who voted in the affirmative, are, Messrs. Davis, Hardin, Lane (of Walton), Park, Remson, Scruggs, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Bacon, Ball, Brown, Butler Byne, Cook, Crawford, Fulgam, Griffin, Hardaway, Henderson, Hudspeth, Johnson, Lane (of Putnam), Lanier, M'Cormick, Powell and Rabun.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

The House of Representatives have passed the following bills from Senate.

A bill to incorporate the Planter's Bank of the State of Georgia, & to repeal an act to incorporate the Planter's Bank of the State of Georgia, with amendments.

A bill to regulate the town of Monticello in Randolph county with an amendment.

A bill to alter the first section of the 3d article of the Constitution, with amendments—And,

A bill to amend an act, to appoint Commissioners for the better regulation and government of the town of Milledgeville.

They have passed a bill to legalize certain acts of Clerks and Sheriffs, &c.

And a bill to amend the several Judiciary acts now of force in this state.

They have passed a resolution authorizing the transcription of the books in the Executive of this state, from the year 1777 to 1784, and,

A resolution on the petition of William Mein; and he withdrew.

Ordered that the same do lie on the table.

Mr. Foster from the committee, reported as duly enrolled and signed by the Speaker, the following acts, to wit;

An act to authorize the Judge of the Superior Courts of the Ocmulgee district to hold an extra session in the county of Putnam.

An act to alter an act, entitled, an act for the better selection and drawing Grand and Petit Jurors for the several counties in this state, passed on the 7th day of December 1805, so far as it

respects the counties of Wayne and Camden.

An act to incorporate the Wilkes Manufacturing Company.

An act for the relief of Mary M<sup>rs</sup> Wright.

An act amendatory to an act for laying out the county of Twiggs, passed 14th December, 1809, and also to enable the justices of the Inferior courts of Telfair, Laurens, Wilkinson, Pulaski and Montgomery to draw Grand & Petit Jurors for their respective counties.

An act to repeal and amend some parts of an act for the better regulation of tavern and shop keepers, and more effectually to prevent their trading with slaves, passed at Milledgeville on the 22d December, 1808.

An act to authorize Henry Joice to erect a Ferry across the Oconee River at or near his landing.

An act to authorize certain commissioners therein named to establish a Lottery for the purpose of raising fifteen hundred dollars, to enclose the Burial Ground of Midway Church in Liberty county.

An act to prescribe the oath of the special jury in cases of divorce.

An act to amend an act entitled, an act to make permanent the seat of the public buildings in the county of Pulaski; and

An act to regulate the collection of rents.

Ordered that the Committee do carry said acts to His Excellency the Governor for his assent.

The Senate took up the message from the House of Representatives, & agreed to the several amendments made to the bills contained in said message.

The bills from the House of Representatives were severally taken up and read the first time; and the several resolutions concurred in.

A message from the House of Representatives by Mr. Holt their Clerk; Mr. President;

The House of Representatives do still disagree to the amendments made by the Senate to the bill for improving the navigation of the Ogechee river; & have appointed a committee of Conference, to join such as may be appointed on the part of Senate, to confer on the subject matter of disagreement existing between the two branches; and he withdrew.

The Senate took up the message, & concurred in the appointment of a joint committee of Conference.

Ordered that Messrs. Wood, Hardaway & Williams be the committee on the part of Senate.

The Senate again resolved itself into a committee of the whole on the bill to be entitled, an act to appropriate monies for the political year 1811. Mr. Lanier on the Chair. Mr. President resumed the chair, and Mr. Lanier reported, that the committee had gone through the bill, and made amendments.

Ordered that the report do lie on the table.

Mr. Hardin laid on the table a letter addressed to the President of Senate, enclosing a statement relative to the public site of the county of Wilkinson, signed by three justices of the Inferior court of said county, which being read was ordered to lie on the table.

The Senate took up the report of the committee of the whole on the bill to be entitled, an act apportioning the representation of the several counties of this

state agreeably to the third enumeration, in conformity to the seventh section of the first article of the Constitution. And

On motion of *Mr Barnett*,

Resolved, that the number two be stricken out of the representation for Jones county, and three be inserted;

And that the number two in the representation of the county of Clark be stricken out and three inserted.

Agreed to.

*Mr Barnett* then moved, that at the end of the bill after the words *Walton*, two, add "so soon as the 36th degree of north latitude shall be ascertained and the dividing line shall be run;" and on the question to agree it was determined in the negative; and the yeas and nays being required, are yeas 13, nays 18

Those who voted in the affirmative, are Messrs. *Barnett, Bacon, Ball, Butler, Cook, Crawford, Davis, Griffin, Henderson, Hudspeth, Powell, Rabun* and *Scruggs*.

Those who voted in the negative, are Messrs. *Brown, Byne Foster, Fulgham, Hardaway, Hardin, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, M'Cormick, Park, Remson, Spalding, Talbot, Taliaferro, Williams* and *Wood*.

The report of the committee of the whole being amended and agreed to,

The bill was taken up, read the 3d time and passed as amended.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act for the relief of *John M'Cloud* and the administrators of *Micajah Little*, dec. *Mr Foster* in the chair. *Mr President* resumed the chair and *Mr Foster* reported, that they

had gone through the bill without any amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to make valid the proceedings of the late clerk of the Superior court of *Twiggs county*, and to point out the place for holding county election of the Superior and Inferior courts of said county. *Mr Cook* in the chair. *Mr President* resumed the chair, and *Mr Cook* reported, that they had gone through the bill with amendments.

The Senate took up the amendments which were read and agreed to.

Whereupon said bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to be entitled, an act, to sell and dispose of the Squares and Fractional Surveys of land, in the 7th district formerly *Baldwin*, now *Twiggs county*, which remains yet unsold or disposed of, and other lots therein mentioned, which being read was agreed to

Whereupon the said bill was read the 3d time and passed.

The bill to be entitled an act to alter and amend the 4th section of an act, passed the 14th of December, 1809 to divide the county of *Wilkinson*, was taken up read the third time and passed.

A message from the House of Representatives by *Mr Holt* their clerk.

*Mr President*; The House of Representatives have passed a resolution on the application of *John M'Kinnon*, Esq. and he withdrew.

Ordered that the Message do lie

on the table.

Mr Hardin from the committee on Finance, reported on the petition of Rebecca T Baldwin widow of Augustin Baldwin, dec. which was read and ordered to lie on the table.

Mr Park laid before the President a communication from the Commissioners of Confiscated Property including an abstract of their late sales, which was read and referred to Messrs Park, Foster and Spalding, to report thereon.

Mr Barnett called up the report of the joint committee appointed to call on the State Commissioners for the town of Milledgeville, for information relative to the disposition of the monies appropriated by this state for building a State-House, and to obtain information why the State-House has not been completed agreeably to contract, to wit :

The committee beg leave to report the result of their enquiry, viz.

That they have received information from the State-Commissioners that they have paid over to the undertakers for building the State-House all the money which was confided to their immediate management; but they state that the last appropriation made by the State for building the State-House was incorporated in the appropriation law in favor of Scott and Thomas; therefore placed beyond their control or management.

The undertakers for the building the State-House have informed the committee, they have been prevented from completing the State House in consequence of the indisposition of the workmen, & several of them have been called from them contrary to their approbation. Therefore they beg of the State an indulgence of ninety days, at the ex-

piration of which, they pledge themselves the State-House will be completed.

The committee recommend the following resolution;

Resolved, that the State Commissioners for the town of Milledgeville be authorized and required to place or cause to be placed in the hands of the proper officer for immediate suit, the bonds of the Undertakers for building the State-House: Provided the said Undertakers do not finish the State-House in a complete manner within ninety days from this date, and that the said Commissioners do appoint fit and proper persons to value the State-House, and report the result of that valuation to the next Legislature; which report being read, was agreed to.

On motion;

Resolved, that the Hon. David M. Cormick, the Hon. Thomas Bacon, the Hon. William Davis and the Hon. Francis Powell have leave of absence from the Senate for the remainder of the session after to-morrow.

Adjourned till 10 o'clock to-morrow morning.

WEDNESDAY, 12th Dec. 1810.

A message from the House of Representatives by Mr Holt their clerk.

Mr President; The House of Representatives have passed the following bills, to wit :

A bill to be entitled, an act to incorporate the Savannah Female Asylum Society in the city of Savannah.

A bill to be entitled an act to make known the dividing line between Bullock and Montgomery counties; and

A bill to be entitled, an act to authorise certain Commissioners to lay out a

public road leading from Milledgeville to Hartford in the county of Pulaski.

They have also concurred in the resolution on the petition of Hugh M. Donald; and he withdrew.

The Senate took up the Message, and the said several bills were read the first time.

The Senate took up the resolution from the House of Representatives on the application of John McKinnon, Esquire, which was read and agreed to.

Mr Barnett had leave to withdraw the petition of Col. John Cunningham.

A message from the House of Representatives by Mr Holt their clerk.

Mr President;

The House of Representatives have passed a resolution authorising His Excellency the Governor, to sell or dispose of any quantity of arms he may think proper, taking care to keep a sufficient number for the use of the state, &c. and he withdrew.

The Senate took up the report of the committee of the whole, on the bill to be entitled, an act to appropriate monies for the political year 1811.

On motion of Mr Spalding,

Resolved, that the report be amended by inserting to John McKinnon, Esq. 608 dollars, agreeably to a concurred resolution.

On the question it was agreed to.

On motion of Mr Davis,

That the following enacting clause be inserted.

And be it further enacted, That His Excellency the Governor be, and he is hereby empowered and directed to have the shares subscribed for, which have been reserved for the state in the Au-

gusta and Planters' Banks of this state, in terms of the acts for incorporating the said banks, passed at the present session of the Legislature, and to pay the sums of money which may be required to be paid by said acts of incorporation, out of any money which may be now in, or which may hereafter come into the Treasury of this state, not otherwise appropriated.

And be it further enacted, That

be, and they are hereby appointed agents on the part of the State of Georgia, and are hereby authorized to ask, demand and receive from the United States, such sum or sums of money as may be due this state from the United States, in virtue of a contract and deed of cession, entered into between this State and the United States at the City of Washington, on the 24th day of April, 1802, by James Madison, Albert Gallatin and Levi Lincoln, Commissioners on the part of the United States, and James Jackson, Abraham Baldwin, and John Milledge, Commissioners on the part of the State of Georgia; and upon the receipt of any money from the United States, upon virtue of the said deed of cession, good and sufficient receipts and discharges to give therefor in behalf of the state of Georgia.

And be it further enacted, that the said money, when received by the said Commissioners, shall be transmitted to this state in such way and manner as shall be directed by his Excellency the Governor.

On motion of Mr. ———

That the Senate do disagree to the first enacting clause, it was determined in the affirmative, and the yeas and nays being required, are Yeas 22.

Nays 9.

Those who voted in the affirmative, are, Messrs. Ball, Butler, Byne, Cook, Crawford, Foster, Fulgham, Griffin, Hardaway, Hudspeth, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Park, Rabun, Remson, Spalding, Talbot, Taliaferro, Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Bacon, Brown, Davis, Hardin, Henderson, McCormick, Powell and Scruggs.

And on the question shall the Senate disagree to the remaining enacting clauses? it was determined in the affirmative; and the yeas and nays being required, are Yeas 22. Nays 9

Those who voted in the affirmative, are Messrs. Ball, Brown, Butler, Byne, Cook, Foster, Fulgham, Griffin, Hardaway, Henderson, Johnston, Lane (of Putnam), Lane (of Walton), Lanier, Powell, Rabun, Remson, Scruggs, Spalding, Taliaferro, Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Bacon, Crawford, Davis, Hardin, Hudspeth, McCormick, Park and Talbot.

The bill to be entitled, an act to appropriate monies for the political year 1811 was taken up, read the third time, and passed as amended.

Ordered that the bill be carried to the House of Representatives for their concurrence to the amendments.

Mr. Hudspeth called up the resolution requesting His Excellency the Governor to have printed the act to amend the 1st section of the 3d article of the Constitution, which was amended and agreed to, and is as follows:

Resolved, that His Excellency the

Governor be, and he is hereby requested to cause to be published in one of the Milledgeville Gazettes, the bill to be entitled, an act to amend the 1st section of the 3d art. of the Constitution, as pointed out by the 15th section of the 4th art. of the Constitution of this state,

On motion of Mr. Taliaferro,

Resolved that the Guard kept in the State-House during the night, from & after the passing of this resolution, shall receive as a compensation for their services the following sums, to wit;

To the Officer of the Guard ten dollars per month, and to each of the privates seven dollars per month; and His Excellency the Governor is hereby requested to pay the said Guard quarterly out of the Contingent Fund, any usage or custom to the contrary notwithstanding; and His Excellency the Governor is also authorized to pay the said Officer twenty-five dollars per annum for furnishing Candles for the use of said Guard.

On the question to agree, it was determined in the negative.

Mr. Barnett from the joint committee appointed to systematize, digest, & far as expedient, to ameliorate the Criminal Code,

Reported, that they have divided the same into different general heads, and have appointed sub-committees to fill up the abstract thus agreed upon.

The sub-committees are directed to report to the Chairman, what progress they respectively shall have made, on or before the first day of May next; & he on his part, within twenty days after the receipt of the same, is to compile the whole system conformably to the

abstract and reports, and transmit one entire copy to each member of the joint committee. They are to re-assemble on the 15th August next, finally to decide on their report to His Excellency the Governor, in conformity to the concurred resolution of both branches of the Legislature

Ordered that the report do lie on the table.

On motion of Mr. Foster,

Resolved that the Secretary of State and Surveyor General be allowed stationary in the same manner as is furnished to the other Officers of the state-house.

Ordered to lie on the table.

Mr. Lanier called up the resolution appointing Daniel Daley Esq. a Lumber-Measurer for the Port of Savannah, which was read and agreed to.

The bill to be entitled, an act to legalize certain acts of clerks and sheriffs, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers, was taken up & read the 2d time.

Ordered for committee of the whole.

The bill to be entitled, an act to amend the several judiciary acts now in force in this state, was taken up & read the 2d time

Ordered for a third reading.

On motion,

Ordered, that Mr. Rabun be added to the committee appointed to examine the accounts of the members of Senate.

On motion of Mr. Hardin,

Resolved that the President, Messrs Wood and Taliaferro be a committee on the part of Senate to see the great seal affixed to such acts and resoluti-

ons as may remain with His Excellency the Governor and by him assented to, after the adjournment of the present Legislature : and also to examine the remainder of the engrossed Journal of Senate.

On motion of Mr. Lanier,

Resolved that the Members of the Senate and House of Representatives will convene in the Representative Chamber on Thursday next at 11 o'clock, for the purpose of electing three Commissioners to sell the squares & fractional surveys of land, which have been ascertained by a re-survey, made by David McCord in the 7th district of Baldwin, now Twiggs county.

Mr. Park from the committee to whom was referred the communication of the Commissioners of Confiscated Property

Reported, which was ordered to lie on the table.

On motion of Mr. Spalding,

Resolved that His Excellency the Governor be requested to draw upon the Contingent Fund for a sum not exceeding one hundred dollars, in favor of the Chairman of the joint committee on the Criminal Code, for the purpose of providing paper, and to pay the postage that may be necessary on the occasion.

The Senate adjourned till 9 o'clock to-morrow morning.

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THURSDAY, 15th Dec. 1810.

Mr. Foster from the committee of Enrollment, reported sundry acts as duly called, presented to & signed by the Speaker, which were presented and severally signed by the President.

Ordered that the committee of Enrollment do carry said acts to the Office of Secretary of State, and have the big seal affixed to them respectively.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President; the House of Representatives have concurred in the resolution on the petition of Sarah Oliver; in the resolution authorising the Commissioners of Confiscated Property to sell all the lands advertised by them, situate in the Eastern District, at the city of Savannah &c.

In the resolution appointing William W. Strain a Justice of the Inferior court for the county of Greene.

In the resolution appointing Henry Branham a Notary Public for the county of Putnam.

In the resolution on the report of the committee of Finance, relative to the survey of John Coffee and that of the re-survey of Daniel Burgess Esq.; in the report of the committee on the state of the Republic to whom was referred the memorial of John Hill.

In the resolution relative to the report of the committee to enquire into the disposition of the money appropriated by this state for building the state-house; in the resolution appointing a joint committee to examine what progress has been made in the Digest subsequent to that of Marbury and Crawford, and have appointed on their part Messrs. Montgomery, Ware, H. Blair, Dunwoody and Iverson.

They have passed a resolution appointing Henry Carlton a Notary Public for the county of Greene.

They have passed a resolution, that Gibson and Gideon, with a surveyor, shall ascertain and mark the line

between Bullock & Montgomery counties.

They have passed a resolution requiring the Treasurer to deliver over bonds to the Commissioners of the Academies, who have not received the amount of one thousand pounds.

They have passed a resolution on the petition of Hempworth Carter.

They have passed a resolution authorising bills of the banks of Augusta and the Planters' Bank to be received in payment of taxes.

They have passed a resolution appointing Dudley Jones a justice of the Inferior court for the county of Franklin in the place of Bazell Jones resigned.

And have passed a resolution that Messrs Iverson, W Terrell and Clayton be the committee on part of the House of Representatives, to examine the Journal of this House for the remainder of this session, and see that the same be accurately engrossed; as also to see the great seal of the State affixed to the Laws passed the present session which may remain in the Executive Department, and that they be allowed three days to perform the same.

They have made amendments to the following bills.

The bill regulating roads, so far as respects the counties of Burke, Jefferson & Richmond.

The bill for the regulation of free persons of color. And

The bill pointing out the duty of Sheriffs, &c

The senate took up the report and concurred in the appointment of Henry Carleton a Notary Public for the county of Greene.



In the resolution appointing Dudley Jones a justice of the Inferior court for the county of Franklin, and in the resolution appointing a committee on their part to receive the acts, &c. and

Resolved that the Senate do concur with the House of Representatives in all their amendments made to the several bills contained in said message.

Ordered that the remainder of the Message do lie on the table.

The following bills were severally taken up and read the 2d time, viz.

A bill to be entitled, an act to make known and establish the dividing line between Bulloch and Montgomery counties.

Ordered for a third reading.

A bill to be entitled, an act to lay out and establish a public road leading from Milledgeville to Hartford in the county of Pulaski.

Ordered for a third reading. And

A bill to be entitled, an act to incorporate the Savannah Female Asylum Society in the city of Savannah.

Ordered for 3d reading.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to realize and make valid certain acts of Clerks, Sheriffs, &c. Mr. Johnson in the chair. Mr. President resumed the chair, and Mr. Johnston reported, that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time and passed.

Mr Foster called up the resolution allowing to the Secretary of State and Surveyor General, Stationary; which was again read and agreed to.

A Message from the House of Re-

presentatives by Mr Holt their clerk

Mr President;

The House of Representatives have passed a bill to authorize the Judges of the Superior courts to issue executions against delinquent justices of the Inferior courts for county funds.

The Senate took up the Message & the bill was read the first time.

The Senate took up the re-consideration of the Journal, on the bill for the relief of the heirs of James Sims and Peter H Collins, which was ordered to lie on the table on the inst. and on the question, shall this bill now pass? it was determined in the affirmative.

On mot on of Mr. Barnett,

Resolved, that His Excellency the Governor do pay out of the Contingent Fund the sum of 26 dollars to Elijah Blackshear agreeably to a concurred resolution.

Mr Park called up the resolution on the communication of the Commissioners of Confiscated Property, which was again read and agreed to, and is as follows:

The committee to whom was referred the communication of the Commissioners of Confiscated Property, Report,

That they have had account of sales before them, and find they have sold to the amount of sixty-eight thousand, four hundred and fifty-four dollars, and have closed their sales.

Your committee therefore recommend the following resolution:

Resolved, that His Excellency the Governor be, and he is hereby requested to ascertain the amount of Commissions due the Commissioners of Confiscated Estates for their services, and

that he may direct the Treasurer to credit the same, on their respective bonds due this state for the amount thereof.

A message from the House of Representatives by Mr Holt their clerk.

Mr President ;

The House of Representatives have passed the bill from Senate to be entitled, an act for the more effectually securing the probate of Wills, limiting the time for Executors to qualify and widows to make their election, &c with amendments ; and he withdrew.

The Senate took up the Message & the amendments were read and agreed to.

A Message from His Excellency the Governor, by Mr. Porter his Secretary.

Mr President ;

I am directed by His Excellency the Governor to inform the Senate, that he has approved of and signed a resolution appointing this day at 11 o'clock, for the purpose of electing three commissioners to sell the Squares and Fractional Surveys of land which has been ascertained by a re-survey made by David M'Cord in the 7th district of Baldwin, now Twiggs county ; and he withdrew.

Ordered that the Secretary do inform the House of Representatives, that the Senate is in readiness to convene in the Representative Chamber, for the purpose of proceeding by joint ballot to the election of three commissioners to sell and convey the Squares and Fractional Surveys of land in the 7th district of Baldwin, now Twiggs county.

A Message from the House of Representatives by Mr Holt their clerk.

Mr President ;

I am directed to inform the Senate, that the House of Representatives is ready to receive them in their chamber, for the purpose of proceeding by joint ballot to the election of three commissioners, to sell the squares & fractional surveys of land in the 7th district of Baldwin, now Twiggs county, agreeably to a concurred resolution ; and he withdrew.

The Senate then repaired to the representative floor, and being seated, they proceeded by joint ballot to elect the three Commissioners as specified in the said concurred resolution, and on counting out the votes it appeared that John Herbert, Samuel Devereux, and William D. Jarratt, were duly elected.

On motion of Mr Park,

Resolved that the General Assembly will adjourn sine die to-morrow morning 9 o'clock ; and that the Secretary do immediately wait on the House of Representatives for their concurrence.

A Message from the House of Representatives by Mr Holt their clerk.

Mr President ;

The House of Representatives have passed a resolution appointing Mr Ellicott to ascertain the 35th degree of north latitude dividing this state and North Carolina ; and a resolution on providing furniture and carpeting for the State-House ; and he withdrew.

The Senate took up the Message, and the resolutions were severally concurred in.

Adjourned till 7 o'clock to-morrow morning.

FRIDAY, 14th Dec. 1810.

On motion of *Mr Walker*,

Resolved, that *William J Hobby* be, and he is hereby appointed a justice of the Inferior court of *Richmond county*, in place of *John Catlett, Esq.* resigned.

A Message from the *House of Representatives* by *Mr Holt* their clerk.

*Mr President*;

The *House of Representatives* have passed the following bills, to wit :

A bill to amend an act to dispose of the fractional parts of surveys of land, &c. passed 8th Dec. 1806.

A bill to vest power in the Commissioners of *Greensboro'* to sell and convey certain lands therein mentioned ; &

A bill to make valid the proceedings of the clerk of the Superior court of *Twiggs county*, &c.

They have disagreed to the resolution on appointing *William J. Hobby* a Justice of the Inferior court of *Richmond county*, in place of *John Catlett, Esq.* resigned.

They concurred in the resolution in favor of *Elijah Blackshear* ;

They have passed a resolution requesting *His Excellency the Governor* to publish the outlines of an act for the election of *Receiver of Tax Returns & Tax-Collector* ; and he withdrew.

The Senate took up the message, & On motion of *Mr. Walker*,

Resolved, that the Senate still adhere to their resolution appointing *W. J. Hobby* a Justice of the Inferior Court of *Richmond county* ;

They concurred in the resolution requiring *His Excellency the Governor* to publish the outlines of the act pointing out the mode of electing *Receiver and Tax-Collector*.

A message from the *House of Representatives* by *Mr. Holt* their Clerk ;  
*Mr. President* ;

The *House of Representatives* still adhere to their disagreement to the resolution appointing *Wm. J. Hobby* a Justice of the Inferior court of *Richmond county* ; and he withdrew.

Ordered that the same lie on the table.

On motion of *Mr. Barnett*,

Resolved, that a committee be appointed to wait on *His Excellency the Governor* and inform him, that both branches of the *General Assembly* are now ready to adjourn sine die.

Ordered, that *Messrs. Barnett, Hudspeth and Walker* be that committee.

*Mr. Foster* from the committee reported as duly enrolled and signed by the *Speaker* the following acts.

An act to add part of *Putnam* to *Jones county*.

An act running the dividing line between *Montgomery* and *Tattnall*.

An act more effectually securing the probate of *Wills*, &c.

An act to explain and amend the *Escheat Laws*.

An act to incorporate a company to improve the navigation of the *Ogechee river* &c.

An act for regulating and governing free persons of color coming or residing in this state ;

An act for regulating and keeping in repair the public roads &c. in the counties of *Burke, Jefferson* and *Richmond*.

An act to amend an act to dispose of the fractional parts of surveys of lands &c. passed 8th Dec. 1806.

An act to vest power in the Commissioners of *Greensboro'* to sell and

certain lands therein mentioned; tional parts of surveys in the 7th dist.

d  
An act to make valid the proceedings of the Clerk of Twiggs Superior court &c. which were presented to and signed by the President. An act to amend the several judiciary acts.

Ordered, that the committee do carry said bills to His Excellency the Governor for his assent. An act to make known and establish the dividing line between Montgomery and Bulloch counties.

The following bills were severally taken up, read the third time and passed. An act to authorize certain Commissioners to lay out a road from Milledgeville to Hartford in Pulaski county &c.

A bill to incorporate the Female Asylum Society of Savannah; An act to apportion the Representatives among the several counties in this state; which were presented to and signed by the President.

A bill to authorize certain commissioners to lay out a public road from Milledgeville to Hartford in Pulaski county; and Ordered, that the committee do carry said acts to His Excellency the Governor for his assent.

A bill to make known the dividing line between the counties of Bulloch and Montgomery. A message from the House of Representatives by Mr. Holt their clerk; Mr. President—The House of Representatives have concurred in the resolution appointing a joint committee to wait on His Excellency the Governor, to inform him that both branches of the General Assembly are now ready to adjourn sine die; and have added a committee on their part.

On motion, Resolved that Zachariah Gray be paid out of the Contingent Fund, the sum of 40 dols. 50 cts. provided His Excellency the Governor should find his accounts right, for a balance for firewood for the last year. Mr. Barnett from the committee reported, that he had waited on his Excellency the Governor to inform him that both branches of the General Assembly were ready to adjourn sine die; and His Excellency informed them that he had nothing further to communicate.

The resolution from the House of Representatives, authorising the Treasurer of the state to receive the bills of the Bank of Augusta and the bills of the Planters' Bank of the state of Georgia in payment for taxes. On motion of Mr. Lanier,

Mr. Foster from the committee on enrollment reported as duly enrolled and signed by the Speaker the following acts: Resolved unanimously, that the thanks of the Senate be, and they hereby are presented to the honorable Jared Irwin, President thereof, for the able, prompt, decisive and impartial discharge of the duties of his station.

An act for the relief of the heirs of James Sims and Peter H. Collins. The President then adjourned the Senate without a day.

An act to incorporate the Female Asylum Society of Savannah &c. An act to legalize & make valid the proceedings of the sheriffs, clerks, &c. An act to sell and dispose of the frac- Attest, WILL. ROBERTSON, Sec'y to the Senate.

# *JOURNAL*

OF THE

## SENATE

OF THE

# State of Georgia.

AT an annual Session of the General Assembly of  
the State of Georgia, begun and held at the  
State-House in Milledgeville, on  
the first Monday, being the  
4th day of November,  
in the year of our  
Lord, 1811.

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MILLEDGEVILLE :

Printed by S. & F. GRANTLAND—Printers to the State.

JANUARY—1812.

<i>Randolph,</i>	Charles Crawford.
<i>Pulaski,</i>	Edmun Hogan.
<i>Liberty,</i>	Daniel Stewart.
<i>Bryan,</i>	John Pray.
<i>Warren,</i>	Jeoday Newsom.
<i>Telfair,</i>	Thomas Watts.
<i>Clarke,</i>	Zadock Cook.

The Senate proceeded to the choice of their President, and on counting out the votes, it appeared that the Honorable Matthew Talbot was duly elected, who was conducted to the chair.

They then proceeded to the choice of their Secretary, and on counting out the votes, it appeared that William Robertson was duly elected.

They then proceeded to the choice of Messenger and Door-keeper, and on counting out the votes, it appeared that Henry Williams was duly elected Messenger, and Alexander Greene Door-keeper.

Mr. Scruggs moved the following resolution ;

Resolved, That the Secretary inform the House of Representatives, that the Senate have formed a quorum, have made choice of the Honorable Matthew Talbot their President, and William Robertson their Secretary, and are ready to proceed to business—which was read and ordered to lie on the table.

The Hon. Sheppard Williams, a member elect from the county of Bullock, attended, produced his credentials, & the usual oath being administered to him by the President, took his seat.

Adjourned till 10 o'clock to-morrow morning.

TUESDAY, 5th November, 1811.

The honorable James Johnston, a

member elect from the county of Chatham, attended, produced his credentials, & the usual oath being administered to him by the President, took his seat.

Mr. Scruggs called up the resolution of yesterday, requiring the Secretary to inform the House of Representatives, that the Senate had formed a quorum, and were ready to proceed to business; which was read and agreed to.

Mr. Johnston presented a Petition from a number of the inhabitants of the city of Savannah, which was read and referred to a special committee, consisting of Messrs. Johnston, Barnett, Pray, Park and Leigh, with power to report by bill or otherwise.

Mr. Powell gives notice that he will on to-morrow move for leave to introduce a bill to alter the time of holding the Superior courts of Wayne county.

On motion of Mr. Byne,  
Resolved, that the Senate be governed by the rules of the last session.

On motion of Mr. Jackson,  
Resolved, that a committee be appointed to join such as may be appointed by the House of Representatives, to contract for the printing of the Laws, Journals and Concurred Resolutions that may be passed at the present session.

Ordered, that Messrs. Jackson, Dooley and Owens be that committee on the part of Senate.

On motion of Mr. Rabun,  
Resolved, that a committee be appointed on Privileges and Elections, and that the returns from the different counties be laid before them.

Ordered, that Messrs. Rabun, Reid and Crawford be that committee.

Mr. Newsom moved for the appoint-

ment of a committee on Petitions.

Ordered, That Messrs. Newson, Cook and Brown be that committee.

• Mr. Park presented a Petition from John M'Intyre, a citizen of the state of South Carolina, which was read and referred to the committee on Petitions.

Mr. Hudspeth notifies the Senate, that he will on to-morrow move for the appointment of a committee to report a bill to alter the first section of the third article of the constitution.

Mr. Dooley gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to alter the second section of the second article of the constitution of this state.

On motion of Mr. Byne,

Resolved, That the Executive appointment of Southworth Harlow as a Justice of the Inferior court of Burke county in the place of William Jones resigned, be and the same is hereby confirmed.

On motion of Mr. Hogan,

Resolved, That James M. Taylor and Murdock M'Leod be, and they are hereby appointed Justices of the Inferior court of the county of Pulaski, in place of William A. Harper, dec'd, and Samuel Jones resigned.

On motion of Mr. Dooley,

Resolved, That the Executive appointments of Thomas Murray, Henry Jones and John Parks, esqrs. Justices of the Inferior court of the county of Lincoln, in place of Newel Walton, Robert Walton and John Lockheart, esqrs. resigned, be, and the same are hereby confirmed.

Mr. Owens gives notice, that he will

on to-morrow move for leave to introduce a bill for the better regulation of the town of Milledgeville.

On motion of Mr. Scruggs,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives to wait on His Excellency the Governor, and inform him that the General Assembly are now organized and are ready to proceed to business.

Ordered, That Messrs. Scruggs and Barnett be that committee.

On motion of Mr. Hudspeth,

Resolved, that the Executive appointment of Hezekiah Luckey as a Justice of the Inferior court of Oglethorpe county in place of John Davenport resigned, be and the same is hereby confirmed.

On motion of Mr. Foster,

Resolved, That the Senate will convene in the Representative Chamber on Thursday next, at 12 o'clock, in order to elect a Governor, pursuant to the constitution of this state.

On motion of Mr. Cook,

Resolved, That the Executive appointment of John Ector as a Justice of the Inferior court of Clarke county, be, and the same is hereby confirmed.

On motion of Mr. Rabun,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives to compose a committee on the State of the Republic.

Ordered, That Messrs. Rabun, Park, Stewart, Watts (of Washington) Wilson, Lawson and Hudspeth be the committee on the part of Senate.

On motion of Mr. M'Cormick,

Resolved, That Isaac Furguson, esq. be appointed a Justice of the Inferior court of the county of Montgomery, in room of Joshua Hightower, esquire, resigned.

A petition was laid on the table from John Darracott, which was read and ordered to lie on the table.

A message from the House of Representatives by Mr. Holt their clerk.

Mr. President,

I am directed by the House of Representatives to inform the Senate, that they have formed a quorum, have made choice of the Honorable Robert Iverson their Speaker, and Hines Holt their clerk, and are ready to proceed to business.

They have concurred in the resolution from Senate, appointing a joint committee to wait on His Excellency the Governor, and inform him that both branches of the General Assembly are organized and ready to proceed to business, and have added a committee on their part—and he withdrew.

On motion of Mr. Foster,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed on the part of the House of Representatives, to compose a committee on Finance.

Ordered, That Messrs. Foster, Barnett, Byne, M'Cormick, Crawford, Wood, and Johnston be the committee on the part of Senate.

Mr. Scruggs from the joint committee reported, that they had waited on His Excellency the Governor, and informed him that the General Assembly were

organized and ready to proceed to business, and received for answer, that His Excellency would, on to-morrow at 12 o'clock, lay his communication before both branches of the Legislature.

Adjourned till 10 o'clock to-morrow morning.

—0000000—

WEDNESDAY, 6th November, 1811.

Mr. Hudspeth agreeably to notice moved for the appointment of a committee to prepare and report a bill to alter the first section of the third article of the constitution.

Ordered, That Messrs. Hudspeth, Little and Newsom be that committee.

On motion of Mr. Scruggs,

Resolved, That William Bird and John Waldhour, be, and they are hereby appointed Justices of the Inferior court of Effingham county, in place of John Goldwine and James King, esqrs. resigned.

Mr. Hudspeth from the committee reported a bill to alter the first section of the third article of the constitution of this state, which was received and read the first time.

On motion of Mr. Dooley,

Whereas, by a concurred resolution of the 15th December 1810, His Excellency the Governor was requested to ascertain the amount of Commissions due the Commissioners of Confiscated estates for their services, and that he may direct the Treasurer to credit the same on their respective bonds due the State for the amount thereof;

*Be it therefore Resolved*, That the Treasurer, as soon as possible, lay before the Senate a statement of the amount



of sales and expenditures, and the bill referred to a special committee, consisting of Messrs. Stewart, M'Cormick and Stripling.

Mr. Powell agreeably to notice, introduced a bill to alter the time of holding the Superior courts of Wayne county, which was received and read the first time.

On motion of Mr. Blair,

Resolved, That Thomas Brannen & Thomas F. Lovett, be, and they are hereby appointed Justices of the Inferior court of the county of Scriven, in place of Daniel Blackburn and John Pollock, esqrs. who refuse to qualify.

On motion of Mr. Harrison,

Resolved, That James Neplen and Francis Hopkins esqrs. be, and they are hereby appointed Commissioners of the Academy of the county of McIntosh, in the room of Robert Watts and Henry Harford, removed out of the county.

On motion of Mr. Cook,

Resolved, That the Executive appointment of James Meriwether, as a Justice of the Inferior court of the county of Clarke, be, and the same is hereby confirmed.

Mr. Jackson gives notice that he will on Monday next, move for the appointment of a committee to prepare and report a bill for the improvement of the navigation of the Oconee and Altamaha rivers.

Mr. Scruggs gives notice, that he will on to-morrow move for the appointment of a committee to prepare and report a bill to release persons not owning slaves from performing patrol duty.

Mr. Stewart presented a petition from Hepworth Carter, which was read and

Mr. Johnston presented a petition from a number of the inhabitants of the City of Savannah, which was read and referred to a special committee, consisting of Messrs. Johnston, Pray and Blair.

Mr. Dooley agreeably to notice, moved for the appointment of a committee to prepare and report a bill, to alter the second section of the second article of the constitution of this state.

Ordered, That Messrs. Dooley, Harrison and Hardee be that committee.

On motion of Mr. Byne,

Resolved, That William Stone be, and he is hereby appointed a Justice of the Inferior court of the county of Burke, in place of David Robinson, dec'd.

On motion of Mr. Owens,

Resolved, That John W Devereux, Augustine Harris, and Hubert Reynolds be, and they are hereby appointed Commissioners of the Academy of Baldwin county.

Mr. Rabun from the committee on Privileges and Elections reported, which was ordered to lie on the table.

Mr. Johnston presented a petition from Worthington Gale, which was read and referred to a special committee, consisting of Messrs. Johnston, Scruggs and Powell.

On motion of Mr Watts (of Telfair.)

Resolved, That Noah Perrimore and Benjamin G. Cray, be appointed Justices of the Inferior court of Telfair county, in the room of William Lott removed, and Jesse Bird resigned.

On motion of *Mr Newsom*,

Resolved, That a committee of enrollment be appointed on the part of Senate.

Ordered, That Messrs Newsom, Foster and Ribon be that committee.

*Mr Foster* gives notice that he will on Monday next, move for the appointment of a committee to report a bill to afford temporary relief to the purchasers of Fractional Surveys, and to prevent said Fractions from being sold for the tax thereof, until paid for to the state.

*Mr Hogan* gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to repeal an act, to amend an act, to make permanent the site of the public buildings in the county of Pulaski.

*Mr Johnston* presented a petition from Ann Houston, of the City of Savannah, which was read and referred to the committee on Petitions.

*Mr Owens* gives notice that he will on Monday next, move for the appointment of a committee to prepare and report a bill, to authorize the building of a Ware-house at or near the mouth of Fishing Creek, in the town of Milledgeville.

On motion of *Mr Hudspeth*,

Resolved, That a committee be appointed to see that the Journal of the present session is correctly engrossed.

Ordered, That Messrs Hudspeth, Barnett and Powell be that committee.

On motion of *Mr Dooley*,

Resolved, That the Senate will meet in the House of Representatives on Saturday next, at 12 o'clock, to elect the Attorney General of the State, Harbour-

Master and Health Officer for the City of Savannah.

A message from the House of Representatives by *Mr Holt* their Clerk:

*Mr President*;

The House of Representatives have concurred in the resolution from Senate, appointing a committee on the State of the Republic, and have added a committee on their part.

They have concurred in the resolution appointing a committee to contract for printing the Laws and Journals of the present Session, and have added a committee on their part.

They have concurred in the resolution appointing a committee on Finance, and have added a committee on their part—and,

They have concurred in the resolution appointing Thursday next, at 12 o'clock, for the election of Governor, pursuant to the Constitution of this state—and he withdrew.

The following written communication was received from His Excellency the Governor, by his Secretary *Mr Porter*, viz:

Executive Department, Georgia, }  
Milledgeville, 4th Nov'r, 1811. }

*Fellow-Citizens of the Senate and of the House of Representatives.*

Assembled from the various sections of the state, you are, it is presumed, possessed of a correct knowledge of the wishes and wants of your constituents, in all such matters as come within the sphere of your Legislative functions.— In addition to that knowledge, I shall proceed to lay before you some account

my administration for the political  
 last past, and suggest some mea-  
 es of a general tendency, which I  
 n important, and which in my opini-  
 merit your serious consideration.

oon after the adjournment of the last  
 on, Augustin S. Clayton, esq. report-  
 to the Executive Department a Compi-  
 on of the Laws & Resolutions of this  
 te, passed from the year 1800 to the  
 ar 1809 inclusive; and I referred the  
 me to four Commissioners to report to  
 their opinion of its accuracy & plan.  
 heir report being satisfactory, I ratified  
 e compilation, and the work is now in  
 e press, and is to be delivered at this  
 ce by contract on or before the first  
 y of March next.

Under a concurred and approved res-  
 olution of the 15th of December last, I  
 rote to the Executive of North-Caroli-  
 a, requesting that state to co-operate  
 th Georgia in a further endeavor to  
 certain the 35th degree of North lati-  
 e; to which request I received a po-  
 ive refusal on the part of that State.  
 t the same time I wrote to Andrew  
 Ellicott, esq. and enclosed him a copy  
 that part of the resolution which de-  
 gnated him as the artist this state wish-  
 I to employ, and requested him to  
 me on as soon as convenient, as Geor-  
 ia was desirous of ascertaining the  
 oint of controversy for her own satis-  
 fication, in case North Carolina refused  
 to co-operate. Mr. Ellicott, after con-  
 siderable delay, occasioned as he states,  
 y unavoidable circumstances, arrived,  
 and is now employed in ascertaining  
 the long disputed point. When I shall  
 have received his final report, which I

expect will be in a few days, it shall be  
 immediately laid before you.

I have also received through our Re-  
 presentatives in Congress, the decision  
 of the House of Representatives of the  
 United States, on the memorial of this  
 state presented to that body on the sub-  
 ject of our boundary on North-Carolina,  
 by which it will be seen, that the state is  
 referred to judicial interposition for a de-  
 cision of her right; Congress disclaiming  
 any authority in a Legislative capaci-  
 ty over the case.

Agreeably to an act of the last sessi-  
 on, the Commissioners appointed for that  
 purpose, sold at this place the lots and  
 fractional surveys in the seventh district  
 of Baldwin, now Twiggs county; and  
 three other lots particularly specified in  
 the law. The payment of the nett pro-  
 ceeds, amounting to the sum of twenty-  
 eight thousand nine hundred and eigh-  
 ty-eight dollars, has been secured in  
 terms of the law, for which the bonds are  
 now in the Treasury. Several other  
 lots have been reported as recovered un-  
 der the act passed the 22d December,  
 1808, entitled "an act to point out the  
 mode of rendering void all grants, or  
 other proceedings founded on false or  
 fraudulent returns, made by persons  
 not entitled to draws in the late land  
 lotteries in this state, & to repeal an act  
 passed at the last General Assembly  
 on that subject," which remain with-  
 out any further proceeding being taken,  
 in consequence of the want of a provis-  
 ion in the law directing the steps to be  
 taken after a division by the County  
 Surveyor between the Informer and the  
 state. I recommend a revision of that

law so far at least as to embrace that object

The Commissioners of the State House have caused to be made, agreeably to a resolution passed at the last session upon that subject, a number of desks and chairs for the accommodation of the members of each House. The carpeting I caused to be purchased under the provisions of the same resolution. A sufficient quantity of any one pattern could not be procured to cover the whole floor, and I therefore determined to cover the avenues between the desks and the vacant space in front of the President and Speaker's seats.

The old records of the Executive Department from the year 1777 to the year 1784 inclusive, have been transcribed into new books, as contemplated by the Resolution of the 10th of December last. I suggest the propriety of passing a law authenticating and making valid the transcript in lieu of the original records.

Among the documents accompanying this Communication will be found a list of Executive appointments made during the recess, which are subject to Legislative interference.

Of the contingent fund for last year, the sum of twelve thousand, nine hundred and twenty-four dollars sixty-six and a half cents, has been drawn, leaving a balance of two thousand and seventy-five dollars thirty-three & an half cents, yet in the Treasury. The drafts on this fund have been larger this year than the year preceding, in consequence of the expence attending the compilation and contract for printing our Laws and Resolutions; the arrangements in the

Senate and Representative Chambers, and the employment of Mr. Ellicott, &c. The Abstract of Warrants drawn on the Treasury will exhibit a clear view of the expenditures of the year, and the Treasurer's Abstract will, in like manner, exhibit the amount of revenue received within the same period.

Of our public debt, the sum of one hundred and fifty nine thousand and eighteen dollars, twenty-seven and eleven twelfths cents, has been received at the Treasury. This sum has been paid principally in State Troop Bounties and Funded Certificates. But few of We'reats audits have been received; and the small sum now out of the paper medium of the emission of 1786, no adequate provision has as yet been made for its redemption; a circumstance which I presume must have escaped the attention of the Legislature when the law was passed for the redemption of our other debts. The fund originally pledged for the redemption of this debt, was the lands in the Tallassee county, which the State having lost by the Treaty of New-York, entered into by the United States with the Creek Indians, she was bound in good faith to provide another fund for the redemption of that debt.

Permit me to direct your attention to that part of the act, passed at the last session, incorporating the Bank of Augusta, which reserves for the State the right of subscribing for fifty thousand dollars of the Capital of their Stock. The period within which that subscription must be made will expire on the first day of January next, & the advantages of being original subscribers to the Stock of

An active and well managed Bank are so great, that I recommend to your serious consideration, the propriety of authorizing the subscription to be made; and at a future day, if the funds necessary to do this should be wanted for any public purpose, the stock can, no doubt, be then sold to good account.

I have received from the Secretary of State of the United States, a Resolution passed by Congress during their last session, proposing an amendment to the Constitution of the United States, in the words following, viz. "If any citizen of the United States shall accept, claim, or receive, or retain any title of Nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office or emolument of any kind whatever, from any Emperor, King, Prince, or Foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them." The propriety, and, indeed, necessity of this amendment, is too obvious to need any recommendation of mine to induce its adoption: it is, therefore, submitted without comment.

I have also received communications from most of the Executives of the several States, announcing the rejection of the proposed amendments to the Constitution of the United States, by the states of Massachusetts, Pennsylvania, and Virginia, severally; from which it appears that neither of the amendments proposed have been adopted.

Permit me again to call your attention on to the all-important consideration and

adoption of a plan for arming our militia. I have heretofore stated it as my opinion, and the more I reflect on the subject, the more am I confirmed in the accuracy of that opinion, that all attempts at training and disciplining men, will be ineffectual until they have arms in their hands: arms are the first grand requisite. And I will only now add that, in the present critical situation of our country, we are almost wholly unprepared to engage in any military enterprise, even of a defensive kind, and yet it is uncertain how soon we may be involved. Our weakness will invite aggression, whereas in a state of preparation, we would at least impose upon an enemy the necessity of caution, and command his respect.

Our Cavalry are, with a few exceptions, destitute of the necessary equipments to enable them to take the field, in case any emergency should require them to do so, and the heavy expence of those equipments, has a serious tendency in retarding their enrollment, by which many of the Companies are very far inferior in point of number, to what is required by law.

Our Artillery are nearly in the same situation. The certain and contingent expence attending the maintenance of a Company of Artillery, is such as to put it out of the power of any one who is not possessed of considerable resources to engage as members. The hardy labouring class of our citizens are unable to bear this expence, and hence we see how few of our Companies now established are able to man even one field piece. Under a Resolution passed on

the 15th December, 1809, I issued an order to the late Quarter Master General, Col. Hammond, to procure two brass pieces of three pounds calibre; and his report will shew, that after diligent enquiry, pieces of that size could not be had, unless cast by special instruction. Four pounders could have been procured at several places, and as they are unquestionably the size which would be more useful than smaller ones, I have declined ordering three pounders to be cast until I should have an opportunity of representing to you the facts, in order that you may, if you think proper, change the Resolution from three to four pounders. Accompanying Col. Hammond's report is a statement of the expence, by which it appears, that the carriages, &c. will cost full as much as the field pieces, and upon enquiry I find, that the same articles can be made here for little more than one half of what they will cost, if made to the northward and imported here. It will also be seen that the high price of those articles compelled me to confine myself, for the present, to the purchase of two pieces only, although the Resolution contemplates more; since they were to be paid for out of the contingent fund, which has been subject to the payment of so many large sums during the past Political year, that I was fearful of making engagements with which I should be unable to comply. I therefore take the liberty of recommending a revision of the Resolution upon this subject, so as to authorize the purchase of four pounders in place of three's.— I also recommend that some provision be made for the aid of such Companies of Artillery as have, or may hereafter have, their legal compliment of men in uniform, in order to provide ammunition and the necessary articles used in the laboratory. And that similar provisions be made for the purchase of swords, pistols and carbines, for the equipment of the Cavalry.

I am impelled by a sense of duty to again call your attention to the opening & improvement of the navigation of our Rivers and Public Roads, and the revision of our Criminal Code. Having stated my reasons for urging these important considerations on the attention of the Legislature upon a former occasion similar to the present, precludes the necessity of repeating them now.— Their usefulness and importance is evident to every man of observation, and that being the case, there can be no reasoning necessary to induce their adoption. What progress the committee appointed by the last Legislature, have made in the revision of the Criminal Code during the recess, I am unable to state, having received no report from them; but I doubt not, but that they have given it a due portion of their attention. Should their labors, however, be incomplete, and a work of that magnitude be considered as requiring more time than an individual can be reasonably expected to bestow without compensation, I have been furnished with proposals which I am requested to lay before you by a Gentleman of the Bar of talents and learning, who will undertake to digest our Criminal Law for a stipulated compensation. When the committee have reported, and the subject is again before

you, then will be the proper time for the presentation of the memorial of the gentleman alluded to.

On the subject of inland navigation by Canals, the state of New-York have passed a law for the purpose of opening a communication between the great Lakes and the Hudson river, and the Commissioners appointed and named in that law have addressed me a letter accompanied by a copy of the law, and requested that I would communicate it to you for the purpose of obtaining your concurrence or assistance in executing the plan proposed.

Among the various privations and embarrassments we have been subject to in consequence of the aggressions of the belligerent European nations upon our neutral rights, one happy consequence has resulted to the people of this country, and that is, it has been the means of promoting domestic manufactory. In many parts of the middle and eastern states a great variety of articles of the first necessity in our domestic consumption are manufactured of as good or better quality, and can be sold as cheap as any of the same kind ever imported, and although *we, locally speaking*, cannot boast of much improvement in this particular, yet some laudable and praiseworthy endeavours have been made, particularly in Wilkes county, where a company of gentlemen have associated for the purpose of establishing a manufactory of cotton cloth; but the increase of the quantity manufactured in almost every family in the state, during our embarrassments, has been greatly beyond the most sanguine anticipations that could

have been formed ten years ago. Combined with this subject, the raising of sheep is also an object highly worthy the attention and encouragement of the Legislature. The increase of our flocks, and the improvement of their wool, will warrant the expectation that with reasonable encouragement by the Legislature to excite emulation, we could, in a short time, become wholly independent of importation for all our coarse goods. This would be so desirable a state of things that I cannot forbear soliciting your attention to the subject. I will not presume to suggest the plan which would be most likely to effect this desirable end, but certain I am, that a small fund judiciously applied could not be better employed than in promoting the increase and improvement of domestic goods.

With our red neighbours, the Creeks, the usual intercourse has been maintained. It is not long since a deputation from the Lower Creeks, accompanied by Col. Hawkins and Mr. Barnard, called at this place to assure the government of their friendly and amicable disposition towards the State. A road is now opening through their nation from Fort Hawkins on the Ocmulgee river, to the Mobile, which, it is expected, will be completed in about twenty days from this time. Thus a direct communication, by which carriages of every description can pass, will be opened and established between us and our brethren on the Mississippi, highly beneficial to both.

Upon the present situation and prospect of our foreign relations, I mean of the General Government, I shall for-

bear to comment. To Congress, who are now in session by a call of the Executive, the destinies of the nation are confided. In the various conflicts between the belligerents, wherein our rights and interests have been involved, the President has done his duty faithfully to the nation; and I have the fullest confidence that Congress will discharge theirs.

Confident in the undivided energy and strength of our nation, having no views but such as are sanctioned by the dictates of justice & national honor, and aided by an all-wise and kind Providence, we can patiently await, and we ought to be prepared, to meet the worst that can result from the ambition, the tyranny, or the lawless aggression of any of the European powers.

That the Almighty Ruler of the Universe may so guide and direct all our efforts in the discharge of our public duty, that the result may be for the honor, the happiness and prosperity of our beloved country, is the sincere prayer of your devoted fellow-citizen.

*D. B. MITCHELL.*

Which being read, together with the several documents; Ordered, That the document containing warrants drawn on the Treasury for the Political year 1811, be referred to the committee on Finance.

That the documents which contain a copy of a letter from certain Commissioners appointed by the state of New-York, for the purpose of providing for the internal navigation of said state, to the Governor of Georgia;

The document containing a copy of a

Resolution, proposing an amendment to the Constitution of the United States; and the document containing

The copy of an Executive order to Col. Hammond, Quarter Master General, directing him to purchase for the state, Brass Ordnance, and his report thereon, be referred to the committee on the State of the Republic.

Ordered, That the remaining documents do lie on the table.

Mr. Dooley presented the following address from Col. Thomas P. Carnes, to wit;

### GEORGIA.

*To the Honorable the Speaker, and members of the House of Representatives of the State of Georgia.*

The undersigned respectfully represents, That he hath taken some pains during the past year, to collect and reduce into form, *Reports* of Judicial cases decided in the Superior courts of the Oakmulgee and Western Districts of this state, and flatters himself that if they could be published and distributed throughout the state, they might be found in some degree, both useful and satisfactory, and might have a tendency of proving a necessity of producing an uniformity of decisions throughout the several districts of the state, than which nothing that appertains to our courts of Justice could be more desirable. Several printers within this state have been applied to for the purpose of having those Reports printed. But the price of striking off seven hundred and fifty copies (a quantity which it is presumed might be immediately disposed of) is a sum not



within the reach of the undersigned; and for that cause, he is solicitous that his labours, if they are found to contain any merit, should be under the patronage of the Legislature of his country. The undersigned will be gratified in meeting a delegation from each branch of the General Assembly, to whom he will submit the manuscript, and if the work is found to be worthy the attention of the Legislature, it will be offered to the government on such terms as cannot, as the undersigned believes, be reasonably rejected. All which is most respectfully submitted

*THO's P. CARNES.*

Milledgeville, 6th Nov. 1811.

Which was read and referred to a special committee.

Ordered, That Messrs. Dooley, Park and Stewart be that committee.

A letter from George R. Clayton, esq. Treasurer, was laid on the table, which was read and referred to a special committee.

Ordered, That Messrs. Barnett, Dooley and Foster be that committee.

Adjourned till 10 o'clock to-morrow morning.

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THURSDAY, 7th November, 1811.

The bill to alter the first section of the third article of the Constitution was taken up, read the second time, & ordered for committee of the whole on to-morrow.

Mr. Jackson gives notice that he will on Monday next, move for the appointment of a committee to prepare and report a bill, to make permanent the site of the public buildings for the county of Wilkinson.

On motion of Mr. Pray,

Resolved, That Joseph Hill be, and he is hereby appointed a Lumber Measure for the county of Bryan.

On motion of Mr. Pray,

Resolved, That Lee Blackstill be, and he is hereby appointed a Justice of the Inferior court for the county of Bryan, in the room of Patrick Houston, resigned.

Mr. Scruggs agreeably to notice moved for the appointment of a committee to prepare and report a bill to release persons not owning slaves from performing patrol duty.

Ordered, That Messrs. Scruggs, Barnett and Williams be that committee.

Mr. Jackson presented a petition from Daniel Butler, which was read and referred to the committee on Petitions.

Mr. Watts (of Telfair) gives notice that he will on Monday next, move for the appointment of a committee to report a bill to make permanent the site of the public buildings in Telfair county.

Mr. Newsom from the committee on Petitions reported on the petition of John M'Intyre as follows, viz.

The committee to whom was referred the petition of John M'Intyre, beg leave to report, that they have had the same under consideration, & altho' they earnestly regret the unfortunate condition of the petitioner, yet his claim is one among those which the State has long since in justice to its citizens been compelled to reject, and therefore the prayer of the petitioner ought not to be granted—which was read, and ordered to lie on the table.

A message from His Excellency the

Governor by Mr. Porter, his Secretary, the Directors of the Oconee River was received, inclosing the resignation of Oliver Skinner, esq. Solicitor General for the Western Circuit.

Mr. Powell presented a petition from a number of the inhabitants of Wayne and Glynn counties, which was read and referred to a special committee, consisting of Messrs. Powell, Willson and Hardee.

Mr. Hogan agreeably to notice moved for the appointment of a committee to prepare and report a bill, to repeal an act, to amend an act, to make permanent the site of the public buildings in the county of Pulaski.

Ordered, That Messrs. Hogan, Lawson and Sheppard be that committee.

On motion of Mr. Johnston,

Resolved, That Mossman Houston, Joseph S. Pelot, James White and Joseph Miller be, and they are hereby appointed Notaries Public for the county of Chatham.

Mr. Pray gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend and consolidate the several Militia Laws of this State, and to adapt the same to the act of the Congress of the United States.

On motion of Mr. Dooley,

Ordered, That the petition of John Derracott, esq. laid on the table yesterday, be referred to the committee on Petitions.

The Honorable William Jones, a member elect from the county of Jones attended, produced his credentials, and the usual oath being administered to him by the President, took his seat.

Mr. Park presented a petition from

the Directors of the Oconee River navigation, which was read and referred to a special committee consisting of Messrs. Park, Reid and Brown.

Mr. Newsom gives notice that he will on Monday next, move for the appointment of a committee to prepare and report a bill to continue in force an act, to give further time to the fortunate drawers in the late Land Lotteries to take out their grants.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President;

I am directed by the House of Representatives, to inform the Senate that they are now in readiness to receive them in the Representative Chamber, for the purpose of electing a Governor of this State, pursuant to the Constitution—and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded by joint ballot to the election of Governor, and on counting out the votes, it appeared that His Excellency David B. Mitchell was re-elected.

They then returned to their Chamber and took their seats.

On motion of Mr. Foster,

Resolved, That the Senate will convene in the Representative Chamber on Saturday next, at 12 o'clock, for the purpose of electing a Quarter Master General of this State in place of Col. Abner Hammond, resigned.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President;

The House of Representatives have appointed a committee on their part,

to join such as may be appointed by the Senate, to wait on His Excellency the Governor and inform him of his re-appointment—and he withdrew.

The Senate took up the message, and added on their part, Messrs. Barnett, McCormick and Owens.

Mr. Barnett from the joint committee appointed to wait on his Excellency the Governor to inform him of his reelection, Reported, That they had discharged that duty, and received for answer, that his Excellency would be in readiness to qualify to-morrow at 12 o'clock.

Adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 8th November, 1811.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter the first section of the third article of the constitution of this State—Mr. Wood in the chair; Mr. President resumed the chair, and Mr. Wood reported that they had made progress, and asked leave to set again.

The Senate took up the report, which was read and agreed to.

Mr. Watts (of Washington) gives notice that he will on to-morrow move for leave to introduce a bill to divorce Levi Bright and Sarah his wife.

Mr. Johnston from the committee reported a bill to amend an act, to incorporate the Planters' Bank of the State of Georgia, which was received and read the first time.

On motion of Mr. Johnston,

Resolved, That William Lorel and John Chub be, and are hereby ap-

pointed Lumber Measurers for the Port of Savannah.

Mr. Newsom from the committee on Petitions, reported as follows, to wit:

The committee to whom was referred the petition of Daniel Butler have had the same under their consideration, and after due examination, think the same unreasonable, and ought not to be granted.

The Senate took up the report, and the same being read, was agreed to.

On motion of Mr. Blair,

Resolved, That Thomas Green and Thomas Shields be, and they are hereby appointed Lumber Measurers for the City and Port of Savannah.

Mr. Johnston gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to appoint Port Wardens for the Port of Savannah.

Mr. Pray agreeably to notice moved for the appointment of a committee to report a bill to amend and consolidate the several Militia laws of this state, and to adapt the same to the act of the Congress of the United States.

Ordered, That Messrs. Pray, Stewart, Dooley, Byne and Wood be that committee.

Mr. Crawford gives notice that he will on Monday next, move for leave to introduce a bill to divorce John Douglass and Jane his wife.

On motion of Mr. Reid,

Resolved, That the Executive appointments of Armstead Richardson & Wiley Abercrombie as Justices of the Inferior court of Putnam county, in place of Barnes Holloway and Simeon

Holt, esqrs. resigned, be, and the same is hereby confirmed.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have passed a resolution appointing Lumber Measurers for the county of M<sup>c</sup>Intosh.

A resolution appointing Commissioners for Wayne county ;

A resolution confirming the Executive appointment of a Justice of the Inferior court of Morgan county ;

A resolution confirming the Executive appointment of a Justice of the Inferior court of Jefferson county ;

A resolution appointing a Justice of the Inferior court of Camden county ;

A resolution appointing a Vendue Master for the town of Jefferson in Camden county ;

A resolution appointing a Vendue Master for the City of Augusta ;

A resolution appointing Justices of the Inferior court of Jackson county ;

A resolution appointing a Notary Public for the county of Chatham ;

A resolution appointing a Notary Public for the town of Darien and county of M<sup>c</sup>Intosh ;

A resolution appointing a Vendue Master for the town of Milledgeville, &

A resolution appointing a joint committee to enquire into the present state of the University of Georgia.

They have concurred in the following resolutions from Senate ;

In the resolution that they will on Saturday next proceed to the election of Quarter Master General ;

In the resolution appointing Justices of the Inferior court of Telfair county ;

In the resolution appointing Commissioners of the M<sup>c</sup>Intosh county Academy ;

In the resolution appointing Commissioners of the Baldwin county Academy ;

In the resolution appointing Justices of the Inferior court of Scriven county ;

In the resolution appointing Justices of the Inferior court of Burke county ;

In the resolutions appointing Justices of the Inferior court of Clarke county ;

In the resolution appointing Justices of the Inferior court of Effingham county ;

In the resolution appointing a Justice of the Inferior court of Oglethorpe county ;

In the resolution appointing a Justice of the Inferior court of Montgomery county ;

In the resolution appointing Justices of the Inferior court of Lincoln county ;

In the joint resolution appointing a joint committee on enrollment, and have added a committee on their part ; and,

In the resolution appointing Saturday next at 12 o'clock, for the election of Attorney General of the State, Harbor Master and Health Officer for the City of Savannah, with an amendment—and he withdrew.

The Senate took up the message, and the several resolutions from the House of Representatives were concurred in, except the resolution appointing a Notary Public for the county of Chatham, which was ordered to lie on the table.

They added a committee on their part, consisting of Messrs. Scruggs,

Dooley and Park, to join the committee appointed by the House of Representatives, on the resolution to enquire into the present state of the University of Georgia.

Mr. Brown gives notice that he will on to-morrow move for the appointment of a committee to report a bill, to authorise Col. Pascal Harrison to erect a toll bridge across the Oconee river, at or near the mouth of the Appalachee river.

Mr. Owens gives notice that he will on Monday next, move for leave to introduce a bill to levy an extra tax in Baldwin county, for the purpose of erecting a court-house in said county.

Mr. Newsom from the committee on petitions Reported on the petition of John Derrecote, as follows, to wit ;

The committee to whom was referred the petition of John Derrecote, beg leave to report, that they have had the same under consideration, and upon due reflection, are of opinion, that to grant the said petitioner's request, would be attended with evil consequences, Therefore the prayer of the petitioner is unreasonable and ought not to be granted.

The Senate took up the report, which was read and agreed to.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr. President ;

I am directed by the House of Representatives to inform the Senate that they are now in readiness to receive them in the Representative Chamber for the purpose of qualifying His Ex-

cellency the Governor elect—and he withdrew.

The Senate then repaired to the Representative Chamber, and the oath of office being administered to His Excellency by the President of Senate, they again returned to their Chamber, and

Adjourned till 10 o'clock to-morrow morning.

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SATURDAY, 9th November, 1811.

On motion,

Ordered, That Mr M'Cormick be added in place, and at the request of Mr. Wood, to the committee appointed yesterday to prepare and report a bill, to amend and consolidate the several Militia Laws of this state.

The Senate again resolved itself into a committee of the whole on the bill to alter the first section of the third article of the Constitution of this state, Mr Byne in the chair ; Mr President resumed the chair, and Mr Byne from the committee reported that they had gone through the same with an amendment. The Senate took up the report, and the same being read was agreed to ;

Whereupon the said bill was read read the 3d time, and on the question, shall this bill now pass, it was resolved unanimously in the affirmative.

Mr Pray presented a petition from a number of the citizens of Savannah, which being read, was referred to the committee, to whom was referred a counter petition on the instant.

Ordered, That Messrs. Stewart and Leigh be added to that committee.

The following bills were severally

taken up and read the 2d time, to wit ;

A bill to amend an act, to incorporate the Planters' Bank of the State of Georgia.

Ordered for committee of the whole —and,

A bill to alter the time of holding the Superior courts in Wayne county

Ordered for a third reading.

On motion,

Ordered, That Messrs. Jackson and Johnston be added to the committee to prepare and report a bill, to revise, amend and consolidate the several Militia Laws of this state.

Mr. Watts, (of Washington) agreeably to notice introduced a bill, to divorce Levi Bright and Sarah his wife, which was received & read the 1st time.

Mr Watts (of Washington) gives notice that he will on Monday next, move for leave to introduce a bill, to alter the names of certain persons therein named.

Mr Johnston agreeably to notice moved for the appointment of a committee to prepare and report a bill, to appoint Port Wardens for the Port of Savannah

Ordered, That Messrs. Johnston, Stewart and Pray be that committee.

Mr Brown agreeably to notice moved for the appointment of a committee to prepare and report a bill, to authorise Col. Pascal Harrison to erect a toll bridge across the Oconee river, at or near the mouth of the Appalachee.

Ordered, That Messrs Brown, Park and Reid be that committee.

On motion of Mr. Sheppard,

Resolved, That Benjamin Chairs, esq. be, and he is hereby appointed as

a Justice of the Inferior court in Warren county, in place of John [unclear] resigned, be and the same is confirmed.

Mr Hogan presented a petition of sundry inhabitants of Pulaski which was read and referred to committee on petitions.

A message from the House of Representatives by Mr. Holt their Mr. President ;

The House of Representatives passed a resolution confirming the executive appointments of Justices of the Inferior court of Warren county

They have passed a resolution appointing a committee on their part to join such as may be appointed on their part, to enquire into the propriety of passing a law for the alleviation of the condition of debtors—and,

A resolution appointing a committee on their part, to join such as may be appointed on the part of Senators to prepare and report a bill, to revise and consolidate the several road laws of this state—and he withdrew.

The Senate took up the message and concurred in the several resolutions therein contained, and added a committee on their part, to the joint resolution to enquire into the propriety of passing a law for the alleviation of the condition of debtors, consisting of Messrs. Scruggs, Barnett, Jackson, Hudspeth and Hardee.

They added a committee on their part, on the joint resolution to revise and consolidate the several road laws of this state, consisting of Messrs. Powell, Lawson and Wood.

A message from His Excellency

<p>orter his Secretary. for this state.</p> <p>;</p> <p>His Excellency the Chamber and took their seats.</p> <p>n this branch of the Adjoined 'till Monday morning 10</p> <p>ne has approved of o'clock.</p> <p>ution stating that the</p> <p>y convene in the Re-</p> <p>mber at the hour of</p> <p>e purpose of electing</p> <p>eral of this state, Soli-</p> <p>he Western Circuit,</p> <p>nd Health Officer for</p> <p>annah, and a Quarter</p> <p>of this state—and he</p> <p>om the House of Re-</p> <p>y Mr. Holt their clerk ;</p> <p>dent ;</p> <p>d by the House of Re-</p> <p>o inform the Senate, that</p> <p>in readiness to receive</p> <p>representative Chamber</p> <p>se of electing an Attor-</p> <p>f this state, Solicitor Ge-</p> <p>Western Circuit, Harbor</p> <p>Health Officer for the</p> <p>annah, and a Quarter Mas-</p> <p>of this state—and he with-</p> <p>te then repaired to the Re-</p> <p>Chamber, and being seat-</p> <p>ed by joint ballot to said</p> <p>nd on counting out the</p> <p>ppared that Richard H.</p> <p>ire, was duly elected At-</p> <p>eral of this state ; Thomas</p> <p>esquire, Solicitor General of</p> <p>ern Circuit ; Robert Greer,</p> <p>arbor Master ; and Doctor</p> <p>. Saffold, Health Officer for</p> <p>of Savannah, &amp; Col. George</p> <p>s, Quarter Master General</p>	<p>The Senate again returned to their</p> <p>Adjoined 'till Monday morning 10</p> <p>o'clock.</p> <p style="text-align: center;">—00000000—</p> <p>MONDAY, 11th <i>November</i>, 1811.</p> <p>On motion of Mr. Hardie,</p> <p>Resolved, That Stephen W. Moore</p> <p>be, and he is hereby appointed Ven-</p> <p>due Master for the town of St. Mary's</p> <p>in the county of Camden.</p> <p>Mr Watts (of Telfair) agreeably to</p> <p>notice moved for the appointment of a</p> <p>committee to prepare and report a bill,</p> <p>to make permanent the site of the pub-</p> <p>lic buildings of Telfair county.</p> <p>Ordered, That Messrs. Watts (of</p> <p>Telfair), M'Cormick, and Sheppard</p> <p>be that committee.</p> <p>Mr. Hudspeth presented a petition</p> <p>from Thomas M'Coy, which was read</p> <p>and referred to a special commit-</p> <p>tee, consisting of Messrs. Hudspeth,</p> <p>Cook and Little.</p> <p>Mr. Davis gives notice that he will</p> <p>on to-morrow move for the appoint-</p> <p>ment of a committee to prepare and re-</p> <p>port a bill, pointing out a republican</p> <p>mode of electing electors, for the Presi-</p> <p>dential election.</p> <p>Mr. Barnett gives notice that he will</p> <p>on to-morrow move for the appoint-</p> <p>ment of a committee to prepare and re-</p> <p>port a bill, giving the assent of this</p> <p>state to the division of the Mississip-</p> <p>pi Territory by the Congress of the</p> <p>United States.</p> <p>He also gives notice, that he will on</p> <p>to-morrow move for leave to introduce</p> <p>a bill, to amend an act, to incorporate</p>
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a company for the improvement of the navigation of Broad river.

On motion of Mr. Willson,

Resolved, That Isaac Abrahams be appointed a Vendue Master for the town of Brunswick, in the county of Glynn.

On motion of Mr Owens,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives, to prepare and report a bill, to improve the navigation of the Ocmulgee, Oconee, Altamaha and Savannah rivers.

Ordered, That Messrs. Owens, M<sup>c</sup> Cormick, Hogan, Jones, Park, Henderson and Jackson be the committee on the part of Senate.

Mr. Watts (of Washington) agreeably to notice introduced a bill to change the names of certain persons therein named, which was received and read the first time.

Mr Owens agreeably to notice introduced a bill, to amend the 6th section of an act, appointing Commissioners for the town of Milledgeville, which was received & read the 1st time

Mr Johnston from the committee reported a bill to appoint Port Wardens for the Port of Savannah, which was received and read the first time.

Mr Foster agreeably to notice moved for the appointment of a committee to report a bill, to afford temporary relief to the purchasers of Fractional Surveys, &c.

Ordered, That Messrs. Foster, Henderson and Brown be that committee.

Mr. Crawford agreeably to notice introduced a bill, to divorce John Dou-

glass and Jane his wife, which he received and read the first time.

Mr Barnett gives notice that he will on to-morrow move for leave to introduce a bill to amend an act to provide a fund for the redemption of the public debt of this state.

Mr Harrison gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to amend an act, for the better selecting and drawing grand jurors for the counties in this state, so far as respects the county of M<sup>c</sup>Intosh.

Mr Rabun gives notice that he will on to-morrow move for a committee to be appointed, to prepare and report a bill, to be entitled an act, to amend the last clause of the eleven clauses of the third article of the Constitution.

Mr Wood gives notice that he will on Wednesday next, move for leave to report a bill, to divorce M<sup>r</sup> Braswell and Polly his wife.

The Senate resolved itself into a committee of the whole on the subject of a bill, to be entitled an act, to amend an act, to incorporate the Planters' Bank of the state, and for other purposes passed the 19th day of December, 1817, also, to provide against embezzlement and forgeries—Mr Byne in the chair—Mr President resumed the chair and Mr Byne reported, that they had gone through the same with amendments. The Senate took up the report, and the amendments were agreed to.

Ordered, That the bill be engaged for a third reading.



A Communication was received from the Treasurer, enclosing an Abstract of the treasury, which was read & referred to the committee on Finance.

Mr Owens agreeably to notice introduced a bill, to be entitled an act, to authorise the state commissioners to permit Ware-houses to be built on the public land, which was read the first time.

The bill to be entitled an act, to alter the time of the sitting of the Superior court in the county of Wayne, was read the 3d time and passed.

On motion of Mr Jones.

Resolved, That the Executive appointment of Abner Biddle, esq. as a Justice of the Inferior court of Jones county be, and the same is hereby confirmed, and that Thompson Bird be, & he is hereby appointed a Justice of the Inferior court of the county aforesaid, in place of William Horton, resigned.

On motion of Mr Rabun,

Resolved, That John Chambers be, and he is hereby appointed a Notary Public for the county of Hancock.

Mr Brown introduced a bill to be entitled an act, to authorise Col. Pascal Harrison, his heirs and assigns, to build a toll bridge across the Oconee river, at or near the mouth of the Apalachee river, which was read the first time.

Mr Newsom from the committee on petitions, Reported as follows ;

The committee to whom was referred the petition of sundry inhabitants of the county of Pulaski, praying this Legislature to grant them a public road, leading to, and landing on the Ocmulgee, have had the same under con-

sideration, and believe it to be one of those cases that do not require Legislative interference. Therefore refer the petitioners to the Inferior court of their county, which was read and agreed to.

On the petition of Ann Houston, Your committee are of opinion that the prayer of the petitioner is reasonable, and beg leave to report, the following bill ; A bill to be entitled an act, for the relief of Ann Houston, which was read the first time.

On motion of Mr Johnston,

Resolved, That Thomas Davies be, and he hereby is appointed a Lumber Measurer for the Port of Savannah.

Adjourned 'till 10 o'clock to-morrow morning.

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TUESDAY, 12th November, 1811.

Mr Scruggs from the committee reported a bill, exempting persons not slave holders from doing patrol duty, which was received & read the 1st time.

On motion of Mr. Henderson,

Resolved, That the Senate will convene in the Representative Chamber on Saturday next at 12 o'clock, for the purpose of electing Secretary of State, Treasurer, Surveyor and Comptroller Generals.

Mr. Brown presented a petition from Silvanus Walker, which was read and referred to the committee on petitions.

Mr. M'Cormick presented a petition from sundry inhabitants of the counties of Montgomery, Tatnall and Telfair, which was read and referred to a special committee, consisting of Messrs M'Cormick, Stripling and Watts (of Telfair.)

Mr Jackson agreeably to notice moved for the appointment of a committee to prepare and report a bill, to make permanent the site of the public buildings in the county of Wilkinson.

Ordered, That Messrs. Jackson, Lawson and Sheppard be that committee.

Mr Watts (of Telfair) from the committee, reported a bill to make permanent the site of the public buildings in the county of Telfair, which was received and read the first time.

Mr Park presented a memorial from Col. Jonas Fauche and others, which was received, read, and referred to the committee on the State of the Republic.

Mr. Jackson presented a petition from Samuel M. Mordecai, which was read and referred to a special committee, consisting of Messrs. Jackson, M'Cormick and Owens.

Mr Hogan presented a petition from John Robinson, which was read and referred to a special committee, consisting of Messrs. Hogan, Williams and Wood.

Mr Owens agreeably to notice reported a bill, authorising the Justices of the Inferior court of Baldwin county, to levy an extra tax, which was received and read the first time.

Mr Dooley from the joint committee to whom was referred the memorial of Col. T. P. Carnes, Reported, which was read and ordered to lie on the table.

Mr Foster presented a petition from James Wood, which being read, was referred to the committee on the State of the Republic.

Mr. Dooley from the committee reported a bill to alter the second section of the second article of the Constitution, which was received and read the first time.

The Senate took up the report of the committee on the petition of John M'Intyre, laid on the table on Thursday last, which was again read, and referred to the committee on the State of the Republic.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr President ;

The House of Representatives have passed a resolution referring sundry petitions from the counties of Franklin, Jackson, Elbert, Oglethorpe & Clarke, to the several members from those respective counties, to join any committee to be appointed on the part of Senate.

They have added Mr Williams to the committee on Printing, and added Messrs Terrell and J. Jackson on the subject of the University, and they have passed a resolution appointing John Atkinson a Notary Public for the county of Camden—and he withdrew.

The Senate took up the message and appointed Messrs. Little, Henderson, Barnett, Hudspeth and Cook, being members of Senate from the counties of Franklin, Jackson, Elbert, Oglethorpe and Clarke, to take into consideration the object of petitions from said counties, &c.

They concur in the resolution appointing John Adkinson a Notary Public for the county of Camden.

Mr Hardie notifies the Senate, that he will on to-morrow move for a committee to be appointed to prepare a

Report a bill to be entitled an act, to authorize the Justices of the Inferior Court of the county of Camden to levy an extra tax in said county, for the purpose of erecting a jail.

Mr Hudspeth notifies the Senate that he will on to-morrow move for a committee to be appointed, to prepare and report a bill to be entitled an act, to amend, revise and consolidate the several laws passed for the relief of insolvent debtors.

Mr Harrison agreeably to notice moved for the appointment of a committee to prepare and report a bill, to alter an act for the better selection of grand jurors for this state, so far as respects the county of McIntosh.

Ordered, That Messrs. Harrison, Wilson and Scruggs be that committee.

Mr Rabun agreeably to notice moved for the appointment of a committee to prepare and report a bill, to strike out the last clause of the eleventh section of the 3d article of the Constitution of this state.

Ordered, That Messrs. Rabun, Leigh and Newsom be that committee.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to divorce Levi Bright and Sarah his wife—Mr. Foster in the chair—Mr. President resumed the chair, and Mr Foster reported that they had gone through the same without any amendment. The Senate took up the report, and the same being read, was agreed to;

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was deter-

mined in the affirmative, and the Yeas and Nays being required, are Yeas 28 —Nays 7.

Those who voted in the affirmative are, Messrs. Barnett, Blair, Brown, Crawford, Davis, Dooley, Hardie, Harrison, Henderson, Jackson, Johnston, Jones, Leigh, M'Cormick, Newsom, Owens, Park, Powell, Pray, Reid, Sheppard, Stewart, Stripling, Watts (of Washington), Watts (of Telfair), Williams, Willson and Wood

Those who voted in the negative are, Messrs. Byne, Cook, Foster, Hudspeth, Little, Rabun and Scruggs.

The following bills were severally taken up, read the second time, and ordered for committee of the whole.

A bill to divorce John Douglass and his wife.

A bill to appoint Port Wardens for the Port of Savannah.

A bill to amend an act, for the better regulation and government of the town of Milledgeville.

A bill to alter and change the names of certain persons therein named.

A bill to authorise the State commissioners to permit Ware-houses to be built on the public land—and

A bill to authorise Col. Pascal Harrison to erect a toll bridge across the Oconee river, at or near the mouth of the Appalachee river—and

A bill for the relief of Ann Houston.

The Senate took up the bill to be entitled an act, to amend an act, to incorporate the Planters' Bank of the State of Georgia, and for other purposes, passed the nineteenth day of December 1819—and, to provide

against embezzlements and forgeries, which was read the third time and passed.

Mr. Rabun from the committee reported a bill, to strike out the last clause of the eleventh section of the third article of the Constitution of this State—which was received and read the first time.

Mr Brown gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to establish the rate of interest of money in this state.

Mr Park from the committee reported a bill, to amend an act, to incorporate a company for the improvement of the navigation of the Oconee river, which was received and read the first time.

Mr Davis agreeably to notice moved for the appointment of a committee to prepare and report a bill, to establish a mode for electing Electors for the Presidential election.

Ordered, That Messrs. Davis, Rabun, Dooley, Barnett and Owens be that committee.

Mr Dooley gives notice that he will on to-morrow move for leave to introduce a bill to compel Clerks of the Superior and Inferior courts of this state to take the oath and give the security required by law, within the time therein specified.

On motion of Mr Hudspeth,

Resolved, That William Strother be, and he is hereby appointed Notary Public for the county of Oglethorpe, and town of Lexington.

Mr Powell gives notice that he will on to-morrow move for leave to intro-

duce a bill, to amend the several act appointing Commissioners to fix on place for building the court-house and jail in Wayne county, and for other purposes therein named.

Adjourned 'till to-morrow morning 10 o'clock.

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WEDNESDAY, 13th November, 1811.

Mr Hardie agreeably to notice moved for the appointment of a committee to prepare and report a bill, to authorize the Inferior court of Camden county to levy an extra tax, for the purpose of building a jail.

Ordered, That Messrs. Hardie, Wilson and Powell be that committee.

Mr Wood agreeably to notice reported a bill to divorce Matthew Drak Brazzel and Polly his wife, which was received and read the first time.

Mr Foster from the committee reported a bill, to afford temporary relief to the purchasers of Fractional Surveys, &c. which was received and read the first time.

Mr Brown presented a petition from John Fielder, which was read and referred to a special committee, consisting of Messrs. Brown, Park and Barnett.

On motion of Mr Dooley,

Resolved, That a committee be appointed, on the part of Senate, to join such committee as may be appointed on the part of the House of Representatives, to enquire into the expediency of the Comptroller General's office, with power to report by bill or otherwise.

Ordered, That Messrs. Doole,

Stewart, and Watts (of Washington) be the committee on the part of Senate.

Mr. Powell agreeably to notice introduced a bill, to amend the several acts appointing Commissioners to fix on the site of the public buildings in Wayne county, which was received and read the first time.

Mr Henderson presented a petition from sundry inhabitants of Jackson county, which was read and referred to a special committee, consisting of Messrs. Henderson, Pray and Barnett.

Mr M'Cormick from the committee reported a bill, to amend an act, establishing a ferry at or near Joice's landing on the Oconee river, which was received and read the first time.

Mr Newsom from the committee on petitions, reported on the petition of Silvanus Walker, as follows, viz.

The committee to whom was referred the petition of Silvanus Walker, praying this Legislature to direct the proper officers to issue a certificate to your petitioner for six hundred and forty acres of land in lieu of one which your petitioner was the holder of and has lost, have had the same under consideration, and think the prayer of the petitioner just, & ought to be granted;

Therefore recommend the appointment of a committee to prepare and report a bill to that effect.

The Senate took up the report, which was read and agreed to.

Ordered, That Messrs. Brown, Jones and Byne be the committee to report a bill on said petition.

The following bills were severally taken up & read the second time, and

ordered for committee of the whole, viz.

A bill exempting persons not slave holders from doing Patrol duty.

A bill to make permanent the site of the public buildings in Telfair county.

A bill to authorise the Inferior court of Baldwin county to levy an extra tax, —and,

A bill to alter the second section of the second article of the Constitution.

Ordered for committee on Monday next.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to appoint Port Wardens for the Port of Savannah—Mr Rabun in the chair—Mr President resumed the chair, and Mr. Rabun reported that they had gone through the same with amendments. The Senate took up the report, and the amendments were agreed to;

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the sixth section of an act, passed at Milledgeville on the 15th December 1810, to appoint commissioners for the better regulation and government of the town of Milledgeville—Mr Cook in the chair—Mr President resumed the chair, and Mr Cook reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read, was agreed to—and the said bill ordered to be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill to

alter and change the names of certain persons therein named—*Mr* Byne in the chair—*Mr* President resumed the chair, and *Mr* Byne reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to divorce John Douglass and Jane his wife—*Mr* Jackson in the chair—*Mr* President resumed the chair, and *Mr* Jackson reported that they had gone through the same with an amendment. The Senate took up the report, which was read and agreed to.

Ordered, That the said bill be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill to authorise the State Commissioners to permit Ware-houses on the public lands—*Mr* Henderson in the chair—*Mr* President resumed the chair, and *Mr* Henderson reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to authorise Col. Pascal Harrison to erect a toll bridge across the Oconee river, at or near the mouth of the Apalachee river—*Mr* Newsom in the chair—*Mr* President resumed the chair, and *Mr* Newsom reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill for the relief of Ann Houston—*Mr* Owens in the chair—*Mr* President resumed the chair, and *Mr* Owens reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read, was agreed to ;

Whereupon the said bill was read the third time and passed.

The bill to strike out the last clause of the 11th section of the third article of the Constitution—and,

The bill to amend an act, to incorporate a company for the improvement of the navigation of the Oconee, were severally read the second time, and ordered for a committee of the whole.

*Mr* Jackson from the committee reported a bill, to manumit and set free certain persons of colour therein named, which was received and read the first time.

*Mr*. Dooley agreeably to notice introduced a bill, to compel Clerks of the Superior and Inferior courts of this state to take the oath and give the security required by law, which was received and read the first time.

*Mr* Hogan from the committee reported on the petition of John Robinson, as follows, viz ;

The committee on the petition of John Robinson report, that no vouchers have been sufficient to establish any claim against the state.

The Senate took up the report, which was read and agreed to.

*Mr* Hogan from the committee reported a bill, to amend an act to make permanent the site of the public buildings in the county of Pulaski, which was received and read the first time.

*Mr* Johnson presented a petition from Robert Muter, which was read and referred to the committee on petitions.

On motion of *Mr*. Hudspeth,  
Resolved, That a committee be appointed on the part of Senate to join

such as may be appointed by the House of Representatives to prepare and report a bill, to carry the first section of the third article of the Constitution into effect.

Ordered, That Messrs. Hudspeth, Dooley, Johnson, Wood and Pray be the committee on the part of Senate

A message from His Excellency the Governor, by Mr Porter his Secretary Mr. President ;

I am instructed by His Excellency Governor Mitchell, to inform the Senate that he has approved of and signed the following concurred resolutions, to wit :

One appointing William Stone, esq. a Justice of the Inferior court of the county of Burke, vice David Robinson deceased ;

One confirming the Executive appointment of James Meriwether, esq. as a Justice of the Inferior court of Clark county, vice Joshua Hightower, removed ;

One appointing Isaac Ferguson, esq. a justice of the Inferior court of Montgomery county.

One appointing John W. Devereux, Augustin Harris, and Hubbard Reynolds, esquires, Commissioners of the Academy of Baldwin county ;

One confirming the Executive appointment of John Ector, esq. as a Justice of the Inferior court of Clarke county ;

One appointing William Bird and John Waldhour, esqrs. Justices of the Inferior court of Effingham county, vice John Goldwine and James King, esqrs. resigned ;

One confirming the Executive ap-

pointment of Southworth Harlow, esq. as a Justice of the Inferior court of Burke county, vice William Jones, resigned ;

One confirming the appointment of Hezekiah Luckie, esq. as a Justice of the Inferior court of Oglethorpe county, vice John Davenport, resigned ;

One confirming the Executive appointment of Thomas Murray, Henry Jones and John Parks, esqrs. as Justices of the Inferior court of Lincoln county, vice Newell Walton, Robert Walton and John Lockheart, resigned ;

One appointing Francis Hopkins and James Nephew, esqrs. Commissioners of the Academy of McIntosh county, vice Robert Walls and Henry Harford, removed ;

One appointing Thomas F. Lovet and Thomas Brannon, Justices of the Inferior court of Scriven county, vice Daniel Blackburn and John Pollock, refusing to serve—and,

One appointing Noah Perrimore and Benjamin G. Cray, esqrs. Justices of the Inferior court of Telfair county, vice William Lott removed, and Jesse Bird resigned—and he withdrew.

A memorial from Robert Hay and David Kennedy in behalf of themselves and others, was laid on the table, which being read, was referred to the committee appointed to enquire into the propriety of passing a law to alleviate the condition of debtors.

Mr. Barnett presented a resolution authorising His Excellency the Governor to appoint Commissioners on the part of this State, to make application to the Cherokee nation of Indians, through the agency of the United

States, to obtain a purchase of territory from said nation of Indians.

Mr Hudspeth agreeably to notice moved for the appointment of a committee to prepare and report a bill, to amend, revise and consolidate the several laws passed for the relief of insolvent debtors.

Ordered, That Messrs. Hudspeth, Dooley and Barnett be that committee.

Mr Jackson gives notice that he will on Monday next, move for leave to introduce a bill, to divorce and separate certain persons therein named.

Mr Hogan gives notice that he will on to-morrow move for leave to report a bill, to alter the time of holding the Inferior courts of the county of Pulaski.

Mr Reid notifies the Senate that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to prohibit the Inhabitants living adjacent to Little river, from falling trees in said stream, so far as respects the county of Putnam.

Adjourned till 10 o'clock to-morrow morning.

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THURSDAY, 14th November, 1811.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The House of Representatives have unanimously passed the bill from Senate, to alter the first section of the 3d article of the Constitution of this state;

They have passed a bill to amend the 56th section of the Judiciary law of this state.

They have concurred in the following resolutions from Senate, viz.

A resolution appointing Justices of the Inferior court of Jones county;

A resolution appointing a Lumber Measurer for the Port of Savannah;

A resolution appointing a Justice of the Inferior court of Bryan county;

A resolution appointing Notaries Public for the county of Chatham;

Three resolutions appointing Lumber Measurers for the Port of Savannah;

A resolution appointing Vendue Master for the town of Brunswick in Glynn county;

A resolution appointing a Notary Public for the county of Hancock;

A resolution appointing a Vendue Master for the town of St. Mary's, in the county of Camden.

A resolution appointing Justices of the Inferior court of Putnam county—and,

A resolution appointing a joint committee to report a bill, to improve the navigation of the Oconee, Ocmulgee, Alatamaha and Savannah rivers—and,

They have passed a resolution appointing a committee on their part to join such committee as may be appointed by Senate, to prepare and report a bill to lay off a fifth Judicial circuit;

A resolution appointing a Justice of the Inferior court of Tatnall county;

A resolution appointing a Notary Public for the county of Camden;

A resolution appointing a Notary Public for the county of Chatham—&

A resolution appointing a Justice of the Inferior court of Laurens county—and he withdrew.



The Senate took up the report, and he said resolutions from the House of Representatives were severally read and concurred in.

They added a committee on their part, consisting of Messrs. Park, Dooly, Blair and Barnett, to join the committee appointed by the House of Representatives, to prepare and report a bill to lay off a fifth Judicial Circuit.

The bill to amend the 56th section of the Judiciary of this state, was read the first time.

On motion of Mr. Owens,

Resolved, That Francis Jeter, esq. be, and he is hereby appointed a Notary Public for the County of Baldwin and town of Milledgeville.

Mr. Sheppard agreeably to notice moved for the appointment of a committee to prepare and report a bill, to make permanent the site of the public buildings in Laurens.

Ordered, That Messrs. Sheppard, Jackson and M'Cormick be that committee.

Mr. Jones gives notice that he will on to-morrow move for leave to introduce a bill to change the name of a certain person therein named.

On motion of Mr. Owens,

Resolved, That the Executive appointment of Daniel Wilson as a Justice of the Inferior court of Baldwin county, in place of Benjamin Farver, esq. resigned, be, and the same is hereby confirmed, and that Jett Thomas, Edmund B. Jenkins and Augustin Harris, esqrs. be, and they are hereby appointed Justices of the Inferior court of the said county of Baldwin, in place of Archibald M. Devereux,

Abraham Miles and Hines Holt, esqrs. resigned.

Mr. Hudspeth from the committee reported a bill, to amend the second section of an act, to authorise the Inferior courts of this state to discharge insolvent debtors, which was received and read the first time.

Mr. Hogan agreeably to notice introduced a bill to alter the time of holding the Inferior court of the county of Pulaski, which was received and read the first time.

Mr. Johnston presented a memorial from Peter Kemble, esq. which was received, read and referred to the committee on Finance.

Mr. Hardie from the committee reported a bill to authorise the Inferior court of Camden county to levy an extra tax, which was received and read the first time.

Mr. Hudspeth presented a petition from Norris Lyons, which was read and referred to the committee on the state of the Republic.

Mr. Stewart from the committee reported on the petition of Hepsworth Carter, which was ordered to lie on the table.

The bill to be entitled an act, to divorce John Douglass and Jane his wife, was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 29—Nays 8.

Those who voted in the affirmative, are Messrs. Blair, Brown, Crawford, Davis, Dooly, Hardie, Harrison, Henderson, Hogan, Jackson, Johnston, Jones, Lawson, Leigh, M'Cormick,

Newsom, Owens, Park, Powell, Pray, Reid, Sheppard, Stewart, Stripling, Watts (of Washington), Watts (of Telfair), Williams, Willson and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Foster, Hudspeth, Little, Rabun and Scruggs.

The Senate resolved itself in a committee of the whole on the bill to make permanent the site of the public buildings of the county of Telfair—Mr. Scruggs in the chair—Mr. President resumed the chair, and Mr. Scruggs reported, that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to ;

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to authorise the Inferior court of Baldwin county to levy an extra tax—Mr. Byne in the chair—Mr. President resumed the chair, and Mr. Byne reported that they had gone through the same without any amendment

The Senate took up the report, and the same being read was agreed to ;

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to exempt persons not slave-holders, from doing patrol duty—Mr. Hudspeth in the chair—Mr. President resumed the chair, and Mr. Hudspeth reported progress, and had leave to set again in June next.

The bill to alter and amend the 6th section of an act, passed 15th December 1810, to appoint Commissioners

for the better regulation and government of the town of Milledgeville was read the third time and passed

The following bills were severally taken up and read the 2d time, to

A bill to afford temporary relief to the purchasers of Fractional Surveys &c

Ordered for committee of the whole on Monday next.

A bill to divorce Mathew D. Brazzeal and Polly his wife.

Ordered for committee of the whole

A bill to appoint commissioners to fix on the site of public buildings in Wayne county.

Ordered for committee of the whole and,

A bill to amend an act, establishing a Ferry at or near Joyce's landing on the Oconee river.

Ordered for a committee of the whole on Monday next.

The following written communication was received from His Excellency the Governor, by Mr. Rousseau Secretary.

*Executive Department, Georgia*  
Milledgeville, 14th Nov. 1811

*Gentlemen of the Senate, and of the House of Representatives*

It appears that at the last Superior court in the county of Richmond, John Amos was convicted of the murder of William Faircloth and sentenced to be executed on the 22d of the present month.

A petition has been presented to the Executive, praying for clemency which is not only entitled to attention

the number, but the respectability of the persons who signed it, and this is addressed to the Legislature as the Executive; also praying they will extend mercy to the criminal.

The jury who tried Amos also commend him to mercy, and as in case the Legislature alone have power of extending mercy, and as on the recommendation of the jury the prayer of the petitioners entirely to your consideration, I submit these. Copies of the records of the action and of the petition accompany this communication.

*D. B. MITCHELL.*

and the same being read, was ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to omit the last clause of the eleventh section of the third article of the Constitution of this state—Mr. Crawford in the chair—Mr. President resumed the chair and Mr. Crawford reported, they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to.

The said bill was then read the third time, and the Yeas and Nays called for its passage, which are as follows—Yeas 21—Nays 16.

Those who voted in the affirmative are Messrs. Brown, Cook, Dooley, Fisher, Hardie, Harrison, Henderson, Smith, Jackson, Jones, Lawson, Little, Newsom, Owen, Park, Reid, Williams, Willson and Wood.

Those who voted in the negative are

Messrs. Barnett, Blair, Byne, Crawford, Davis, Hogan, Johnston, M'Cormick, Powell, Pray, Scruggs, Shepard, Stewart, Stripling, Watts (of Washington), and Watts (of Telfair).

There not being a constitutional majority, the said bill was lost.

Mr. Johnston from the committee reported a bill, securing to Worthington Gale the exclusive privilege of running a steam boat from Savannah to Charleston, which was received and read the first time.

The following bills were severally taken up and read the second time, to wit:

A bill to amend an act, to make permanent the site of the public buildings in the county of Pulaski.

Ordered for a committee of the whole.

A bill to compel clerks of the Superior and Inferior courts to take the oath, and give the security required by law.

Ordered for committee of the whole—and,

A bill to manumit certain persons of colour therein named.

Ordered for committee of the whole on Tuesday next.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to incorporate a company for the improvement of the navigation of the Oconee river, &c.—Mr. Wood in the chair—Mr. President resumed the chair, and Mr. Wood reported, that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate again resolved itself into a committee of the whole on the bill to authorise Col. Pascal Harrison, his heirs and assigns, to build a toll bridge across the Oconee river, at or near the mouth of the Appalachee river—Mr. Barnett in the chair—Mr. President resumed the chair, and Mr. Barnett reported that they had gone thro' the same with amendments

The Senate took up the report, and the same being read, was agreed to—and the said bill ordered to be engrossed for a third reading.

Mr. Barnett presented a resolution requesting His Excellency the governor to make application to the President of the United States on the subject of procuring a road to be opened from the mouth of the Alcofauhachee on the Ocmulgee river, to where the same may intersect the road leading from Milledgeville on the Chatahouchee river.

Mr. Henderson gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to amend an act, pointing out the duty of sheriffs in selling lands under execution.

Mr. Newsom from the committee on Petitions, reported as follows, to wit:

The committee to whom was referred the petition of Robert Muter, praying this Legislature to manumit and set free certain persons of color therein named, beg leave to report, that they had the same under consideration, and believe that to grant the prayer of the petitioner would greatly tend to vici-

ate and corrupt the good morals of other slaves; therefore the prayer of the petitioner is unreasonable and ought not to be granted.

The Senate took up the report, and the same being read, was agreed to.

Adjourned till 10 o'clock to-morrow morning.

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FRIDAY, 15th November, 1811.

On motion of Mr. Foster,

Resolved, That a committee be appointed to take into consideration that part of His Excellency's Communication relative to the transcribing the old records of the Executive Department from the year 1777 to the year 1784.

Ordered, That Messrs. Foster, Barnett and Byne be that committee.

Mr. Jackson from the committee reported a bill to make permanent the site of the public buildings for the county of Wilkinson, which was received and read the first time.

Mr Davis from the committee reported a bill pointing out the mode of electing electors to vote for President & Vice-President of the United States, which was received and read the first time.

Mr. Barnett agreeably to notice reported a bill to amend an act, to incorporate a company for the improvement of the navigation of Broad river, which was received and read the first time.

Mr. Pray presented a resolution requiring the Solicitor General for the Eastern district to bring suit for Dublin and Cherehill Plantation, confiscated as the property of John Butler Maxwell, which was read and ordered to lie on the table.

Mr. Hardie gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter the time of holding the county elections, so far as respects the Sheriff, Clerk of the Superior and Inferior courts, county Surveyor and Coroner.

The bill to authorise Col. Pascal Harrison, his heirs and assigns, and the heirs and representatives of George Cluff, deceased, to build a toll bridge across the Oconee river, at or near the mouth of the Appalachian river, was read the third time and passed.

The following bills were read the second time, to wit :

A bill to amend the second section of an act, to authorise the Justices of the Inferior courts of this state, to discharge insolvent debtors.

Ordered for a committee of the whole.

A bill to authorise the Inferior court of Camden to levy an extra tax.

Ordered for a committee of the whole—and,

A bill to alter the time of holding the Inferior courts in Pulaski county.

Ordered for a 3d reading.

The Senate resolved itself into a committee of the whole on the bill to divorce Mathew Drake Brazzeal and Polly his wife—Mr. Hudspeth in the chair—Mr. President resumed the chair, and Mr. Hudspeth reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the

third time, and on the question, shall this bill now pass, the Yeas and Nays were called for, which are as follows ; Yeas 28—Nays 13.

Those who voted in the affirmative are, Messrs. Blue, Crawford, Davis, Dooley, Hardie, Harrison, Hogan, Jackson, Johnston, Lawson, Leigh, Newsom, Powell, Pray, Reid, Sheppard, Stewart, Stripling, Warts (of Washington), Watts (of Telfair), Williams, Willson, and Wood.

Those who voted in the negative are Messrs. Barnett, Brown, Byne, Cook, Foster, Henderson, Hudspeth, Jones, Little, Owens, Park, Rabun and Scruggs.

There not being a Constitutional majority, the bill was lost.

The Senate resolved itself into a committee of the whole on the bill to compel the Clerks of the Superior and Inferior courts of this state to take the oath, and give the security required by law, within the time therein specified—Mr. Byne in the chair—Mr. President resumed the chair, and Mr. Byne reported that they had gone through the same with amendments.

Ordered, That the same do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to amend these several acts appointing Commissioners to fix on the site of the public buildings in the county of Wayne, and for other purposes therein mentioned—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported that they had gone through the same with amendments.

The Senate took up the report, and the same being read, was agreed to.

Ordered that the same be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to make permanent the site of the public buildings in the county of Pulaski—Mr. Jackson in the chair—Mr. President resumed the chair, and Mr. Jackson reported that they had gone through the same with an amendment.

The Senate took up the report, and the same being read, was agreed to with an amendment.

Ordered, That the said bill be engrossed for a 3d reading.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act, to authorise the State Commissioners to permit Ware-houses to be erected on the public land—Mr. Rabun in the chair—Mr. President resumed the chair, and Mr. Rabun reported that they had gone through the same with an amendment.

The Senate took up the report, and the same was agreed to by amending the caption to read as follows; "A bill to be entitled an act, to authorise the board of State Commissioners of the Town of Milledgeville to sell and dispose of a certain portion of the Town Common for the erection of Ware-houses thereon."

Ordered that the said bill be engrossed for a third reading.

The bill to amend the 56th section of the Judiciary of this State—and,

The bill securing to Worthington

Cale, the exclusive right of running a Steam Boat from Savannah to Charleston, were severally read the second time, and ordered for a committee of the whole.

Mr. Brown from the committee reported a bill for the relief of John Fielder, which was received and read the first time.

Mr. Jones agreeably to notice introduced a bill to alter the name of a certain person therein named, which was received and read the first time.

Mr. Barnett called up the following resolutions laid on the table yesterday to wit :

"Whereas the opening of a road from or near the mouth of the Alcofauhachee on the Ocmulgee river, to where the same would intersect the road leading from Milledgeville to Fort Stoddart, at or near M'Intosh's Ferry on the Chatahoche river, would be of manifest advantage, to the citizens of the upper and Western parts of this state ;

Be it therefore resolved, That His Excellency the Governor be, and he is hereby requested to make application to the President of the United States on the subject of said road, and procure if possible the laying out & opening of the same"—and the same being read, was agreed to.

Mr Foster gives notice that he will on to morrow move for the appointment of a committee to report a bill supplementary to an act, to point out the mode of rendering void all grants founded on false or fraudulent returns, &c.

A message from the House of Representatives by Mr. Holt their Clerk

Mr. President,

The House of Representatives have passed a bill to alter an act, for licensing and regulating Pedlars.

A bill granting to the Commissioners of Sunbury Academy for the use of that institution, one hundred and sixty six and two thirds acres of land—and,

A bill for the relief of S. W. Moore.

They have passed a resolution appointing Trustees of the Richmond Academy—and,

A resolution appointing a Notary Public for the City of Savannah.

They have concurred in the resolution appointing to-morrow at 12 o'clock, for the election of Secretary of the State, Treasurer, Surveyor General and Comptroller General—and he withdrew.

Ordered, That the same lie on the table.

A written Communication was received from His Excellency the Governor, by Mr. Rousseau his Secretary, enclosing a letter from John H. Bass, which being read, was referred to the committee on the State of the Republic.

The Senate took up the message from the House of Representatives, laid on the table this day, and the bills therein contained, were severally read the first time, and the resolutions concurred in.

Mr. Henderson agreeably to notice moved for the appointment of a committee to prepare and report a bill supplementary to an act, pointing out the duty of sheriffs in selling lands under execution.

Ordered, That Messrs Henderson, Foster and Cook be that committee.

Mr. Jackson gives notice that he will on Tuesday next move for leave to introduce a bill to compel Clerks of the Superior and Inferior courts of Wilkinson county, to keep their offices at the court-house, or within one mile thereof.

Adjourned till 10 o'clock to-morrow morning.

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SATURDAY, 16th November, 1811.

On motion of Mr. Hogan,

Resolved, That the Journal of yesterday so far as respects the bill to divorce Mathew Drake Brazzeal and Polly his wife, be reconsidered, and that the same do lie on the table.

Mr. Hardie agreeably to notice moved for the appointment of a committee to prepare and report a bill, to alter the time of holding the county elections, so far as respects the sheriff, clerk of the Superior and Inferior courts, county Surveyor and coroner.

Ordered, That Messrs. Hardie, Harrison and Crawford be that committee.

The Senate took up the reconsideration of the Journal so far as respects the bill to divorce Mathew Drake Brazzeal and Polly his wife, and resolved that the bill do now pass, and on the question, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 24—Nays 12.

Those who voted in the affirmative are Messrs. Blair, Brown, Crawford, Davis, Dooley, Hardie, Harrison, Hogan, Jackson, Johnston, Lawson,

Leigh, McCormick, Newsom, Powell, Reed, Sheppard, Stewart, Stripling, Ware (of Washington), Watts (of Terrell), Williams, Wilson and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Foster, Henderson, Hudspeth, Jones, Lane, Owens, Park, Rabun & Scruggs.

There being a constitutional objection the President voted in the affirmative.

A report from the committee on Finance reported in part, which was read and ordered to lie on the table.

A resolution from the committee to contract for Printing, reported, which was read & ordered to lie on the table.

Mr. Barnett agreeably to notice reported a bill, to amend an act, for the redemption of the public debt, which was received and read the first time.

Mr. Hardie from the committee reported a bill, to alter the time of holding county elections &c. which was received and read the first time.

The following bills were severally taken up, read the third time—and passed, viz :

The bill to be entitled an act, to alter the time of holding the Inferior court in the county of Pulaski.

The bill to be entitled an act, to authorise the board of state commissioners of the town of Milledgeville, to sell and dispose of a certain portion of the town common for the erection of a Warehouse thereon.

The bill to be entitled an act, to amend the several acts, appointing commissioners to fix on the site of the public buildings in the county of Wayne and to regulate the grand and petit jury list—and,

The bill to amend an act, entitled an act, to make permanent the site of public buildings in the town of Hartford in the county of Pulaski.

The Senate resolved itself into committee of the whole on the bill, to be entitled an act, securing to Wortington Gale, the exclusive right

of running a Steam Boat from the City of Savannah to the City of Charleston so far as respects the right of this State—

Mr. Hudspeth in the chair—Mr. President resumed the chair, and Mr. Hudspeth reported that they had gone through the bill with amendments.

The Senate took up the amendments which were read and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into committee of the whole on the bill, to be entitled an act, to authorise the Inferior court of Camden county, to lay an extra tax—

Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported that they had gone through the bill without amendment.

Whereupon the bill was read the third time and passed.

The Senate resolved itself into committee of the whole on the bill, to be entitled an act, to amend the 56th section of the Judiciary System of the State—

Mr. Blair in the chair—Mr. President resumed the chair, and Mr. Blair reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read



third time and passed.  
 The Senate took up the report of  
 committee of the whole on the bill  
 to compel the clerks of the Superior  
 and inferior courts of this state to take  
 oaths, and give the security require-  
 by law, and the same being amend-  
 ed as agreed to.  
 Ordered, That the said bill be en-  
 titled for a third reading.  
 The following bills were taken up  
 and read the 2d time, viz:  
 A bill to amend an act, to incorpo-  
 rate a company for the improvement  
 of the navigation of Broad river.  
 Ordered for committee of the whole.  
 A bill to be entitled an act, to make  
 permanent the site of the public build-  
 ings for the county of Wilkinson.  
 Ordered for committee of the whole.  
 A bill to alter the name of John Wil-  
 son Henry Tamplin to that of John  
 Henry Hobson.  
 Ordered for committee of the whole.  
 A bill pointing out the mode of elec-  
 ting Electors for the Presidential  
 election.  
 Ordered for committee of the whole.  
 A bill for the relief of John Field-  
 ing.  
 Ordered for committee of the whole.  
 A bill from the House of Represen-  
 tatives to be entitled an act, granting  
 to the commissioners of Sunbury Aca-  
 demy, for the use of said institution,  
 one hundred and sixty-six and two  
 tenths acres of land.  
 Ordered for committee of the whole.  
 A bill from the House of Represen-  
 tatives to be entitled an act, to  
 amend and amend an act, for licensing  
 and regulating Pedlars.

Ordered for committee of the whole  
 —and,  
 A bill for the relief of Stephen W.  
 Moore.  
 Ordered for a committee of the whole.  
 A message was received from His  
 Excellency the Governor, by Mr.  
 Rousseau his Secretary, notifying the  
 Senate that he had approved of & signed  
 the resolution appointing this day for  
 the elections.  
 A message from the House of Re-  
 presentatives, by Mr Holt their Clerk;  
 Mr. President;  
 I am directed to inform the Senate  
 that the House of Representatives are  
 now in readiness to receive them in  
 the Representative Chamber, for the  
 purpose of proceeding to sundry elec-  
 tions agreeably to a joint and approv-  
 ed Resolution—and he withdrew.  
 The Senate then repaired to the Re-  
 presentative Chamber, and being seat-  
 ed, proceeded by joint ballot to the said  
 elections, and on counting out the  
 votes, it appeared that Colonel Abner  
 Hammond was duly elected Secretary  
 of State; George R. Clayton, esquire,  
 re-elected Treasurer; Edmund B.  
 Jenkins, esq, re-elected Surveyor Ge-  
 neral & James Bozeman, esq. re-elect-  
 ed Comptroller General.  
 The Senate again repaired to their  
 Chamber and took their seats.  
 Adjourned 'till 10 o'clock Monday  
 morning.  
 —————  
 MONDAY, 18th November, 1811.  
 On motion of Mr. Newsom,  
 Resolved, That Robert A. Beall  
 be, and he is hereby appointed a com-  
 missioner for the Warren county A-

cademy, in the room of Timothy Mathews, esq. resigned.

A letter was laid on the table by Mr. Park, from Horatio Marbury late Secretary of State, which being read, was referred to a committee on the part of Senate, consisting of Messrs. Park, Foster and M Cormick to join such as may be appointed by the House of Representatives, to take the same into consideration.

Mr. Barnett called up the following resolutions which was read, amended, and agreed to, as follows, viz :

Whereas disputes have frequently arisen between the frontier inhabitants of Jackson and Franklin counties, and the Cherokee nation of Indians, which might in a great measure be prevented by having the Chatahuchee river the line between this state and the said Cherokee nation of Indians, and there being good reason to believe that the said Indians on proper application being made, would dispose of said lands.

*Be it therefore resolved,* That His Excellency the Governor be hereby authorised and requested to appoint not exceeding three persons as commissioners on the part of this State to make application to the Cherokee nation of Indians, through the agency of the United States, for the purpose of obtaining the consent of said Indians to a disposition of the lands lying within the following boundary, viz: beginning where the line between this state and the Creek nation of Indians leaves the Appalachee river; thence on the said line to where the same crosses the Chatahuchee river; thence up the aforesaid Chatahuchee, to where

Choatee river intersects the same from thence in a straight direction so as to strike the Tugaio river where the trading road from the Oconee mountain near the mouth of Warwoman's creek crosses the same, or so much thereof as the said nation of Indians may be disposed to part with.

The Senate resolved itself into a committee of the whole on the bill to alter and amend the second section of an act, to authorise the Justices of the Inferior courts of this state to discharge insolvent debtors confined by process, from any court of this state whatever, passed December 10th, 1803—Mr. Byne in the chair—Mr. President resumed the Chair, and Mr. Byne reported that they had gone through the same without any amendment.

The Senate took up the report which was read and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate took up the report of the committee on the petition of Hepworth Carter, which is as follows;

Your special committee, on the petition of Hepworth Carter, report, "That they have taken the same under their consideration, together with the reports of former committees on this subject.

We find this claim has been made in 1783, for marking a line south of Ogechee, agreeable to contract with Sir James Wright in the behalf of the Province, now State. A resolution passed at that time (in 1783) in favor of the applicant, but not carried fully into effect, (as we expect) from the repeated applications made since. We

also find a resolution passed the House of Representatives the last year, in his favor, but not carried through the Senate, we expect from the want of time, it being near the close of the session.—

From these circumstances, we are of opinion his claim is just and ought to be granted, and beg leave to offer the following resolution.

Resolved, That the said Hepworth Carter be, and he is hereby authorized to purchase confiscated property "which may be sold hereafter," to the amount of one thousand dollars.

And that the commissioners thereof is hereby ordered & required to make to him the said Carter, (or his assigns) good and sufficient titles to any lands purchased by him, or by his authority to that amount, "which shall be in full against the state, on his paying the customary fees to the Commissioners." Which being read,

On motion of Mr. Foster,

Resolved, That the report be amended to read as follows ;

On the petition of Hepworth Carter, praying payment from the state for certain services said to have been done in running a line south of Ogechee, your committee report, that the same ought not to be granted for want of vouchers, which was agreed to.

Mr. Foster agreeably to notice moved for the appointment of a committee to prepare and report a bill supplementary to an act, to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns, &c.

Ordered, That Messrs. Foster, Barnett & Henderson be that committee.

Mr. Powell gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to alter the 12th section of the first article of the constitution.

He also gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to amend the 15th section of an act, to amend the several acts, regulating roads in this state, so far as respects the counties therein named.

Mr. Pray from the committee reported a bill to amend and consolidate the several Militia laws of this state, &c. which was received & read the 1st time.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr President ;

The House of Representatives have concurred in the resolution from Senate appointing a joint committee to carry the first section of the third article of the constitution into effect, and have added a committee on their part.

They have passed a bill to continue in force an act, giving further time to the fortunate drawers in the late land lotteries to take out their grants.

They have passed a resolution on the subject of Printing ;

A resolution relative to the state of the Treasury ;

A resolution appointing Thomas H. Kenan, esq. a Notary Public for the county of Baldwin—and,

A resolution appointing a committee on their part, to join such as may be appointed by Senate, whose duty it shall be to see the office of the state delivered to the Secretary lately selected—and he withdrew.

The Senate took up the message, and the bill therein contained, was read the first time.

They concurred in the resolution appointing Thomas H. Kenan, esq. a Notary Public for the county of Baldwin;

In the resolution appointing a joint committee to see the office of state delivered to the Secretary lately elected;

And appointed on their part a committee consisting of Messrs. Park, Foster and M'Cormick—and,

In the resolution on the subject of Printing.

Ordered, That the remainder of said message do lie on the table.

Mr. Henderson from the committee reported a bill more particularly pointing out the duty of sheriffs, &c. in selling lands under execution, which was received and read the first time.

The bill to be entitled an act, to compel clerks of the Superior and Inferior courts, sheriffs, county surveyors, coroners, collectors and receivers of tax returns of this state to take the oath and give the security required by law within the time therein specified, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to establish a ferry at or near Joyce's landing on the Oconee river—Mr. Willson in the chair—Mr. President resumed the chair, and Mr. Willson reported, that the said bill together with the petition be recommitted to the committee that reported the same.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a

committee of the whole on the bill to be entitled an act, to make permanent the site of the public buildings for the county of Wilkinson—Mr. Rabun in the chair—Mr. President resumed the chair and Mr. Rabun reported that they had gone through the bill with amendments.

The Senate took up the amendments which were read and agreed to.

Ordered, That the bill be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to afford temporary relief to the purchasers of Fractional Surveys, and to prevent the said fractions from being sold until paid for to the state—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported that they had gone through the same with amendments.

Ordered, That the said report do lie on the table.

Adjourned 'till 10 o'clock to-morrow morning.

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TUESDAY, 19th November, 1811.

Mr. Brown from the committee reported a bill for the relief of Benjamin Scott, which was received and read the first time.

Mr. Park presented a petition from a numerous and respectable number of citizens from the counties of Wilkes, Greene, Hancock, Warren and Oglethorpe, praying a new county to be laid out from those several counties which being read,

Ordered, That the petition be refer-

to a joint committee, to consist of members of each respective court, to compose the committee on the part of Senate.

Mr. Jackson agreeably to notice read a bill to divorce John Powell Rachel his wife, which was received and read the first time.

Mr. M'Cormick from the committee reported a bill to repeal an act, to oblige Henry Joice to erect a ferry, or near his landing on the Oconee river, which was received and read the first time.

Mr. Henderson presented a petition from John Bozeman Adare, which was read and referred to a special committee, consisting of Messrs. Henderson, Rankin and Park.

On motion of Mr. Hogan,  
Whereas the opening of a road from the town of Hartford, in the county of Wilkes, crossing Flint river, at or near the place of Mr. Barnard's, & from thence the most practicable and direct course, so as to intersect the main road lately laid out through the Creek nation of Indians from Milledgeville to Fort Stoddart, at or near where the same crosses the Chatahucree, would be of manifest convenience to the citizens living in the Eastern parts of this state

*Be it therefore resolved,* That His Excellency the Governor be requested to address the President of the United States on the subject of the aforementioned road, and obtain if possible the laying out and opening the same.

Mr. Jackson agreeably to notice, introduced a bill to compel the Clerk of the Superior and Inferior courts of

Wilkinson county to keep their offices at or within one mile of the court-house, which was received and read the first time.

Mr. Owens gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter and strike out the 15th section of the 4th article of the Constitution.

Mr. Powell agreeably to notice moved for the appointment of a committee to prepare and report a bill, to alter the 22th section of the first article of the Constitution.

Ordered, That Messrs. Powell, Dooley and Leigh be that committee.

Mr. Reid presented a petition from William and Francis Jackson, which was read and referred to a special committee, consisting of Messrs Reid, Lawson and Newsom.

Mr. Johnston from the committee reported a bill to regulate the time of electing Aldermen, &c. of the City of Savannah, which was received and read the first time.

Mr Hudspeth notifies the Senate that he will on to-morrow move for leave to report a bill, to amend the 22th section of an act, to protect the estates of Orphans.

Mr. Jackson gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to make valid the Sheriffs' sales of Twiggs county.

Mr. Willson gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to explain an act, to amend the several road acts in this state, so

far as respects the counties therein named.

Mr. Powell agreeably to notice moved for the appointment of a committee to prepare and report a bill, to amend the 17th section of an act, regulating roads, so far as respects the operation of said acts in the counties therein named.

Ordered, That Messrs. Powell, Willson and Harrison be that committee.

Mr. Parcell presented a petition from Henry Sommerlone, which was read and referred to the committee on Finance.

Mr. McCormick presented a petition from a number of the inhabitants of Montgomery county, which was read & referred to a special committee, consisting of Messrs. McCormick, Williams and Stripling.

On motion of Mr. Byne, Resolved, That Doctor James Whitehead be and he is hereby appointed a commissioner of the town and Academy of Waynesboro' in the county of Burke, in place of David Robertson, deceased.

Mr. Crawford gives notice that he will on to-morrow move for leave to introduce a bill to authorise the Inferior court of Randolph county to levy an extra tax, to enable them to complete the public buildings of said county.

Mr. Pray called up the resolution laid on the table some days ago, which was read, agreed to, and is in the words following, to wit :

Whereas the Legislature of this State, did by resolutions on the 19th

and 25th days of November 1790, do please and exonerate Jacob Walb esq. now deceased, from the purchase of two plantations called Dublin and Cherryhill, situate and being in the county of Bryan, originally conveyed as the property of John B. Maxwell in consequence of the wife and children of the said John B. Maxwell having obtained the possession of the said Plantation after sales to the said Jacob Waldburger, and before he could obtain possession under the title he had received from the state. And whereas the then Attorney General of the State was by the said Legislature ordered and directed to bring suit against any person or persons who had the possession of the said plantation, and to do the same in opposition to the claim of the state. And whereas it does not appear that any action was ever brought or prosecuted for the recovery of the said plantations in behalf of the state notwithstanding although the wife of the said John B. Maxwell has continued in possession of the same, in opposition to the claim of the state, and the order before referred to by which means the state has been for many years deprived of the use of the said plantation or of the money for which they would have sold.

Be it therefore resolved by the Senate and House of Representatives, That the Solicitor General of the Eastern District, do as soon as possible bring suit, and in behalf of this state, against any and all persons having or claiming the possession, or any other right of interest of, or in the said plantation called Dublin and Cherryhill, in

county of Bryan, originally confiscated as the property of John Butler Maxwell as aforesaid, and that he use all lawful means for the recovery of the same.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr. President ;

The House of Representatives have passed a bill to divorce John Stark and Nancy his wife.

They have passed a resolution appointing a Justice of the Inferior court of Greene county—and,

A resolution appointing a Justice of the Inferior court of Jefferson county.... and he withdrew.

Ordered, That the said message do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to point out the mode of electing Electors to vote for President and Vice-President of the United States—Mr. Cook in the chair—Mr President resumed the chair, and Mr Cook reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill for the relief of John Fielder—Mr Rabun in the chair—Mr President resumed the chair, and Mr Rabun reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read,

On motion of Mr. Hudspeth,

Resolved, That the further consideration of said bill be postponed till the next. And on the question to agree to the same, it was determined in

the affirmative, and the Yeas and Nays

being required, are Yeas 18—Nays 14.

Those who voted in the affirmative are Messrs. Barnett, Byne, Crawford, Davis, Harrison, Hudspeth, Johnston, Leigh, Little, M'Cormick, Newsom, Owens, Pray, Rabun, Reid, Scruggs, Sheppard and Stewart.

Those who voted in the negative, are Messrs. Blair, Brown, Cook, Foster, Hardie, Henderson, Jackson, Jones, Lawson Park, Stripling, Watts (of Telfair), Williams, and Willson.

The Senate resolved itself into a committee of the whole on the bill to alter the name of John William Henry Tamplin, to that of John William Henry Hobson—Mr Owens in the chair—Mr President resumed the chair, and Mr Owens reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to amend an act, for the improvement of the navigation of Broad river—Mr Byne in the chair—Mr President resumed the chair, and Mr Byne reported that they had gone through the same without any amendment.

Ordered, That the same do lie on the table.

The following bills were severally read the 2d time, to wit :

A bill to amend an act, for the redemption of the public debt of this state.

Ordered for a committee of the whole.—and,

A bill to alter the time of holding Elections for county officers in this state, so far as respects sheriffs, clerks, surveyors and coroners.

Ordered for a committee of the whole.

The Senate resolved itself into a committee of the whole on the bill granting to the Commissioners of the Sunbury Academy for the use of that Seminary, one hundred and sixty-six and two third acres of land—Mr Willson in the chair—Mr President resumed the chair, and Mr Willson reported that they had gone through the same without any amendment.

Ordered, That the said report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill for the relief of Stephen W. Moore—Mr Newsom in the chair—Mr President resumed the chair, and Mr Newsom reported that they had gone through the same without any amendment.

The Senate took up the report, and the same being read was agreed to.

The Senate resolved itself into a committee of the whole on the bill to alter an act for licensing and regulating pedlars—Mr Park in the chair—Mr President resumed the chair, and Mr Park reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to manumit and set free certain persons of color therein named—Mr Rabun in the chair—Mr President resumed the chair, and Mr. Rabun reported that the further consideration of said bill be postponed till June next.

The Senate took up the report, and the same being read was agreed to.

The bill to continue in force an act, giving further time to fortunate drawers in the late land lotteries to take out their grants.

The bill more particularly pointing out the duty of sheriffs &c. in selling lands under execution, were severally read the second time, and ordered for a committee of the whole,

The bill to make permanent the site of the public buildings in the county of Wilkinson, was read the third time and passed.

The bill to amend and consolidate the several Militia Laws of this state, was read the second time, and ordered for a committee of the whole.

The Senate took up the message from the House of Representatives, and the bill to divorce John Starke and Nancy his wife, was read the first time.

They concurred in the resolution appointing a Justice of the Inferior court of Greene county.

Ordered, That the remainder of said message do lie on the table.

Adjourned till 10 o'clock to-morrow morning.

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WEDNESDAY, 20th November, 1811.

On motion of Mr Brown,

The Journal of yesterday was re-considered so far as respects the bill for the relief of John Fielder.

Ordered, That the bill do lie on the table.

Mr. Rabun from the committee on the State of the Republic reported, which was read and ordered to lie on the table.



Mr. M'Cormick from the committee reported a bill, to make permanent the site of the public buildings in the county of Laurens, which was received and read the first time.

Mr. Park presented a memorial from Edmund B. Jenkins, esq which was read and referred to a special committee, consisting of Messrs. Park, Reid, and Barnett.

A letter was laid on the table from James Wood, which was read and ordered to lie on the table.

On motion of Mr. M'Cormick,

Mr. Hogan has leave of absence the remainder of the week.

Mr. Henderson from the committee reported a bill for the relief of Bozeman Adare, which was received and read the first time.

Mr M'Cormick from the committee reported a bill to divide the county of Montgomery for the better convenience of the citizens thereof, which was received and read the first time.

Mr Reid from the committee reported on the petition of William and Francis Jackson, which was read and ordered to lie on the table.

Mr Hudspeth from the committee reported a bill to amend an act, to protect the estate of Orphans, which was received and read the first time.

Mr Jackson agreeably to notice moved to introduce a bill to divorce certain persons therein named, which was received and read the first time.

Mr Willson agreeably to notice moved for the appointment of a committee to prepare and report a bill to explain an act, to amend an act, regulating roads, &c.

Ordered, That Messrs. Willson, Harrison & Stewart be that committee.

Mr Reid presented a petition from James Whyte and John Aspy, which was read and referred to the committee on Petitions.

Mr Owens agreeably to notice moved for the appointment of a committee to alter or strike out the fifteenth section of the fourth article of the Constitution.

Ordered, That Messrs. Owens, Dooley and Byne be that committee.

The Senate took up the report of the committee on the petition of James Wood, which was read, and is as follows ;

The committee on the State of the Republic, to whom was referred the petition of James Wood, claiming in behalf of the heirs and representatives of Edward Wood, are of opinion from examination of the pay rolls in the Executive office, that the claim is just and ought to be granted. They therefore recommend the following resolution.

Resolved, That the sum of four hundred and sixty-five dollars, and sixty-four and three quarter cents be allowed the heirs and legal representatives of Edward Wood, agreeably to a concurred resolution of the General Assembly of this state, passed in the year 1782.

And on the subject of the claims of the said Wood for himself and Brother's heirs for land, the committee are of opinion, that the same ought not to be granted.

The same being read, ordered, that the first resolution do lie on the table.

And, Resolved, that the last resolution of an act, pointing out the duty of sheriffs in selling lands under execution be agreed to.

Mr Barnet gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to alter and amend an act, for the more full and complete establishment of a public seat of learning in this state.

Mr Jonston gives notice that he will on to-morrow move for leave to introduce a bill, to divorce William Pinder and Rebecca Ann his wife.

Mr Jackson gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill, to create and form a new brigade, and attach the same to the second division of the militia of this state.

The following bills were severally taken up and read the second time, and ordered for a committee of the whole, to wit:

A bill to compel the clerks of Wilkinson county to keep their offices at, or within one mile of the court-house.

A bill to regulate the time and mode of electing Aldermen and clerk of the Market of the City of Savannah.

A bill to repeal an act, authorising Henry Joice to erect a toll bridge—and,

A bill to divorce John Powell and Rachell his wife.

A bill for the relief of Benjamin Scott, and,

A bill to divorce John Starke and Nancy his wife.

The Senate resolved itself into a committee of the whole on the bill more particularly pointing out the duty of sheriffs and constables in certain cases, and to alter and explain the first section of an act, pointing out the duty of

sheriffs in selling lands under execution—Mr Cook in the chair—Mr President resumed the chair, and Mr Cook reported progress and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to alter the time of holding the elections of county officers, &c.—Mr Foster in the chair—Mr President resumed the chair, and Mr Foster reported that they had gone through the same with an amendment.

The Senate took up the report, which was read and agreed to.

Ordered, That the said bill be engrossed for a third reading.

The Senate again resolved itself into a committee of the whole on the bill to amend an act, for licensing and regulating Pedlars—Mr Rabun in the chair—Mr President resumed the chair, and Mr. Rabun reported that the further consideration of said bill be postponed 'till June next.

The Senate took up the report, which was read, and on the question to agree to the same, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 21—Nays 10.

Those who voted in the affirmative, are Messrs. Barnett, Byne, Crawford, Dooley, Hardie, Harrison, Hudspeth, Johnston, Jones, Lawson, Leigh, McCormick, Owens, Pray, Park, Rabun, Reid, Scruggs, Stewart, Watts, (of Washington) and Willson.

Those who voted in the negative, are Messrs. Blair, Cook, Foster, Henderson, Little, Newsom, Stripling, Watts

(of Telfair), and Williams.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to establish a fund for the redemption of the public debt of this State—Mr. Powell in the chair—Mr. President resumed the chair, and Mr. Powell reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to continue in force an act, giving further time to fortunate drawers to take out their grants—Mr. Owens in the chair—Mr. President resumed the chair, and Mr. Owens reported progress, and had leave to set again.

The Senate took up the report of the committee of the whole on the bill to amend an act, for the improvement of the navigation of Broad river, and the same being read, was agreed to ;

Whereupon the said bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill granting to the commissioners of Sunbury Academy, for the use of that institution, 166 2 3 acres of land, and the same being read, was agreed to ;

Whereupon the said bill was read the third time and passed unanimously.

The Senate took up the report of the committee of the whole on the bill to change the names of certain persons, which was read and agreed to with an amendment.

Whereupon the said bill was read the third time and passed.

A message from the House of Representatives by Mr. Holt their Clerk ;

Mr. President ;

The House of Representatives have passed a bill, to alter and amend the fourth and fifth sections of the third article of the Constitution of this state—and he withdrew

The Senate took up the message, and the said bill was read the first time.

The Senate being informed that the peculiar situation of Mr Rabun's family requires his immediate attention—Ordered, that he have leave of absence for a few days.

The Senate took up the report of the committee of the whole on the bill for the relief of Stephen W. Moore, which was read and agreed to.

Whereupon the said bill was read the third time and passed.

On motion of Mr. Johnston, Resolved, That Fingal Thomas Flyming be, and he is hereby appointed a Notary Public for the county of Chatham.

Adjourned 'till 10 o'clock to-morrow morning.

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THURSDAY, 21st November, 1811.

On motion of Mr. Powell,

The Senate reconsidered the minutes of yesterday, on the bill regulating Pedlars

Ordered, That the said bill do lie on the table.

Mr. Scruggs from the joint committee to enquire into and report whether it was necessary to pass any law during the present session of the Legislature for the alleviation of debtors, reported, that no such law is necessary.

Ordered, That the report do lie on the table.

Agreeably to notice Mr. Jackson moved for a committee to report a bill to be entitled an act, to create and form a new Brigade, and attach the same to the second Division of Militia of this state.

Ordered, That Messrs. Jackson, Johnson and Byne be that committee.

Mr. Barnett notified the senate that he will on to morrow move for leave to introduce a bill, to incorporate the Petersburg Mercantile Company.

Mr. Crawford agreeably to notice reported a bill, to be entitled an act, to authorise the Justices of the Interior court of Randolph county to levy an extra tax, to enable them to complete the court house of said county, which was read the first time.

Agreeably to notice Mr. Johnson reported a bill, to be entitled an act to divorce William Pinder & Rebecca his wife. which was read the 1st time.

Mr. Newsom from the committee on Petitions reported on the petition of James Wylie and John Espey, which was ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend and consolidate the several Militia laws of this state, and to adapt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle corps—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported progress and had leave to set again.

The Senate took up the report which was read and agreed to.

Mr. Barnett laid on the table an address, directed to the President of Senate, which being opened and read, is as follows ;

*To the Senate and House of Representatives of the Legislature of Georgia in General Assembly met.*

The memorial of the Board of Trustees of the University of Georgia respectfully sheweth :

That by the Charter granted to the University on the 27th day of January 1785, it is directed, that whatever public measures are necessary to be adopted for accomplishing the great and important designs of the institution, the Trustees shall from time to time represent and lay before the General Assembly.

In conformity with this provision, your memorialists now feel it their duty to represent to your honorable body, that from causes arising out of the general pressure of the times the funds appertaining to the trust are depressed in their income, and too inactive to answer the purposes for which they were intended. To this they will add, that the amount of the donation originally made, has been lessened by the loss of ten thousand acres of land; one tract of five thousand acres falling within the state of South Carolina, and another of five thousand more in Jackson county, having been almost entirely recovered at law by individuals claiming the same.

The business of Education indispensably requires a College Library, and an apparatus more complete than that heretofore purchased. The sa-

salaries of officers, depending upon those salaries alone for support, ought to be rendered certain and prompt in their payment. These objects cannot be realized by us with our present funds

The great purposes for which the University was established, are of an importance which we need not represent ; it must be felt by all. We are sensible that the just expectations of the public have not heretofore been answered ; but we hope that the causes have been temporary, and are passing away. Among these causes however, we believe the inactive state and depressed value of our funds to have been a leading one. This can be removed only by your honorable body

We forbear from suggesting any particular mode, confidently believing that your own wisdom will devise the best, and that the interest you feel in the Education of the rising generation will lead to its adoption.

And your memorialists as in duty bound will ever pray.

*By Order of the Board,*

JOHN BROWN, *President.*

Attest—DUNCAN G. CAMPBELL,

*Sec'ry of the University.*

Ordered to be referred to the committee on the state of the University

Mr. Park from the joint committee to whom was referred a petition from the counties of Wilkes, Warren, Hancock, Greene and Oglethorpe reported, which was ordered to lie on the table.

Mr. Jackson from the committee reported a bill, to be entitled an act, to create and form a new brigade, and attach the same to the second Division of

Militia of this state, which was read the first time

Adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 22d November, 1811.

On motion of Mr. Foster,

Resolved, That Archer Avery, esq. be, and he is hereby appointed a Justice of the Inferior court of Columbia county, in place of Thaddeus Bell, esq. resigned.

Mr. Park from the committee on the State of the Republic, reported as follows ;

The committee on the State of the Republic to whom was referred the Communication of His Excellency the Governor, of a letter received by him from Mr. John H. Bass of Hancock county, Report,

That they have taken the same under consideration, and are of opinion as the lot of land alluded to in the said letter was purchased of the State, and as the controversy at law appears to be between Thomas Culbreath a fraudulent drawer in the land lottery, and the said Bass, your committee are of opinion that it is just and right that the state should defend the same ; they therefore recommend the following resolution ;

Resolved, That His Excellency the Governor be, and he is hereby requested to employ some fit and proper person as an attorney in behalf of this state, to defend the said suit ; which was read and agreed to.

He also made a further report, as follows ;

On the resolution proposing an amendment to the Constitution of the United States

Whereas His Excellency the Governor of this state has laid before this General Assembly, a resolution passed by the Congress of the United States, in the words following, to wit :

Resolved, by the Senate and House of Representatives in Congress assembled, two thirds of both houses concurring, that the following section be submitted to the Legislatures of the several states, which when ratified by the Legislatures of three fourths of the states, shall be valid and binding as a part of the Constitution of the United States.

If any citizen of the United States shall accept, claim, receive or retain any title of nobility or honor, or shall without the consent of Congress accept or retain any present, pension, office or emolument of any kind whatever from any Emperor, King, Prince or Foreign Power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them or either of them.

Be it therefore unanimously resolved by the General Assembly of the State of Georgia, That the foregoing amendment proposed by Congress to the Constitution of the United States be, and the same is hereby, on the part of this state, agreed to, ratified and confirmed.

And be it further resolved, That His Excellency the Governor be requested to transmit copies of the foregoing resolution to the President of

the Senate & Speaker of the House of Representatives of the United States, & to each of our Senators & Representatives in Congress, and to each of the Governors of the several States.

And the same being read, was unanimously agreed to.

He also reported on the petition relative to Thomas and Scott, which was ordered to lie on the table.

Mr. Owens from the committee reported a bill to alter the 15th section of the 4th article of the Constitution of this state, which was received and read the first time.

Mr. Dooley gives notice, that he will on to-morrow report a bill to alter the time of holding the Superior courts of the Western Circuit.

Mr. Willson from the committee reported a bill, to amend the several road acts, &c. which was received and read the first time.

The President of Senate having withdrawn to attend the Board of Trustees of the University, the Honorable William Barnett was nominated and took the chair as President pro tem.

The bill to alter the time of holding the elections for county officers in this state, &c. was read the third time and passed

The following bills were severally read the second time, and ordered for a committee of the whole, to wit :

A bill to divide Montgomery county.

A bill to protect the estates of Orphans, &c.

A bill to make permanent the site of the public buildings in Laurens county.

A bill to divorce certain persons herein named.

A bill for the relief of Bozeman A. A. dare.

A bill to divorce William Pindar and Rebecca Ann his wife.

A bill to form a new Brigade, and attach the same to the second division of Militia of this State; and,

A bill to alter the fourth and fifth sections of the third article of the Constitution of this state.

The bill to authorise the Justices of the Inferior court of the county of Randolph to levy an extra tax, was read the second time, and ordered for a third reading.

The Senate again resolved itself into a committee of the whole on the bill continuing in force an act, passed 22<sup>d</sup> December 1808, giving further time to fortunate drawers in the late land lotteries to take out their grants—Mr. Byne in the chair— Mr. President resumed the chair, and Mr. Byne reported that they had gone through the same with amendments

The Senate took up the report, and the same being read was agreed to with an amendment.

Ordered, That the amendment be engrossed, and the said bill stand for a third reading.

The Senate resolved itself into a committee of the whole, on the bill to be entitled an act to amend and consolidate the several militia laws of this state, and to adapt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle corps—Mr. Cook in the chair—Mr. President resumed the

chair, and Mr. Cook reported that they had gone through the bill, and made some amendments.

The Senate took up the report, and on motion of Mr. Barnett, That the following clause be enacted, to wit :

Be it enacted, That it shall be the duty of the Brigadier General of each brigade, once in each year, to cause the Regiment or Regiments or Battalions in counties having but one Battalion under his command, to assemble at such time and place within the county as he may appoint, with five days provision, and such implements and camp equipage as are necessary, and cause the said Regiments or Battalions to be exercised and taught all the duties of a regular camp, not exceeding five days at any one time; and on the question to agree to the same it was determined in the negative.

On motion of Mr. Dooley, That the following enacting clause be inserted in the bill as an amendment;

“ And be it further enacted, That it shall be the duty of Brigadiers General to call conventions of all the commissioned or breveted officers of their Brigades, as near the centre of the Brigade as may be most convenient, and there to instruct them in all the Military evolutions, not less than six days in each year, and that they shall appear with such arms as the Brigadier General shall order, and on default made, shall be liable to such fines as are inflicted by this law

And on the question to agree to the same, it was determined in the negative; and the Yeas and Nays being required, are as follows;

Those who voted in the affirmative are, Messrs. Barnett, Brown, Cook, Crawford, Dooley, Jackson, Johnson, Jones, McCormick, Park, Pray, Reid, Scruggs and Stewart.

Those who voted in the negative are Messrs. Blair, Byne, Foster, Hardie, Harrison, Henderson, Hudspeth, Lawson, Leigh, Little, Newsom, Powell, Stripling, Watts (of Washington), Watts (of Telfair), Williams and Willson.

A message from the House of Representatives by Mr Holt their Clerk, Mr. President ;

The House of Representatives have passed the bill from Senate, to amend an act, to incorporate the Planters Bank of the state of Georgia with amendments, and they have passed the bill from Senate, entitled an act, to alter the time of the setting of the Superior courts in the county of Wayne ;

They have concurred in the resolution on the subject of obtaining Indian territory from the Cherokee Nation ;

In the resolution on the subject of a road from Hartford to the road leading to Fort Stoddart ;

In the resolution requiring the Solicitor of the Eastern District to bring suit for Dublin and Cherry-hill plantations—and,

In the resolution on the subject of a road from Alcofauhatchee to Milledgeville, with an amendment.

They have concurred in the resolution appointing Justices of the Inferior court for the county of Baldwin ;

In the resolution appointing Fran-

cois Jeter a Notary Public for the county of Baldwin ;

In the resolution appointing Robert A. Beall a commissioner for the Warren county Academy ;

In the resolution appointing James Whitehead a commissioner of the town and Academy of Waynesboro' ;

In the resolution appointing William Suotter a Notary Public for the county of Oglethorpe and town of Lexington ;

They have appointed a committee on the application of E. B. Jenkins, to join such as may be appointed on the part of Senate.

They have appointed a joint committee on the petition of a number of the inhabitants of Columbia county, to join such committee on the part of Senate, and they have passed the following bills ;

A bill to amend the 31st section of the Judiciary act of 1799 ;

A bill to lay out a new county ;

A bill to be entitled an act, to amend the several road laws of this state, so far as respects the county of Wayne ;

A bill to be entitled an act, to confirm to Jared Trammell, the establishment of a ferry on the Oconee ;

A bill for the relief of Benjamin Everett ;

A bill to amend an act, entitled an act, to change the names of Betsey Burton, Sally Burton and Mailda Burton, minors.

A bill to incorporate the town of Hartford, in the county of Pulaski, and to vest certain powers in the commissioners thereof

A bill to authorise the Inferior court



of Clarke county to levy an extra tax, for the purpose of building bridges.

A bill to regulate the Pilotage of vessels to and from the Port of Darien and Sapelo river.

A bill to make valid certain papers now in the possession of the Trustees of Union Academy, in the county of Putnam

A bill to repeal an act, entitled an act, to compel the Clerks of the Superior and Inferior courts to keep their offices at or within one mile of their respective court-houses, so far as respects the counties of Pulaski and Telfair, which is to operate so far as respects the county of Pulaski—and

A bill to be entitled an act, to incorporate the Roman Catholic Society of Augusta and county of Richmond, and to authorise the Trustees of the Richmond Academy to convey a lot of land in the City of Augusta, to the said Roman Catholic Society—and he withdrew.

The Senate took up the message, and concurred in the amendment made by the House to the resolution on the subject of the road leading from ——— to M'Intosh's ferry on the Chahouchee river.

They concurred in the several resolutions contained in the message, & joined on their part, Messrs. Leigh and Foster, a committee on the part of Senate to take under consideration the petition from Columbia county, and,

Ordered, That the committee to whom was referred the application of E. B. Jenkins, esq. be added to the joint committee of the House of Representatives on that subject.

The several bills contained in said message were taken up and read the first time.

Ordered, That the bill to incorporate the Planters' Bank with the amendments of the House of Representatives thereon, do lie on the table.

On motion of Mr. Owens,

Resolved, That Joel Crawford be, and he is hereby appointed a commissioner of the Baldwin county Academy, in place of John W. Devereux, esquire, who refuses to serve

Mr Jackson notifies the Senate that he will on to-morrow move for the appointment of a committee to prepare and report a bill to be entitled an act, to amend the Judiciary System of this state.

Mr. Park from the joint committee appointed to inspect the office of the Secretary of State, and transfer the same to the person elect, reported, which was ordered to lie on the table.

Mr. Foster presented a resolution requiring the State-house officers to lay a schedule of books, &c. in their respective offices before the succeeding Legislature, which was read and ordered to lie on the table

Adjourned 'till 10 o'clock to-morrow morning.

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SATURDAY, 23d November, 1811.

On motion of Mr. Jackson,

The Journal of yesterday so far as respects the bill to amend and consolidate the several Militia laws of this State, &c was reconsidered.

Ordered, That the said bill with the report do lie on the table.

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On motion,  
Mr. Watts (of Washington) and  
Mr. Brown had leave of absence 'till  
Monday next.

Mr. Foster from the committee re-  
ported a bill to legalize and make valid  
two manuscript books of the old re-  
cords of the Executive Department  
which was received and read the first  
time.

Mr. Powell from the committee re-  
ported a bill to alter the 12th section of  
the 1st article of the Constitution,  
which was received and read the first  
time.

Mr. Foster presented a Petition from  
Roger Olmstead, which was received,  
read and referred to a special commit-  
tee consisting of Messrs. Foster, Stew-  
art and Little.

Mr. Newsom from the committee re-  
ported as duly enrolled and signed by  
the Speaker, the following acts, to wit:

An act to alter the first section of  
the third article of the Constitution,  
which was presented to and signed by  
the President.

Ordered, That the committee do  
take the said act to His Excellency the  
Governor for his revision.

Mr. Jackson agreeably to notice mov-  
ed for the appointment of a committee  
to prepare and report a bill to amend  
the Judiciary of this state.

Ordered, That Messrs Jackson,  
Park Barnett, Dooley and Hardie be  
that committee.

Mr. Park presented a petition from  
William Gilbert, which was received,  
read and referred to the committee on  
petitions.

On motion of Mr. Hudspeth,

Resolved, That Alexander Greene  
be, and he is hereby appointed Vendue  
Master for the town of Milledgeville.

On motion,  
Resolved, That James Banks, esq.  
be, and he is hereby appointed a Jus-  
tice of the Inferior court of Elbert  
county, in place of William Barnett,  
esq. resigned.

Mr. Newsom gives notice that he  
will on Monday next, move for leave  
to report a bill, to alter an act, to amend  
an act, to incorporate the town of War-  
renton.

A message from the House of Re-  
presentatives by Mr. Holt their Clerk;

Mr. President;  
The House of Representatives have  
passed a bill to amend an act to legal-  
ize and make valid certain acts of Sher-  
iff's and Clerks, &c

And they have passed a resolution  
on the memorial of Messrs. Scott and  
Thomas—and he withdrew.

The Senate took up the message,  
and the said bill was read the first  
time.

Ordered, That the balance of said  
message do lie on the table.

Mr. Park presented a petition from  
Richard Smith, jr. which was read and  
referred to the committee on the na-  
vigation bill.

He also presented a petition from  
Daniel Butler, which was read and  
referred to the committee on petitions.

The Senate took up the amendments  
made by the House of Representatives  
to the bill to amend an act, to incorpo-  
rate the Planters' Bank of the State of  
Georgia, &c. which were read and a-  
greed to.

The Senate resolved itself into a committee of the whole on the bill to regulate the time and mode of electing the Aldermen & clerk of the market of the City of Savannah—Mr Park in the chair— Mr. President resumed the chair, and Mr. Park reported, that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to compel Clerks of Wilkinson county to keep their offices at or within one mile of the court-house—Mr Byne in the chair—Mr President resumed the chair, and Mr Byne reported, that they had gone through the same without any amendment.

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to divorce John Stark and Nancy his wife—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported, that they had gone through the same without any amendment.

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative; and the Yeas and Nays being required, are, Yeas 23—Nays 7.

Those who voted in the affirmative

are, Messrs. Blair, Crawford, Dooley, Hardie, Harrison, Henderson, Jackson, Johnson, Jones, Lawson, Leigh, M<sup>c</sup>Cormick, Newsom, Owens, Park, Powell, Pray, Reid, Sheppard, Stewart Watts (of Telfair), Williams and Willson.

Those who voted in the negative are, Messrs. Barnett, Byne, Cook, Foster, Hudspeth, Little, and Scruggs.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to establish a fund for the redemption of the public debt—Mr. Powell in the chair—Mr. President resumed the chair, and Mr. Powell reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to divorce John Powell and Rachael his wife—Mr Little in the chair—Mr. President resumed the chair, and Mr. Little reported that they had gone through the same with an amendment.

Whereupon the said bill was read the third time, & on the question shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being called for, are as follows—Yeas 20—Nays 9.

Those who voted in the affirmative are Messrs. Blair, Crawford, Dooley, Hardie, Jackson, Johnston, Lawson, Leigh, M<sup>c</sup>Cormick, Newsom, Owens, Park, Powell, Pray, Reid, Sheppard, Stewart, Watts (of Telfair), Williams and Willson.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Foster, Harrison, Henderson, Hud-

speth, Jones and Little.

The Senate resolved itself into a committee of the whole on the bill to divorce William Pindar and Rebecca Ann his wife—Mr. Byne in the chair—Mr. President resumed the chair, and Mr. Byne reported progress, and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to divorce and separate certain persons therein named—Mr. Pray in the chair—Mr. President resumed the chair, and Mr. Pray reported that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, & on the question shall this bill now pass, it was determined in the negative, and the Yeas & Nays being required, are Yeas 13—Nays 17.

Those who voted in the affirmative, are Messrs. Crawford, Dooley, Jackson, Lawson, McCormick, Owens, Pray, Reid, Shepard, Stewart, Watts (of Telfair), Williams and Willson.

Those who voted in the negative, are Messrs. Barnett, Blair, Byne, Cook, Foster, Hardie, Harrison, Henderson, Hudspeth, Johnston, Jones, Leigh, Little, Newsom, Park, Powell and Scruggs.

Mr. Jones gives notice that he will on Monday next, move for leave to introduce a bill to amend the 7th section of the first article of the Constitution.

Mr. Barnett from the committee reported a bill to incorporate the Planters' Store in the town of Petersburg,

which was received & read the 1st time.

A message from His Excellency the Governor by Mr. Porter his Secretary;

Mr. President;

I am directed by His Excellency the Governor to inform the Senate that he has approved of and signed sundry resolutions which originated in this branch of the Legislature, to the following effect, to wit:

One appointing Joseph Sill, esq. a Lumber Measurer for the county of Bryan;

Three appointing Lovet Warden, John Chub, Thomas Davis, Thomas Green and Thomas Shields, esquires, Lumber Measurers for the Port of Savannah;

One appointing Lee Blacksell, esq. a Justice of the Inferior court of Bryan county vice Patrick Houston, resigned;

One confirming the Executive appointment of Wiley Abercrombie and Armstead Richardson, esquires, Justices of the Inferior court of Putnam county, vice Simon Holt and Barnes Holloway, resigned;

One appointing Mossman Houston, Joseph S. Pelott, James White and Joseph Miller, esquires, Notaries Public for the county of Chatham;

One appointing John Chambers, esq. a Notary Public for the county of Hancock;

One appointing Stephen W. Moore a Vendue Master for the town of St. Marys, in the county of Camden—and,

One appointing Isaac Abrahams, esq. a Vendue Master for the town of Brunswick in the county of Glynn.

Adjourned 'till 10 o'clock Monday morning.

—————0000000000—————

MONDAY, 25th November, 1811.  
On motion of Mr. Owens,  
The minutes of yesterday were re-

considered on the bill to divorce certain persons therein named, and,  
Ordered, That the bill be recom-

mitted, and that Mr. Owens be added to the committee.  
Agreeably to notice, Mr Newsom reported a bill to be entitled an act, to alter and amend an act, entitled an act, to incorporate the town of Warrenton in the county of Warren, and to vest certain powers in the Commissioners thereof, which was read the 1st time.

Mr. Hardie notified the Senate that he will on to-morrow move for leave to introduce a bill, to be entitled an act to authorise the Intendant and Council of the Town of St. Mary's to lessen the width of the front of St. Mary street, and for other purposes, which was read the first time.

Mr. Hudspeth reported a bill to be entitled an act, for the relief of Thomas M'Cay, which was read the first time.

On motion of Mr. Owens,  
Resolved, That Francis Smith, esq. be, and he is hereby appointed a Justice of the Inferior court of the county of Baldwin, in place of Edmund B. Jenkins, esq. who refuses to qualify.

Mr. Jackson presented a petition from John Griffin, which was read and referred to the committee on petitions.

The bill to be entitled an act, to alter the 15th section of the fourth article

of the Constitution of this State was taken up and read the second time.

Ordered for committee of the whole.  
The bill to be entitled an act, to amend the several road acts, regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne, so far as respects the county of Glynn, was read the second time.

Ordered for a third reading.  
The bill to be entitled an act, to authorise the Justices of the Inferior court of the county of Randolph to levy an extra tax, to enable them to complete the court-house of said county, was read the third time and passed.

The bill to alter an act, to protect the estates of orphans, and to make permanent provision for the poor, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to create and form a new brigade, and attach the same to the second division of the militia of this state—Mr. Byne in the chair—Mr. President resumed the chair, and Mr. Byne reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the relief of Bozeman Adare, a State Troop Soldier—Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported, that they had gone through the bill without any amendment.

Ordered, That the report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to add a part of Montgomery county to Tannall and Laurens counties—Mr. Park in the chair—Mr. President resumed the chair, and Mr. Park reported progress and had leave to set again.

The bill to be entitled an act to amend and consolidate the several Militia Laws of this state, and to adapt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle Corps, was read the third time and passed.

The Senate resolved itself into a committee of the whole, on the bill to be entitled, an act to alter and amend the fourth and fifth sections of the 3d article of the Constitution of this state. Mr. Cook in the Chair. Mr. President resumed the Chair, and Mr. Cook reported, that they had gone through the same without any amendment.

The said bill was read the third time and on the question, "shall this bill now pass?" it was determined in the affirmative, and the yeas and nays being required, are as follow: Ayes 21, Noes 10.

Those who voted in the affirmative, are Messrs. Blair, Cook, Crawford, Foster, Hardee, Henderson, Jackson, Jones, Lawson, Leigh, Little, M'Cor-mick, Newsom, Owens, Park, Powell, Reid, Shepherd, Watts (of Telfair), Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Dooley, Harrison, Hudspeth, Johnson, Pray, Scruggs, Stewart and Wilson.

Adjourned 'till 10 o'clock to-morrow morning.

TUESDAY, 26th November, 1811.

The Senate took up the report of the committee on the State of the Republic on the petition of Scott and Thomas, which being read was ordered to lie on the table.

Mr. Newsom from the committee on Petitions, reported on the petition of John Griffin, on the petition of William Gilbert, and on the petition of Daniel Butler, which were severally read and ordered to lie on the table.

Mr. Leigh notified the Senate, that he would on to-morrow move for a committee to be appointed to prepare and report a bill to alter and amend the 23d section of the Judiciary law of this state, passed 16th February, 1799.

On motion of Mr. Leigh,  
Resolved, That the Executive appointment of Abraham Twiggs as a Justice of the Inferior court of the county of Richmond, in the room of John Catlett, Esq. dec. be, and the same is hereby confirmed.

On motion of Mr. Lawson,  
Resolved, That John Faulk be, and he is hereby appointed a Justice of the Inferior court for the county of Twiggs in the place of Arthur Fort, Esq. resigned.

The Senate took up the report of the committee of the whole, on the bill to be entitled an act for the relief of Bozeman Adare, a State-Troop soldier, which being read was agreed to, whereupon the said bill was read the third time, and on the question, "shall this bill now pass?" it was determined in the affirmative, and the yeas and nays being required, are yeas 19, nays

13.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Brown, Cook, Crawford, Hardie, Henderson, Lawson, Leigh, Little, M'Cormick, Park, Pray, Reid, Scruggs, Shepard, Watts (of Telfair), Williams & Wood.

Those who voted in the negative, are Messrs. Byne, Dooley, Foster, Harrison, Hudspeth, Jackson, Johnston, Jones, Newsom, Owens, Powell, Stewart and Willson.

Mr. Park from the committee on the State of the Republic, reported on the memorial of Jonas Fauche and others, which was ordered to lie on the table.

Mr. Foster presented a petition from a number of the inhabitants of Columbia and Warren, which being read, was referred to a joint committee.

Ordered, That Messrs. Foster and Newsom be the committee on the part of Senate.

Mr. Foster introduced a bill to be entitled an act, supplementary to an act, entitled an act, to point the mode of rendering void all grants or other proceedings, founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries in this state, and to repeal an act passed at the General Assembly on the subject, passed the 22d of December 1808, which was read the first time.

Mr. Hardie from the committee reported a bill, to be entitled an act, to authorise the Intendant and Council of the town of St. Mary's to lessen the width of front or St. Mary street, and for other purposes, which was read the first time.

Mr. Newsom from the committee of Enrollment reported, as duly enrolled and signed by the Speaker, an act to alter the time of the sittings of the Superior courts in the county of Wayne, which was presented to, and signed by the President of Senate.

Ordered. That the committee of Enrollment do carry the said bill to His Excellency the Governor for his revision.

The Senate took up the report of the committee on the bill to be entitled an act, to afford temporary relief to the purchasers of Fractional Surveys, and to prevent the said fractions from being sold for the tax thereof, until they are paid for to the state.

On motion of Mr. Dooley to strike out, "in the late purchase," & insert, "in the two purchases." on the question to agree, it was determined in the negative, and the Yeas and Nays being required, are Yeas 14—Nays 13.

Those who voted in the affirmative, are Messrs. Byne, Dooley, Foster, Harrison, Johnson, Jones, Lawson, Leigh, Newsom, Owens, Park, Shepard, Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Blair, Brown, Cook, Crawford, Hardee, Henderson, Hudspeth, Jackson, Little, M'Cormick, Powell, Pray, Reid, Scruggs, Stewart Watts (of Telfair), and Wilson.

The first clause of said bill was amended, and,

Ordered, That the report lie on the table.

The following message was received from His Excellency the Governor by Mr. Porter his Secretary ;

Executive Department, Georgia, }  
 Milledgeville, 26th Nov. 1811. }  
*Gentlemen of the Senate, and*  
*of the House of Representatives.*

By a resolution of the last Legislature, passed the 16th day of November, 1810, a committee was appointed to "systematize, digest, and so far as expedient, to ameliorate the Criminal Code of this state," and to report their proceedings through the Governor, to the present Legislature. In compliance with the resolution referred to, I have received a report from the committee, accompanied by a draft of a bill to be entitled an act, to "ameliorate the Criminal Code, and conform the same to the Penitentiary System," copies of which I now communicate; upon the merits of the bill, I cannot now, as well from a want of time, as from Constitutional consideration, offer my opinion; but was I permitted to judge of it by the very able and philanthropic view which the committee have taken of the subject in their address to me, I should not doubt for a moment, but that the general principles of the bill would meet the cordial approbation of the Legislature; to ascertain its accuracy or inaccuracy in a technical and legal point of view, will require more time, and a more critical examination than was in my power to bestow upon it.

*D. B. MITCHELL.*

Which being read,

On motion of Mr. Barnett,

Resolved, That the communication together with its inclosures be referred to a joint committee, and,

Ordered, That Messrs. McCormick, Stewart, Dooley, Park and Johnston, be the committee on the part of Senate; And be it further resolved, That forty copies of the law accompanying the communication be printed for the use of the members of the Legislature.

Mr Jackson agreeably to notice introduced a bill to be entitled an act, to amend the Judiciary Laws of this State, which was read the first time.

The report of the committee of the State of the Republic on the memorial of Thomas and Scott from the House of Representatives was again taken up, and the same being read, was concurred in by Senate.

Mr Foster presented a resolution authorising His Excellency the Governor to subscribe for shares in the Augusta and Planters' Bank, which was read and ordered to lie on the table.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The House of Representatives have passed a resolution appointing Daniel Daley and Gideon Daley, Lumber Measurers for the Port of Savannah;

A resolution appointing Stevens Thomas a Justice of the Inferior court for the county of Clarke;

They have added Messrs. Williams, Montgomery and Whitaker to the committee on the state of the University;

And have passed a bill to be entitled an act, to establish and regulate the Inspection of Flour;



They have passed a resolution authorising the Commissioners of McIntosh Academy to purchase at confiscated sales—and he withdrew.

The Senate took up the message, and concurred in the resolution appointing Daniel Daley and Gideon Daley Lumber Measurers for the Port of Savannah ;

In the resolution appointing Stevens Thomas a Justice of the Inferior court of the county of Clark, with an amendment, strike out " Charles E. Haynes, removed, and read John Floyd resigned"—and,

The bill to be entitled an act, to establish and regulate the Inspection of Flour, was read the first time.

Adjourned 'till 10 o'clock to-morrow morning.

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WEDNESDAY, 27th November, 1811.

On motion of Mr. Barnett,

The Journal of yesterday, so far as respects the report of the committee on the memorial of Scott and Thomas relative to the completion of the State House was reconsidered.

The Senate took up the said report, which was read and ordered to lie on the table.

Mr. Jackson gives notice that he will on to-morrow move for leave to introduce a bill, to amend an act, pointing out the duties of Sheriffs in selling lands under execution.

Mr. Jones agreeably to notice moved for the appointment of a committee to prepare and report a bill to alter the 23d section of the first article of the Constitution.

Ordered, That Messrs. Jones, Owens and Williams be that committee.

The Senate took up that part of the report of the committee on the petition of James Wood, laid on the table on the 20th instant, which was read and agreed to.

Mr. Owens from the committee to whom was re-committed the bill to divorce certain persons therein named, reported a bill to divorce certain persons therein named, which was received and read the first time.

Mr Leigh agreeably to notice moved for the appointing of a committee to prepare and report a bill, to alter and amend the 23d section of the Judiciary of this state.

Ordered, That Messrs. Leigh, Newsom and Cook be that committee.

The Senate took up the resolution from the House of Representatives authorising the Commissioners of the McIntosh county Academy, to purchase to the amount of nine hundred and forty-five pounds eleven shillings worth of confiscated property, which was read and agreed to.

Mr. Newsom laid on the table the following resolution ;

Resolved, That a committee be appointed to contract with a printer to print as soon as possible, one hundred and twenty copies of the Criminal Code of this state.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter the second section of the second article of the constitution of this state—Mr. Wood on the chair—Mr President resumed the chair, and Mr. Wood reported

that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, the Yeas and Nays were called for, which are as follows; Yeas 19—Nays 13.

Those who voted in the affirmative, are, Messrs. Blair, Brown, Cook, Dooley, Foster, Hogan, Jackson, Jones, Lawson, Leigh, Little, M'Cormick, Newsom, Owens, Park, Powell, Shepard, Watts (of Tellair), and Wood.

Those who voted in the negative are, Messrs. Barnett, Crawford, Hardie, Harrison, Henderson, Hudspeth, Johnson, Pray, Scruggs, Stewart, Watts (of Washington), Williams & Willson.

There not being a constitutional majority, the bill was lost.

The following bills were severally taken up and read the second time, and ordered for a committee of the whole, viz:

A bill to incorporate the Planters' Store of the town of Petersburg.

A bill to amend an act, to legalize and make valid certain acts of Sheriffs and Clerks, &c.

A bill to incorporate the Roman Catholic Society in the City of Augusta, &c.

A bill to amend the thirty first section of the Judiciary of this state.

A bill to confirm to Jared Frammel the establishment of a ferry on the Oconee river.

A bill for the relief of Benjamin Leverett.

A bill to lay out a new county out of the counties of Oglethorpe, Clark, Jackson, Franklin and Elbert.

A bill to regulate the pilotage of Vessels to and from the Port of Darien and Sapelo river.

A bill to repeal an act, to compel Clerks of the Superior and Inferior courts to keep their offices at or within one mile of their respective court houses so far as respects the county of Pulaski.

A bill for the relief of Thomas M'Cay—and,

A bill to alter and amend an act, to incorporate the town of Warrenton.

The bill to explain an act, to amend the several road acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M'Intosh, Glynn, Camden and Wayne, so far as respects the county of Glynn, was read the third time and passed.

The bill to establish and regulate the Inspection of Flour.

The bill supplementary to an act, to point out the mode of rendering void grants. &c.

The bill to amend the Judiciary of this state—and,

The bill to authorise the Intendant and Council of St. Mary's to lessen the width of front or St. Mary's street, were severally read the second time and ordered for a committee of the whole.

The following bills were severally read the second time, and ordered for a third reading, to wit:

A bill to amend the several road

laws in this state, so far as respects the county of Wayne

A bill to amend an act, to change the names of Betsy Burton, Sally Burton and Matilda Burton, minors.

A bill to incorporate the town of Hartford in the county of Pulaski, and to vest certain powers in the Commissioners thereof.

A bill to authorise the Inferior court of Clark county to levy an extra tax for the purpose of building bridges.

A bill to make valid certain papers in the possession of the Trustees of the Union Academy in the county of Putnam.

The Senate took up the report of the committee on the memorial of Scott and Thomas, which was amended and agreed to as follows, viz;

The committee on the State of the Republic to whom was referred the memorial of Thomas & Scott, relative to the completion & building of the State House, report, that as a speedy settlement between the Commissioners of the State-house and the Undertakers is desirable, and ought without delay to be effected, we therefore recommend the following resolution;

Resolved, That the Commissioners without delay appoint two fit and proper persons, and the Contractors also two fit and proper persons, who together with the two appointed by the Commissioners, shall appoint a fifth person, and the five persons so selected, shall after having first taken oath to value said building according to the best of their judgments, proceed as soon as convenient to the valuation

of said building, and report the result thereof to His Excellency the Governor.

*And be it further resolved,* That the persons to be appointed for valuing the State-house, be directed to do it in such a manner as to give the Legislature a full view of the cost of the different items of mechanism, viz: the amount of laying brick and stone-work, covering in said State-house, casing and facing of the doors and windows, shutters and sashes of the same, plaistering and stucco work of the different rooms, flooring and running the different stairs, the amount of the galleries, the amount of the different wainscoting and pannel work, and also the amount of bannistering & glass; and also the amount of any and every other item not herein particularly specified.

The Senate resolved itself into a committee of the whole on the bill to divorce William Pender and Rebecca Ann his wife—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported that they had gone through the same with an amendment.

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, the Yeas and Nays were called for, which were as follows, viz:—Yeas 17—Nays 15.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Crawford, Cooley, Harrison, Jackson, Johnson, Lawson, Owens, Park, Pray, Reid, Stewart, Watts (of Washington), Wil-

liams, Willson and Wood.

Those who voted in the negative are Messrs. Brown, Cook, Foster, Hardie, Henderson, Hogan, Hudspeth, Jones, Leigh, Little, Newsom, Powell, Scruggs, Shepard and Waus (of Telfair.)

There not being a Constitutional majority, the bill was lost.

The Senate again resolved itself into a committee of the whole on the bill to continue in force an act, giving further time to the fortunate drawers to take out their grants—Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported that they had gone through the same with amendments.

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate again resolved itself into a committee of the whole on the bill pointing out the duty of Sheriffs and Constables in certain cases, &c.—Mr. Powell in the chair—Mr. President resumed the chair, and Mr. Powell reported progress and asked leave to set again in June

Ordered, That the report do lie on the table.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The House of Representatives have agreed to the report of the joint committee on the petition of Michael Dixon with an amendment—and he withdrew.

Ordered, That the said message do lie on the table.

A message from the House of Representatives by Mr. Holt their Clerk;

Mr. President;

The House of Representatives have passed the following bills, viz:

A bill to divorce and separate Nathaniel Harper and Mary his wife;

A bill to regulate the town of Marion;

A bill to authorise Joseph Cooper to erect a toll bridge across the Occanee river;

A bill to amend an act to appropriate the funds heretofore set apart for the redemption of the public debt;

A bill to amend the several road laws in this state, &c. so far as respects the county of Camden;

A bill to regulate the granting of Certioraries and Injunctions;

A bill for the election of the Clerk or other person to whom the care of the record and other proceedings of the courts of Ordinary are vested, and

A bill to alter and amend the Judiciary acts now in force in this state—and he withdrew.

The Senate took up the message, and the said bills were severally read the first time.

The Senate again resolved itself into a committee of the whole on the bill to be entitled, an act, to create and form a new Brigade, and attach the same to the Second Division of the militia of this state—Mr. Hudspeth in the chair—Mr. President resumed the chair, and Mr. Hudspeth reported, that they had gone through the same with an amendment.

The Senate took up the report, which was agreed to with an amendment.

Whereupon the said bill was read the third time; and ordered to lie on the table.

On motion of Mr. Hardie,  
Resolved, That David G. Jones be, and he is hereby appointed Vendue Master for the town of St. Mary's.  
Adjourned 'till 9 o'clock to-morrow morning.

—————0000000000—————

THURSDAY, 23th November, 1811.

On motion of Mr Dooley,  
The Journal of yesterday was re-considered on the bill to alter the second section of the second article of the Constitution, and,

Ordered, That the said bill do lie on the table for the question on its passage.

Mr. Jackson agreeably to notice introduced a bill, to be entitled an act, to amend an act, passed on the 21st December, 1808, entitled an act, pointing out the duties of Sheriffs in selling lands under execution, and to repeal the first section thereof, which was read the first time.

On motion of Mr. Hudspeth,  
Resolved, That the sum of five dollars six and a quarter cents be appropriated to William Lumkin, there being a mistake to that amount in the appropriation law of last session in his favor, for taking the census of Oglethorpe county.

Ordered, That the resolution do lie on the table.

Mr. Owens reported a bill to divorce Leven Cathel and Elizabeth his wife, which was read the first time.

Mr. Leigh agreeably to notice intro-

duced a bill to be entitled an act, to alter and amend the twenty-third section of the Judiciary law of this state, passed 16th February 1799, which was read the first time.

Agreeably to notice, Mr. Jones introduced a bill to be entitled an act, to alter and amend the 7th section of the first article of the Constitution of this state, which was read the first time.

On motion of Mr. Newsom,  
Resolved, That John Lewis be, and he is hereby appointed a Notary Public for the county of Warren.

The bill to be entitled an act, to make valid certain papers now in the possession of the Trustees of Union Academy in the county of Putnam, was read the third time and passed.

The bill to be entitled an act, to authorise the Inferior court of Clarke county to levy an extra tax for the purpose of building bridges, was read the third time and passed.

The bill to be entitled an act, to incorporate the town of Hartford in the county of Pulaski, and to vest certain powers in the commissioners thereof, was taken up and read the third time and passed.

The bill to be entitled an act, to amend an act, entitled an act, to change the names of Betsy Burton, Sally Burton and Matilda Burton, minors, was read the third time and passed.

The bill to be entitled an act, to amend the several road laws of this state, so far as respects the county of Wayne, was read the third time and passed.

The Senate resolved itself into a

committee of the whole on the bill to be entitled an act, to legalize and make valid two manuscript books of the old Records of the Executive Department—Mr. Wood in the chair—Mr. President resumed the chair, and Mr Wood reported that they had gone through the same without amendment

Ordered, That the report do lie on the table.

The bill to be entitled an act, to incorporate the Planters' Store in the town of Petersburg, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the relief of Thomas M'Coy—Mr Blair in the chair—Mr. President resumed the chair, and Mr. Blair reported the further consideration of this bill be postponed until the 1st day of June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to establish and regulate the Inspection of Flour—Mr Watt's (of W ) in the chair—Mr. President resumed the chair, and Mr. Watts reported progress and had leave to set again.

The Senate resolved itself into a committee of the whole on the bill to regulate the pilotage of vessels to and from the port of Darien and Sapelo river—Mr. Park in the chair—Mr. President resumed the chair, and Mr. Park reported that they had gone through the same without any amendment

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to repeal an act, compelling clerks to keep their office at or within one mile of their respective court-houses, so far as respects the county of Pulaski...Mr. Owens, in the chair. . Mr President resumed the chair, and Mr Owens reported that they had gone through the same without any amendment.

The Senate took up the report which was read and agreed to

Whereupon the said bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to legalize and make valid two manuscript books of the old Records of the Executive Department; and the same being read was agreed to with an amendment.

Whereupon the said bill was read the third time, and on the question shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 26, Nays 7.

Those who voted in the affirmative are Messrs. Barnett, Blair, Brown, Crawford, Foster, Hardie, Harrison, Hogan, Johnston, Leigh, Little, M'Cormick, Newsom, Owens, Park, Powell, Pray, Reid, Scruggs, Shepard, Strippling, Watts (of W ), Watt's (of T.) Williams, Willson and Wood.

Those who voted in the negative, are Messrs. Cook, Dooley, Henderson, Hudspeth, Jones, Lawson and Stewart.

The Senate resolved itself into a

committee of the whole on the bill to be entitled an act, to lay out a new county out of the counties of Oglethorpe, Clark, Jackson, Franklin and Elbert... Mr Crawford in the chair... Mr President resumed the chair, and Mr. Crawford reported that they had gone through the same with an amendment.

The Senate took up the report which was read and agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the Yeas and Nays being required, are Yeas 24—Nays 9.

Those who voted in the affirmative are, Messrs. Barnett, Blair, Brown, Cook, Crawford, Foster, Hardie, Henderson, Hudspeth, Jones, Lawson, Leigh, Little, M'Cormick, Newsom, Owens, Park, Powell, Reid, Shepard, Stripling, Watts (of W.) Watts (of T.) and Williams.

Those who voted in the negative, are Messrs. Dooley, Harrison, Jackson, Johnson, Pray, Scruggs, Stewart, Willson and Wood.

Adjourned 'till 10 o'clock to-morrow morning.

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FRIDAY, 29th November, 1811.  
Mr. Newsom from the committee reported as duly enrolled and signed by the Speaker, an act to amend an act, to incorporate the Planters' Bank of the State of Georgia, &c. which was presented to and signed by the President.

Ordered, That the committee do take said act to His Excellency, the Governor for his revision.

Mr. Barnett from the committee reported a bill to aid the University of Georgia to carry into effect the act for the full and complete establishment of a public seat of learning in this state, &c which was received and read the first time.

Mr Foster from the committee reported on the petition of Roger Ormstead, which was read and ordered to lie on the table.

Mr Park presented a petition from Nathaniel Twining, which was read and referred to the committee on Finance.

Mr Jackson gives notice that he will on to-morrow move for leave to introduce a bill to add a part of the county of Washington to the county of Baldwin, and a bill to make valid certain records of the county of Twiggs, &c.

Mr Johnston gives notice that he will on to morrow move for leave to introduce a bill to pardon John Amos.

On motion of Mr Foster,

Whereas sundry executions have been issued by the Treasurer of this state against persons for monies due on the purchase of Fractional surveys of Land in the counties of Old Baldwin and Wilkinson, which executions have been some levied and others ready to be levied by the proper officers. And whereas, from the particular situation of the times, manifest injury will accrue to individuals who may have their property exposed to sale for cash ;

Wherefore be it resolved, That His Excellency the Governor be, and he is hereby requested to direct a postponement of all sales for money due for Fractional surveys of land as aforesaid, until the expiration of forty days.

Mr Park from the committee reported on the memorial of E. B. Jenkins, esq. which was read and ordered to lie on the table.

The rule being dispensed with, Mr. Newsom reported a bill to authorise the Inferior court of Warren county to transcribe the records of that county, which was received and read the first time.

Mr Owens from the committee to whom was re-committed the bill to divorce certain persons therein named,

Reported a bill to divorce Joseph P. Slade and Margaret his wife—and a bill to divorce James H. Pardue and Catharine his wife, which were received and read the first time.

The rule of the Senate being dispensed with, Mr Doolley reported a bill to divorce Roderick Easley and Esther his wife, which was received and read the first time.

Mr Pray gives notice that he will on to-morrow move for leave to introduce a bill to revive and continue in force certain acts to prevent persons from throwing ballast and rubbish into the navigable rivers and creeks of this state.

The Senate took up the report of the committee of the whole on the bill to alter and amend an act, for licensing and regulating Pedlars, which was read, and,

On motion of Mr Foster, to postpone the further consideration of said bill till the first Monday in November next, it was determined in the affirmative, and the yeas and nays being required, are Yeas 19—Nays 13.

Those who voted in the affirmative, are, Messrs. Blair, Crawford, Doolley, Foster, Hardie, Harrison, Hogan, Hudspeth, Jackson, Johnson, Lawson, Leigh, Newsom, Owens, Park, Pray, Scruggs, Stewart and Willson.

Those who voted in the negative are, Messrs. Brown, Cook, Henderson, Jones, Little, McCormick, Powell, Sheppard Stripling, Wat's (of Washington), Watts (of Telfair), Williams and Wood.

The Senate took up the bill to form a new Brigade and attach the same to the second division of militia of this state, which was again read for the information of Senate, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 25—Nays 8.

Those who voted in the affirmative, are Messrs. Blair, Brown, Doolley, Foster, Hardee, Harrison, Henderson, Hudspeth, Jackson, Johnson, Jones, Lawson, Leigh, Little, Newsom, Park, Powell, Pray, Scruggs, Shepherd, Stripling, Watts (of Telfair), Williams and Wilson.

Those who voted in the negative, are Messrs. Barnett, Cook, Crawford, McCormick, Owens, Reid, Stewart, and Wood.

A message from the House of Representatives by Mr. Holt their clerk;

Mr President ;



The House of Representatives have concurred in the resolution appointing a Vendue Master for the town of Milledgeville ;

They have passed a resolution appointing a Lumber Measurer for the Port of Savannah ;

A resolution appointing a committee on their part to join such as may be appointed by the Senate, to take into consideration the propriety of altering the Constitution relative to the time of the meeting of the General Assembly of this state ; and a resolution on the subject of gambling—and,

They have passed the following bills, viz :

A bill to alter the time of holding the Superior Courts of Hancock county ;

A bill to regulate the future elections of members to Congress ;

A bill to secure to George G. Gaines the right of establishing a ferry on the Oconee river ;

A bill to authorise an extra session of Lincoln Superior court ;

A bill to divorce John T. Patterson and Sarah his wife ;

A bill to secure to Sarah M'Leod, the exclusive right of erecting a bridge over the Ohoopie ;

A bill to authorise the appointment of Commissioners of St. Mary's ;

A bill to add a part of Washington and Montgomery counties to Laurens county—and,

A bill to establish the line between Putnam and Montgomery county—and,

They have passed the bill from Senate to divorce Levi Bright and Sarah his wife—and he withdrew.

The Senate took up the message, and concurred in the resolution on the subject of Gambling with an amendment.

Ordered, That the remainder of said message do lie on the table.

Mr. Foster called up the following resolution, which was read, amended and agreed to as follows, viz :

Whereas by the first rule forming the fundamental articles of the Constitution of the Augusta Bank fifty thousand dollars were reserved until the first day of January, 1812, on the original terms, to be then, or at any prior time, taken by the state according to the pleasure of the Legislature,

Resolved therefore, That His Excellency the Governor be, and he is hereby authorised and required to cause the said five hundred shares to be subscribed for within the time limited for the State of Georgia ;

And be it further resolved, That an appropriation be made on the appropriation act, to be passed this session, for fifty thousand dollars, for the purpose aforesaid, to be by him applied in said subscription, according to the Constitution and bye-laws of said Bank.

The Senate took up the report of the committee of the whole on the bill to afford temporary relief to the purchasers of Fractional surveys, &c. and the same being read, was agreed to with amendments.

Ordered, That the said bill be engrossed for a third reading.

The Senate again resolved itself to a committee of the whole on the bill to amend an act, to establish a fund for the redemption of the public debt of this state—Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported that they had gone through the same with amendments.

The Senate took up the report, which being read,

Mr. Dooley moved that the further consideration of the same be postponed till the first Monday in November next, and on the question to agree to the same, it was determined in the negative, and the yeas and nays being required, are Yeas 10—Nays 24

Those who voted in the affirmative, are Messrs. Dooley, Foster, Hogan, Jackson, Leigh, Newsom, Park, Powell, Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Blair, Brown, Cook, Crawford, Hardie, Harrison, Henderson, Hudspeth, Johnston, Jones, Lawson, Little, McCormick, Owens, Pray, Reid, Scruggs, Shepard, Stewart, Stripling, Watts (of Washington), Watts (of Telfair), and Willson

Whereupon the said bill was amended, agreed to, and the said bill read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 23—Nays 11.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Brown, Cook, Crawford, Hardie, Harrison, Henderson, Hudspeth, Johnston, Jones,

Lawson, Little, McCormick, Owens, Pray, Reid, Scruggs, Stewart, Stripling, Watts (of Washington), Watts (of Telfair) and Willson.

Those who voted in the negative, are Messrs. Dooley, Foster, Hogan, Jackson, Leigh, Newsom, Park, Powell, Shepard Williams and Wood.

The Senate took up the message from the House of Representatives, and concurred in the resolutions therein contained, and added a committee

on their part, on the resolution to appoint a joint committee to take into consideration the propriety of altering the Constitution relative to the time of the meeting of the General Assembly of this State, consisting of Messrs. Cook, Foster and Park, and the several bills were read the first time.

On motion,

Mr. Dooley had leave of absence till Thursday next.

On motion of Mr. Hogan,

Resolved, That Clement Lanier, esq. be, and he is hereby appointed, a commissioner of the Pulaski county Academy, in place of William A. Harper, esq. deceased.

The following bills were severally taken up, read the second time, and ordered for a committee of the whole, to wit:

A bill to amend an act, pointing out the duty of Sheriffs in selling lands under execution;

A bill to amend the 23d section of the Judiciary law of this state;

A bill to alter the 7th section of the first article of the Constitution.—

and,

A bill to divorce Leven Cathel and Eliza his wife.

A message from His Excellency the Governor by Mr. Porter his Secretary;  
Mr President;

I am directed by His Excellency the Governor, to inform the Senate that he has assented to and signed the act, to alter the time of the sitting of the Superior court of the county of Wayne, and to return the same to this branch of the Legislature, it being the one in which it originated, together with an act to alter the first section of the 3d article of the Constitution without his signature, for reasons stated in the following communication, viz :

Executive Department, Georgia, }  
Milledgeville, 29th Nov. 1811. }  
*Gentlemen of the Senate, and  
of the House of Representatives.*

The committee of Enrollment appointed from both branches of the General Assembly, have presented to me "an act to alter the first section of the third article of the Constitution," and it appears to me that it was unnecessary that this act, or any other having for its object an alteration of the Constitution, should be presented to the Executive, since by the Constitution he has no power of revision over such acts, neither is his assent necessary to their passage.

The last section of the Constitution which is the fifteenth of the fourth article, is in these words, "no part of this Constitution shall be altered unless a bill for that purpose specifying the alterations intended to be

made, shall have been read three times in the House of Representatives, and three times in the Senate, on three several days in each House, and agreed to by two thirds of each House respectively, and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the General Assembly, and if such alterations or any of them so proposed, shall be agreed to in their first session thereafter, by two thirds of each branch of the General Assembly, after the same shall have been read three times on three separate days in each respective house, then and not otherwise the same shall become a part of this Constitution." By this section no reference is made to the Executive whatever, and it contains a distinct provision, for a particular object, for the attainment of which *two thirds of each branch of the General Assembly*, at two successive sessions, are absolutely necessary, and they, and they alone, are competent to alter the Constitution. Under this view of the subject, the assent or dissent of the Governor might be considered as an act of supererogation; I therefore deem it my duty to communicate to the Legislature, my opinion upon this point, in order to account for the want of my signature to the act, when its return is not accompanied nor occasioned by my dissent; on the contrary, the act meets my approbation, and should the Legislature be of opinion that the signature of the Go-

vernor, would in any point of view be necessary to be put to an act of this kind, I conceive it would in that case be proper to pass a short law making it his duty to put his signature to all such acts.

*D. B. MITCHELL.*

Ordered, That the committee of Enrollment carry the said first mentioned act to the Secretary of State's office, and see the Great Seal affixed thereto, and,

Ordered, That the balance of the message do lie on the table.

Adjourned 'till 10 o'clock to-morrow morning.

—————0000000000—————

SATURDAY, 30th November, 1811.

On motion,

The Journal of yesterday was reconsidered on the bill regulating Pedlars.

Ordered, That the said bill do lie on the table.

Mr. Jackson agreeably to notice reported a bill to add a part of Washington county to Baldwin county, which was read the first time.

Mr. Foster from the committee on Finance reported on the petition of Henry Sommerlin, to wit:

The committee on Finance to whom was referred the petition of Henry Sommerlin, report, that the prayer of the petitioner is unreasonable & ought not to be granted, which being read was agreed to.

Mr. Park from the committee on the State of the Republic reported on

the petition of Captain Norris Lyons to wit:

The committee of the State of the Republic, to whom was referred the petition of Norris Lyons, report,

Whereas Norris Lyons, Captain of a Troop of Light Dragoons of the county of Oglethorpe has petitioned in behalf of his company, for a supply of arms; and whereas the deep importance of Volunteer associations for the defence of a Republic, as they must ever be bottomed upon principles of patriotism, has been recognized and felt by the State of Georgia and whereas the present crisis calls with more than ordinary inducement for the encouragement of such associations; and whereas the company petitioning through their captain for the supply, are already nearly complete, and certain arms are in the possession of the state, useless at present, and which cannot be better appropriated than by investing them in the said association;

Be it therefore resolved by the Senate and House of Representatives in General Assembly met, That the Governor be, and he is hereby authorised to deliver all the swords now in possession of the keeper of the Arsenal in Louisville, provided the number thus appropriated be not above forty, to the order of Norris Lyons, or the then captain of said Troop, provided the officer gives sufficient security for their safe keeping and restoration at the call of the Executive; which being read was agreed to.

The Senate took up the resolution

from the House of Representatives on the petition of Michael Dixon, which being read, Mr. Foster moved the following resolution,

On the petition of Michael Dixon, praying payment for services rendered during the revolutionary war, your committee have examined the same, and find that his claim has long since been barred by several acts of this state and of the United States, and all such claims have long since been rejected, therefore the prayer of the petitioner be not granted; and the same being read, on the question to agree, it was determined in the negative, and the yeas and nays being required, are Yeas 10—Nays 21.

Those who voted in the affirmative, are, Messrs. Cook, Foster, Jackson, Leigh, Newsom, Owens, Scruggs, Sheppard, Watts (of T) and Wood.

Those who voted in the negative are Messrs. Barnett, Blair, Brown, Crawford, Hardie, Henderson, Hogan, Hudspeth, Johnson, Jones, Lawson, Little, M'Cormick, Park, Powell, Pray, Reid, Stewart, Stripling, Watts (of Washington) and Williams.

Mr. Powell then moved the following resolution;

Resolved, That the petitioner be allowed two hundred and fifty dollars to be provided for in the appropriation act—on the question to agree to the same, it was determined in the negative, and the yeas and nays being required, are Yeas 14—Nays 18.

Those who voted in the affirmative, are Messrs. Henderson, Hogan, Johnson, Lawson, M'Cormick, Park, Pow-

ell, Pray, Reid, Shepherd, Stewart, Stripling, Williams and Wilson.

Those who voted in the negative, are Messrs. Barnett, Blair, Brown, Cook, Crawford, Foster, Hardee, Hudspeth, Jackson, Jones, Leigh, Little, Newsom, Owens, Scruggs, Watts (of W) Watts (of T) and Wood.

Whereupon the report was again read, and on the question to concur with the House of Representatives in said resolution, it was determined in the negative, and the yeas and nays being required, are Yeas 14—Nays 19.

Those who voted in the affirmative are, Messrs. Barnett, Blair, Brown, Cook, Crawford, Hardie, Hudspeth, Jones, Leigh, Little, Newsom, Sheppard, Watts (of W) and Watts (of T).

Those who voted in the negative, are Messrs. Foster, Harrison, Henderson, Hogan, Jackson, Johnson, Lawson, M'Cormick, Owens, Park, Powell, Pray, Reid, Scruggs, Stewart, Stripling, Williams, Willson and Wood.

The bill to afford temporary relief to the purchasers of fractional surveys was taken up, read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter & amend an act entitled an act, to incorporate the town of Warrenton in the county of Warren, to vest certain powers in the Commissioners thereof... Mr. Cook in the chair... Mr. President resumed the chair, and Mr. Cook reported that they had gone through the bill with amendments.

The Senate took up the report, and

the amendments were agreed to.

Ordered, That the said bill be engrossed for a third reading.

The Senate resolved itself into a committee of the whole on the bill to amend the 21st section of the Judiciary of this state—Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported progress and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to confirm to Jared Trammel the establishment of a ferry on the Ogeechee river—Mr. Blair in the chair—Mr. President resumed the chair, and Mr. Blair reported that the further consideration of said bill be postponed till June next.

The Senate took up the report, and on the question to agree, it was determined in the affirmative, and the yeas and nays being required, are Yeas 11.—Nays 15.

Those who voted in the affirmative are Messrs. Barnett, Blair, Brown, Cook, Henderson, Hegan, Jackson, Johnston, Little, McCormick, Park, Shepherd, Stewart, Strippling and Willson.

Those who voted in the negative are Messrs. Foster, Harrison, Auds-peth, Jones, Lawson, Leigh, Newsom, Owens, Powell, Pray, Scruggs, Watts (of W.) Watts (of T.) Williams, and Wood.

The yeas and nays being equal, the President determined in the affirmative.

Mr. Johnston agreeably to notice introduced a bill to pardon John Amos, which was received and read the first time.

A message from the House of Representatives by Mr. Holt their clerk  
Mr. President ;

The House of Representatives have concurred in the resolution from Senate on the subject of the postponement of the sale of Fractional Surveys and they have added a committee on their part, to join the committee appointed by Senate to take into consideration the petition of the inhabitants of Columbia county.

They have passed a resolution appointing a committee on their part, to join such as may be appointed by Senate, to take into consideration His Excellency the Governor's Communication of yesterday, relative to signing bills to alter the Constitution of this State;

A resolution relative to the opening a road from the town of Hartford in Pulaski county, to Colerain in the county of Camden;

A resolution appointing a Notary Public for the Port of Darien;

A resolution appointing Justices of the Inferior court of Tattnal county, &

A resolution on the subject of the mail rout between the City of Savannah and the town of Milledgeville—and they have passed a bill to amend an act incorporating a company for the purpose of opening the Ogeechee river—and,

bill to alter the time of holding the Superior and Inferior courts of Wilkes county—and he withdrew.

Ordered, That the said message do lie on the table.

Mr. Foster from the committee of Finance reported, which was read and

ordered to lie on the table.

Mr Cook gives notice that he will on Monday next, move for leave to introduce a bill, to amend an act, more effectually to punish the crime of Horse-stealing

The bill to add a part of Washington and Montgomery counties to Laurens county, was read the second time, and ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill for the relief of Benjamin Everett—Mr. Foster in the chair—Mr President resumed the chair, and Mr Foster reported progress, and had leave to sit again.

A message from His Excellency the Governor by Mr. Porter his Secretary ;

Mr President ;

I am directed by His Excellency the Governor to inform the Senate that he has approved of and signed sundry resolutions which originated in this branch of the Legislature, the substance of which are as follows, to wit :  
 \* One appointing James M. Taylor and Murdock M. Leod, esqrs. Justices of the Inferior court of Pulaski county, vice William A. Harper, dec'd. and Samuel Jones resigned ;

One confirming the Executive appointment of Daniel Wilson, esquire, as a justice of the Inferior court of Baldwin county vice Benjamin Taverner, resigned, and appointing Jett Thomas, Edmund B. Jenkins and Augustin Harris, esquires, justices of the Inferior court of said county of

Baldwin, vice Archibald M. Devaux, Abraham Miles and Hines Holt, esqrs. resigned ;

One appointing Robert A. Beall, esq. a commissioner of the Warren county Academy vice Timothy Matthews, resigned ;

One appointing Francis Jeter, esq. a Notary Public for the county of Baldwin and Town of Milledgeville ;

One appointing Dr. James Whitehead a Commissioner of the town and Academy of Waynesborough in the county of Burke vice David Robertson. deceased ;

One appointing William Strother, a Notary Public for the county of Oglethorpe and town of Lexington ;

One requesting His Excellency the Governor to address the President of the United States on the subject of opening a road from the town of Hartford in the county of Pulaski, until it intersects the road from Milledgeville to Fort Stoddart ;

One requesting His Excellency the Governor to make application to the President of the United States on the subject of a road from or near the Alcofauhachee on the Ocmulgee river, to where the same would intersect the road from Milledgeville to Fort Stoddart ;

One authorising and requesting His Excellency the Governor to appoint not exceeding three persons, as Commissioners on the part of this state, to make application to the Cherokee Nation of Indians through the Agency of the United States, for the purpose of obtaining the consent of said Indians

to the disposition of certain lands therein mentioned, and,

One directing the Solicitor General of the Eastern District to bring suit for & in behalf of this state against all persons claiming a plantation called Dublin and Cherry-hill in the county of Bryan originally confiscated as the property of John B. Maxwell.

Mr. Newsom from the committee on Enrollment reported as duly enrolled and signed by the Speaker, an act to amend the 56th section of the Judiciary of this state ;

An act to make valid certain papers now in possession of the Trustees of Union Academy in Putnam county ;

An act to authorise the Inferior court of Clark county to levy an extra tax ;

An act to amend an act, to change the names of Betsy, Sally and Matilda Burton, minors ;

An act to alter and amend the 4th and 5th sections of the third article of the Constitution—and,

An act to amend an act, to incorporate the Planters' Bank of the State of Georgia and for other purposes, passed 19th December 1810 also to provide against embezzlement and forgeries, which were severally presented to and signed by the President.

Ordered, That the committee do take said acts to His Excellency the Governor for his revision.

Adjourned 'till 10 o'clock Monday morning.

—————0000000000—————

MONDAY, 2d December, 1811.

On motion of Mr. Henderson,

The Journal of Saturday was re-considered on the petition of Michael Dickson.

Ordered, That the said report or petition do lie on the table

On motion of Mr. Woods (of W),

The Journal of Saturday was re-considered on the bill to confirm to Jared Trammel the establishment of a ferry on the Oconee river.

Ordered, That the said bill do lie on the table.

Mr. Newsom from the committee on Enrollment reported as duly enrolled and signed by the Speaker, an act to divorce Levi Bright and Sarah his wife ;

An act granting to the Commissioners of the Sunbury Academy, for the use of that institution, one hundred and sixty-six and two third acres of land ;

An act for the relief of Stephen W. Moore ; which were presented to and signed by the President.

Ordered, That the committee of Enrollment do carry the said bills to His Excellency the Governor for his revision.

On motion of Mr. Park,

Resolved, That the committee of Enrollment do without delay carry the act for altering the first section of the 3d article of the Constitution to the Secretary of State's Office, and there have the Great Seal of the State affixed thereto, and make a deposit of the same in the archives of that office ; it being concurred that the revision of that law is not constitutionally confided to the Executive Department.



Ordered, That the resolution do lie on the table.

Mr. Foster from the committee on Finance reported on the petition of Nathaniel Twining, which was ordered to lie on the table.

On motion of Mr. Johnson,

Resolved, That the Treasurer of this State be authorised to receive the bills of the Bank of Augusta and the Planters' Bank of the State of Georgia in payment of taxes.

Ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the relief of Benjamin Scott, a soldier—Mr. Little in the chair—Mr. President resumed the chair, and Mr. Little reported that they had gone through the same without any amendment. The bill was read the third time and passed.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act, to establish and regulate the Inspection of Flour—Mr. Blair in the chair—Mr. President resumed the chair, and Mr. Blair reported that they had gone through the same with an amendment.

The Senate took up the report, and the same being read and amended, the bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 24—Nays 9.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Brown, Cook, Crawford, Foster, Hardie, Harrison, Henderson, Hogan, Hudspeth,

Jackson, Johnson, Lawson, Leigh, M Cormick, Park, Pray, Rabun, Strippling, Watts (of Telfair), Williams, Willson and Wood.

Those who voted in the negative, are Messrs. Jones, Little, Newsom, Owens, Powell, Scruggs, Sheppard, Stewart and watts (of Washington).

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the second section of an act, entitled an act, to legalize and make valid certain acts of Sheriffs and Clerks, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers—Mr. Park in the chair—Mr. President resumed the chair, and Mr. Park reported that they had gone through the bill with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon resolved, That the bill be read the third time, and pass under the title aforesaid.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to add a part of Washington & Montgomery counties to the county of Laurens—Mr. Newsom in the chair—Mr. President resumed the chair, and Mr. Newsom reported that they had gone through the bill with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon the bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to

be entitled an act, to incorporate the Roman Catholic Society of Augusta and county of Richmond, and to authorise the Trustees of the Agricultural Academy to convey a lot of land in the city of Augusta, to the said Roman Catholic Society—Mr. Hudspeth in the chair—Mr. President resumed the chair, and Mr. Hudspeth reported that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time and passed.

The bill to be entitled an act to regulate the granting Certioraries and Injunctions was read the second time.

Ordered for committee of the whole.

The Senate resolved itself into committee of the whole on the bill to authorise the Intendant and Council of the town of St. Mary's to lessen the width of front of St. Mary's street and for other purposes—Mr. Cook in the chair—Mr. President resumed the chair, and Mr. Cook reported that they had gone through the same without any amendments.

The bill was read the third time, and ordered to lie on the table.

The following bills were read the second time, to wit :

A bill to be entitled an act, to regulate the future elections of members of Congress in this state.

Ordered for a third reading.

A bill to amend the several Judiciary acts now in force in this state, so far as relates to Justices' courts.

Ordered for a committee of the whole.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr. President ;

The House of Representatives have passed a resolution appointing Graves, esq. a Justice of the Interior court of Morgan county ;

A resolution appointing Drury a commissioner of roads in the county of Baldwin ;

A resolution appointing a joint committee on the Governor's Communication, on the subject of bills to alter the constitution :

A resolution in favor of Joseph B. Jones ; and have passed the following bills, to wit :

A bill to be entitled an act, to amend an act, entitled an act, more effectually to punish the crime of horse stealing

A bill to be entitled an act, to revise and amend the third section of an act for clearing out Ogechee river and Briar creek, passed the 22d February, 1793 ;

A bill for the relief of Joseph Moore and others, defaulting jurors for the county of Wayne

The Senate took up the message and concurred in the two first mentioned resolutions, & appointed Messrs. Hudspeth, Barnet and Pray a committee on the Governor's Communication.

Ordered, That the resolution in favor of Joseph B. Jones do lie on the table.

And the said several bills were read the first time.

The Senate took up the message from the House of Representatives yesterday, and they concurred in several resolutions therein mentioned and the bills were severally read

first time.

A message from His Excellency the Governor by Mr. Porter his Secretary;

Mr President;

I am directed by His Excellency the Governor to lay before Senate the following Communication, to wit :

Executive Department, Georgia, }  
Milledgeville, 2d Decem'r, 1811. }

Mr. President,

and Gentlemen of the Senate

A resolution which originated in Senate on the 19th ult. directing a postponement of all sales for money due for fractional surveys of land, in the counties of old Baldwin and Wilkinson, has been presented to me for approval; I have no objection to what I apprehend was the intention of the Legislature, but from the wording of this resolution, there is some difficulty in applying it to the object contemplated: by the words old Baldwin and Wilkinson, I apprehend the first purchase of land to be designated, and for the money due for fractional surveys in that purchase no executions have issued, nor can any issue until after a foreclosure of the mortgage, and the words old Baldwin and Wilkinson were intended to designate the fractional surveys in the last purchase, and for which executions have issued, will still include Baldwin & Wilkinson now organized, & in which there are fractional surveys for the money due for the purchase of which executions can issue. I am therefore under the necessity of disapproving this resolu-

tion in its present shape, although I am in favor of the principle intended to be embraced; had the words in the preamble of this resolution "in the counties of old Baldwin and Wilkinson" been left out, I would have approved of it.

D. B. MITCHELL.

Which being read, was ordered to lie on the table.

The Senate adjourned 'till 9 o'clock to-morrow morning.

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TUESDAY, 3d December, 1811.

The following bills were severally read the second time, to wit:

A bill to be entitled an act, to authorise the Judge of the Superior courts of the Western district to hold an extra session in the county of Lincoln.

Ordered for a third reading.

A bill to divorce John T. Patterson and Sarah his wife.

Ordered for a committee of the whole.

A bill to be entitled an act, to secure to George G. Gaines, his heirs and assigns, the right of establishing a public ferry on the Oconee river.

Ordered for a committee of the whole.

A bill to secure to Sarah McLeod, the exclusive right of erecting a bridge over the Ohoopie.

Ordered for a committee of the whole.

A bill to be entitled an act, to authorise the present commissioners of

the St. Mary Lottery, to appoint other commissioners to fill up the vacancies which have been occasioned by removal of some, and refusal of others to serve

Ordered for a committee of the whole.

A bill to be entitled an act, to establish the line between the county of Tazewell and Montgomery

Ordered for a third reading

A bill to be entitled an act, to divorce James H. Purdue and Catharine his wife.

Ordered for a committee of the whole.

A bill to be entitled an act, to authorize the inferior court of Warren county to transcribe the Records of that county into bound books, and to confirm the same in courts of record

Ordered for a committee of the whole.

A bill to be entitled an act, to divorce Roderick Easley and Esther his wife.

Ordered for a committee of the whole.

A bill to be entitled an act, to divorce Joseph P. Slade and Margaret his wife

Ordered for a committee of the whole.

A bill to be entitled an act, to alter and change the times of holding the Superior courts for the county of Hancock.

Ordered for a third reading.

The Senate resolved itself into committee of the whole on the bill to divorce Nathaniel Harper and Mary

his wife—Mr Rabun in the chair—Mr President resumed the chair, and Mr Rabun reported, that they had gone through the bill without any amendment

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the negative, the Constitution requiring two thirds upon bills of divorce.

Those who voted in the affirmative, are Messrs. Blair, Brown, Crawford, Hardie, Harrison, Hogan, Jackson, Jones, Lawson, Leigh, Newsom, Owens, Park, Powell, Shepherd, Strippling, Watts (of Tazewell), Williams, Willson, and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Davis, Foster, Henderson, Hudspeth, Johnston, Little, Pray, Rabun, Scruggs, Stewart and Watts (of Washington).

The Senate resolved itself into a committee of the whole on the bill to be entitled act, to divorce certain persons therein named—Mr Park in the chair—Mr. President resumed the chair, and Mr Park reported that they had gone through the bill without any amendment.

Whereupon the bill was read the third time, and on the question shall this bill now pass, it was determined in the negative, the Constitution requiring two thirds on bills of divorce.

Those who voted in the affirmative are Messrs Blair, Crawford, Hardie, Harrison, Hogan, Lawson, Leigh, McCormick, Newsom, Owens, Powell, Reid, Shepherd, Strippling, Watts (of

T.) Williams, Willson and Wood.

Those who voted in the negative are Messrs. Barnett, Brown, Byne, Cook, Davis, Foster, Henderson, Hudspeth, Jackson, Jones, Little, Park, Pray, Rabun, Scruggs, Stewart and Watts (of W.)

On motion of Mr Foster,

Resolved, That the Senate will not act on any bill purporting to be a divorce, during the present session; and on the question to agree to the said resolution, it was determined in the affirmative, and the yeas and nays being required, are Yeas 2 — Nays 13.

Those who voted in the affirmative are, Messrs. Barnett, Blair, Brown, Cook, Crawford, Davis, Foster, Hardie, Hudspeth, Jackson, Johnson, Jones, Little, M'Cormick, Park, Pray, Rabun, Scruggs, Stewart, Watts (of W.) and Willson.

Those who voted in the negative are Messrs. Harrison, Henderson, Hogan, Lawson, Leigh, Newsom, Owens, Powell, Reid, Stripling, Watts (of T.) Williams, and Wood

The bill to be entitled an act to authorise the Intendant and Council of the town of St. Mary's to lessen the width of front or St. Mary street, and for other purposes, was read the third time and passed.

The following bills were taken up and severally read the second time, to wit :

A bill to be entitled an act, for the election of the clerk or other persons to whom the care of the records and other proceedings of the courts of Ordinary are vested.

Ordered for committee of the whole.

A bill to be entitled an act, to alter and amend the several road laws in this state, so far as respects the counties of Bryan, Liberty, M'Intosh, Glynn and Camden, so far as respects the county of Camden.

Ordered for committee of the whole.

A bill to be entitled an act, to authorise Joseph Cooper to erect a toll bridge across the Georgee river, at or near his mills on his own land.

Ordered for committee of the whole.

A bill to amend an act, to appropriate the funds heretofore set apart for the redemption of the public debt.

Ordered for committee of the whole.

A bill to be entitled an act, to regulate the town of Marion in the county of Twiggs.

Ordered for committee of the whole.

A bill to aid the Trustees of the University of Georgia, and carry into effect the act for the more full and complete establishment of a public seat of learning in this state, passed the 27th of January 1785, and to authorise them to sell and dispose of their lands, and to amend said act.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the 23d section of the Judiciary law of this state, passed the 15th February 1799—Mr Powell in the chair—Mr President resumed the chair, and Mr Powell reported that they had gone through the same without any amendment. Whereupon the bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the 7th section of the 1st article of the Constitution of this state—Mr Newsom in the chair—Mr President resumed the chair, and Mr Newsom reported that the further consideration of this bill be postponed until the first day of August next

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required are Yeas 27—Nays 9.

Those who voted in the affirmative, are, Messrs. Barnett, Blair, Byne, Crawford, Davis, Foster, Hardie, Harrison, Henderson, Hudspeth, Johnson, Lawson, Leigh, Little, Newsom, Owens, Pray, Rabun, Reid, Scruggs, Shepherd, Stewart, Watts (of Washington) Watts (of T.) Williams, Willson and Wood.

Those who voted in the negative are, Messrs. Brown, Cook, Hogan, Jackson, Jones, McCormick, Park, Powell and Strippling.

The bill to be entitled an act, to alter and amend an act, entitled an act, to incorporate the town of Warrenton in the county of Warren, and to vest certain powers in the commissioners thereof, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill for the relief of Benjamin Everett—Mr Cook in the chair—Mr President resumed the chair, and Mr Cook reported that they had gone through the bill

without any amendment. Whereupon the said bill was read the third time and passed

The following bills were taken up and read the second time, to wit :

A bill to be entitled an act, amendatory to an act, to incorporate a company for the purpose of opening the Ogechee river from the mouth of Canouchee, to the mouth of Rocky Comfort, and for the improvement of the navigation thereof.

Ordered for a committee of the whole.

A bill to be entitled an act, for the relief of Joseph Muse and others.

Ordered for a committee of the whole.

A bill to be entitled an act, to revise and amend the third section of an act, for clearing out Ogechee river and Briar creek, passed the 22d February 1796.

Ordered for a committee of the whole.

A bill to be entitled an act, to amend an act, entitled an act, more effectually to punish the crime of horse-stealing.

Ordered for a committee of the whole.

A bill to alter the time of holding the Superior and Inferior courts of Wilkes.

Ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to regulate the granting of certioraries and Injunctions—Mr Foster in the chair—Mr President resumed the chair, and Mr Foster reported that they had gone

through the bill with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon the said bill was read the third time, and passed as amended.

A message from His Excellency the Governor by Mr. Porter his Secretary ;

Mr President ;

I am directed by His Excellency the Governor to inform the Senate that he has assented to and signed two acts which have been presented to him by the committee of Enrollment, entitled an act, to divorce Levi Bright and Sarah his wife, and an act to amend an act, to incorporate the Planters Bank of the State of Georgia and for other purposes, passed the 19th day of December 1810, also to provide a gainst embezzlements and forgeries and he withdrew.

Ordered, That the committee of Enrollment do carry the said several acts to the Secretary of State's office and see the Great Seal affixed to them respectively.

The bill to be entitled an act, to regulate the future elections of members of Congress in this state was read the third time and passed.

A message from the House of Representatives by Mr. Holt their clerk :

Mr. President ;

The House of Representatives have concurred in the resolution on the memorial of James Wood, with an amendment ;

They have added Messrs. J. Wimberly, J. A. Cuthbert and J. D. Terrell to the committee on Finance ;

They have passed the bill from Senate to be entitled an act, for the relief of Bozeman Adare a State Troop Soldier ; and, passed the bill from Senate to make permanent the site of the public buildings in the county of Telfair with amendments, and he withdrew.

The Senate took up the message, and concurred in the amendment made by the House of Representatives to the resolution on the memorial of James Wood, and added Messrs. Cook and Leigh to the committee on Finance on the part of Senate

They agreed to the amendment made by the House of Representatives on the bill making permanent the site of the public buildings in the county of Telfair.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend the 31st section of the Judiciary act of 1799—Mr Brown in the chair—Mr President resumed the chair, and Mr. Brown reported that they had gone through the same without any amendment.

Ordered, That the report do lie on the table.

The Senate took up the report of the committee on the bill to be entitled an act, more particularly pointing out the duty of Sheriffs and Constables in certain cases, and to alter and explain the first section of an act, entitled an act, pointing out the duty of Sheriffs in selling lands under execution, passed 22d December, 1803, which was amended, and ordered that the bill do lie on the table.

Adjourned 'till 9 o'clock to-morrow morning.

WEDNESDAY, 4th December, 1811.

On motion of Mr Owens,

The Journal of yesterday was re-considered on the resolution affecting the progress of divorce bills, and also on the bill to divorce Nathaniel Harper and Mary his wife, and the bill to divorce certain persons therein named.

Ordered, That said bills do lie on the table.

On motion of Mr Henderson,

Resolved, That whereas it is found in some instances that persons have had State Troop Bounty Warrants renewed and paid into the Treasury Office of this state, without the knowledge or consent of the proprietors of said warrants, and it is presumed that in some instances they have obtained warrants by stating the loss of their original warrant, and on examination may be found to have been twice discharged by the state; and whereas it is difficult to discover the fraud practised against individuals as well as the state, by reason of the bundles containing those warrants being sealed up, and the Treasurer not being authorised to open them for the inspection of the citizens;

Be it therefore resolved, That the Treasurer be, and he is hereby authorised to break open all and every bundle or packet in his office which contains State Troop Bounty Warrants, for the inspection of any of the citizens of this state.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the several Judiciary acts now in

force in this state, so far as relates to Justices' courts—Mr Hudspeth in the chair—Mr President resumed the chair, and Mr Hudspeth reported that they had gone through the bill with amendments

The amendments being read were agreed to

Whereupon the said bill was read the third time, and passed as amended

The Senate took up the report of the committee of the whole on the bill to be entitled an act, confirming to red Trammell the establishment of a ferry over the Oconee river, which being read, was disagreed to.

Whereupon the said bill was read the third time, and on the question shall this bill now pass, it was determined in the negative, and the yeas and nays being required are, Yeas 16.

Those who voted in the affirmative are, Messrs. Brown, Foster, Harrison, Henderson, Hudspeth, Lawson, Leight Little, Newsom, Owens, Powell, Reiter Scruggs, Watts (of Washington) Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Blair, Byne, Cook Davis, Hardie, Hogan, Jackson, Jones McCormick, Park, Rabun, Shepherd Stewart, Stripling, and Willson.

The yeas and nays being equal, the President determined in the negative

Mr Rabun had leave to introduce a bill to be entitled an act, to authorise the Inferior court of Hancock county to levy an extra tax, to enable them to build a new jail and for other county purposes, which was read the 1st time



The bill to be entitled an act, to authorise the Judge of the Superior Court of the Western District to hold an extra session in the county of Lincoln, was taken up and read the third time and passed.

The bill to be entitled an act, to alter the time of holding the Superior & Inferior courts for the county of Wilkes was taken up and read the third time and passed.

The bill to be entitled an act, to alter and change the times of holding the Superior courts for the county of Wilkes, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to regulate the town of Marion, in the county of Twiggs—Mr Byne in the chair—Mr President resumed the chair and Mr Byne reported that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to give to Sarah M'Leod the exclusive right of erecting a bridge over the Oconee—Mr Newsom in the chair—

Mr President resumed the chair, and Mr Newsom reported that they had gone through the bill without amendment—whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are yeas 25—Nays 6.

Those who voted in the affirmative

are Messrs. Blair, Brown, Foster, Hardie, Henderson, Hogan, Hudspeth, Jackson, Jones, Lawson, Leigh, Little, M'Cormick, Newsom, Owens, Park, Powell, Reid, Seouggs, Stewart, Stripling, Watts (of W) Watts (of T.) Williams, and Wood

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Davis, Rabun, and Shepherd.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to secure to George G. Gaines, his heirs and assigns, the right of establishing a public ferry on the Oconee river, on fraction No 23—Mr Rabun in the chair—Mr President resumed the chair, and Mr Rabun reported progress and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to authorise the present commissioners of the St. Mary Lottery to appoint other commissioners to fill up the vacancies which have been occasioned by removal of some, and refusal of others to serve—Mr Cook in the chair—Mr President resumed the chair, and Mr Cook reported, that they had gone through the bill without amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend an act, entitled an act, more effectually to punish the crime of horse-stealing—Mr Leigh in the chair—Mr President resumed the chair, and Mr Leigh reported that

they had gone through the bill without amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to authorise the Inferior court of Warren county to transcribe the records of that county into bound books, and to confirm the same in courts of record—Mr Henderson in the chair—Mr President resumed the chair, and Mr Henderson reported that they had gone through the same without amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the several road laws in this state, so far as respects the counties of Bryan, Liberty, McIntosh, Glynn and Camden, so far as respects the county of Camden—Mr Barnett in the chair; Mr President resumed the chair, and Mr Barnett reported no amendment.

Whereupon the said bill was read the third time and passed.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have concurred in the resolution appointing Clement Lanier esq. a commissioner of the Pulaski county Academy in the place of William A. Harper, deceased.

They have passed the following bills—A bill to be entitled an act, more effectually to provide for the or-

ganization and equipment of the Cavalry of this State

A bill to be entitled an act, to repeal an act, entitled an act, for the keeping open Little river and Broad river, passed 22d February 1796, so far as respects Little river; and all other acts passed for the prevention of erecting mills on said river, and a bill to be entitled an act, to add a part of the county of Liberty to Tattnall; and he withdrew;

The Senate took up the message, and the bills were severally read the first time

A message from His Excellency the Governor by Mr. Porter his Secretary;

Mr President;

I am directed by His Excellency the Governor to return to this branch of the Legislature, a resolution appointing Alexander Greene a Vendue Master for the town of Milledgeville; and to inform the Senate that he has disapproved of the same, for reasons stated in a communication now presented; and he withdrew.

His Excellency's reasons are, that the law requires only one Vendue Master for the town of Milledgeville, who has before been appointed.

Ordered, That the message do lie on the table.

Mr Harrison laid on the table the following resolution;

Resolved, That the Senate will not during the present session take under their consideration, any bill purporting to alter any article or secti-

of the Constitution of this state.  
Adjourned 'till 10 o'clock to-morrow morning

—0000000000—

THURSDAY, 5th December, 1811

On motion of Mr Wood,

To reconsider the Journal of yesterday, so far as respects the bill confirming to Jared Trammell the establishment of a ferry over the Oconee river. on the question, it was determined in the affirmative, and the yeas and nays being required, are Yeas 18 Nays 5

Those who voted in the affirmative are Messrs. Brown, Cook, Crawford, Hardie, Harrison, Henderson, Lawson, Leigh, Little, Owens, Powell, Reid, Scruggs, Shepherd, Stripling, Wats (of T.) Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Blair, Byne, Davis, Foster, Hogan, Lupton, Mason, Jones, McCormick, Newsom, Park, Rabun, Stewart and Willson.

On motion of Mr Owens, Resolved, That the line run by Daniel Sturges, esq late Surveyor General, between the counties of Baldwin and Wilkinson shall be held and followed the dividing line between the counties of Baldwin and Wilkinson.

The Senate took up the report of the committee on the petition of Roger Olmstead, to wit:

The committee to whom was referred the petition of Roger Olmstead, stating that he is confined in the common jail of Baldwin county for debt, and that he has made application both

to the justices of the Inferior court & Judge of the Superior court of the Ocmulgee district to surrender up all his property, and take the benefit of the several insolvent acts, and that the said courts have remanded him back to jail; therefore prays Legislative interference; your committee have taken the same under consideration, and regret the unfortunate situation of the petitioner, but by the 1st section of the first article of the Constitution of this state, the Legislative, Executive and Judiciary departments of government shall be distinct;

Therefore are of opinion that it would be an improper and unconstitutional interference, and that the prayer of the petitioner ought not to be granted, which being read was agreed to.

The Senate took up the report of the committee on the memorial of E. B. Jenkins, and the same being read;

Resolved, That the report be recommended to a special committee.

Ordered, That Messrs Rabun, Park, and Barnett be that committee.

The Senate took up the report of the committee on the State of the Republic, to whom was referred the petition of John M'Intyre, a soldier in the last revolutionary war, praying compensation for his services, recommend the following resolution;

Resolved, That the prayer of the petitioner be not granted, which being read was agreed to.

The Senate took the report of the committee on Finance, to whom was referred the petition of Nathaniel Twining, to wit:

On the petition of Nathaniel Twin- state be requested to instruct its Sena- ing;

Resolved, That the prayer of the the National Congress to prosecute the petitioner is reasonable and ought to be granted; and that twenty-five dol- claims of Jonas Fauche and others lars be appropriated accordingly; for pay due to them for Military ser- vices performed for the United State which being read, was agreed to. from the 23d of April 1793, to the 31st March 1794, which being read was agreed to.

The Senate took up the report of the committee on Finance, as follows; was agreed to.

The committee on Finance recom- The Senate took up the report of the committee on the State of the Re- mend that His Excellency the Govern- public, on the subject of Canals, to wit:

Brass Ordnance of four pounds cala- The committee on the State of the bre, one for the use of the Artillery Republic to whom was referred the Company of Jefferson county, the o- letter from certain commissioners ap- ther for the use of the Artillery Com- pointed by the state of New York, for the purpose of providing for the im- pany of Richmond county, in lieu of- provement of the internal naviga- the two recommended by the concu- of said state,

red resolution of the General Assem- *Report,* That they have had the bly of eighteen hundred and nine, and same under consideration, and duly four others of six pounds calibre, to weighed its objects, policy and weighed its objects, policy and consequences. They are assured that same be provided for in the appropri- contemplated opening of a Canal sequences. They are assured that same be provided for in the appropri- vigation between the Great Lakes, ation law, which was read and agreed Hudson river, is an act involv- to.

The Senate took up the report of the much labour and expence, and su- an undertaking as would justify a re- committee on the State of the Repub- lic, to whom referred the petition of Jonas Fauche and others, to wit:

The committee having examined the ground of its difficulty. They are also impressed with the facts and laws relating to the peti- tion of Jonas Fauche, are convinced policy and importance of the Fed- that it is not from the State of Georgi- Union, of multiplying the ligamen- a but from the United States that the which hold the states together, whi- petitioners should expect relief, and they therefore recommend the follow- thing which in the least might tend- ing resolution;

Resolved, That the Governor of this commences the important policy

connecting extremes, therefore in the estimation of your committee deserves the express approbation of every state in the union. For the consequences of such an undertaking are indirectly interesting to the whole confederation; for, from hence may spring infinite ramifications of Canals into other states, and thence open the stores of the circumjacent territories of the Great Lakes to every state; the facilitation of interior commercial communication is certainly at this crisis of primary importance, since the piracy and contempt of National Law evinced by the belligerents of the old world, must convince every reflecting mind that domestic manufactures should be sanctioned by every possible means, and the easy internal transitions of them from place to place will aid the great objects of Independence.

But contemplating, as your committee are constrained to do, the resources of our state, and the probable application of its funds in the improvement of our own internal navigation, and for the obtention of other objects of importance to our own particular state, they are under the necessity of recommending that no appropriation for effecting a connection between the Great Lakes and Hudson river be made on the part of the State of Georgia. Expressing as they have done, the approbation of the policy of connecting extremes by Canal navigation, it might seem incumbent upon your committee to recommend

the exercise of the influence of the state of Georgia in the Councils of the Union, to which she is entitled; but believing as they do, that from the peculiar nature of this question, that our representatives are possessed of the most correct means of information on this particular subject, being at the centre of the Union, and deriving information of members from adjacent states. They would recommend that the legislature avoid any step which may tend to bias their minds;

*Be it therefore resolved by the Senate & House of Representatives.* That the Governor be, and he is hereby requested to answer the letter herein referred to, to the effect herein above expressed.

The Senate took up the report of the committee on petitions, to wit:

On the petition of John Griffin, praying this Legislature to authorise the commissioners of this town to lease him eight or ten acres of land on the south side of Fishing creek, report, that they have had the same under their consideration, and think the prayer of the petitioner unreasonable and ought not to be granted, which was read and agreed to.

On the petition of William Gilbert; They have had the same under consideration, and as there is a bill now in progress to answer the prayer of the petitioner with other fraction purchasers, think the prayer of the petitioner ought not to be granted—read and agreed to.

The Senate took up the report of the committee to examine and turn over the Office of Secretary of State to the person elected.

Ordered, That the following Schedule be entered on the Journal of Senate.

Register of grants which issued previous to the war books, *A. B. C. D. E. F. G. H. I. K. L.* and *M.* from 1756 to 1775 inclusive.

Books belonging to the old Auditors Office, *A* and *B*, from 1756 to 1775

Schedule of Grants from 1755 to 1776, books *L* and *P*—Grant Books from three *D D D*'s to three *Z Z Z*'s inclusive, containing from 1783 to 1793—Grant Books, four *A A A A*'s to four *Z Z Z Z*'s inclusive, containing from 1793 to 1797—Grant Books five *A A A A A*'s to five *E E E E E*'s inclusive—Book *F 5*—*G 5*, and *H 5*, containing from 1805 to 1811—Grants of land for the first purchase in Wilkinson, from No. 1 to No. 5—Baldwin, first purchase from No. 1 to No. 5, also, Wayne from No. 1 to No. 3.

Book *A B* and *C*, containing Grants for fractions; Books containing Grants in second Lottery—Wilkinson from No. 6 to 23, also Baldwin, from No. 6 to No. 20.

Conveyances—Book *A. C.* 1st and 2nd Vol. from 1740 to 1776—Books *S & U*, containing from 1766 to 1769—Book *V*, containing from 1769 to 1771...Book *X*, 1st and 2nd Vol. containing from 1771 to 1774....Book two *C. C.* 1st and 2nd Vol. containing

from 1774 to 1784....Book *D. D.* containing from 1775 to 1798...Book *H H* containing from 1775 to 1805....Book *B*, No. 3, containing from 1783 to 1802.

Mortgages---Book *E*, containing from 1755 to 1763...Book *G*, containing from 1762 to 1765...Book *O*, containing from 1765 to 1770...Book *W*, containing from 1770 to 1778....Book *E E*, containing from 1776 to 1805.

Deeds of Gift, Bills of Sale & Powers of Attorney, Books *I. O. R. Y*....*C* No. 3, and *D* No. 3, containing from 1755 to 1804

Acts of the General Assembly from Book *A* to *I*, containing the laws from 1764 to 1808---Book *A* and Index to the laws

Military Commissions from 1799 to 1809 inclusive, (book not numbered.)

Book of Commissions to Justices of the Inferior courts from 1799 to 1808.

Books of Commissions to Justices of the Peace from 1799 to 1809.

County officers Book from 1807 to 1808-- Commission Book *B*, from 1754 to 1806.

Wills---Book *A*, from 1755 to 1772, also *A. A.* from 1770 to 1777

Proclamations---Book *H*, from 1754 to 1782-- Book *H H*, from 1782 to 1805---Book of Marks and Brands *Y*, from 1755 to 1806---Entry of Claims, Book *U*, No. 3---Books belonging to the Court of Ordinary, *B C D D F*, and two *F*'s *G N* and *Z*, also an old Check Book of Certificates issued to officers.

In the Pigeon holes under the Book  
se, a number of files or packages of  
papers, labelled as wills, conveyances,  
praisements, bonds, orders of coun-

Executive orders, &c. &c. &c. to  
gether with the manuscript laws from  
the year 1755 to 1810. also Book of  
Entry of Grants from 1775 to 1778.

The bill more effectually to provide  
for the organization of the Cavalry,  
and the bill to add a part of Washing-  
ton to Baldwin county, were sever-  
ally read the second time, and order-  
ed for committee of the whole.

The Senate resolved itself into a  
committee of the whole on the bill  
supplementary to an act, rendering  
void grants founded on fraudulent re-  
turns, &c.—Mr Jackson in the chair  
—Mr President resumed the chair,  
and Mr Jackson reported that they had  
gone through the same with an a-  
mendment.

The Senate took up the report,  
which was agreed to.

Whereupon the said bill was read  
the third time and passed.

Mr Jackson presented a petition  
from James W. Keyland, which was  
read and referred to the committee on  
petitions.

The Senate took up the report of  
the committee on the petition of Da-  
niel Butler, which was agreed to, as  
follows, viz :

The committee to whom was refer-  
red the petition of Daniel Butler,  
praying this Legislature to take into  
their consideration his helpless fami-  
ly, and grant him some relief as a Le-  
gislatum heretofore has done, report,

they have had the same under consid-  
eration, and think the prayer of the  
petitioner unreasonable, and ought not  
to be granted.

The Senate resolved itself into a  
committee of the whole on the bill for  
the relief of Joseph Muse and others  
defaulting jurors for the Superior  
court of Wayne county—Mr Little in  
the chair—Mr President resumed the  
chair, & Mr Little reported that they  
had gone through the same without a  
mendment.

The Senate took up the report,  
which was read and agreed to.

Whereupon the said bill was read  
the third time and passed.

The Senate resolved itself into a  
committee of the whole on the bill to  
authorise Joseph Cooper to erect a  
toll bridge across the Oconee river on  
his own land—Mr Hudspeth in the  
chair—Mr President resumed the  
chair, and Mr Hudspeth reported that  
they had gone through the same with  
an amendment.

The Senate took up the report,  
which was read and agreed to.

Whereupon the said bill was read  
the third time and passed.

The following bills were severally  
read the second time, and ordered for  
a third reading, to wit ;

A bill to add a part of Liberty  
county to the county of Tattnal ;

A bill to repeal an act, for keeping  
open Little river and Broad river,  
passed 22d February 1796, so far as  
respects Little river, &c.—and

A bill to authorise the Inferior court  
of Hancock county to levy an extra tax.

The Senate resolved itself into a committee of the whole on the bill to aid the Trustees of the University of Georgia, in carrying into effect the act for the more full and complete establishment of a public seat of learning in this State, passed 27th January 1785 and to authorise them to sell and dispose of their lands, and to amend said act—Mr Crawford in the chair—Mr President resumed the chair, and Mr Crawford reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to appropriate the funds heretofore set apart for the redemption of the public debt—Mr Newsom in the chair—Mr President resumed the chair, and Mr Newsom reported that they had gone through the same without any amendment.

Whereupon the said bill was read the third time and passed.

The bill to be entitled an act, to amend the several acts for regulating Vendue Masters, so far as to authorise a Vendue Master in the town of Milledgeville was taken up and read the second time.

Ordered for a third reading.

Mr Hudspeth from the joint committee on the Governor's Communication relative to bills altering the Constitution, reported, which was ordered to lie on the table.

On motion of Mr Rabun,

Resolved, That John Turner be and he is hereby appointed a Justice of the Inferior court of Hancock county in place of Richard A. Blount, esq

resigned.

The Senate adjourned 'till 9 o'clock to-morrow morning.

—000000000—

FRIDAY, 6th December, 1811.

Mr Foster from the joint committee to form a new county round Wrightsboro', reported, which was ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to divorce and separate John T. Patterson and Sarah his wife—Mr Park in the chair—Mr President resumed the chair, and Mr Park reported that they had gone through the same without any amendment.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 27, Nays 8

Those who voted in the affirmative are Messrs. Blair, Brown, Crawford, Davis, Hardie, Harrison, Henderson, Hogan, Jackson, Jones, Lawson, Leigh, McCormick, Newsom, Owens, Park, Powell, Pray, Reid, Shepherd, Stewart, Strippling, Watts (of Washington), Watts (of F.) Williams, Willson and Wood.

Those who voted in the negative are Messrs. Barnett, Byne, Coolidge, Foster, Hudspeth, Little, Rabun and Scruggs.

The bill to divorce and separate Nathaniel Harper and Mary his wife was taken up, and on the question,



shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Messrs. Blair, Brown, Crawford, Davis, Hardie, Harrison, Henderson, Hogan, Jackson, Jones, Lawson, Leigh, M'Cormick, Newsom, Owens, Powell, Pray, Reid, Shepherd, Stewart, Stripling, Watts (of Washington) Watts (of Telfair), Williams, Willson and Wood, in the affirmative.

Those who voted in the negative are, Messrs. Barnett, Byne, Cook, Foster, Hudspeth, Little, Park, Rabun and Scruggs.

The bill to be entitled an act, to divorce certain persons therein named was taken up, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 24, Nays 10.

Those who voted in the affirmative are Messrs. Blair, Brown, Crawford, Hardie, Harrison, Henderson, Hogan, Jackson, Lawson, Leigh, M'Cormick, Newsom, Owens, Park, Powell, Pray, Reid, Shepherd, Stewart, Stripling, Watts (of T.) Williams, Willson and Wood.

Those who voted in the negative, are Messrs. Barnett, Byne, Cook, Foster, Hudspeth, Jones, Little, Rabun, and Scruggs.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to divorce James H. Perdue and Catharine his wife—Mr Blair in the chair—Mr President resumed the chair, and Mr Blair re-

ported no amendment.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 28 — Nays 7.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Brown, Byne, Crawford, Davis, Hardie, Harrison, Henderson, Hogan, Jackson, Jones, Lawson, Leigh, M'Cormick, Newsom, Owens, Powell, Pray, Reid, Sheppard, Stewart, Stripling, Watts (of W) Watts (of T), Williams, Willson and Wood.

Those who voted in the negative, are Messrs. Cook, Foster, Hudspeth, Little, Park, Rabun and Scruggs.

The Senate resolved itself into a committee of the whole on the bill to divorce Levin Cathel and Eliza his wife—Mr Powell in the chair—Mr President resumed the chair, and Mr Powell reported that they had gone through the bill with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the negative, and the yeas and nays being required, are Yeas 16, Nays 19.

Those who voted in the affirmative, are Messrs. Hardie, Harrison, Hogan, Jackson, Jones, Lawson, Leigh, M'Cormick, Owens, Powell, Reid, Shepherd, Stripling, Watts (of Telfair), Williams and Willson.

Those who voted in the negative are Messrs. Barnett, Blair, Brown, Byne, Cook, Crawford, Davis, Foster, Henderson, Hudspeth, Little, Newson, Park, Poy, Rabun, Scruggs, Stewart, Watts (of Washington) and Wood.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to divorce Joseph P. Slade and Margaret his wife—Mr Rabun in the chair; Mr President resumed the chair, and Mr Rabun reported that they had gone through the said bill without any amendment.

Whereupon the bill was read the third time, and on the question, shall this bill now pass, it was determined in the negative. The Constitution requiring two thirds upon divorces, and the yeas and nays being required are, Yeas 29, Nays 13

Those who voted in the affirmative are Messrs Brown, Hardie, Harrison, Henderson, Hogan, Jones, Lawson, Leigh, McCornick, Newson, Owens, Powell, Poy, Reid, Shepherd, Stewart, Stripling, Watts (of Telfair), Willson and Wood

Those who voted in the negative are Messrs Barnett, Blair, Byne, Cook, Crawford, Davis, Foster, Hudspeth, Little, Park, Rabun, Scruggs and Watts (of Washington).

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to revise and amend the third section of an act for clearing out the Ogeechee river and Little creek, passed 22d February, 1796; Mr Cook in the chair; Mr

President resumed the chair, and Mr Cook reported no amendment.

Whereupon the bill was read the third time and passed.

Mr Henderson called up the report of the committee on the bill to be entitled an act, more particularly pointing out the duty of sheriffs and constables in certain cases, &c. which being read, the report was amended and agreed to

Whereupon the said bill was read the third time and passed under the title of an act, to regulate the appointment of jurors, &c. to alter & explain the first section of an act, entitled an act, pointing out the duty of Sheriffs in selling lands under execution, passed 22d December 1808.

The Senate took up the bill to be entitled an act, to add part of the county of Liberty to that of Telfair, which was read the third time and passed.

The bill to be entitled an act, to authorise the Inferior court of Hancock county to levy an extra tax, to enable them to build a new jail, and for other county purposes, was read the third time and passed.

The bill to be entitled an act, to repeal an act, entitled an act, for keeping open Little river and Broad river, passed 22d February 1796, so far as respects Little river, and all other acts passed for the prevention of erecting mills on said river, was read the third time and passed.

The bill to be entitled an act, to amend the 31st section of the Judiciary act of 1799 was read the third time

and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 20—Nays 11.

Those who voted in the affirmative are Messrs Blair, Brown, Foster, Henderson, Hogan, Jones, Lawson, Little, Newsom, Park, Powell, Rabun, Scruggs, Shepherd, Strippling, Watts (of Washington), Watts (of Telfair), Williams and Wood.

Those who voted in the negative are Messrs Barnett, Cook, Crawford, Davis, Harrison, Hudspeth, Leigh, Owens, Reid, Stewart, and Willson.

The bill to be entitled an act, to amend the several acts for regulating Vendue Masters, so far as to authorize a Vendue Master in the town of Milledgeville, was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, amendatory to an act, to incorporate a company for the purpose of opening the Ogechee river from the mouth of Canouchee to the mouth of Rocky Comfort, and for the improvement of the navigation thereof—Mr Foster in the chair—Mr President resumed the chair and Mr Foster reported no amendment.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to establish the line between the counties of Tatnall and Montgomery—Mr Park in the chair—Mr President resumed the chair, and Mr Park reported no amendment.

The bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, more effectually to provide for the organization and equipment of the Cavalry of this state—Mr Byne in the chair—Mr President resumed the chair, and Mr Byne reported that they had gone through the same with an amendment.

The Senate took up the report, and the amendment was agreed to.

Whereupon the said bill was read the third time, and on the question thall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 16—Nays 14

Those who voted in the affirmative, are Messrs. Barnett, Brown, Byne, Cook, Davis, Hardie, Hogan, Lawson, McCormick, Rabun, Reid, Stewart, Strippling, Watts (of Washington), Willson and Wood.

Those who voted in the negative are, Messrs. Blair, Crawford, Foster, Henderson, Hudspeth, Jones, Leigh, Little, Newsom, Owens, Park, Scruggs, Shepherd and Watts (of Telfair).

The Senate took up the following report, to wit:

The joint committee to whom was referred the Governor's Communication, dated 29th November, 1811. report, that from a view of the Constitution, they coincide in opinion with His Excellency, that having no controul over Constitutional questions, it was not within the contemplation of the Constitution, that his signature should

be made to any article of amendment to the Constitution upon which two thirds of both Houses had already agreed, nor is it necessary in the opinion of your committee for him to sign any law to which he had dissented, and which afterwards passed by a majority of two thirds of both Houses.

The 10th section of the second article of the Constitution is in the words following, viz :

“ He (the Governor) shall have the revision of all bills passed in both Houses, before the same shall become laws, but two thirds of both houses may pass a law notwithstanding his dissent; and if any bill should not be returned by the Governor within five days, after it hath been presented to him, the same shall be a law, unless the General Assembly, by their adjournment shall prevent its return.”

And the 15th section of the 4th article is in the words following, viz :

“ No part of this Constitution shall be altered, unless a bill for that purpose, specifying the alterations intended to be made, shall have been read three times in the House of Representatives and three times in the Senate, on three several days in each, and agreed to by two thirds of each House, respectively ; and when any such bill shall be passed in manner aforesaid, the same shall be published at least six months previous to the next ensuing annual election for members of the General Assembly ; and if such alterations, or any of them so proposed, shall be agreed to in their first session thereafter, by two thirds of each

branch of the General Assembly, the same shall have been read three times on three separate days in each respective House, then and otherwise, the same shall become a part of this Constitution.”

From a view of these sections your committee believe that the Governor's signature is not intended in the passage of any bill upon which both Houses had exercised their constitutional right of two thirds : But as a dissent may result, and in fact subjects of the Constitution be altered by amendments to the same from each other, in two different sessions. They recommend the following rule be adopted by both Houses.

That where any alteration or amendment to the Constitution has been made during one session of the Legislature, the same bill with the seal thereto affixed shall be introduced at its final passage at the next session, that no other bill be received thereon; which being read was

On motion of Mr Hogan,  
Resolved, That it shall be the duty of the Justices of the Inferior Court of Laurens and Pulaski counties, a majority of them, to convene at the house of Asa Pipkins on the first day of February next, or within five days thereafter, and pay over to Thomas a reasonable compensation for his services in surveying and laying out the county of Pulaski, and in dividing the dividing line between the counties of Laurens and Pulaski, in conformity to an act passed

9. from the committee to recommitted the memorial B Jenkins, reported which ordered to lie on the table. h presented a memorial e Adams and Benjamin T which was read, and refer rs Leigh, McCormick and ommittee on the part of Se h such as may be appoint House of Representatives, ame into consideration. s presented a petition from , which was read and re e committee on petitions. om from the committee or orted as follows, to wit:— ttee to whom was referred of James W Neyland, re have had the same under on, and think that the Inf of the county in which he e proper tribunal to which petition, therefore refer same; which was read and a had leave to report a bill n act. passed the present incorporate e Hunters e State of Georgia, &c. ead the 1st time. ate adjourned till 9 o'clock. no-ong.

7th December, 1811.  
 of Mr. Owens,  
 nder the Journal of yester-  
 respects the bill to divorce  
 slade and Margaret his  
 determined in the affirm

utive, and the Yeas and Nays being re-  
 quired, are Yeas 16—Nays 15

Those who voted in the affirmative  
 are Messrs. Hardie, Harrison, Hogan,  
 Lawson, Leigh, McCormick, Newsom,  
 Owens, Reid, Shepherd, Stewart,  
 Whipple, Watts (of L.) Williams,  
 Willson and Wood.

Those who voted in the negative,  
 are Messrs. Beaufort, Blair, Brown,  
 Byne, Cook, Crain, Fort, Gist, Foster,  
 Hudspeth, Jones, Little, Price, Rabun,  
 Scruggs, and Watts (of Washington).

On motion of Mr Cook,  
 Resolved, That Thomas Mitchell  
 be, and he is hereby appointed a com-  
 missioner of the Clark county Acad-

eny  
 The Senate again resolved itself  
 into a committee of the whole on the  
 bill to be entitled an act, to aid the  
 Trustees of the University of Georgia  
 in carrying into effect the act for the  
 more full and complete establishment  
 of a public seat of learning in this state,  
 passed 27th January 1785, and to au-  
 thorise them to sell and dispose of their  
 lands, and to amend said act—Mr Har-  
 nison in the chair—Mr President re-  
 sumed the chair, and Mr Rabun re-  
 ported, that the further consideration  
 of this bill be postponed until the first  
 Monday in June next

The Senate took up the report, and  
 on the question to agree to the same,  
 it was determined in the affirmative;  
 Yeas 17—Nays 12.

Those who voted in the affirmative,  
 are Messrs. Byne, Foster, Hogan,  
 Jones, Lawson, Leigh, Little, Newsom,  
 Owens, Rabun, Reid, Scruggs, Shep-

pard. Strippling, Watts (of T), Williams and Wood.

Those who voted in the negative are Messrs. Barnett, Blair, Cook, David, Hardie, Harrison, Henderson, Hulspeth, Park, Stewart, Watts (of W) and Willson.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The H of R have passed the following bills from Senate, to wit:

A bill to amend an act to make permanent the site of the public buildings in the town of Hartford and county of Pulaski;

A bill to appoint commissioners to fix on the site of the public buildings in Wayne county, &c.;

A bill to authorise Col. Pascal Harrison, and the representatives of Geo. Cliff, dec'd, to build a toll bridge across the Oconee river, &c.;

A bill to compel Clerks of the Superior and Inferior courts of Wilkinson county to keep their offices at or within one mile of the court-house of said county;

A bill to repeal an act, to authorise Henry Joice to erect a ferry across the Oconee river;

A bill to alter the time of holding Pulaski Inferior court;

A bill to authorise the levying an extra tax in Randolph county;

A bill to authorise the levying an extra tax in Baldwin county;

A bill to authorise the levying an extra tax in Camden county;

A bill to make permanent the site of the public buildings in the town of

Dublin and county of Laurens.

They have concurred in the following resolutions from Senate, to

A resolution appointing a Justice of the Inferior court of Columbia county on the memorial of James [unclear] with an amendment; one appointing a Notary Public for the county of [unclear]; one appointing a Commissioner of the Baldwin county Academy; one appointing a Justice of the Inferior court of Baldwin county; one appointing a Notary Public for the county of Chatham; one appointing a Commissioner of the town of Statesboro; one appointing a Justice of the Inferior court of Bullock county; one appointing a Justice of the Inferior court of [unclear] county; one appointing a Justice of the Inferior court of [unclear] county; one authorising the Treasurer to break open the bundles or chests in his office containing State County Warrants for the inspection of the citizens of this state; or to cause 500 shares to be subscribed for within the time limited for the [unclear] of Georgia, &c.; one on the [unclear] of a letter from John H. Bass, communicated by his Excellency the Governor, to the General Assembly—they concurred unanimously in the resolution on the report of the joint committee, proposing an amendment to the Constitution of the United States; they concurred in the resolution appointing a Vendue Master for the town of St Mary's; they have passed a bill to prevent persons from setting fire to the woods at improper seasons of the year; a bill supplementing

the Judiciary of 1799; a bill more effectually to open and keep in repair the public roads, &c. in this state, &c. a bill to establish a tribunal for the trial of slaves in this state; they agreed to some, and disagreed to others of the amendments made by Senate to the bill to amend the Judiciary laws, so far as relates to justices courts; they have disagreed to the amendment made by Senate to the bill giving further time to the fortunate drawers to take out their grants; they have agreed to some and disagreed to others of the amendments made by Senate to the bill to regulate the granting of Certioraries and Injunctions; they have agreed to some, & disagreed to others of the amendments made by Senate to the bill to regulate the Inspection of Flour; they have agreed to the amendment made by Senate to the resolution, requiring the corporation of Milledgeville to suppress gambling, &c.; they have passed a resolution appropriating ten thousand dollars for the raising of a Penitentiary Edifice, &c.; one appointing a justice of the Inferior court of Twiggs county, & one requesting His Excellency the Governor to obtain information from the proper department of the General Government respecting monies now in its possession due to the State of Georgia; one appointing a commissioner of the Twiggs county Academy; and concurred in the resolution appointing David G. Jones Vendue Master, with an amendment—and he withdrew.

The Senate took up the message and concurred in the several resolu-

tions therein mentioned, except the resolution appointing David G. Jones a Vendue Master for the town of St. Mary's, which was ordered to lie on the table.

They recede from their amendment made to the bill regulating the Judiciary, so far as respects justices courts, and in the amendments made to the bill for the Inspection of Flour

On the question to recede from their amendments made to the bill giving further time to fortunate drawers in the late land lottery to take out their grants, it was determined in the negative, and the yeas and nays being required, are Yeas 14—Nays 16.

Those who voted in the affirmative, are Messrs. Blair, Cook, Foster, Harrison, Henderson, Hogan, Jones, Leigh, Little, Newsom, Reid, Stewart, Watts (of Washington) and Williams.

Those who voted in the negative, are Messrs. Barnett, Brown, Byne, Crawford, Davis, Hardie, Hudspeth, Lawson, Owens, Park, Rabun, Seruggs, Shepard, Watts (of F), Willson and Wood.

Resolved, That the Senate do adhere to their original amendment.

Ordered, That the amendments made to the bill regulating Certioraries and Injunctions, and disagreed to by the House, do lie on the table.

The said several bills contained in said message were read the first time.

Adjourned till Monday morning 9 o'clock.

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MONDAY, 9th December, 1811.

On motion of Mr Cook,

The Journal of Saturday was re-

considered so far as respects the bill to aid the University of Georgia in carrying into effect the act, for the more full and complete establishment of a public seat of learning in this state, &c

Ordered, That the said bill do lie on the table.

On motion of Mr Foster,

The Journal of Saturday so far as respects the bill giving further time to the fortunate drawers to take out their grants, &c. was reconsidered.

On motion of Mr Hudspeth,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed on the part of the House of Representatives, to contract for the immediate printing 500 copies of the act regulating Justices courts.

Ordered, That Messrs Hudspeth, Park and Henderson be that committee.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have passed a resolution appointing a commissioner of the Morgan county Academy;

One appointing a Notary Public for the county of Chatham;

One appointing a justice of the Inferior court of Elbert county—and

One relative to the purchase of town lots in Milledgeville.

They have added a committee on their part, to join the committee appointed by Senate to take into consi-

deration the memorial of Messrs. Adams and Duyckinck, and

They have passed the bill supplementary to an act, to lay out a new county out of the several counties therein named;

A bill to renew a certain Bounty Warrant therein named—and

A bill to compel Coroners, Sheriffs and Constables to take securities on certain occasions—and he withdrew

The Senate took up the message, and the said resolutions were severally concurred in, and the bills read the 1st time.

On motion,

Mr. Powell was excused from serving on the committee appointed on the memorial of Messrs. Adams and Duyckinck and Mr Barnett added.

Mr. Newsom from the committee reported on the petition of John Neves, which was read and ordered to lie on the table.

On motion of Mr M'Cormick,

Resolved, That James Walea be appointed a commissioner of the Montgomery county Academy, to fill the vacancy of David M'Cormick removed.

The bill to be entitled an act, to alter the third section of an act, to amend an act, to incorporate the Planters Bank of the State of Georgia. and for other purposes, passed 19th December 1810 also to provide against embezzlement and forgeries—passed on the 3d of the present month, by the present Legislature, was read the third time and passed.

The following bills were severally



read the second time, to wit :

A bill to be entitled an act, more effectually to open and keep in repair the public roads, causeways and bridges in this state.

Ordered for committee of the whole

A bill to be entitled an act, to prevent persons from setting fire to the woods at improper seasons of the year

Ordered for committee of the whole

A bill to be entitled an act, for the relief of Joseph B. Jones.

Ordered for committee of the whole

A bill to be entitled an act, to establish a tribunal for the trial of slaves within this state.

Ordered for committee of the whole

A bill to be entitled an act, supplementary to the 31st section of the Judiciary act of this State, passed 16th February 1799.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend an act, passed on the 22d December, 1808, entitled an act, pointing out the duties of Sheriffs in selling lands under execution, and to repeal the first section thereof—Mr Hudspeth in the chair—Mr President resumed the chair and Mr Hudspeth reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, pointing out the mode of electing electors for President and Vice-President of the United States—Mr Rabun in the chair—Mr President resumed the chair, and Mr Rabun reported progress, and had leave to sit again.

The Senate took up the amendments made by them to the bill to regulate the granting of Certioraries and Adjunctions, and the same being read,

Resolved, That the Senate do adhere to their amendments—&, ordered, that Messrs Jackson, Cook and Park be a committee on the part of Senate, to confer on the subject matter in dispute.

Mr Leigh from the joint committee reported as follows, to wit :

The joint committee to whom was referred the memorial of Adams and Duyckinck have taken the same into consideration, and deeming it important that the laws and concurred resolutions of 1810, should be added in the compilation of laws and resolutions now in the press, and considering that the circumstances stated in the memorial are sufficient to authorise an extension of time for printing and publishing the laws and resolutions, recommend the following resolution ;

Resolved, That the time for printing and publishing the laws and resolutions as contracted for by the memorialists be extended to the first day of June next, on condition that the laws and concurred resolutions of 1810 be added, and printed by the contractors on the same terms as they have contracted to print the compilation ; and for this extra work, His Excellency the Governor shall be authorised and required to pay the same out of the contingent fund, and the same being read was agreed to.

The Senate again resolved itself into a committee of the whole on the bill

to aid the Trustees of the University of Georgia in carrying into effect the act for the more full and complete establishment of a public seat of learning in this state, passed 27th January 1785, and to authorise them to sell and dispose of their lands, and to amend said act; Mr Henderson in the chair; Mr President resumed the chair, & Mr Henderson reported that they had gone through the same with amendments.

The Senate took up the report, which was read & agreed to with amendments.

Whereupon the said bill was read the third time and passed under the title of a bill to be entitled an act, to revise and amend an act, entitled an act, for the more full and complete establishment of a public seat of learning in this state—passed 27th Jan 1785.

A message from the House of Representatives by Mr. Holt their clerk:

Mr President;

The House of Representatives have passed a resolution on the petition of Jesse Sanford—and

A bill to appropriate money for the political year 1812. and he withdrew.

The Senate took up the report, and the said bill was read the first time, & the said resolution ordered to lie on the table.

On motion of Mr McCormick,

A resolution appointing agents on the part of this state to receive from the Treasury of the United States any sum or sums of money which may have been received by the Treasurer of the United States by virtue of a Deed of Cession entered into between the Commissioners on the part of the

United States, and Commissioners, the part of Georgia, bearing date 24th day of April 1802, was read & ordered to lie on the table.

Mr Owens presented a petition from the commissioners of the Baldwin county Academy, which was read and referred to the committee on petition.

On motion of Mr. Foster,

Resolved, That the Secretary of Senate inform the House of Representatives that the Senate will adjourn on Friday next, *sine die*.

On motion of Mr. Henderson,

Resolved, That Hugh Montgomery of Jackson county, Edmund Hogarty of Pulaski county, Thomas Watts of Telfair county be, and they are hereby appointed commissioners of the Academies of their several counties.

The Senate took up the amendments disagreed to by the House of Representatives, to the bill giving further time to the fortunate drawers in the late land lotteries, to take out their grants, &c. and the same being read,

Resolved, That they still adhere to the same.

On motion of Mr. McCormick,

Resolved, That Robert Flournoy be appointed a justice of the Inferior court of Montgomery county, to fill the vacancy occasioned by the removal of Jesse Laseter, esquire.

The Senate resolved itself into a committee of the whole on the bill to establish a tribunal for the trial of slaves in this state—Mr Powell in the chair—Mr. President resumed the chair, and Mr Powell reported that they had gone through the same with

amendments.

The Senate took up the report, and the same being read was agreed to.

Ordered, That said bill stand for a third reading

Adjourned 'till to-morrow morning 10 o'clock.

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TUESDAY, 10th December, 1811.

The bill to appropriate money for the political year 1812, was read the second time, and ordered for a committee of the whole.

The Senate then resolved itself into a committee of the whole on said bill; Mr Rabun in the chair; Mr. President resumed the chair, and Mr Rabun reported that they had gone through the same with amendments.

Ordered, That the said report do lie on the table.

On motion of Mr Barnett—Resolved, That a committee be appointed to examine the accounts of the members of Senate of the present session.

Ordered, That Messrs. Barnett, Rabun and Foster be that committee.

On motion of Mr Willson,  
Resolved, That Thomas Dover be, and he is hereby appointed a justice of the Inferior court of Glynn county, in room of John Cowper resigned.

The Senate took up the following resolution, which was read and agreed to, to wit :

The joint committee to whom was referred the petition of sundry inhabitants of the counties of Columbia and Warren, praying a new county to be laid off out of the aforesaid counties, so as to make Wrightsboro' the centre

have taken the same into consideration, that from a view of the situation of the two counties, the distance of the public buildings from each other and Wrightsboro', are of opinion that there is not territory or people sufficient for a new county, without disorganizing one or both of said counties, and subjecting the site for the public buildings to be removed, to the great injury of the citizens; therefore the prayer of the petitioners is unreasonable, and ought not to be granted.

The following report was taken up, read, amended and agreed to as follows, to wit :

The special committee to whom was referred the memorial of Edmund B. Jenkins, Surveyor General, praying compensation for services rendered in his office, report, that your committee are sorry to observe that much evil and considerable expence has grown out of the change heretofore made in some of the state officers, for we find that when Mr Sturges, late Surveyor General, was succeeded in his office, he brought a charge against the state for 1500 dollars for anticipated services performed in that office, which sum he has actually received, and the claim of Mr Jenkins being founded on his having to perform services which ought to have been done by Mr Sturges; that this evil appears to have proceeded out of the premature appropriation made in favor of Mr Sturges in the first instance.

Your committee considering the justice of Mr Jenkins's claim relative to the 5000 certificates recorded by

him, recommend that he be allowed 10 cents for each certificate, amounting to the sum of 500 dollars, and that the same be provided for in the appropriation law.

On motion of Mr Hardie,

Mr Wilson and Mr Harrison had leave of absence the remainder of the session.

Mr Foster laid on the table a resolution relative to the printing the law passed the present session, to alter the 4th and 5th sections of the third article of the Constitution.

The Senate took up the reconsideration of the Journal on the bill to confirm to Jared Trammell, the establishment of a ferry, and on the question, shall this bill now pass, the yeas and nays were called for, which are as follows, viz—Yeas 16—Nays 15

Those who voted in the affirmative are Messrs Davis, Foster, Henderson, Hindspeth, Lawson, Leigh, Little, Newsom, Owens, Powell, Reid, Scruggs, Wans (of W) & Wans (of T.) Williams and Wood.

Those who voted in the negative, are Messrs. Barnett, Blair, Brown, Byne, Cook, Hogan, Jackson, Jones, McCormick, Park, Pray, Rabun, Shepard, Stewart and Stripling

The President having voted in the negative, the bill was lost

Mr Rabun from the committee reported an address to the President of the United States, which was read and ordered to lie on the table.

Mr Owens offered the following resolution, which was read and ordered to lie on the table, to wit :

Resolved, That His Excellency the Governor is hereby authorised & required to direct the Solicitor General of the Ocmulgee circuit to institute a suit against Daniel Sturges, late Surveyor General and his securities, for 500 dollars paid to E. B. Jenkins for services performed by him, which services ought to have been done by the said Daniel Sturges, and for which the said Daniel Sturges has received pay.

Mr Newsom from the committee reported as follows, to wit :

The committee to whom was referred the petition of A. Harris, H Reynolds and J. Crawford, Commissioners for the Baldwin county Academy, requesting the Legislature to make such appropriations as may enable them to proceed to the discharge of their official duties, reported, that they have had the same under their consideration, and as there is one thousand pounds allowed to each county within this state, think the prayer of the petitioners unreasonable, and ought not to be granted, and the same being read was agreed to

The following report was taken up and disagreed to, to wit :

The joint committee appointed to inspect the office of Secretary of State, and to transfer the same from the ex-Secretary to the officer elect, report, that they have performed their duty, and beg leave to submit the accompanying schedule as the result of their examination.

On this occasion your committee cannot forbear, in justice to the official correctness and fidelity of Heratio

Marbury, esq. to notice thus publickly the neat and correct state in which he found the papers and books of his office, and being fully convinced that he has incurred much individual expence in providing sundry books, &c. for the use of the state; they recommend the following resolution;

Resolved, That the sum of 400 dollars be inserted in the appropriation law, in full of all demands which the said Horatio Marbury may have on the state for or on account of any expences incurred by him in providing books and stationary for the use of the office of Secretary of State during the period in which he had the management of this department.

Mr Newsom from the committee reported as follows, to wit:

The committee to whom was referred the petition of Jesse Busson, praying the sanction of this Legislature so far as to authorise the State Commissioners to lease to him three acres of the town common, for the purpose of establishing a slaughter pen, report that they have examined the same, and believe no inconveniency would attend the leasing of three acres as prayed for, provided the same shall not be applied to any other use than that of a slaughter pen, therefore recommend the following resolution;

Resolved, That the State Commissioners do lease to Jesse Busson three acres of the town common, for the establishment of a slaughter pen, for the term of three years, provided he does not apply the same to any other use,

and the same being read was agreed to.

The following bills were taken up and severally read the second time, to wit:

A bill to renew a certain Bounty Warrant therein named—ordered for a committee of the whole.

A bill to compel Coroners, Sheriffs and Constables to take securities on certain occasions—ordered for a committee of the whole.

And a bill supplementary to an act, to lay out a new county out of the several counties therein named—ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill supplementary to the 31st section of the Judiciary act of this state, passed 16th February 1799—Mr Byne in the chair—Mr President resumed the chair, & Mr Byne reported, that the further consideration of said bill be postponed till June next.

The Senate took up the report, which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill more effectually to open and keep in repair the public roads, causeways & bridges in this state—Mr Newsom in the chair—Mr President resumed the chair, and Mr Newsom reported that they had gone through the same with amendments.

Ordered, That said report do lie on the table.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have passed a bill to point out the mode of collecting rents, and,

A bill to meliorate the Criminal Code, and conform the same to the Penitentiary system—and they have passed a resolution appointing justices of the Inferior court of Mogan county—and he withdrew.

The Senate took up the report, and the said bills were severally read the first time, and the resolution concurred in.

Adjourned till Monday morning 8 o'clock.

—————0000000000—————

WEDNESDAY, 14th December, 1811.

On motion of Mr Powell,

To reconsider the Journal of Senate of yesterday, so far as respects the bill supplementary to the 31st section of the Judiciary of this state, it was determined in the affirmative, and the yeas and nays being required, are Messrs. Barnett, Blair, Hardie, Henderson, Lawson, Leigh, Park, Powell, Sheppard, Tripling, Watts (of W), Watts (of T), Williams and Wood, in the affirmative.

Those who voted in the negative, are Messrs. Byne, Cook, Hudspeth, Jones, Owens, Rabun, Reid, Scruggs and Stewart

The bill to be entitled an act, to establish a tribunal for the trial of slaves in this state, was read the third time and passed.

Mr Blair presented a petition from a number of the inhabitants of Saven county, which was read and referred

to a special committee consisting of Messrs Blair, Powell and Williams.

On motion of Mr Park,

Resolved, That Benjamin Porter, Nicholas Long, William G. Gilbert & Benjamin Sherrod be, and they are hereby appointed Justices of the Inferior court for the county of Wilkes, in place of George Johnson, Holman Freeman, Aaron Lipham and James Montford, esquires. resigned.

On motion of Mr Barnett,

Resolved, That the Commissioners of the town of Willedgeville do cause to be laid off to Jane Rucker, widow, three acres of land out of the town common, adjoining the lot now occupied by Mr William Jarratt, and lease the same to her for a valuable consideration for the term of ten years.

The Senate took up the bill to be entitled an act, to ameliorate the Criminal Code and conform the same to the Penitentiary system, which was read the second time.

The Senate took up the report of the joint committee to whom was referred the Governor's Communication in the words following;

The committee on the State of the Republic to whom was referred the Governor's Communication enclosing the President's Message, report, that the important information communicated to Congress by the President's Message in relation to our foreign affairs, loudly admonishes the people of this state, to suffer no circumstance to surprise their vigilance or to find them unengaged in suitable preparation for any event; Congress is requi-

red to "feel the duty of putting the United States into an armor, and an attitude demanded by the crisis;" a precaution applying so forcibly to our own condition and interests, that it cannot fail to excite a correspondent feeling of the necessity of a seasonable readiness, on the verge of hostilities with nations long unmindful of the obligation of national law. It would be needless to enumerate the repeated wrongs or unsuccessful appeals to their justice for redress. Should the destinies which await the nation compel a vigorous resistance to the encroachments so long continued upon the envied prosperity of our country, we will approach the contest, animated by the fervent conviction that we shall be supported by every principle of a just and honorable cause.

The conduct and character of our Federal administration, afford us the most assured and illumined proofs of virtuous measures and manly intentions; reflections that must embolden every patriot and soldier in his progress through the trying perils of warfare, should he be reduced to that regretted alternative.

It is not now for us to repose on a boasted display of our designs, nor to rely on a pompous expression of our feelings, but should our services be required, it becomes us in the strength of calm and united exertions, invigorated by the constant sentiment of inflexible rectitude, to meet the deprecated struggle with stern and unwavering contempt of individual danger, convinced that truth, reason and justice will

be arrayed against guilt, rapacity and violence.

The General Government, doubtless, feels on this eventful occasion, an anxious solicitude for a knowledge of the temper and sensibility of the nation; we will therefore with undissembled cheerfulness hasten to declare our cordial approbation of its administration, and our confidence in its future determinations. And as an honest pledge of the sincerity of this declaration, we do unanimously resolve, that should our National Legislature in its wisdom determine our interests, our rights or our honor to have been outraged beyond the tardy remedy of negociation, and that an appeal to arms must be substituted, we will, under the favor of Heaven, with one consent, and with proud alacrity fly to aid, maintain, and support the government of our choice, and to defend, protect and preserve our beloved country; which being read, was unanimously agreed to.

A message from the House of Representatives by Mr Holt their clerk;

Mr President—The House of Representatives have concurred in the resolution to contract for the printing 500 copies of the act passed the present session, to amend the several judiciary laws now in force in this state, so far as relates to justices courts; and have appointed Messrs. Williams, Clayton, J Wimberly, Maxwell & Wellborn, a committee on their part; they have passed a resolution appointing William Cone, a Lumber Measurer for the river St Mary, and Ed. Shearman, jr. a Lumber Measurer for Crooked ri-

ver in Camden county ; they have concurred in the report of the committee on the memorial of E. B. Jenkins; they still disagree to the amendments made by the Senate to the bill relative to the extension of the time for the fortunate drawers in the land lotteries in this state, to take out their grants, and have appointed a committee of conference on the subject matter in dispute, and they have passed a bill to afford temporary relief to the purchasers of fractional surveys--and he withdrew.

The Senate took up the message, & concurred in the resolution appointing William Cone, Lumber Measurer for the River St Mary, and Ed. Shearman Lumber Measurer for Crooked river in Camden county; the Senate concurred in the appointment of a committee of conference on the bill giving further time to the fortunate drawers in the land lotteries to take out their grants, & have appointed Messrs Powell, Barnett, Wood and Scruggs a committee on their part to confer thereon.

The bill to be entitled an act supplementary to an act, entitled an act, to lay out a new county out of the counties of Elbert, Franklin, Jackson, Oglethorpe and Clark was taken up and read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the relief of Joseph B. Jones, Mr. Park in the chair; Mr. President resumed the chair, and Mr. Park from the committee reported that they had gone through the bill without any amendment.

The bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to renew a certain bounty warrant therein named; Mr. Rabun in the chair; Mr. President resumed the chair; Mr. Rabun reported, that they had gone through the bill without amendment.

Ordered that the report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to compel coroners, sheriffs and constables to receive salaries on certain occasions; Mr. Crawford in the chair; Mr. President resumed the chair, and Mr. Crawford reported, that they had gone through the bill with an amendment.

The Senate took up the amendment and on motion of Mr. Foster to amend the report by striking out the 1st clause in said bill,

On the question to agree it was determined in the negative. and the yeas and nays being required, are Yeas 22

Those in the affirmative are Messrs Blair, Byne, Crawford, Davis, Foster, Hudspeth, Jones, Leigh, Powell, Rabun and Stewart

Those in the negative are Messrs Barnett, Brown, Cook, Hardee, Henderson, Hogan, Jackson, Lawson, Little, McCormick, Newsom, Owens, Parson, Pray, Reid, Scruggs, Sheppard, Stripling, Watts (of W), Watts (of T), Williams and Wood—Whereupon the report was agreed to, and the said b



read the third time, and on the  
tion, shall this bill now pass, it was  
mined in the affirmative, Ayes 20,  
s. 12.

those who voted in the affirmative  
Messrs. Barnett, Brown, Cook,  
die, Henderson, Hogan, Jackson,  
e, M'Cormick, Newsom, Owens,  
, Reid, Scruggs, Sheppard, Strip-  
g, Watts (of W.), Watts (of T.),  
ams and Wood.

those who voted in the negative.  
Messrs. Blair, Byne, Crawford,  
is, Foster, Hudspeth, Jones, Law-  
Leigh, Powell, Kabun, and Stew

Mr Newsom from the committee on  
llment, reported as duly enrolled  
signed by the Speaker, the fol-  
ing acts, to wit :

an act to compel Clerks of the Su-  
orand Clerks of the Inferior courts  
e county of Wilkinson, to keep  
offices at the court-house or with-  
ne mile thereof ; an act to amend  
ct entitled, an act to make perma-  
the site of the public buildings in  
town of Hartford in the county of  
aski ; an act to authorize Col. Pas-  
arrison, his heirs and assigns and  
heirs and representatives of Geo.  
y, dec. to build a toll-bridge across  
Oconee river, at or near the mouth  
e Appalachee river.

an act to amend the several acts ap-  
ting Commissioners to fix on the  
of the public buildings in the coun-  
f Wayne and to regulate the Grand  
Petit Jury list ; an act to repeal an  
ntitled, an act to authorize Henry

Joice to erect a ferry across the Oco-  
nee river at or near his landing ; an  
act to make permanent the site of the  
public buildings in the town of Dublin,  
county of Laurens ; an act to make  
permanent the site of the public build-  
ings in the county of Telfair ; an act  
to alter the time of holding the Inferi-  
or court of the county of Pulaski ; an  
act to authorize the Justices of the In-  
ferior court of the county of Randolph  
to levy an extra tax for the year 1812  
to enable them to complete the Court-  
House of the above-named county ; an  
act to authorize the Inferior court of  
Baldwin county to levy an extra tax ;  
an act to authorise the Justices of the  
Inferior court of the county of Cam-  
den to levy an extra tax ; and an act  
for the relief of Bozeman Adare, a  
state-troop soldier.

Ordered, that the bills be carried to  
the Governor for his revision.

The bill to be entitled, an act to re-  
gulate the collection of rent, was ta-  
ken up and read the second time.

Ordered, for a committee of the  
whole.

A message from His Excellency the  
Governor, by his Secretary, Mr Porter,  
to wit :

*Executive Department, Georgia, }  
Milledgeville, 11th Dec'r, 1811. }*

Mr President,  
and Gentlemen of the Senate.

Understanding that it is the intenti-  
on of the Legislature to adjourn on  
Saturday next, and being informed that  
the appropriation law is now before the  
Senate, I conceive it my duty to lay

before them the correspondence which has been had between Mr. Ellicott and this Department since the last session.

I had entertained the most confident expectation that Mr. Ellicott would have completed the work in which he has been engaged, and returned to this place to make his final report, at an early day in the present session, in which case the Legislature might have been informed of the result, and provision made for his compensation; but, in this I am disappointed. I therefore submit the whole correspondence, that the Legislature may have a full view of the engagements made with Mr. Ellicott, and that they may make such provision for compensating him as they may deem reasonable and just.

Another reason which induces me to make this Communication is, that if the Contingent Fund is the same in amount for the present political year, which it was the last, I apprehend it will be insufficient for the contingencies of the year, if chargeable with the compensation to Mr. Ellicott and the contract for printing the compilation of our Laws and Resolutions, now in the press.

D. B. MITCHELL.

Which was read and ordered to lie on the table

Mr. Davis laid on the table an address from the inhabitants of Walton county, which was referred to Messrs. Barnett, Davis and Owens, a committee to report thereon

Mr. Brown presented a petition from William Brown, which was read and referred to the committee on petitions.

A message from the House of Representatives by Mr. Holt their Clerk  
Mr. President;

The House of Representatives have passed a bill to be entitled, an act to alter part of the Constitution.

A bill to be entitled, an act to alter the mode of appointing Vendue Masters for the city of Savannah, and to prescribe the method of taking bonds of and qualifying the Vendue Masters throughout this state.

A bill to be entitled, an act for the renewal of a certain Bounty Warrant therein mentioned.— And

A bill to incorporate the Greenwood Church of Lincoln county, and he withdrew.

The Senate took up the message, & the three last mentioned bills, were severally read the first time.

Resolved, that the bill to be entitled, an act to alter the third, twelfth and part of the seventh section of the first article of the Constitution, and part of the 1st section of the 3d article and the 3d sec of the 3d article and the second section of the 2d article of the Constitution of this state, constituting the remainder of the Message do lie on the table during the present session; and on the question to agree to the same it was resolved in the affirmative, ayes 7, noes 10.

Those in the affirmative are Messrs. Blair, Byne, Davis, Foster, Hardee, Jones, Lawson, Leigh, Rabun, Reid, Scruggs, Shepherd, Stewart, Stripling, Watts (of Washington), Williams and Wood.

Those in the negative are Messrs.

Brown, Cook, Henderson, Hogan, Little, M'Cormick, Newsom, Owens, Powell Watts (of Telfair).

Mr. Owens called up the following resolution:

Resolved, that His Excellency the Governor be and he is hereby authorized and required to direct the Solicitor General of the Ocmulgee circuit to institute a suit against Daniel Sturges late Surveyor General, and his securities, for the recovery of five hundred dollars, appropriated to E. B. Jenkins, Esq. for services performed by him in the Surveyor General's Office, which ought to have been done by said Sturges.

Also, for the recovery of three hundred and thirty-nine dollars twenty-five cents, for his failing to record four hundred and thirty four grants on head rights, as appears by an examination of that office; for all of which he, Mr. Sturges, has received compensation.

And the said resolution being read, on the question to agree to the same, the yeas and nays being required are yeas 17, nays 14.

Those in the affirmative, are Messrs. Barnett, Cook, Davis, Foster, Hardee, Henderson, Hudspeth, Jackson, Leigh, Little, Owens, Powell, Reban, Reid, Stripling, Watts (of Washington) and Watts (of Telfair)

Those in the negative, are Messrs. Blair, Brown, Byne, Hogan, Jones, Lawson, M'Cormick, Newsom, Park, Scruggs, Shepherd, Stewart, Williams and Wood.

Mr. Blair from the committee reported on the petition of a number of the

inhabitants of Scriven county, which was ordered to lie on the table.

Mr. Park laid on the table a resolution, appointing a committee to bring up the Journal of Senate after the adjournment of the Legislature.

Mr. Barnett called up the following resolution;

Whereas by the twenty third section of the first article of the constitution of this state, it is therein expressed, that this state may give its consent to the establishment of one or more governments out of the territory sold by this state to the United States, by a deed of cession made and entered into by the same, at the City of Washington on the 24th day of April 1802; And whereas the withholding of the consent of this state to the establishing of such government or governments out of the aforesaid territory, as the United States may think proper to establish, would tend to embarrass the same;

Be it therefore resolved, that the consent of this state is hereby given for the establishment of one or more governments out of the territory sold by this state to the United States by a deed of cession, entered into between this state and the United States at the City of Washington, on the 24th day of April 1802, between James Madison, Albert Gallatin and Levi Lincoln, on the part of the United States, and Jas. Jackson, Abram Baldwin and John Milledge on the part of this state, which again being read was agreed to.

The Senate took up the report of the committee of the whole on the bill to appropriate monies for the political

year 1812. and

On motion of Mr Jones ;

That the sum of twelve hundred dollars to the Adjutant General be stricken out, and one thousand inserted ; on the question to agree, it was determined in the negative, and the yeas and nays being required are, Yeas 18, Nays 18.

Those who voted in the affirmative are, Messrs. Blair, Brown, Cook, Davis, Foster, Henderson, Jackson, Jones, Newsom, Park, Shepherd, Watts of T. and Wood.

Those in the negative are, Messrs. Barnett, Byne, Crawford, Hardee, Hogan, Hudspeth, Lawson, Leigh, Little, M'Cormick, Owens, Powell, Rabun, Reid, Stewart, Stripling, Watts of W. and Williams.

On motion of Mr. Jackson, that twelve hundred dollars be stricken out and eleven hundred inserted, it was determined in the negative, Yeas 18, Nays 19.

Those in the affirmative are Messrs Blair, Brown, Cook, Davis, Foster, Henderson, Jackson, Jones, Newsom, Park, Shepherd, Watts of F & Wood

Those in the negative, are Messrs Barnett, Byne, Crawford, Hardie, Hogan, Hudspeth, Lawson, Leigh, Little, M'Cormick, Owens, Powell, Rabun, Reid, Struggs, Stewart, Stripling, Watts (of W) and Williams.

Whereupon the amendments were severally agreed to, and the bill read a third time and passed as amended.

The Senate took up the amendment made by the House of Representatives to the resolution appointing a Vendue

Master for the town of St. Mary's, which was read and concurred in.

The Senate took up the report of the committee of the whole, on the bill for the renewal of a certain Bounty Warrant therein named, which being read was disagreed to.

The Senate took up the resolution from the House of Representatives relative to the Mail Route from Savannah to Milledgeville, which was read and concurred in.

They agreed to the amendment made by the House of Representatives to the resolution appointing a Vendue Master for the town of St. Mary's.

A message from the House of Representatives by Mr Holt their clerk.

Mr President ;

The House of Representatives have passed a resolution appointing a committee on their part to join such as may be appointed by Senate to form a committee on the Criminal Code, and he withdrew.

Ordered, that said Message do lie on the table.

Mr. M'Cormick laid on the table a resolution, requiring the State Commissioners to write off the notes of E. Early given for the rent of lots in Milledgeville, one hundred & twenty dollars for damage sustained by said Early in consequence of a public road having been run through said lots.

Adjourned 'till Monday morning 9 o'clock.

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THURSDAY, 12th Dec'r, 1811.

Mr Blair called up the following resolution, to wit ;

The committee to whom was referred the petition of sundry inhabitants of the county of Scriven, recommend the following resolution;

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met two thirds of each branch concurring that it is expedient and the public good requires, that Lewis Lanier, William Black, James Oliver and John Pollock, esqrs. four of the Justices of the Inferior court of Scriven county, be removed from their offices as justices aforesaid, and that His Excellency the Governor be requested by the powers vested in him in the 4th section of the 3d article of the Constitution, to remove forthwith the said Lewis Lanier, William Black, James Oliver and John Pollock, esqrs. from the office which they now hold as justices of the Inferior court of the county of Scriven, and recommend to the adoption of this House, the following address, to wit:

*His Excellency David B. Mitchell;*

Whereas by the 4th section of the 3d article of the Constitution, it is among other things provided, that justices of the Inferior court may be removed by the Governor, on the address of two thirds of each branch of the Legislature, and sufficient reasons having been adduced, in the opinion of Senate, for the removal from office of Lewis Lanier, William Black, James Oliver and John Pollock, esqrs. justices of the Inferior court of Scriven county, your Excellency is therefore hereby on the part of Senate requested to remove accordingly the said Lewis Lanier, Wil-

liam Black, James Oliver and John Pollock, esqrs. whenever it shall appear to your Excellency, that two thirds of the House of Representatives shall concur with Senate in this request; and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 29—Nays 1.

Those who voted in the affirmative, are Messrs. Barnett, Blair, Brown, Byne, Cook, Davis, Foster, Hardee, Henderson, Hudspeth, Jackson Jones, Lawson, Leigh, Little, McCormick, Newsom, Owens, Rabun, Reid, Scruggs, Sheppard Stewart, Stripping, Watts (of W.), Watts (of L.), Williams & Wood Mr Park in the negative.

The Senate resolved itself into a committee of the whole on the bill to prevent persons from setting fire to the woods at improper seasons of the year—Mr Lawson in the chair—Mr President resumed the chair, and Mr Lawson reported, that they had gone through the same with an amendment; the Senate took up the report, which was agreed to; whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to secure to George G. Games, his heirs and assigns, the right of erecting a ferry on the Oconee river, on fraction No 239—Mr Hudspeth in the chair—Mr President resumed the chair, and Mr Hudspeth reported progress and had leave to sit again in June next.

The Senate having dispensed with going into committee on the bill to meliorate the Criminal Code, and conform

the same to the Penitentiary System. it was read the third time—Mr Foster offered the following resolution;

Resolved, That the further consideration of said bill be postponed until the first Monday of November next, and that the said bill be printed and published with the laws and resolutions passed the present session, for the information of the citizens, and on the question to agree to the same, it was determined in the affirmative and the yeas and nays being required, are yeas 19—Nays 3.

Those in the affirmative, are Messrs Byne, Foster, Hardie, Hogan, Leigh, Little, McCormick, Newsom, Owens, Park, Rubin, Reid, Scribner, Sheppard, Stewart, Striding, Watts (of Washington) Williams and Wood.

Those in the negative, are Messrs Barrett, Blair, Cook, Davis, Hutspeth, Lawson, Powell and Watts (of Fairfax)

The bill to be entitled an act, to incorporate the Greenwood Church of Lincoln county was read the second time, and ordered for committee of the whole.

The bill to be entitled an act, to alter the mode of appointing Vendue Masters for the City of Savannah, &c. was read the 2d time—ordered for 3d reading.

The bill to be entitled an act, for the renewal of a certain Bounty Warrant therein mentioned, was read the second time—ordered to lie on the table

Mr Foster laid on the table a resolution to print and publish with the laws, the Criminal Code.

Mr Newsom from the committee on enrollment, reported as duly enrolled and signed by the Speaker, the following acts, viz:

An act to authorise the judge of the Superior courts of the Western district, to hold an extra session in the county of Lincoln;

An act for the election of the clerk or other person to whom the care of the records and other proceedings of the courts of Ordinary are vested;

An act to divorce and separate Daniel Harper and Mary his wife

An act to alter and amend the several road laws in this state, so far as respects the counties of Bryan, Wilkes, McIntosh, Glynn and Camden; and as respects the county of Camden

An act to divorce and separate T. Patterson and Sarah his wife

An act to alter and change the mode of holding the Superior courts in the county of Hancock; an act amend

ry to an act, to incorporate a company for the purpose of opening the Chee river from the mouth of Chee to the mouth of Rocky Creek and for the improvement of the navigation thereof;

An act to authorise the commissioners of the St Marys river to appoint other commissioners to fill up the vacancies which have been occasioned by removal of some, and refusal of others to serve;

An act to secure to Sarah M. the exclusive right of erecting a mill over the Ohoopie;

An act to regulate the town of Union in the county of Twiggs;

An act to alter the time of holding Superior and Inferior courts for the county of Wilkes;

An act to add part of the county of Wilkes to that of Tatnall;

An act for the relief of Joseph Muse, John Johns, Williams, Ammons James, John, William Munden, Samuel Linder and Edward Pilcher, jr. defaulting as for the Superior court of the county of Wayne, for October term;

An act to alter and amend an act effectually to punish the crime of horse-stealing; which were several passed by the President, and order of the committee do carry said act to His Excellency the Governor for his revision.

A message from the House of Representatives by Mr Holt their clerk; Mr President;

The House of Representatives have concurred in the resolution on the message of Adams and Duyckinck;

The resolution appointing Robert H. Boy, a justice of the Inferior court of the county of Montgomery;

The resolution appointing a commissioner of the Academy of the county of Montgomery;

The resolution relative to the signature of His Excellency the Governor required to bills passed to amend the Constitution of this state;

The resolution requiring the justices of the Inferior courts of Pulaski to meet and appropriate for defraying the expence of their dividing line;

The resolution appointing Hugh Montgomery of Jackson county; Edmund Hogan of Pulaski county, and Thomas Watts of Telfair county. commissioners of the Academies of their respective counties;

In the resolution appointing Thomas Mitchell a commissioner of the Academy of Clark county;

In the resolution establishing Sturges' line, as the dividing line between the counties of Baldwin and Wilkinson;

In the resolution on the petition of John Lyons;

In the resolution on the subject of the internal navigation of New York;

In the resolution on the petition of Nathaniel Fwining;

In the resolution appointing justices of the Inferior court of Wilkes county;

In the resolution appointing Thomas Dover a justice of the Inferior court of the county of Glynn;

In the resolution in favor of Jane Rucker;

In the resolution on the petition of Jesse Busson.

And they have passed the following bills from Senate.

A bill to be entitled an act, to make permanent the site of the public buildings for the county of Wilkinson:

A bill to amend an act, to incorporate a company for the improvement of the navigation of Broad river:

A bill to compel Clerks, Sheriffs, &c. to qualify:

A bill to amend the Oconee navigation law:

A bill to alter the time of electing county officers in this state, with a-

amendments—and

A bill to alter and change the names of certain persons therein named, with amendments.

They have agreed to the amendment of the bill more effectually to provide for the equipment of the Cavalry :

They have passed a resolution appointing William Yarborough a Notary Public for the county of Pulaski :

A resolution appointing Henry Tucker and John Chubb, Lumber Measurers for the City of Savannah :

And a resolution appointing William Young and Manl Gross, commissioners for the Academy of Sciences and a resolution appointing commissioners to contract for the erection of a State library :

The Senate took up the message and concurred in the amendment made by the House of Representatives to the bill to alter and change the names of certain persons therein named, and concurred in the resolution therein mentioned.

The Senate resolve itself into a committee of the whole on the bill to be entitled an act to point out the mode for collecting rent—Mr Newsom in the chair—Mr President resumed the chair and Newsom reported that they have gone through the bill with amendments.

The Senate took up the amendments which were agreed to.

Whereupon the said bill was read the third time, and on the question shall this bill now pass, it was determined in the affirmative—Yeas 16—Nays 12.

Those in the affirmative are Messrs Blair, Byne, Davis, Foster, Hardee, Henderson, Lawson, Leigh, Newsom, Owens, Reid, Scruggs, Watts (of W. Watts (of Felfair), Williams and Wood.

Those in the negative are Messrs Barnett, Brown, Cook, Hogan, Hudson, Jones, Little, Park, Powell, Rabun and Stewart.

A message from His Excellency the Governor by Mr Porter his Secretary

Mr. President ;

I am directed by His Excellency the Governor to lay before Senate written communication, and he withdrew.

The Senate took up the message which being read, is as follows, to wit :

Executive Department, Georgia, Milledgeville, 12th Dec. 1811.

*Gentlemen of the Senate, and of the House of Representatives.*

I have received from the person appointed to value the State houses under a resolution of the 23th of Nov last, a report containing their valuation of that building, which together with copies of the evidence of their appointment, the oath taken by them, and their letter to me on the subject of compensation, I now communicate for the consideration of the Legislature.

D. B. MITCHELL.

Which being read, was ordered to lie on the table.

Mr Powell from the committee in conference on the amendments made by Senate to the bill giving further time to fortunate drawers of lar



to take out their grants, reported, that the Senate recede from their amendments, and agree to the original bills from the House of Representatives.

The Senate took up the report, and on the question to agree to the report it was determined in the affirmative—Yeas 17—Nays 14.

Those in the affirmative are Messrs Barnett, Blair, Brown, Cook, Crawford, Foster, Henderson, Hogan, Hudspeth, Jones, Leigh, Little, Newsom, Reid, Strippling, Watts (of W.) and Williams.

Those in the negative, are Messrs Byné, Davis, Hardie, Jackson, Lawson, McCormick, Owens, Park, Powell, Rabun, Scruggs, Stewart, Watts of I. and Wood.

Mr Hudspeth from the joint committee to contract for the printing of 500 copies of the law entitled an act to alter and amend the several Judiciary acts now in force in this state, so far as respects the Justices courts,

Reported, That they have performed that duty by stipulating a contract with the Editor of the Georgia Journal, at the price of 25 dollars, and recommended that the sum of 25 dollars be, and the same is hereby directed to be paid out of the contingent fund; which being read was agreed to.

The Senate again took up the report of the committee on the petition of Jesse Sanford, and the same being read ordered that the same do lie on the table for the remainder of the session.

The Senate took up the resolution on post roads, and the same being read was concurred in.

Mr Newsom from the committee on petitions, reported, to wit:

The committee to whom was referred the petition of William Brown, praying a loan of 1000 dollars to enable him to complete the establishment of Cotton and Wool Cards Manufactory in Jones county, in this state, are of opinion that the prayer of the petitioner is reasonable, and ought to be granted, and that the sum of 1000 dollars upon his giving bond with two securities, to be approved of by his Excellency the Governor, for the carrying the said establishment into effect, and also for returning of the money into the Treasury of this state within the term of four years from the time of the receiving the same; and they therefore recommend the following resolution;

Resolved, That His Excellency the Governor be, and he is hereby requested to draw on the contingent fund for the sum of 1000 dollars in favor of William Brown, to enable him to carry into operation, a Cotton and Wool Card Manufactory, upon his giving bond with approved security, for the carrying the said establishment into effect, in the term of four years, and also to return the said money into the Treasury of this state, at the expiration of the term of four years next after the said William Brown shall receive the same, when being read, was ordered to lie on the table for the remainder of the session.

The Senate concurred in the joint committee on the Criminal Code, and joined Messrs Barnett, Dooly and Park a committee on their part.

On motion of Mr. Wood,  
 Resolved, That Ambrose Wright, David Clark and Joseph White be, and they are hereby appointed commissioners of the town of Louisville in place of John Powell resigned, John Shelman removed, and Chesley Bostwick, dec'd.

Resolved, That Josiah M. Sterrett be, and he is hereby appointed a commissioner of the Jefferson county Academy, in the room of Walter Robinson, dec'd. and that Doct'r B. D. Thompson be appointed a commissioner of the same, in the room of Abner Hammond, removed.

Adjourned till to morrow morning 9 o'clock.

—00000000—

FRIDAY, 12th Decembe, 1811.

On motion of Mr Barnett,

The Journal of yesterday was reconsidered on the bill to ameliorate the Criminal Code and conform the same to the Penitentiary System.

Ordered, That that part of the journal do lie on the table

Mr Jackson from the committee of conference, to whom was referred the subject matter of disagreement between the Senate and the House of Representatives. on the amendments proposed by Senate to the bill to regulate the granting of Certioraries and Injunctions, report, that the Senate recede and concur with the House of Representatives, so far as to the words *Bills of relief*, in both sections of the amendments proposed to said bill by Senate, and recommend that the words,

"or *Bills of Relief*" be stricken out, and that the House of Representatives recede and concur with the Senate in the remaining part of said amendments, which being read, was agreed to.

Mr Barnett called up that part of the Journal of yesterday, postponing the further consideration of the bill to ameliorate the Criminal Code, and that the same be disagreed to, and that the said bill be read the third time; on the question to agree, it was determined in the affirmative—Yeas 16—Nays 16.

Those who voted in the affirmative, are Messrs Barnett, Blair, Brown, Cook, Dooly, Henderson, Hogan, Hudspeth, Jackson, Jones, Lawson, Owens, Park, Powell, Watts (of W), & Watts (of T.)

Those who voted in the negative, are Messrs. Crawford, Davis, Foster, Hardie, Leigh, Little, M'Cormick, Newsom, Rabun, Reid, Scruggs, Sheppard, Stewart, Strippling, Williams & Wood.

The Yeas and Nays being equal, the President determined in the affirmative; whereupon the said bill was read the third time and passed with amendments.

On motion of Mr Blair,

Resolved, That Thomas F. Lovet, Aaron Smith, Paul Bevill, jr. and John Brack be, and they are hereby appointed Justices of the Interior court for the county of Scriven, in room of Lewis Lanier, William Black, James Oliver and John Pollock, esqrs. removed from office.

On motion of Mr Owens,

Resolved, That Alexander Greene be, and he is hereby appointed a Ven-

The Master for the town of Milledgeville. reported, which was amended and agreed to, and is as follows ;

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the renewal of a certain Bounty Warrant therein named; Mr Crawford in the chair; Mr President resumed the chair, and Mr Crawford reported no amendment

The Senate took up the report, and the same was disagreed to.

Ordered, That the bill do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, for the incorporating the Greenwood Church in the county of Lincoln— Mr Davis in the chair— Mr President resumed the chair, and Mr Davis reported that they had gone through the same with an amendment.

The Senate took up the amendment, which was agreed to.

Whereupon the said bill was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative— Yeas 16— Nays 14.

Those who voted in the affirmative, are Messrs. Byne, Davis, Dooley, Foster, Hudspeth, Leigh, Little, M'Cormick, Park, Rabun, Reid, Scruggs, Shepherd, Stewart, Strippling and Wood.

Those in the negative are, Messrs Barnett, Blair, Brown, Cook, Crawford, Jackson, Jones, Lawson, Newsom, Owens, Powell, Watts of W. Watts of T. and Williams.

The bill to be entitled an act, to alter the mode of appointing Vendue Masters for the City of Savannah, and to prescribe the method of taking the bonds of, and qualifying the Vendue Masters throughout this state was read the third time and passed

Mr Hudspeth from the committee appointed to examine the Journal of Senate

reported, which was amended and agreed to, and is as follows ;

The committee appointed to examine the Journals of Senate for the present session, report, that they have examined the same up to Tuesday the tenth inst and find them accurately engrossed, and recommend that Messrs Jackson, Crawford and Owens be a committee to bring up the same, and to join such committee as may be appointed by the House of Representatives to see the Great Seal affixed to the several laws and concurred resolutions passed during the present session, and that they be allowed three days to perform the duty assigned them.

A message from His Excellency the Governor by Mr Porter his Secretary ;

Mr President ;

I am directed by His Excellency Governor Mitchell to inform the Senate that he has approved of and signed sundry resolutions which originated in Senate, the substance of which are is follows, viz :

One appointing Joel Crawford, esq. commissioner of the Academy of Baldwin county ;

One appointing John Lewis, esq. a Notary Public for the county of Warren ;

One appointing Josiah Jones, esq. commissioner of the town of Statesboro' in the county of Bullock vice Francis Kennedy, resigned ;

One appointing Clement Lanier, esq. commissioner of the Pulaski county Academy, vice William A Harper, dec'd ;

One appointing John Faulk, esq. a justice of the Inferior court for the county of Twiggs, vice Arthur Fort, esqr. resigned ;

One appointing Archer Avery, esq. a Justice of the Inferior court of the county of Columbia, vice Thaddeus Beall resigned ;

One appointing John Turner, esq. a jus-

ice of the Inferior court of Hancock county, vice Richard A. Bloom, esq. resigned; One appointing Fiscal Thomas Plymington, esq. a Notary Public for the county of Chatham;

One appointing James Banks, esq. a justice of the Inferior court of Elbert county vice William Barnett resigned;

One authorising the Treasurer to break open all and every bundle or packet in his office, which contain State Troop Bounty Warrants, for the inspection of any of the citizens of this state;

One requesting his Excellency the Governor to transmit to the President of the United States, to each of our Senators and Representatives in Congress, and to each of the Governors of the several states, a resolution declaring the assent of the Legislature of this state, to the amendment proposed to the Constitution of the United States;

One authorising and requesting his Excellency the Governor to cause 500 shares to be subscribed for in the Augusta Bank;

One requesting His Excellency the Governor to employ some fit and proper person as an attorney in behalf of the state to defend a suit commenced in the Federal court, against John H. Bass.

And I am likewise directed by him to return to this branch of the Legislature, sundry acts, which he has assented to and signed, the titles of which are as follows, to wit:

An act to compel the clerk of the Superior and clerk of the Inferior courts of the county of Wilkinson to keep their offices at the court house, or within one mile thereof;

An act to amend an act, entitled an act, to make permanent the site of the public buildings in the town of Hartford in the county of Pulaski;

An act to authorise Col. Pascal Harrison,

his heirs and assigns, and the heirs and representatives of George Cluff, dec'd, to erect a toll-bridge at or near the mouth of the Apalachee river;

An act to amend the several acts appointing Commissioners to fix on the site of the public buildings in the county of Wayne, and to regulate the grand and petit jury list;

An act to repeal an act, entitled an act, to authorise Henry Joice to erect a Ferry across the Oconee river, at or near his landing;

An act to make permanent the site of the public buildings in the town of Dublin, county of Laurens;

An act to make permanent the site of the public buildings in the county of Telfair;

An act to alter the time of holding the Inferior court in the county of Pulaski;

An act to authorise the Justice of the Inferior court of the county of Randolph to levy an extra tax for the year 1812, to enable them to complete the court house of the above named county;

An act to authorise the Inferior court of Baldwin county to levy an extra tax—and

An act for the relief of Bozeman Adare, State Troop soldier

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have passed a bill for the relief of Ann Houston:

They have unanimously concurred in the report of the committee on the State of the Republic, relative to the communication of his Excellency, enclosing the President's Message: and

They have concurred in the resolution confirming the Executive appointment of Abraham Twiggs a justice of the Inferior court of Richmond county:

They have passed a resolution appoint-

ing a justice of the Inferior court of Jackson county :

One appointing a Notary Public for the county of Oquithan :

They have concurred in the resolution relative to the removal of the justices of the inferior court of Seaven county ;

And passed one, requesting the Treasurer to deliver over the bonds and mortgages of the purchasers of fractions on the first sales

to the Solicitor General for the purpose of instituting suits, and

They have agreed to the amendments made by Senate to the following bills, viz :

A bill authorising Joseph Cooper to erect a toll bridge across the Oconee river :

A bill to compel Sheriffs, Coroners, &c. to take security :

A bill to establish a tribunal for the trial of slaves :

A bill more effectually to open and keep in repair the public roads, causeways and bridges in this state—and a bill to appropriate money for the political year 1812.

They have passed the following bills from Senate without any amendment, viz :

A bill to be entitled an act, supplementary to an act, entitled an act, to point out the mode of rendering void all grants or orders proceedings founded on false or fraudulent returns, made by persons not entitled to draws in the late land lotteries in this state, and to repeal an act, passed at the General Assembly on that subject, on the 22d of December 1808.

A bill to amend an act for the redemption of the public debt, &c.

A bill to be entitled an act to alter and amend the 23d section of the Judiciary law of this state, passed 16th February, 1799

A bill to be entitled an act, to authorise the Inferior court of Hancock county to levy an extra tax, to enable them to build a new jail, and for other county purposes

A bill to be entitled an act, to revise and amend an act, entitled an act, for the more full and complete establishment of a public seat of learning in this state, passed 27th January 1785.

A bill to be entitled an act, to amend the several acts for regulating Vendue Masters in the town of Milledgeville.

A bill to be entitled an act, for the relief of Benjamin Scott, a soldier.

A bill to be entitled an act, to legalize and make valid two manuscript books of the old records of the Executive Department.

A bill to be entitled an act, to alter and amend the third section of an act, to amend an act, to incorporate the Planters' Bank, &c

A bill to amend the several road acts, &c.

A bill to authorise the Inferior court of Warren county to transcribe the records, &c.

A bill to regulate the appointment of Sailors, &c.

A bill to amend an act, to incorporate the town of Warrenton, &c.

The Senate took up the message, and concurred in the said several resolutions.

The Honorable William Barnett, and the Honorable Allen B. Powell had leave to be absent from Senate for the balance of the session, after to-morrow morning ten o'clock.

Mr Newsom from the committee on enrollment, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to afford temporary relief to the purchasers of fractional surveys, and to prevent the said fractions from being sold for the tax thereof, until they are paid for to the state ;

An act to repeal an act, entitled an act, for keeping open Little river and Broad ri-

ver, passed 22d February 1796, so far as respects Little river, and all other acts passed for the prevention of erecting mills on said river ;

An act to amend the 31st section of the Judiciary act of 1799 ;

An act supplementary to an act, to lay out a new county out of the counties of Elbert, Franklin, Jackson, Oglethorpe and Clarke ;

An act to establish the line between the counties of Tattnal and Montgomery ;

An act to revise and amend the third section of an act, for clearing out Ogechee river and Briar creek, passed the 23d February 1796—and

An act to alter and amend the several Judiciary acts now in force in this state, so far as relates to justices courts—which were presented to and signed by the President.

Ordered, That the committee of enrollment do carry said acts to the Secretary of State's Office, and see the Great Seal affixed to the respective acts aforesaid.

Adjourned 'till to-morrow morning 9 o'clock.

—00000000—

SATURDAY, 14th December, 1811.

On motion—Mr. Hardie & Mr. Scruggs had leave of absence after twelve o'clock for the remainder of the session.

The Senate took up the resolution from the House of Representatives, laid on the table yesterday, relative to the collection of money due for fractional surveys, &c which was read and concurred in with amendments.

Mr Foster called up the following resolution ;

Whereas, there is no law or resolution compelling the Secretary of State, Treasurer, Surveyor General or Comptroller General to make out a list or schedule of all

the books of record in either of the said offices, nor is there any check on the records of said offices, so that should any books or books be lost or mislaid, it would be difficult to ascertain with certainty who was the officer at the time any such book should be lost or mislaid ; therefore,

Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and by the authority of the same, that it shall be the duty of the aforesaid Secretary of State, Treasurer, Surveyor General and Comptroller General, to make out and lay before the next General Assembly, a true and correct list or schedule of all the books of record in each of their respective offices, designating in said schedule, the different books, and what each contains, and the dates of such book ; which being read, was agreed to.

A message from His Excellency the Governor by Mr Porter his Secretary ;

Mr. President ;

I am directed by His Excellency the Governor to inform the Senate that he has assented to & signed a bill which has been presented to him, entitled an act, to afford temporary relief to purchasers of fractional surveys, and to prevent the said fractions from being sold for the tax thereof, until they are paid for to the state—and he withdrew.

Ordered, That the committee of enrollment do carry the bill to the office of Secretary of State, and see the Great Seal affixed to the same.

A message from the House of Representatives by Mr Holt their clerk ;

Mr President ;

The House of Representatives have concurred in the resolution of the Senate relative to the report of the commissioners to value the State-House with an amendment

—and he withdrew.

The Senate took up the message, and the amendment was agreed to, and the resolution as amended, is as follows:

On the communication of His Excellency the Governor, enclosing an estimate of the valuation of the State house, agreeable to a joint resolution of both branches of the Legislature being taken into consideration,

It is hereby resolved by the Senate and House of Representatives, that the valuation reported by Messrs. Crawford, Morgan, Robertson, Allen and Jordan be, and the same is hereby acceded to by this Legislature, so far as respects the bill submitted, amounting to 74,976 dollars 40 1/4 cts.

And be it further resolved, That His Excellency the Governor take suitable measures to recover back from Messrs Thomas and Scott, the amount overpaid to them for said work.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives disagree to the amendments made by Senate requesting His Excellency the Governor to cause the bonds and mortgages of fractional purchasers to be put in suit—and he withdrew.

The Senate took up the message, and ordered that the same do lie on the table.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have concurred in the resolution appointing commissioners of the town of Louisville.

On motion of Mr Park,

Resolved, That a committee be appointed

on the part of Senate, to join such as

may be appointed by the House of Representatives to wait on his Excellency the Governor, and inform him that the General Assembly are ready to adjourn sine die.

Ordered, That Messrs Park, Wood and Cook be that committee.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have passed a resolution allowing an additional compensation to the persons appointed to value the State-house:

And a resolution requesting his Excellency the Governor, and the commissioners appointed to contract for the erection of a Penitentiary Edifice, to fix on the site, &c.

They have passed the bill to protect the estates of Orphans, and to make permanent provision for the poor—and

A bill to divorce John Powell and Rachael his wife.

They have concurred in the following resolutions from Senate;

One appointing a Vendue Master for the town of Milledgeville:

One appointing Justices of the Inferior court of Berrien county:

One appointing commissioners of the Academy of Jefferson county:

And they have agreed to the report of the joint committee for printing 500 copies of the law to amend the Judiciary acts, so far as relates to Justices courts.

Mr Newsom from the committee of enrollment, reported as duly enrolled and signed by the Speaker, the following acts:

An act to amend an act, for the more full and complete establishment of a public seat of learning, &c.

An act to appropriate money for the po-

litical year 1812 ;

An act for the relief of Ann Houston ;

An act to amend an act, to incorporate a company for the improvement of the navigation of the Oconee river ;

An act to compel Coroners, Sheriffs, &c. to take securities on certain occasions, &c.

An act more effectually to provide for the organization and equipment of the Cavalry ;

An act to make permanent the site of the public buildings in Wilkinson county ;

An act to compel clerks of the Superior and Inferior courts, Sheriffs, &c. to take the oath and give the security required by law ;

An act to change the names of certain persons therein named ;

An act to alter the time of holding the election of county officers, &c.

An act to establish the Inspection of Flour ;

An act to alter and amend the 23d section of the Judiciary law of this state, passed 16th February, 1799 ;

An act to alter the mode of appointing Vendue Masters for the City of Savannah, & to prescribe the method of taking bonds of, and qualifying the Vendue Masters throughout this state ;

An act to alter and amend the 12th section of an act, entitled an act to protect the estates of Orphans and make permanent provision for the poor ;

An act to point out the mode of collecting rents ;

An act to prevent persons from setting fire to the woods at improper seasons of the year ;

An act to alter and amend the 8d section of an act, to amend an act, entitled an act,

to incorporate the Planters' Bank ;

An act supplementary to an act, entitled an act, to point out the mode of rendering void all grants or other proceedings founded on false or fraudulent returns made by persons not entitled to draws in the late land lotteries in this state, and to repeal an act, passed at the last General Assembly on that subject, passed 22d December, 1808 ;

An act to regulate the appointment of jailors, and to alter and explain the first section of an act, entitled an act, pointing out the duty of Sheriffs in selling lands under execution, passed the 22d Dec. 1808,

An act for the relief of Benjamin , a soldier in the late State Troops ;

An act to divorce & separate John Powell and Rachael his wife, formerly Rachael Keener ;

An act to amend the several acts, for regulating Vendue Masters, so far as to authorise a Vendue Master in the town of Milledgeville ;

An act to legalize and make valid two manuscript books of the old Records of the Executive Department ;

An act to explain an act, to amend the several road acts, regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne, so far as respects the county of Glynn ;

An act to authorise the Inferior court of Hancock county to levy an extra tax, to enable them to build a new jail and for other county purposes ;

An act to alter and amend an act, entitled an act, to incorporate the town of Warrenton, in the county of Warren, and to vest certain powers in the commissioners thereof ;



An act to authorise the Inferior court of Warren county to transcribe the records of that county into bound books, and confirm the same in courts of record ;

An act to continue in force an act, passed the 22d day of December 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants ;

An act regulating the granting of Certificates and Injunctions ;

An act to incorporate the Greenwood Church of Lincoln county ;

An act more effectually to open and keep in repair the public roads, causeways and bridges in this state :

An act to establish a tribunal for the trial of slaves within this state :

An act to meliorate the Criminal Code, and conform the same to the Penitentiary System :

An act to authorise Joseph Cooper to erect a toll bridge across the Oconee river, at or near his mills, on his own land.

Mr Foster from the committee to examine the accounts of the members of Senate, reported that they had examined each item, and found them correct, whereupon the President signed a warrant on the Treasury for the same.

On motion of Mr Stewart,  
Resolved unanimously, That the thanks of the Senate be, and they are hereby presented to the Honorable Mathew Talbot, President thereof, for the able, prompt, decisive and impartial discharge of the duties of his station.

Whereupon the Senate adjourned SINE DIE.

*WILL: ROBERTSON,*  
Secretary.

**FINIS.**



# JOURNAL

OF THE

## SENATE

OF THE

# State of Georgia.

AT an annual Session of the General Assembly of the State of Georgia, begun and held at the State-House in the town of Milledgeville, on the first Monday, being the second day of November, in the year of our Lord, one thousand eight hundred and twelve, and in the thirty-seventh year of the Independence of the United States of America.

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MILLEDGEVILLE:

Printed by S. & F. Grantland—Printers to the State

JANUARY—1813.

<i>Wilkinson,</i>	John Hatcher.
<i>Zeffair,</i>	Benj. M. Griffin.
<i>Ellert,</i>	Robert H. Watkins.
<i>Burke,</i>	William Byne.
<i>Lincoln,</i>	John Parks.
<i>Baldwin,</i>	Elijah Owens.
<i>Warren,</i>	Elisha Hurt.
<i>Medison,</i>	Allen Daniel.
<i>M'Intosh,</i>	John M'Intosh.

Adjourned till 10 o'clock tomorrow MORNING.

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TUESDAY, 3d November, 1812.

Mr Wood in the chair.

From the county of Jones the Hon. Jesse McKinney Pope appeared, produced his credentials, and having taken the oath to support the Constitution of this state and that of the United States, administered to him by Francis Jeter Esq. took his seat.

The Senate proceeded to the choice of their President, and on counting out the votes it appeared, that the Hon. Wm. Rabun was duly elected. Whereupon, Resolved that Messrs Stevens and Byne be a committee to inform him of his appointment, who conducted him to the Chair.

They then proceeded to the choice of their Secretary, and on counting out the votes it appeared that William Robertson was duly elected.

They then proceeded to the appointment of Messenger and Door-Keeper, and on counting out the votes it appeared that Henry Williams was duly elected Messenger and Alex'r Greene Door-Keeper

On motion of Mr Byne,  
Resolved, that the Senate be govern-

ed by the rules of the last session until altered.

A message from the House of Representatives by Mr Holt their clerk;  
Mr President;

I am directed to inform the Senate, that the House of Representatives are organized, having chosen the Honorable Benjamin Whitaker, Speaker, and Hines Holt, Esq. their Clerk, and are ready to proceed to business, and he withdrew.

On motion—Resolved, that the Secretary inform the House of Representatives that the Senate have organized, having made choice of the honorable William Rabun their President, and William Robertson their Secretary, and are ready to proceed to business.

On motion—Ordered, that Messrs. Owens, Proctor and Stevens be a committee on the part of Senate, to join such committee as may be appointed by the House of Representatives, to wait on His Excellency the Governor, and inform him that the Legislature are organized and ready to proceed to business.

A message from the House of Representatives by Mr Holt their clerk;  
Mr President;

The House of Representatives have concurred in the resolution appointing a joint committee to wait on His Excellency the Governor, to inform him that the Legislature are convened and organized, and have appointed Messrs. O. Jones, Ferrell, Wellborn, Childers and Clayton a committee on their part and he withdrew.

On motion of Mr. Lane,  
Resolved, That a committee be ap

pointed to join such committee as may be appointed by the House of Representatives, to contract for the printing of the Laws & Journals of the present session of the Legislature;

Whereupon,

Ordered that Messrs. Lane, Owen and Leigh be that committee.

Mr. Owen from the joint committee informed the Senate, that they had waited on His Excellency the Governor and informed him, that the Legislature are in session, and the Governor notified them, that he would forward his Communication between 12 and one o'clock on this day.

On motion of Mr Lanier;

Resolved, That a committee be appointed on the part of Senate, to compose a joint committee on the state of the republic.

Whereupon, Ordered, that Messrs Lanier, Daniel, Stevens, Lane, and Irwin be that committee.

On motion of Mr Hudspeth;

Resolved that a committee be appointed on the part of Senate to compose a joint committee of Finance.

Whereupon; Ordered, that Messrs Hudspeth, Proctor, Talbot, Pray and Nesbit be that committee.

On motion of Mr. Cook;

Resolved, that a committee on Privileges and Elections be appointed. & that the election returns from the different counties be laid before them.

Whereupon;

Ordered, that Messrs Cook, Byne and Montgomery be that committee.

On motion of Mr Scruggs,

Resolved, that a committee on Petitions be appointed.

Ordered, that Messrs. Scruggs, Montgomery and Wood be that committee.

Mr Pray presented a petition from a number of the inhabitants of Bulloch county, which was read and referred to a special committee.

Ordered, that Messrs Pray, Wood, Byne and Scruggs be that committee.

Mr. Hurt notified the Senate, that he will on tomorrow move for a committee to prepare and report a bill to be entitled an act to authorise His Excellency the Governor to contract with proper persons to make a number of rifle guns for the use of the militia of this state.

Mr Pray notified the Senate, that he will tomorrow move for the appointment of a committee to prepare and report a bill to be entitled an act, to amend and consolidate the several militia laws of this state, and to adapt the same agreeably to the laws of the militia of the United States.

A message from His Excellency the Governor was received by Mr. Porter His Secretary.

Mr President;

I am directed by His Excellency the Governor to lay before the Senate His Excellency's Communication, with the Documents herewith delivered, and he withdrew.

The Senate took up the Communication, and the same being read is as follows;

Executive Department, Georgia, }

Milledgeville, 3d Novr. 1812. }

*Follow Citizens of the Senate and  
of the House of Representatives.*

AFTER a forbearance to which there

is scarcely a parallel to be found in the history of any independent nation, the United States have at length been compelled, in vindication of their honor, & for the maintenance of their indubitable rights, to declare war against Great Britain. A detail of the causes which produced this act of our government is, I presume, neither expected nor desired from me at this time ; they have been communicated to congress by the Constitutional Organ, the President of the United States, in a lucid and dignified address, which you have all seen and no doubt possess. The insolent and arbitrary domination assumed by the British, to control by her naval power the rights of this country, and the measures adopted by our government, with a view of bringing the corrupt and corrupting ministry of Great Britain to a sense of justice, have been felt by Georgia with as much severity as any other state in the Union. Her planters had long been in the habit of raising articles for exportation, from which they derived their principal resources, and depended upon importations from abroad for their annual supplies ; hence they felt with peculiar effect the want of that intercourse, from which they derived their greatest advantage ; yet no selfish views ever operated upon their minds, or impaired their confidence in the government, or the wisdom of their measures. On the contrary, they have under every difficulty and privation maintained a firm, republican & constitutional character, which I am confident they will still maintain. No difficulties or privations will ever induce them to submit to degradation & dishonor. And permit me to ask, if a submission to the black catalogue of British aggression, would not be a submission to degradation and dishonor? It assuredly would. Let us therefore maintain the character we have acquired, and unite heart and hand in support of the government, & the contest in which our country is now engaged ; it is a contest sanctioned by justice, and prompted by necessity, and under the guidance of Divine Providence we shall obtain the objects for which we contend.

When we contemplate the present situation of this state, our attention is irresistibly directed to our extensive frontier. Our sea coast, from the river Savannah to that of St. Mary's inclusive, is indented by numerous inlets, affording sufficient depth of water for armed ships of considerable force. To oppose the entrance of which, there are few works of defence, the population thin, and a vast property to invite the attention and satisfy the cupidity even of British cruisers.

From the mouth of the St. Mary's to the termination of our line on the Tugaloo river, we have an extent of frontier for between three and four hundred miles, the territory immediately beyond which, is occupied by numerous tribes of restless and warlike savages of doubtful faith, some of whom we may already consider our enemies, (the Seminoles), and the rest, although at this time professing a desire to remain at peace, may soon, and unexpectedly be induced, by the arts and intrigues of old friends, and the still more powerful influence of large presents, to be-

come hostile to us. With due preparation, however, the state is capable of defending herself against any hostile attempt of British cruisers or Indian enemies. Our citizens of the Middle and Western parts are numerous, hardy & brave; and are not only capable of defending themselves against the Indians, but would march at a moment's warning to the assistance of their fellow citizens on the seaboard in case of need, who, although equally brave, are less numerous and consequently less able to defend their extensive and vulnerable coast; but to do this, the citizens must have arms, and they must be taught the use of them, as well as the duties of the camp.

These considerations have induced me to press upon your attention a thorough revision of our militia laws, and of making provision for the purchase of arms and ammunition, &c. In the defence of our seacoast, it will not escape your attention, that artillery are of vast importance, and yet there is not a single Company out of the City of Savannah in the whole of the first Brigade. This is no doubt owing to the great expence attending the equipment & support of such corps, which but a few are able to sustain. Permit me to recommend to your consideration the propriety of making some provision for the encouragement of this description of troops.

Knowing of no manufactory of Swords and Pistols within the state, my attention has been directed to other states for a supply of those articles, as contemplated by the act of the last session, for the use of the Cavalry; but I

find the prospect of procuring them so remote and uncertain, that I shall attempt to have the swords made at home, and I am flattered with the hope of having this done in a style of workmanship superior to those imported for common use, and at a much cheaper rate. The manufacture of them will commence immediately in this place, and will produce about five dozen every week. I shall use my utmost efforts to have the pistols made in the state also. These are objects which in our present situation claim the fostering care of the Legislature.

In the course of last summer the Secretary at war of the United States, by order of the President, called upon this state, under the authority of an act of Congress, to detach from her militia three thousand five hundred, which has been done accordingly. These men thus detached, are liable to be called into actual service whenever the President shall so direct, and ten companies of them have been called for, and are now in the field, where they are liable to be detained for six months. It is possible, nay very probable, that many of those men now on duty have left families or relatives at home, whose principal dependence for support was upon their labour, or whose little property may be at the mercy of a creditor for an considerable debt. Some legislative provision, in such cases would, in my opinion, be both reasonable and just, & may be done without impairing the just rights of others. By a prudent liberality on the part of the state, the indigent or infirm family or relative of the soldier, and his little property may be

relieved and preserved, whilst he in return, is, in all probability spilling, or at any time ready to spill his blood in her defence.

In March last a revolution commenced in East Florida, and from the part taken by the Commissioner of the United States, and the movement of their troops, I flattered myself that they had determined upon the immediate occupancy of the whole province. The progress of this revolution became extremely interesting to Georgia, and I am indebted to the vigilance and attention of Brigadier General Floyd for the first and a regular continuance of information upon the subject, from which I soon began to suspect, that the course pursued would not only fail of success, but that our frontier in that quarter might soon be involved in much difficulty and distress. Under these impressions, and conceiving that if the General Government had determined upon the occupancy of the province they would have communicated the fact to the government of Georgia, and placed the state on her guard against a failure of the enterprise, since in that event she would be the immediate sufferer. I wrote a letter to the Secretary at War, stating my apprehensions of the evil consequences that were likely to result to Georgia from the manner in which the proceedings in Florida were conducted; and requested that the contents of my letter might be communicated to the President. Before that letter had reached its destination, I received one from the Secretary of state, by order of the President, in which he declares the proceedings of

the Agent in the transactions in Florida were unauthorized, and calling upon me as Governor of the State to act for the General Government, inasmuch as the interests of Georgia were implicated, as well as those of the U. States, & also containing instructions as to the course which it was expected I would pursue in so delicate and important a transaction.

It required but a few days to dispatch such public business as was then in the Executive Office, and to prepare every thing necessary to admit of my absence. This being accomplished, I proceeded without delay to St. Mary's, as the most convenient spot where I could by mail have a free communication with any part of the Union, and with the Governor of East Florida, and Col. Smith, the Commander of the American troops, at the same time. On my arrival at that place, I found the progress of the revolution stopped before St. Augustine; the Patriots being unable alone to attack that formidable post, and the American troops not permitted to act on the offensive. In a short time I went to Augustine, in compliance with the instructions I had received, and a correspondence between the person then acting as Governor and myself commenced; which, however, soon terminated, in consequence of the Spaniard preferring the application of force to remove the American troops, which he actually tried, on the 16th of May, to the more tedious operation of having it done by negotiation in a peaceable manner. The experiment, however, did not succeed, and the troops kept their ground. The letters of the



Secretary of State to me of the 2d and 27th of May last, will explain the reason why the troops were not withdrawn; they are reasons founded on the soundest principles of policy, as well as justice and humanity, and they apply to our present situation and the present situation of East Florida with double force. The confidence with which we anticipated the declaration of war against Great Britain led me with equal confidence to anticipate an enlargement of the powers of the President by Congress as a necessary consequence, having for object the entire occupancy of the Provinces of East and West Florida. That this should have been the course pursued, I was extremely solicitous, knowing as I did and still do, that the interests of Georgia would be effectually promoted by that event, and the views and wishes of the General Government at the same time accomplished. The Senate of the United States, however, in their wisdom, had different views of the subject, and the matter was permitted to remain as before the war. It is nevertheless, my sincere and candid opinion that the peace and safety of this state will be hazarded if the occupancy of East Florida by our government is relinquished or much longer delayed. The present force in Augustine is of a description which we cannot tolerate, and the mode of warfare which the governor of that place has commenced, so savage and barbarous, that it is impossible for an American to hear of it without feeling the utmost indignation and resentment against the power that commands or even permits it. I recommend this subject in an es-

pecial manner to your most serious consideration, as involving not only your immediate interest, but your future peace and happiness. It is with real pleasure that I assure you of my entire confidence in the disposition of the President to proceed in the business with the utmost decision if he is authorised by Congress.

Copies of such documents as are calculated to give you a clear view of the subject, and enable you to form correct conclusions, will accompany this communication; and should any additional information be desired during the session, if in the power of the Executive, it will be furnished with pleasure. I have been the more particular upon this head because, I feel its importance; and because too, the agency which I have had in it has been grossly misrepresented, and conduct and motives attributed to me as malicious as they are unfounded. That agency will now be committed to another person. The Spanish officers in Augustine, St. Marks and Pensacola, are using every effort to stimulate the Creek Indians to commence hostilities against us. As yet, those within the United States' line, as I have before observed, profess peace and friendship; but those of the Seminoles, whose towns are in Florida, have been guilty of such outrages as leave no doubt of their intention, and ought to satisfy us that no time is to be lost in applying that chastisement which their crimes deserve.— In August last some parties of them made their appearance upon the frontiers of Camden county, and killed and scalped a young man about seventeen years of age, a son of Mr. Thomas Wil-

der, who resided near Trader's Hill on the St. Mary's river, and at the same time shot another lad, and wounded him very severely, but who had the good fortune to make his escape. As soon as I received information of these facts and numerous others of less atrocity, I sent an order to Brig. General Floyd to cause a Block House to be erected at Trader's Hill, and to put a small garrison in it for the protection of that part of the frontier, and if the Indians should again make their appearance in a hostile manner, to collect a force & pursue & punish them. I also wrote a letter to Col. Hawkins, demanding that the murderers should be apprehended and delivered up to the civil authority of Camden county, there to take their trial. Col. Hawkins's answer, with subsequent information which I have received, fully convinces me that we have no satisfaction to expect from those Indians, and that consequently we ought to look to our own safety. With this view I have given orders to have a stock of provender and provisions contracted for and deposited at Traders' Hill for 500 Cavalry, and intended as soon as those supplies were procured, to order that number to take the field. This subject claims the immediate attention of the Legislature. Copies of all papers in the Executive Office relating thereto from which you can derive any information, as well as those relating to the deceased Mr. Meredith and Mr. Arthur Lott, who were murdered while peacefully travelling through the Creek Nation, accompany this communication.

Soon after the rising of the last Legislature, I appointed Hugh Montgo-

mercy of Jackson county & James Blair, of Franklin county, Esqrs. Commissioners on the part of this state, to carry into effect a concurred and approved resolution of the 50th of November last, which contemplated an united application by Georgia and the Cherokee Indians to the President of the United States for a cession of land lying between the Chatahouchee river and the frontiers of Jackson and Franklin counties. At the same time I instructed them to demand of the agent of the United States to that effect, the delivery of Ellis Buffington and Robert Daniel, two Cherokees of mixed blood who are charged with having murdered one Jacob Whitworth about two years ago in Jackson county. The mission of these commissioners has failed of success for the present, altho' hopes are expressed by the agent that our desire as to the cession will yet be acceded to by the Indians—and it is also stated that the application for the delivery of Buffington and Daniel has been submitted to the President of the United States for his decision, the nation having refused to deliver them up. These two subjects must, therefore, remain for future attention. Copies of the papers relating to this subject are submitted.

The session of the Legislature before the last, Andrew Ellicott, Esq. of Lancaster, Pennsylvania, was by a concurred & approved resolution, appointed to ascertain the 35th parallel of North Latitude, as the boundary between this State and North Carolina. He was accordingly sent for, and early in September following left Augusta with a view to the accomplishment of that object.—

A report was expected from Mr Ellicott to justify a contract with workmen, further appropriations will be required. The building at Louisville formerly occupied as a State House is in such a state of decay, that if not repaired soon there will be nothing left but the naked walls. It is at present occupied as an arsenal, but the saving thereby to the state is very inconsiderable; and by a removal of the arms to this place and some other disposition made of the building, a considerable sum might be saved annually to the Treasury.

The state of our finances has enabled us to pay, in the course of the last political year, to the Bank of Augusta seventy per cent. of the amount of our subscription, which is all that has been yet required from the Stockholders.—The prospect of its being a very profitable stock is flattering, and when we consider the certainty of payment, and the exemption from expence, it must undoubtedly be considered as the very best means of increasing our revenue. The time allowed for the state to subscribe for the shares reserved for her in the Planters' Bank of Savannah will expire on the 1st of January next. The foregoing observations on the value of the stock of the Bank of Augusta apply, with equal, if not superior force, to that of Savannah. Permit me therefore to recommend, that an appropriation be made to meet this object.

An abstract of the Warrants drawn on the Treasury during the last political year, exhibiting a clear and distinct view of the amount of each sum drawn for, the object for which it was drawn, and the particular fund drawn upon, ac-

comptroller in time to be laid before the last Legislature, but it did not reach the Executive Office until the 16th of March last, when Mr. Ellicott called there and deposited one accompanied by a chart. By this report it appears that no part of the territory heretofore claimed by this state as Walton county remains to Georgia. The expence attending this business has been considerable, and as Mr. Ellicott has charged considerably more in his accounts than I have drawn for or allowed, copies of them and the correspondence between that gentleman and myself are submitted for your consideration without a comment.

Under the authority of a resolution passed by the last Legislature on the subject of a Penitentiary, I have the pleasure to state, that contracts have been made for the delivery of a quantity of brick and that on or before the end of the present month, between twelve and fifteen hundred thousand will have been delivered near the spot intended for the site of the building, the average price of which will not exceed five dollars per thousand. Lime which will very well answer for laying the brick has also been contracted for, to be delivered at the same place at an equally reasonable rate. No workmen have as yet been engaged, because, I deem it of importance first to procure a sufficient stock of materials, and the present period appears to be a very favorable one for that purpose. From the magnitude of the object you will readily perceive, that to enable the Commissioners to proceed in the collection of materials and

companies this communication ; which together with the annual abstract furnished by the Treasurer, will convey all the information necessary to a clear understanding of the whole finances of the state.

A list of Executive appointments made during the recess, which are subject to Legislative interference, is also herewith submitted.

In all your measures, having for their object the public good, you may rely upon my cordial co-operation, and that the Supreme Ruler of the Universe may so guide and direct your minds, that your labours may result to the happiness of the people and your own honor, is the sincere prayer of your devoted Fellow-Citizen,

D. B. MITCHELL.

The reading of the documents was then commenced.

Ordered, That document No. 1, being a copy from His Excellency Governor Mitchell, to the Honorable William Eustis, Secretary of War, on the subject of the late transactions in East Florida, be referred to the joint committee on the State of the Republic.

Adjourned till half after 9 o'clock tomorrow morning.

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WEDNESDAY, 4th November, 1812.

From the county of Camden, came the Honorable John Hardee, who produced his credentials, and being sworn as required by the constitution of this state, took his seat.

The President laid on the table an enclosure, containing a petition from a number of the inhabitants of Telfair

county, which being read, was ordered to lie on the table.

Mr. Hatcher notified the Senate that on tomorrow he would move for a committee to prepare and report a bill to give further aid to the fortunate drawers to take out their grants.

On motion of Mr. Leigh,  
Resolved, That James Fraser and Thomas Barrett be, and they are hereby appointed Vendue Masters for the City of Augusta.

On motion—Ordered, that Messrs. Hurt, Watkins and Hatcher be a committee to prepare and report a bill to authorise the Governor to contract for a number of rifle guns agreeably to notice laid on the table on yesterday.

Mr. Scruggs presented a petition from the inhabitants of Effingham, which being read, was referred to the same committee, to whom was referred the petition from Bulloch county.

On motion of Mr. Owens,  
The Senate resumed the reading of the documents accompanying the Governor's communication.

Ordered, That documents No. 2, 3 and 6 lie on the table ; that documents No. 4 and 5 be referred to the committee on the State of the Republic, and that the remaining documents do lie on the table for the present.

On motion of Mr. Proctor,  
Resolved, That a committee be appointed on the part of Senate, to compose a joint committee to take into consideration, and report upon so much of the Governor's message as relates to East Florida—Whereupon, Ordered, That Messrs. Proctor, M'Intosh and

Stevens be that committee.

Mr Montgomery notified the Senate that he would on tomorrow move for a committee to prepare and report a bill to be entitled an act, to organize the detachment of men which now are, or may in future be required by the proper authority of the United States, for the service of the Union, from the Executive of this state, and distributing the public arms belonging to this state.

Agreeably to notice, Mr. Pray moved for a committee to be appointed on the part of Senate, to compose a joint committee to prepare and report a bill to be entitled an act, to amend and consolidate the several militia laws of this state, and to adapt the same agreeably to the laws of the United States.

Ordered, That Messrs. Pray, Daniel, M'Intosh, Byne and Parks be that committee.

A message from the House of Representatives by Mr. Holt their clerk;

Mr President;

The House of Representatives have concurred in the resolution appointing a joint committee on the State of the Republic, and have added on their part Messrs. Clayton Williams, Childers Maxwell, Terrell, G. Allen, Brannam, Wellborn, Luckie, J Blair and Wynn.

They have concurred in the resolution appointing a joint committee on Finance, and have added on their part Messrs. Lumpkin, Hopkins, Watts, H. Blair, Harris, Pettibone, T Jones, Browning, Ware, Bacon and Blount.

In the resolution appointing a joint committee to contract with a printer and added on their part, Messrs. David G. Jones, Glascock, M. Henderson, J

Mathews, Minton & Whitehead—and,

They have passed a resolution on their part, to compose a joint committee to take into consideration the expediency of a law for the alleviation of debtors, with power to report by bill or otherwise, and he withdrew.

The Senate took up the message, & appointed Messrs Irwin, Pray, Montgomery, Wilkins, Crane, Hardee and Cook.

Mr. Owens notified the Senate that he will tomorrow move for a committee to prepare and report a bill, to repeal a law for the Inspection of Flour, past last session.

On motion of Mr. Proctor,

Resolved, That Paul Peter Thomasson be, and he is hereby appointed a Notary Public for the county of Chatham and City of Savannah.

On motion of Mr. Byne,

Resolved, That the Executive appointment of Rhese Bostwick as a Justice of the Interior court of Burke county, in place of Dr Southworth Barlow removed out of the county be, and the same is hereby confirmed.

On motion,

Resolved, That Messrs. Lane, Wood and Pope be a committee on the part of Senate, to compose a joint committee, to take into consideration that part of His Excellency the Governor's communication, that relates to the state of the arsenal at Louisville, and the removal of the public arms to Millidgeville, and that they be authorised to report by bill or otherwise.

Mr. Daniel presented two petitions, one from the inhabitants of Jackson, and the other from the county of Clark,

which were severally read, and referred to Messrs. Daniel and Montgomery to join such committee as may be appointed by the House of Representatives.

Mr. Proctor presented a petition from Hugh McCall, which was read and referred to the committee on Finance.

Mr. McIntosh presented a petition from William A. Dunham, which was read and referred to Messrs. McIntosh, Hardee and Fort.

On motion of Mr. Lanier

Resolved, That a committee be appointed to compose a joint committee to take into consideration the Militia law of this state, and amend the same by the admittance and encouragement of the Volunteer service of 1000 mounted Rifle, sword or spear-men, and to report by bill or otherwise.

Ordered that Messrs Lanier, Ware, Daniel, Byne and Pray be that committee.

Mr Fulwood notified the Senate that he would on tomorrow move for the appointment of a committee, to prepare and report a bill to divorce William Graddy from his wife Sally Graddy, and to sever to said William Graddy all such property as he now is or may hereafter be possessed of.

Mr McCall presented a petition from John Douglas, which being read was referred to Messrs. McCall, Hudspeth and Montgomery to report by bill or otherwise.

Mr Daniel notified the Senate that he will on tomorrow move for a committee to prepare and report a bill to amend an act to regulate the admission of evidence

in the several courts of law and equity in this state, so far as relates to certain papers

Mr Montgomery notified the Senate that he will tomorrow move for the appointment of a committee to prepare & report a bill to be entitled an act, to add to the county of Jackson the Territory formerly comprehended in Franklin county, which was left out in the running of Hawkins' Lee

Mr Hudspeth notified the Senate, that he would on tomorrow move for the appointment of a committee to prepare and report a bill to amend an act for the more effectually securing the probate of Wills, limiting the time for Executors to qualify and Widows to make their election, and for other purposes therein mentioned, passed at Millidgeville the 15th of Dec. 1810.

On motion Mr Hudspeth,

Ordered that Mr Montgomery be added to the committee on Finance

The senate adjourned 'till 10 o'clock tomorrow morning.

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THURSDAY, 5th November, 1812.

On motion ;

Ordered that Mr Cook be added to the committee to contract for printing the Laws and Journals of the present session ; and that Mr Lanier be added to the committee to enquire into the expediency of passing an alleviating law.

On motion of Mr Hudspeth,

Resolved, that the Senate will convene in the Representative Chamber on Monday the 9th inst at twelve o'clock, to elect a Senator in the Congress of the United States from the

3d of March next, and to elect eight electors, in terms of the Constitution of the United States.

Ordered, that Messrs. Lanier, Ware, Daniel, Byne and Pray be the committee on the part of Senate to take into consideration the militia law of this state, agreeably to the resolution of yesterday.

Mr Proctor gives notice, that he will tomorrow move for leave to introduce a bill to appoint Port Wardens for the Port of Savannah.

Mr Hatcher agreeably to notice moved for the appointment of a committee to prepare and report a bill to give further time to fortunate drawers in the late land lotteries to take out their grants.

Ordered that Messrs. Hatcher, Griffin and Little be that committee.

Mr Montgomery agreeably to notice moved for the appointment of a committee to prepare and report a bill to add to the county of Jackson the Territory formerly comprehended in Franklin county, and which was left out by the running of Hawkins's line.

Ordered that Messrs. Montgomery, Cook and Tharpe be that committee.

Mr. Lane presented a petition from Samuel Berry, which being read,

On motion of Mr Lane,

Resolved, that said petition with the accompanying documents be referred to Messrs. Lane, Falbot and Scruggs as a committee to take the same into consideration.

On motion of Mr Proctor,

Resolved, that Ephraim Brown and Thomas Garnett be, and they are hereby appointed Lumber Measurers for the city of Savannah.

Mr Owens agreeably to notice, moved for the appointment of a committee to report a bill to repeal an act for the inspection of flour.

Ordered, that Messrs Owens, Leigh and Proctor be that committee.

Mr Stevens gives notice, that he will on to-morrow move for leave to introduce a bill to change the name of Joseph M'Coy to that of Joseph Austin.

Mr Montgomery agreeably to notice moved for the appointment of a committee to prepare and report a bill to organize the detachments of men which now are or in future may be required by the proper authority for the service of the Union, &c.

Ordered, that Messrs Montgomery, M'Intosh and Irwin be that committee.

Mr Blair gives notice that he will on to-morrow move for the appointment of a committee to prepare and report a bill to make valid a transcribed copy of the records of the Court of Ordinary of Scriven county, & to confirm the same in courts of record.

On motion of Mr. Lane,

Resolved that the Executive appointment of William Wilkins Esq. as a Justice of the Inferior court for the county of Putnam in the place of Reuben D. Jarnett, Esq resigned; and the Executive appointment of John J. Smith Esq as a Justice of the Inferior court for the said county in the place of James B. Clopton, Esq resigned, &c, and the same are hereby confirmed.

The Senate took up the remainder of the message from His Excellency the

Governor, and the same being read,

Ordered, that document No. 7, be referred to the committee on Finance and that documents No 8, 9 and 10 of lie on the table

Mr Pray presented two resolutions on the subject of the Frontiers Bank, which were read and ordered to lie on the table

Mr Montgomery gives notice that he will on to-morrow move for leave to introduce a bill to explain and amend the 29th section of the Judiciary Law of this state.

Mr Hudspeth agreeably to notice, moved for the appointment of a committee to prepare and report a bill for the more effectually securing the Probate of Wills, &c

Ordered, that Messrs. Hudspeth, Nesbit & Stevens be that committee

Mr Fulwood agreeably to notice moved for the appointment of a committee to prepare and report a bill to divorce William Craddy and Sally his wife, &c.

Ordered, that Messrs Fulwood, Lanier and Hardee be that committee.

On motion of Mr Owens,

Resolved that Francis Jeter be, and he is hereby appointed a Notary Public for the county of Baldwin and town of Milledgeville.

Adjourned till 10 o'clock tomorrow morning.

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FRIDAY, 6th November, 1812.

Mr McIntosh from the committee reported a bill authorizing William A. Durham to run a line of stages from Savannah to St Mary's, which was received and read the first time.

On motion,

The Messenger had leave of absence till Monday next 10 o'clock.

Mr Stevens agreeably to notice introduced a bill to change the name of Joseph McCoy to that of Joseph Austin, which was received and read the first time

Mr Owens presented a petition from George Micklejohn, which was read and referred to a special committee, consisting of Messrs. Owens, Fort, Wain, Watkins and Wilkins

Mr Proctor agreeably to notice introduced a bill to appoint Port Warrrens for the port of Savannah, which was received and read the first time.

On motion of Mr Daniel,

Resolved, That James Pittman, Geo. Eberhart, Nathan Meroney, George Christian and James Thompson be, and they are hereby appointed commissioners of the Madison county Academy, and that they be, and are hereby authorized either by themselves or agent, to purchase at any sales of confiscated property, the amount of one thousand pounds for the use of the Academy of said county as heretofore allowed the several counties in this state, by the 7th section of an act, passed 20th December 1792

Mr. Hatcher gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill to draw Grand and Petit Jurors for the county of Wilkinson.

Mr Proctor gives notice that he will on tomorrow move for leave to introduce a bill to divorce William Chauvin and Ann his wife.

Mr. Montgomery from the committee reported a bill to amend and ex



plain the 29th section of the judiciary of this state, which was received and read the first time.

*Mr. Parks* presented a petition from Benjamin Samuel, which was received, read and referred to the committee on petitions.

*Mr. Montgomery* from the committee reported a bill, to add to Jackson county, all that territory formerly comprehended in Franklin county, and which was left out by the running of Hawkins's line, which was received and read the first time.

*Mr. Cook* gives notice that he will on Monday next, move for leave to introduce a bill explanatory of the 31st section of the judiciary law of this state, passed 16th February, 1799.

*Mr. Hudspeth* gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill, to alter and amend the 18th and 21st sections of the act, regulating Justices courts.

*Mr. Daniel* agreeably to notice moved for the appointment of a committee to prepare and report a bill, to regulate the admission of evidence in courts of law, &c.

Ordered, That Messrs. Daniel, Proctor and Byne be that committee.

*Mr. Blair* agreeably to notice moves for the appointment of a committee to report a bill, to make valid a transcribed copy of the records of the court of Scriven county, &c.

Ordered, That Messrs. Blair, Blackman and Burnett be that committee.

*Mr. Wilkins* presented a petition from the inhabitants of the lower section of district No. one, in Columbia county,

which was read and referred to a special committee, consisting of Messrs. Wilkins and Leigh, to join such committee as may be appointed by the House of Representatives, to take the same into consideration

On motion of *Mr. Nesbit*,

Resolved, That when a message from the House of Representatives is announced at the door of the Senate, all business shall be suspended, until the same is received.

On motion of *Mr. McIntosh*,

Resolved, That the Justices of the Inferior court and Justices of the Peace of McIntosh county be authorised to confine in the Jail at Darien in said county, all criminals until a county Jail is erected.

*Mr. Griffin* gives notice that he will on Monday next, move for leave to report a bill to repeal an act, to make permanent the site of the public buildings for the county of Telfair, passed third December, 1811.

On motion of *Mr. Blackman*,

Resolved, That Malcum Bug be appointed a Justice of the Inferior court for the county of Tatnall, in the place of M'Keen Green, removed.

*Mr. Montgomery* gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill, to change the time of holding the Superior courts in the counties of Madison, Franklin, Elbert and Lincoln.

On motion of *Mr. Irwin*,

Resolved, That Morgan Brown be, and he is hereby appointed a Notary Public for the county of Washington, and town of Sandersville.

On motion of *Mr. Owens*,

Resolved, That *Harris Allen* and *Alexander Greene* be appointed *Vandue Masters* for the town of *Milledgeville*.

*Mr. Watkins* notified the Senate that he should on tomorrow move for a committee to be appointed on the part of Senate, to join such as may be appointed on the part of the House of Representatives, to prepare and report a bill, amendatory to an act, passed 15th December 1809, for the purpose of keeping open, removing and preventing obstructions in *Savannah river*, &c calculated to impede the passage of fish, and the navigation of said river, &c

*Mr. Lane* presented a petition from sundry inhabitants of *Putnam county*, which was received, read and referred to the committee on the State of the Republic.

A message from His Excellency the Governor was received by his Secretary, *Mr. Freeman*, notifying the Legislature of the vacancy of the Major General's appointment in the 4th Division of the militia of this state, major general *Jack* having accepted an appointment in the Federal army of the United States, which was read and ordered to lie on the table.

*Mr. McCall* from the committee reported a bill to divorce *John Douglas* and *Jane* his wife, which was received and read the first time.

On motion,

Ordered, That *Messrs. Nesbit, Loring* and *Proctor* be a committee on enrolled bills.

On motion,

Ordered, that *Messrs. Lane, Daniel*

and *Stevens* be a committee to examine the Journal of Senate the present session.

A message from the House of Representatives by *Mr. Holt* their clerk;

*Mr. President*;

The House of Representatives have concurred in the resolution confirming the Executive appointment of a Justice of the Interior court of *Burke county*;

In the resolution appointing a Notary Public for the county of *Chatham*;

In the resolution appointing *Vandue Masters* for the City of *Augusta*;

In the resolution appointing *Monday* next for the election of a Senator in Congress and Electors, with an amendment;

In the resolution appointing a joint committee to report a bill, to amend & consolidate the militia law. &c. and have added a committee on their part;

In the resolution appointing a joint committee to take into consideration the militia law of this state, and to amend the same, &c. and have added a committee on their part;

In the resolution appointing a joint committee to take into consideration two petitions from the counties of *Jackson* and *Clark*, and have added a committee on their part; and,

In the resolution appointing a joint committee to take into consideration such of His Excellency the Governor's communication as relates to the Arsenal at *Louisville*, &c. and have added a committee on their part.

They have added *Mr. Pettibone* and *Mr. Williams* to the committee to contract for printing;

They have passed a resolution ap-

pointing a justice of the Inferior court for the county of Chatham, and

They have passed a bill to continue in force an act, giving further time to fortunate drawers to take out their grants, &c. and he withdrew.

The Senate took up the message and amendment of the House of Representatives to the resolution on the subject of Electors which was agreed to, and is as follows ;

Resolved, That the Senate and members of the House of Representatives will convene in the Representative Chamber on Monday next, at one o'clock, for the purpose of Electing a major general for the fourth division of militia, in place of major general Jack, who has accepted an appointment in the army of the United States, also a Senator to the Congress of the United States and eight Electors to vote for President and Vice-President of the United States.

They concurred in the appointment of a Justice of the Inferior court for Chatham county ; and the said bill was read the first time.

The Senate adjourned till tomorrow morning 10 o'clock.

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**SATURDAY, 7th November, 1812.**

Mr Cook from the committee on Privileges & Elections reported as follows viz ;

The committee on Privileges and Elections to whom was referred the election returns from the different counties, beg leave to report that they have examined the said returns, & find them

legal and correct, which was read and agreed to

Mr. Lane gives notice that he will on Monday next, move for leave to report a bill to amend the militia law of this state, so far as respects the formation of a new brigade in the counties of Twiggs, Pulaski, Telfair, Laurens and Wilkinson.

Mr Proctor agreeably to notice introduced a bill to divorce Wm Chauvin and Ann his wife, which was received and read the first time

Mr Fulwood from the committee reported a bill to divorce William Graddy and Sally his wife, which was received and read the first time.

On motion of Mr. Pope,

Resolved, That Rueben Cole, esq. be, and he is hereby appointed a Justice of the Inferior court of the county of Jones, in the place of William Butler, esquire, resigned.

Mr Owens agreeably to notice introduced a bill to repeal an act, for the Inspection of Flour, so far as respects the town of milledgeville, which was received and read the first time.

The bill to continue in force an act, giving further time to fortunate drawers to take out their grants, &c was read the second time.

Whereupon the Senate resolved itself into a committee of the whole on the said bill, Mr Lanier in the chair ; Mr. President resumed the chair, and Mr. Lanier reported that they had gone through the same without any amendment.

The Senate took up said report, which was agreed to, and the said bill ordered to be engrossed for a third

reading.

The following bills were severally taken up and read the 2d time.

A bill to invest William A. Dunham, with the exclusive privilege of running a line of Stages from Savannah to St. Mary's.

Ordered for 3d reading.

A bill to change the name of Joseph m't oy to that of Joseph Austin.

Ordered for a 3d reading

A bill to appoint Port Wardens for the Port of Savannah.

Ordered for a committee of the whole.

A bill to amend and explain the 29th section of the Judiciary law of this state.

Ordered for a committee of the whole.

A bill to add to Jackson county, all that territory formerly comprehended in Franklin county, and which was left out by running Hawkins's line.

Ordered for committee of the whole

And a bill to divorce and separate John Douglass and Jane his wife.

Ordered for committee of the whole

A message from the House of Representatives by Mr. Holt their clerk ;

Mr. President ;

The House of Representatives have added Mr. Charlton to the committee on the State of the Republic, and Messrs Williams, Clayton and J. Blair on the committee to contract for printing.

They have appointed a committee on enrollment on their part ;

And they have appointed a committee on their part, to divide the state in

to Congressional districts, and he withdrew.

The Senate took up the message and concurred in the additions and appointments of committees therein mentioned, and on the question to lay the resolution appointing a joint committee to divide the state into Congressional districts on the table, it was resolved in the negative, and the yeas and nays being required are Yeas 18—Nays 19.

Those who voted in the affirmative, are messrs Blair, Cook, Daniel, Griffin, Hurt, Little, M'Call, Montgomery, Nesbit, Owens, Parks, Pray, Proctor, Stevens, Swain, Ware, Watkins and Wood.

Those who voted in the negative, are messrs. Blackman, Burnett, Byne, Crane, Fort, Fulwood, Hardee, Hatcher, Hudspeth, Irwin, Lane, Lanier, Leigh, M'Intosh, Pope, Scruggs, Talbot, Tharpe and Wilkins.

Whereupon the Senate added a committee on their part, consisting of messrs. Proctor, Byne, Talbot and Owens.

Mr. Hatcher agreeably to notice moved for the appointment of a committee to report a bill, to draw Grand and Petit Jurors for the county of Wilkinson

Ordered, That messrs Hatcher, Tharp and Pope be that committee.

Mr Blair from the committee reported a bill to make valid a transcribed copy of the records of the Ordinary court of Scriven county, which was received and read the first time.

Mr. Wood gives notice that he will on monday next, move for leave to in-

roduce a bill to divorce Mathew D. Brazzell and Polly his wife.

Mr. Montgomery agreeably to notice moved for the appointment of a committee to prepare and report a bill, to alter the time of holding the Superior courts in the counties of Franklin, Elbert, Madison and Lincoln.

Ordered, That messrs. Montgomery, Daniel, Little, Watkins and Parks be that committee.

Mr. Lane from the committee reported a bill to divorce Samuel Berry and Nancy his wife, which was received and read the first time.

Mr. Hudspeth agreeably to notice moved for the appointment of a committee to alter the 18th and 21st sections of the act regulating Justice's courts.

Ordered, That messrs. Hudspeth, Daniel and Lane be that committee.

Mr. Lane presented a petition from James Whyllie and John Espey, which was read and ordered to lie on the table.

Mr. Owens gives notice that he will on Tuesday next, move for the appointment of a committee to report a bill to authorise the levying an extra tax in the county of Baldwin, for the purpose of building a Court-house in said county.

On motion,

Ordered, That Mr. Wood be added to the committee to contract for printing.

Adjourned till 10 o'clock Monday morning.

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MONDAY, 9th November, 1812.

Mr. Cook from the committee reported a bill explanatory of the several judiciary laws of this state, which was

received and read the first time.

Mr. M'Intosh moved for the appointment of a committee on the part of Senate to join such as may be appointed on the part of the House of Representatives, to draw up instructions recommending to our members in Congress, should the present war be prolonged with Great Britain, that they use their best endeavors to discontinue any commercial intercourse with neutral powers, by which means our enemy are supplied with provisions, and thereby afforded that succour they could not otherwise obtain.

Ordered, That Messrs. M'Intosh, Stevens and Daniel be the committee on the part of Senate.

The following bills were severally taken up, read the 3d time and passed, to wit;

A bill to change the name of Joseph M'Cooy to that of Joseph Austin—and,

A bill to invest William A. Dunham with the exclusive right and privilege of running a line of Stages from Savannah to St. Mary's, for the term of ten years from the first day of January next.

The bill to continue in force an act, passed 22d December 1808, giving further time to the fortunate drawers in the late land lotteries to take out their grants, was read the third time. and on the question, shall this bill now pass? it was resolved in the affirmative, and the yeas and nays being required, are Yeas 28—Nays 9.

Those who voted in the affirmative, are Messrs. Blair, Blackman, Burnett, Cook, Crane, Daniel, Fort, Fulwood, Hatcher, Hudspeth, Hurt, Irwin, Lane,

Litue, Lanier, McCall, Montgomery, Nesbit, Parks, Pope, Scruggs, Swain, Talbot, Tharpe, Ware, Watkins, Wilkins and Wood.

Those who voted in the negative, are Messrs. Byne, Griffin, Hardee, Leigh, McIntosh, Owens, Pray, Proctor and Stevens.

The Senate resolved itself into a committee of the whole on the bill to appoint Port Wardens for the port of Savannah, Mr. Irwin in the chair—Mr. President resumed the chair, and Mr. Irwin reported, that they had gone through the same with an amendment. The Senate took up the report, which was read and ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to amend and explain the 29th section of the Judiciary law of this state, Mr. Byne in the chair; Mr. President resumed the chair and Mr. Byne reported, that they had gone through the same without any amendment. The report was taken up and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill adding to Jackson county, all that territory formerly comprehended in Franklin county, and which was left out by running Hawkins's line, Mr. Cook in the chair; Mr. President resumed the chair, and Mr. Cook reported that they had gone through the same without any amendment. The Senate took up the report, which was agreed to.

Whereupon the bill was read the third time, and passed under the title thereof.

The Senate resolved itself into a committee of the whole on the bill to divorce and separate John Douglass and Jane his wife, Mr. Daniel in the chair; Mr. President resumed the chair, and Mr. Daniel reported that they had gone through the same without any amendment. The report was taken up and agreed to.

Whereupon the bill was read the 3d time, and on the question shall this bill now pass? the yeas and nays were called for, which are as follow—Yeas 19—Nays 18.

Those who voted in the affirmative, are Messrs. Blair, Blackman, Burnett, Fort, Fulwood, Hardee, Irwin, Lane, Lanier, Leigh, McCall, McIntosh, Owens, Proctor, Stevens, Swain, Talbot, Watkins and Wood.

Those who voted in the negative, are Messrs. Byne, Cook, Crane, Daniel, Griffin, Hatcher, Hudspeth, Hurt, Litue, Montgomery, Nesbit, Parks, Pope, Pray, Scruggs, Tharpe, Ware and Wilkins.

There not being the majority required by the constitution, the bill was lost.

The bill to divorce William Chauvin and Ann his wife was read the 2d time, and ordered for a committee of the whole.

The bill to divorce William Graddy and Sally his wife was read the second time, and ordered for committee of the whole.

The bill to repeal an act, for the Inspection of Flour, so far as respects Milledgeville, was read the second time, and ordered for third reading.

The bill to make valid a transcribed copy of the records of the court of Ordinary of Scriven county was read the

second time, and ordered for a third reading.

The bill to divorce Samuel Berry and his wife was read the second time, and ordered for committee of the whole.

Mr. Leigh presented a petition from Benjamin Moore, which was read and referred to a special committee, consisting of Messrs. Leigh, Hardee and McCall.

Mr. Griffin agreeably to notice reported a bill to repeal an act, to make permanent the site of the public buildings in the county of Telfair, which was received and read the first time.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The House of Representatives have concurred in the following resolutions from Senate, to wit:

One appointing a Justice of the Inferior court for the county of Tatnall;

One appointing commissioners of the Madison county Academy;

One authorising the confinement of prisoners in Darien Jail;

One confirming the Executive appointment of Justices of the Inferior court of Putnam county;

One appointing a Notary Public for the county of Washington;

One appointing Lumber Measurers for the city of Savannah;

One appointing a Notary Public for the county of Baldwin;

One appointing Vendue Masters for the town of Milledgeville;

One appointing a joint committee to take into consideration and report upon so much of the Governor's communication as relates to East Florida, and have added a committee on their part.

And one appointing a joint committee to take into consideration the petition of sundry inhabitants of Columbia county, and have added a committee on their part.

The House of Representatives have passed the following resolutions, to wit:

A resolution confirming the Executive appointment of Justices of the Inferior court for the county of Twiggs;

One appointing a Notary Public for the county of Chatham;

One confirming the Executive appointment of a Justice of the Inferior court for the county of Franklin;

One appointing an Interpreter of Foreign Languages with the functions of a Notary Public—and

They have added Messrs. Clayton, T. Jones & Atkinson to the committee to contract for printing, and he withdrew.

Ordered, That the message do lie on the table.

A message from His Excellency the Governor, by Mr. Porter his Secretary;

Mr. President;

I am instructed by His Excellency the Governor to inform the Senate, that he has approved of and signed a resolution appointing this day for the election of a Major General for the 4th division of the militia of this state; a Senator in the Congress of the United States, and eight Electors for President and Vice-President of the U. States, and he withdrew.

Mr. Proctor from the joint committee to whom was referred so much of His Excellency the Governor's communication as relates to Florida, Reported as follows.

The joint committee to whom was

referred to much of His Excellency's Message as relates to East Florida,

### REPORT,

That they have fully considered all the circumstances connected with the Province of East Florida, as they relate to, and affect the interests and safety of this state; and are of opinion, that immediate and decisive measures ought and must be adopted by the General or State Government, for the possession and occupancy of said Province.

Your committee will not pretend to analyze the motives which could have influenced the dissenting members of the Senate of the United States, in rejecting the bill of the House of Representatives for the occupancy of this province. The policy which suggested this rejection, will always appear inexplicable to your committee, as it must obviously then have appeared, as it has since proven to have been, subversive of the safety and tranquility of this section of the United States. It is a policy which will not bear the test of investigation upon any of those doctrines which usually regulate the morality of one nation in its conduct towards another—and cannot even find an apology in the strict, plain and honest principles which distinguish, or should ever distinguish above all others, the government of a Republic.

The safety of the people is the first consideration which presses itself upon the attention of all National Councils. It is a principle as applicable to one form of political government as to another. Your committee then humbly conceive, that it was only necessary to

have ascertained whether the safety of this section of the Union, was or was not jeopardized by suffering the neighboring province of East Florida to remain in the hands of an ally of Great-Britain [or, if not an ally, in the war she is now waging against us or, in the possession of the local government of a Spanish colony, that could be easily seduced into any measures dictated by British power and influence.

Your committee would beg leave to ask, whether it could rationally have been supposed, that the Ministers of England, would under any of their impressions of justice or National Law, permit the rigid neutrality of the local government of East Florida? And your committee would also beg leave further to enquire, whether it ought to have been expected, or is now to be expected, that British troops or auxiliaries will not be thrown into the garrison of St. Augustine—a fortress almost impregnable—offering an assylum and protection to all the outcasts of society, and disaffected, of our own country—pouring out its ruffian bands, and exciting the merciless savages, red and black, to their accustomed and atrocious deeds of murder, rapine and desolation. This is the species of warfare encouraged by British influence and authority, antecedent to, and during the present short period of hostilities in which our nation has been engaged; and can it for a moment be believed that the fortress of St. Augustine will not be used for all the purposes enumerated by your committee?... Upon the strong ground then of public safety, combined with a neces-



sity urgent enough to control all other considerations, and justified by every legitimate and universally recognized principle of the Law of Nations—the occupation of East Florida was, and would now be a just measure of, and most imperiously required from the General or the State Government. Your committee dreading the consequences which must inevitably result from the delay, if it is considered that the measure can only emanate from federal authority, have directed their attention to the section of the constitution of the United States in the following words—“No State shall without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger, as will not admit of delay.”—According to this section, then, there are only two cases which would authorize the state sovereignty to engage in war. 1st. When “actually invaded;” and 2dly. When in such “imminent danger” as will not admit of delay.

Your committee are not prepared to say, that there has been an actual invasion by a foreign force, and in the manner which perhaps was contemplated by the Constitution; but the facts are before the public, that a warfare has been commenced on the frontiers—that murders have been perpetrated under the sanction, or with the connivance of the governor of East Florida and that a savage warfare is still in operation under the sanction of the said authority---which surely places our fellow

citizens immediately exposed to its effects in imminent danger, and a danger too, not admitting of delay.

If a danger of this complexion is admitted, (of which the General Assembly will decide) your committee are then of opinion, that the state is constitutionally vested with the power immediately to organize a sufficient force to march into the province of East Florida, and to occupy it -- the occupation to be relinquished by the State troops, so soon as the National Legislature shall have adopted efficient measures to relieve the people, from the imminent danger with which they are now menaced.

And your committee, (if this impression of their opinion should meet the approbation of the General Assembly) beg leave to recommend the following bill, to carry into effect the views and objects of this Report.

Which being read, he had leave to report a bill, authorising the occupation of East Florida, which was received and read the first time.

A message from the House of Representatives by *Mr. Holt* their clerk; *Mr. President*;

I am directed to inform the Senate, that the House of Representatives are now in readiness to receive them in the Representative Chamber for the purpose of proceeding to the election of a Major General of the 4th division of militia of this state; a Senator in the Congress of the United States, & eight Electors for President and Vice President of the United States, in terms of a concurred resolution, and he withdrew.

The Senate repaired to the Representatives Chamber, and being seated, the Legislature proceeded by joint ballot to said elections, and on counting out the votes for each, it appeared that Brigadier General Allen Daniel was duly elected Major General of the 4th Division of the militia of this state; the Honorable Charles Tait, re-elected Senator in the Congress of the United States, and General Daniel Stewart, of Liberty county, Henry Graybill, esq. of Hancock county, Charles Harris, esq. Attorney at Law, of Savannah, Col. John Rutherford, of Washington county, Major Oliver Porter, of Greene county, General Henry Mitchell, of Hancock county, Gen. John Twiggs, of Richmond, and Major John Howard, of Milledgeville, were duly elected Electors to vote for President and Vice-President of the United States.

Whereupon the Senate returned to their Chamber, and

Adjourned 'till 10 o'clock tomorrow morning. \*

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**TUESDAY 10th November, 1812.**

On motion of *Mr Lanier*,

The Journal of yesterday was re-considered, so far as respects the bill to divorce John Douglass and Jane his wife.

Ordered, That the same do lie on the table.

*Mr. Nesbitt* from the committee on enrollment, reported as duly enrolled and signed by the Speaker, an act to continue in force an act, giving further time to fortunate drawers to take out

their grants passed 22d December 1808, which was presented to, and signed by the President.

Ordered. That the committee do take the said act to His Excellency the Governor for his revision.

*Mr. Blair* gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill to compel slave owners to make return of, and pay tax on all slaves in the different counties of this state, where such slaves may reside.

A petition from the refugees of North Carolina was presented, which being taken up and read, was ordered to lie on the table.

*Mr Scruggs* from the committee reported a bill to amend an act, incorporating a company for the purpose of opening Ogeechee river from the mouth of Canuchee to the mouth of Rocky Comfort, which was received and read the first time.

*Mr. Owens* laid on the table a resolution appointing Wednesday next at 12 o'clock, for the election of a Brigadier General of the first Brigade of the 4th Division of the militia of this state, in place of Brigadier Allen Daniel promoted, which was read and agreed to.

*Mr. Pray* from the committee reported a bill to amend and consolidate the several militia laws of this state, and to adapt the same to the acts of the Congress of the United States, which was received and read the first time.

On motion of *Mr McIntosh*, Resolved, That Dr. James Troup be, and he is hereby appointed a Justice of the Inferior court of the county of McIntosh, in place of William A. Dunham

resigned.

Mr Fort gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill to mark and make permanent the line dividing Wayne & Camden counties, and to add a part of Camden county to the county of Wayne

Mr Burnett presented a petition from the commissioners of the Academy of Glynn county, which was read and referred to a special committee, consisting of Messrs. Burnett, Stevens and Fort.

On motion,

Ordered, That all divorce bills now in order for committee, do lie over 'till Saturday next.

Mr. Hatcher from the committee reported a bill to authorise the Inferior court of Wilkinson county to draw Grand and Petit Jurors, &c. which was received and read the first time.

Mr. Hudspeth from the committee reported a bill for the more effectually securing the Probate of Wills, &c. which was received and read the first time.

The bill to repeal an act for the Inspection of Flour, so far as respects the town of Milledgeville, and,

The bill to make valid a transcribed copy of the records of the court of Ordinary of Scriven county, were taken up, read the third time and passed.

The bill explanatory of the several Judiciary laws of this state, and,

The bill to repeal an act, making permanent the site of the public buildings for the county of Telfair, were read the second time, and ordered for committee of the whole.

Mr Owens had leave to introduce a bill authorising the Inferior court of Baldwin county to levy an extra tax, which was received and read the first time

Ordered, that Mr Blair be added to the committee to contract for printing.

The Senate took up the message from the House of Representatives of yesterday and the several resolutions contained therein were concurred in, except the resolution appointing Interpreter of foreign languages, which was ordered to lie on the table.

Mr Hudspeth from the committee reported a bill to alter an act to alter and amend the several Judiciary acts now in force in this state, so far as respects Justices courts, which was received and read the first time.

On motion of Mr Parke,

Resolved, that the Executive appointment of Robert Ware, as a Justice of the Inferior court of the county of Lincoln in place of John H. Walker, resigned, be, and the same is hereby confirmed.

The Senate adjourned 'till 10 o'clock tomorrow morning.

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WEDNESDAY, 11th November, 1812.

Mr Cook presented a letter from the President of the University in this state notifying the Senate of a vacancy in the Board of Trustees, occasioned by the resignation of John Griffin, Esq. which was read and ordered to lie on the table.

Mr Nesbit presented a petition from

sundry inhabitants of the counties of Wilkes, Oglethorpe, Greene, Hancock and Warren, praying for a new county, which being read was referred to Messrs. Nesbit, Talbot, Hudspeth and Hurt, a committee on the part of Senate to compose a joint committee to report thereon.

Mr. Scruggs from the committee on petitions reported on the petition of Benjamin Samuel, to wit ;

The committee on Petitions to whom was referred the petition of Benjamin Samuel,

REPORT,

That they are of opinion that the prayer of the Petitioner is unreasonable and ought not to be granted; which being read was agreed to.

A communication was received from the Treasurer of this state, enclosing his Abstract, which being read, was referred, together with the Abstract to the committee on Finance.

Mr. Owens presented a petition from James H. Perdue, which being read, was referred to Messrs. Owens, Lane and Byne.

Mr. Blackman presented a petition from the citizens of Tattal county, which being read, was referred to Messrs. Blackman, Griffin, Swain and McCall.

On motion of Mr. Lanier,

Resolved, That a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives, to take into consideration the expediency of passing a law in favor of the unfortunate debtor, who is, or hereafter may be called into the service of their country.

Ordered. That Messrs Lanier, Pray, Cook, Talbot and Hardee be the committee on part of Senate.

The bill to be entitled an act, to amend and consolidate the several militia laws of this state, was taken up and read the second time.

Ordered for committee of the whole.

Mr Hurt from the committee reported a bill to be entitled an act, to authorise His Excellency the Governor forthwith to contract with fit and proper persons to make a certain number of Rifle guns, with the apparatus thereunto belonging, for the use of the militia of this state, which was received and read the first time

Mr. Blair agreeably to notice moved for a committee to prepare and report a bill to be entitled an act, to compel slave owners to make return of, and pay taxes on all slaves in the different counties of this state, where such slaves may reside, either by themselves, their attorney or agens.

Ordered, That Messrs. Blair, McIntosh and Stevens be that committee.

Mr. Pray notified the Senate that he would tomorrow move for the appointment of a committee to prepare and report a bill to be entitled an act, to amend an act, to point out the mode for the collection of rents, passed the 16th December, 1811.

A message from the House of Representatives by Mr. Holt their clerk;

Mr President ;

The House of Representatives have passed a resolution confirming the Executive appointment of Edward B. Brooking & William Hudson, justices of the Inferior court for the county of

Hancock;

A resolution appointing Dr. Joel Abbott of Wilkes county, a Trustee of the University of Georgia;

A resolution appointing George Kolb and John Moore, justices of the Inferior court for the county of Washington and they have added Mr. Cuthbert on the committee of the state of the Republic. and he withdrew

The Senate took up the message and the several resolutions therein contained, were concurred in.

On motion of Mr. Ware,

Resolved, That the Executive appointment of William Kendrick as a justice of the Inferior court of the county of Morgan, in the place of Joseph Lane resigned, be, and the same is hereby confirmed.

The following bills were taken up and severally read the second time.

A bill to alter and amend an act, for the more effectually securing the Probate of Wills, limiting the time for executors to qualify, and widows to make their election.

Ordered for committee of the whole

A bill to be entitled an act, to authorise the Justices of the Inferior court of the county of Wilkinson to draw Grand and Petit Jurors for said county

Ordered for committee of the whole.

A bill to amend and alter the several Judiciary acts, so far as relates to Justices courts

Ordered for committee of the whole

A bill to be entitled an act, to amend an act to incorporate a company for the purpose of opening the Ogechee river from the mouth of Canuchee to the mouth of Rocky Comfort.

Ordered for committee of the whole.

A bill to be entitled an act, to authorise the Justices of the Inferior court of Baldwin county to levy an extra tax.

Ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, explanatory of the several Judiciary laws of this state— Mr. Talbot in the chair, Mr. President resumed the chair, and Mr. Talbot reported progress, and had leave to sit again.

The Senate took up the resolution from the House of Representatives, appointing F. D. Petit de Villiers Interpreter of Foreign Languages, and the same being read, was agreed to with the following amendment—strike out "Eastern district," and insert county of Chatham.

On motion,

Ordered, That Mr Watkins be added to the committee to examine the Journal of Senate, and that Mr. M'Intosh be added to the committee on the state of the Republic.

Mr. Montgomery from the committee reported a bill to organize the detachment of militia which now are, or hereafter may be required by the constituted authority of the United States for the service of the Union, and to distribute the public arms, which was received and read the first time.

Mr. Cook gives notice that he will on Friday next, move for leave to report a bill for licensing Pedlars. and to repeal an act for licensing and regulating Pedlars, passed 21st February 1796

Mr. Fort agreeably to notice moved

for the appointment of a committee to prepare and report a bill to mark a line dividing the counties of Wayne and Camden, and to add a part of Camden county to the county of Wayne

Ordered, That Messrs Fort, Hardee, and Burnett be that committee.

Mr. Daniel from the committee reported a bill to amend and explain an act, to legalize and make valid certain acts of Sheriffs and Clerks, and to regulate the admission of evidence in Courts of Equity in this state, so far as respects certain papers, which was received and read the first time.

On motion,

Mr. Stevens had leave of absence till Friday next.

Adjourned till 10 o'clock tomorrow morning.

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THURSDAY, 12th November, 1812.

Mr. Leigh from the committee reported a bill for the relief of Benjamin Moore, which was received and read the first time.

Mr. Wood presented a petition from Col. Samuel Alexander, which was read and referred to the committee on petitions, with the accompanying documents

Mr. Pray agreeably to notice moved for the appointment of a committee to prepare and report a bill to amend an act, to point out the mode for the collection of rents.

Ordered that Messrs. Pray, Daniel and Montgomery be that committee.

Mr. Lanier agreeably to notice introduced a bill to form a new Brigade in the counties of Twiggs, Pulaski, Laurens, Telfair and Wilkinson, which

was received and read the first time.

Mr. Burnett from the committee reported a bill to authorize the Commissioners of the Glynn county Academy to purchase property at any future sale of confiscated property for the use of that institution, which was received and read the first time.

Mr. Lane from the committee reported a bill to authorize and request His Excellency the Governor, to cause the Public Arms at the Arsenal at Louisville to be removed to Milledgeville, which was received and read the first time.

Mr. Pray from the committee reported a bill to amend an act to point out the mode for the collection of rents, which was received and read the first time.

Mr. Owens gives notice that he will on tomorrow move for leave to introduce a bill to change the 9th section of the third article of the Constitution.

Mr. Wood presented a petition from William S. Lancaster and Clement Lanier, which was received, read and referred to the committee on Petitions.

Mr. Lane presented a petition from Jonas Fauche, which was read and

Ordered, that the said petition, together with the one laid before the last Legislature, and the accompanying documents, be referred to the committee on the state of the Republic.

The following bills were severally read the 2d time, to wit;

One authorising His Excellency the Governor to contract with fit and proper persons to make a certain number of rifle-guns for the use of the militia of this state.

Ordered for committee of the whole,

And, A bill to organize a detachment of militia which now are or may be required by this state for the service of the Union.

Ordered for committee of the whole

The Senate resolved itself into a committee of the whole on the bill more effectually securing the probate of wills limiting the times for Executors to qualify and Widows to make their election, and for other purposes ; Mr. Talbot in the Chair ; Mr. President resumed the Chair, and Mr. Talbot reported progress and had leave to sit again.

The bill to authorise the justices of the Inferior court of Wilkinson county to draw Grand and Petit Jurors for said county, was read the third time and passed.

A message from the House of Representatives by Mr Holt their clerk ;

Mr. President ;

The House of Representatives have concurred in the following resolutions, to wit ;

One appointing this day at 12 o'clock for the election of a Brigadier General of the first Brigade of the 4th Division of militia of this state ;

One appointing a justice of the Inferior court of McIntosh county ;

One appointing a justice of the Inferior court of Jones county ;

One confirming the Executive appointment of a justice of the Inferior court of Lincoln county ;

One appointing a joint committee on the petition of sundry inhabitants of the counties of Wilkes, Oglethorpe, Greene, Hancock and Warren, praying a new county, and have added a committee on their part ;

And one appointing a joint committee to draw up instructions recommending to our members in Congress, to use their best endeavors to discontinue any commercial intercourse with neutral powers, should the present war be prolonged with Great Britain, and have added a committee on their part.

They have passed the following resolutions, to wit :

One appointing commissioners of the Wayne county Academy ;

One appointing Justices of the Inferior court of Wayne county ;

And one on the subject of the printing the compilation of the Laws and Concurred Resolutions of this state

And they have passed the following bills, viz :

A bill to amend the fourth and fifth sections of the third article of the constitution ;

A bill to alter the mode of appointing Vendue Masters for the City of Savannah ;

A bill to amend the 5th section of an act, to regulate the granting Certioraries ;

A bill to divorce James Minton and Nancy his wife ;

And a bill to divorce Willie Jones and Penny his wife, and he withdrew ;

The Senate took up the message, and the several resolutions therein mentioned concurred in, except the one on the subject of printing the compilation of laws, which was ordered to lie on the table, and the said bills were severally read the first time

A message from His Excellency the Governor by Mr. Porter his Secretary ;

Mr. President ;

I am instructed by His Excellency the Governor to inform the Senate that he has approved of & signed a resolution appointing 12 o'clock this day for the election of a Brigadier General of the first Brigade of the 4th Division of the militia of this state, in the room of Brigadier Allen Daniel promoted, and he withdrew.

A message from the House of Representatives by Mr Holt their clerk ;  
Mr President ;

I am directed by the House of Representatives to inform the Senate, that they are now in readiness to receive them in the Representative Chamber, for the purpose of proceeding to the election of a Brigadier General for the first Brigade of the 4th Division of the militia of this state, and he withdrew.

The Senate then repaired to the Representative Chamber, and being seated, proceeded to said election, and on counting out the votes, it appeared that Major Jephtha V. Harris was duly elected.

The Senate then returned to their Chamber, and

Adjourned 'till 10 o'clock tomorrow morning.

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FRIDAY, 13th November, 1812.

The Senate took up the report of the committee of the whole, on the bill to appoint Port Wardens for the Port of Savannah, which was agreed to with an amendment, and the bill read the 3d time and passed.

On motion of Mr. Pope,

WHEREAS a publication in the

Georgia Journal, signed "A Citizen," stating that a dealer, a citizen of this place, has lately bought & obtained from the Island of Amelia, a quantity of blankets, and it being contrary to the laws of the Union for any person or persons to purchase for or in behalf the United States from an enemy in time of war, any article or articles expressly forbidden by the laws of the General Government, unless first captured, condemned and sold for the use of the United States and captors, and if such violations as above stated, are winked at, it may be productive of much evil to the American cause in which we are engaged

Be it therefore resolved, That a committee be appointed on the part of Senate, to join such as may be appointed by the House of Representatives, to call on the Editors of the Georgia Journal to obtain the name of the writer signed "A Citizen," or on any other person or persons in order to obtain information in the premises.

Ordered, That Messrs. Pope, Irwin, Proctor, Montgomery and Cook be the committee on the part of Senate.

Ordered also, That the Secretary take the said resolution to the House of Representatives for concurrence.

Mr. Fort from the committee reported a bill to make known and establish the dividing line between Wayne and Camden counties, and to add a part of Camden to Wayne, which was received and read the first time.

Mr. Daniel gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill to add the county of Madison to the



2d Brigade of the 4th Division of the militia of this state.

On motion of Mr. Leigh,

Resolved, That Robert Creswell & George Allen be, and they are hereby appointed Trustees of the Richmond county Academy, to fill the vacancies occasioned by the removal of Benjamin F. Harris removed, and William Cumming refusing to serve.

A message from the House of Representatives by Mr. Holt their clerk ;

Mr President ;

The House of Representatives have passed a bill to divorce and separate Robert Jones and Rachael his wife ;

They have agreed to the report of the joint committee on the subject of printing the laws and concurred resolutions of the present session, and,

They have passed a resolution confirming the Executive appointment of Richard Holmes and Johnson Strong as Justices of the Inferior court of Randolph county, and he withdrew.

Ordered, that the said message do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to amend and consolidate the several militia laws of this state, and to adapt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle corps—Mr. Nesbit in the chair ; Mr. President resumed the chair, and Mr. Nesbit reported that they had made progress on said bill, and requested leave to sit again.

The Senate took up the report, which was read to.

The Senate took up the message

from the House of Representatives, and concurred in the resolutions therein contained, and the bill to divorce Robert Jones and Rachael his wife was read the first time

Mr Scruggs reported a bill to be entitled an act, for the relief of Clement Lanier & William S Lancaster, which was received and read the first time.

Mr. Owens agreeably to notice introduced a bill to be entitled an act, to amend the 9th section of the 3d article of the constitution of this state, which was read the first time.

Mr Cook agreeably to notice reported a bill to be entitled an act, to amend an act entitled an act, for licensing and regulating Pedlars, which was received and read the first time

The Senate took up the bills in order, and the following bills were read the second time, to, wit ;

A bill to be entitled an act, to amend and explain an act, entitled an act to legalize and make valid certain acts of sheriffs and Clerks, and to regulate the admission of evidence in the several courts of law and Equity in this state, so far as relates to certain papers.

Ordered for committee of the whole.

A bill to be entitled, an act for the relief of Benjamin Moore.

Ordered for committee of the whole.

A bill from the House of Representatives, to be entitled, an act to divorce and separate Willie Jones and Penny his wife.

Ordered for committee of the whole.

A bill from the House of Representatives to be entitled an act to divorce and separate James Almon and Nancy his wife.

Ordered for committee of the whole  
A bill from the House of Representatives to be entitled, an act to amend the 5th section of an act to regulate the granting of certioraries and injunctions passed the 14th December, 1811.

Ordered for committee of the whole.

A bill from the House of Representatives to be entitled, an act to alter the mode of appointing Vendue Masters for the city of Savannah.

Ordered for committee of the whole

A bill to be entitled, an act to authorize and request His Excellency the Governor to cause the public arms in the Arsenal at Louisville, to be removed to Milledgeville and to provide for their safe keeping.

Ordered for committee of the whole.

A bill to amend an act entitled, an act to point out the mode for the collection of rents

Ordered for committee of the whole

A bill to be entitled, an act to authorize the Commissioners of the Academy of Glynn county to purchase property at any future sales of confiscated property for the use of that institution.

Ordered for committee of the whole.

A bill to be entitled, an act to form a new Brigade in the county of Twiggs-Pulaski, Felfar, Laurens and Wilkinson

Ordered for committee of the whole.

A bill to be entitled, an act to alter and amend the 4th and 5th sections of the third article of the Constitution of this state.

Ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to

be entitled, an act explanatory of the several Judiciary laws of this state. Mr. Montgomery in the Chair Mr. President resumed the chair and Mr. Montgomery reported, that they had gone through the same without any amendment

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time and passed.

The bill to be entitled, an act to authorize the Justices of the Inferior court of Baldwin county to levy an extra tax was taken up the third time, read and passed under the title aforesaid

On motion of Mr Pray,

Resolved, that John J. Maxwell be, and he is hereby appointed a Justice of the Inferior court for the county of Bryan in place of Thomas Savage, &c'd.

Mr Daniel from the committee to whom was referred the petition of a number of the citizens of the county of Jackson, praying that a certain part of Jackson county be added to the county of Madison,

**REPORTED,**

That the prayer of the petition ought not to be granted, inasmuch as the petitioners wish to include a considerable number of the citizens of the county of Jackson in the county of Madison, who have not signed said petition and whose wishes and desires on that subject your committee have not been informed, and

Therefore refer the petitioners to the next General Assembly, by which time

the wishes of those citizens may be known.

And the said report being read was agreed to.

Mr Owens introduced a resolution that a committee be appointed on the part of Senate to join such committee as may be appointed by the House of Representatives, with power to report by bill or otherwise the propriety or impropriety of electing at the present session an Adjutant General for the state of Georgia, the present Adjutant having been absent for several months, from the duties of his office, and drawing at the same time one hundred dollars per month for his services, as Adjutant General for the state, which services appear not to be performed, which being read was ordered to lie on the table.

On motion,

Mr Tharpe had leave to be absent from Senate until Monday next.

Adjourned 'till 10 o'clock tomorrow morning.

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SATURDAY. 14th November, 1812.

Mr Crane presented a petition from Michael Whatley, Jacob Gregg, Henry Heald, Robert Pearman and Willis Richards, which was read and referred to the committee on Finance.

Mr. Owens from the committee reported on the petition of George Mickeljohn, which was read and agreed to, and is as follows ;

The committee to whom was referred the petition of George Mickeljohn, report that they have had the same un-

der their consideration, and are of opinion that the prayer of the petitioner is unreasonable, & ought not to be granted.

A letter was presented from A. Hammond esq. Secretary of State, accompanied with a Schedule of books in the Secretary of State's Office, which was read and referred to the committee on the State of the Republic.

Mr. Proctor presented a petition from Sherwood M'Call, which was read and referred to a special committee, consisting of Messrs. Proctor, Scruggs, Lanier, M'Call and Byne.

Mr. Wilkins from the joint committee to whom was referred the petition of sundry inhabitants of Columbia county praying to be added to the county of Richmond, reported as follows, to wit :

The joint committee to whom was referred a petition from Columbia county, praying that a part of said county should be attached to Richmond county,

REPORT,

That the prayer of the petitioners is unreasonable, and ought not to be granted, which being read, Mr. Leigh moved to amend the same to read "that the prayer of the petitioners is reasonable, and ought to be granted;" and on the question to agree to the said amendment, it was determined in the negative, and the yeas and nays being required, are Yeas 6—Nays 28.

Those who voted in the affirmative, are Messrs. Hardee, Lanier, Leigh, Parks, Swain and Wood.

Those who voted in the negative are, messrs. Blair, Blackman, Burnett,

Byne, Cook, Daniel, Fort, Fulwood, Griffin, Hatcher, Hudspeth, Hurt, Irwin, Lane, Little, M'Call, M'Intosh, Montgomery, Nesbit, Owens, Pope, Pray, Proctor, Scruggs, Talbot, Ware, Watkins and Wilkins.

Whereupon the original report was again read and agreed to.

Mr. Nesbit from the committee reported as follows, to wit :

The committee to whom was referred the petition from a number of citizens residing in Wilkes, Oglethorpe, Greene, Hancock and Warren, praying for a new county, Report, that the prayer of the petitioners cannot be conveniently granted, which report was read and agreed to.

Mr Scruggs from the committee on petitions reported as follows, on the petition of Samuel Alexander, to wit :

The committee on petitions to whom was referred the petition of Samuel Alexander, report, that from the date of the documents, they are of opinion that they are under no obligations even to examine into the merits of the petitioner's claims, as the application ought to be to the General Government, and not to the Legislature of this state, which report being read, was agreed to.

The bill to be entitled an act to divorce and separate Robert Jones and Rachael his wife was read the second time—and

Ordered for committee of the whole

The Senate then resolved itself into a committee of the whole on the said bill. Mr. Pray in the chair. Mr. President resumed the chair and Mr Pray reported that they had gone through the same without any amendment

The Senate took up the report which

was agreed to.

And the said bill ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to divorce William Graddy and Sarah his wife—Mr. Owens in the chair, Mr. President resumed the chair, and Mr. Owens reported, that they had gone through the same without any amendment.

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time, and on the question shall this bill now pass, the yeas and nays were, Yeas 19—Nays 16.

Those who voted in the affirmative, are Messrs. Blair, Blackman, Burnett, Fort, Fulwood, Hardee, Irwin, Lane, Lanier, Leigh, M'Call, M'Intosh, Owens, Proctor, Stevens, Swain, Talbot, Watkins and Wood

Those who voted in the negative, are Messrs. Byne, Cook, Daniel, Griffin, Hatcher, Hudspeth, Hurt, Little, Montgomery, Nesbit, Parks, Pope, Pray, Scruggs, Ware and Wilkins

There not being the majority required by the constitution, the bill was lost

The Senase resolved itself into a committee of the whole on the bill to divorce Wiley Jones and Penny his wife—Mr. Stevens in the chair, Mr. President resumed the chair, and Mr. Stevens reported, that they had gone through the same without any amendment ;

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time, and on the question.

shall this bill now pass, the yeas and nays and Wood.

nays were called for, which are as follows, to wit—Yeas 17 —Nays 17.

Those who voted in the affirmative, are Messrs Blair, Blackman, Burnett, Fort, Hardee, Irwin, Lane, Lanier, M'Call, M'Intosh, Owens, Pope, Stevens, Swain, Talbot, Watkins and Wood.

Those who voted in the negative, are Messrs Byne, Cook, Daniel, Fulwood, Giffin, Hatcher, Hudspeth, Hurt, Leigh, Little, Montgomery, Nesbit, Parks, Pray, Scruggs, Ware and Wilkins.

There not being a majority of two thirds as required by the constitution in cases of divorce, the bill was lost.

Mr. Daniel offered the following resolution ;

Resolved, that it is the sense of this Senate, that the increasing number of applications to the Legislature for acts of divorce, proves that such acts are impolitic, and if not checked in their progress, will tend very much to encourage vice and immorality, and that all divorce bills do lie on the table for the remainder of the session, and on the question to agree to the same, it was determined in the negative, and the yeas and nays being required, are Yeas 16 ;

Nays 19.

Those who voted in the affirmative, are Messrs. Byne, Cook, Daniel, Giffin, Hatcher, Hudspeth, Hurt, Little, M'Call, Montgomery, Nesbit, Parks, Pray, Scruggs, Ware and Wilkins.

Those who voted in the negative, are Messrs. Blair, Blackman, Burnett, Fort, Fulwood, Hardee, Irwin, Lane, Lanier, Leigh, M'Intosh, Owens, Pope, Proctor, Stevens, Swain, Talbot, Wat-

Mr Blair from the committee reported a bill to compel slave owners to pay tax for slaves in the county where they reside, which was received and read the first time.

The following bills were severally read the second time, to wit :

A bill to amend an act, for licensing and regulating Pedlars.

Ordered for committee of the whole.

A bill to make known and establish the dividing line between Camden and Wayne counties, and to add a part of Camden to Wayne.

Ordered for a 3d reading;

A bill for the relief of Clement Lanier and William S. Lancaster.

—Ordered for committee of the whole.

And a bill to alter the 9th section of the 3d article of the constitution of this state.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill to alter and amend the several judiciary laws now in force in this state, so far as respects Justices courts—Mr. Cook in the chair, Mr. President resumed the chair, and Mr. Cook reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to amend an act, entitled an act, to incorporate a company for the purpose of opening Ogeechee river from the mouth of Canuchee to the mouth of Rocky Comfort, and for the improvement of the navigation thereof—Mr. Lane in the chair, Mr President resumed the chair, and Mr Lane reported progress and had leave to sit again.

The Senate took up the report, which was amended to read as follows, and agreed to.

That they have made progress, and have leave to sit again in June next.

On motion,

Mr. Pope had leave of absence till Monday next, and Mr. Burnett and Mr. Fort till Tuesday next

Mr. McCall gives notice that he will on Monday next, move for leave to report a bill, to form a new county out of the counties of Montgomery and Bulloch.

Mr. Cook moved for the appointment of a committee to prepare and report a bill to alter and amend the 24th section of the first article of the constitution of this state.

Ordered, that Messrs. Cook, Stevens and Montgomery be that committee

Mr. Daniel agreeably to notice moved for the appointment of a committee to prepare and report a bill, to add the county of Madison to the second Brigade of the 4th Division of the militia of this state.

Ordered, that Messrs. Daniel, Watkins and Little be that committee

Adjourned till 10 o'clock Monday morning.

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Monday, 16th November, 1812.

On motion of Mr. Byne,

The Journal of Saturday, so far as respects the report of the committee on the petition of George Micklejohn was reconsidered.

Ordered that the same do lie on the table.

On motion of Mr. Leigh,

The Journal of Saturday was reconsidered so far as respects the report of the joint committee on the petition of the inhabitants of the lower part of Columbia county, praying to be added to the county of Richmond

Ordered, that the same do lie on the table.

Mr. Byne presented a petition from the Commissioners of the Academy and town of Waynesborough, which was received, read and referred to a special committee consisting of Messrs. Byne, Hurt and Wood.

The Senate again resolved itself into a committee of the whole on the bill to amend and consolidate the several militia laws of this state and to adapt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle corps.

Mr. Talbot in the chair. Mr. President resumed the chair, and Mr. Talbot reported progress and had leave to sit again

The Senate resolved itself into a committee of the whole on the bill to purchase His Excellency the Governor forthwith to contract with fit and proper persons to make a certain number of 12 lb guns with the apparatus thereto belonging for the use of the militia of this state. Mr. Wood in the Chair. Mr. President resumed the chair, and Mr. Wood reported that they had gone through the same with amendments

The Senate took up the report which was read & ordered to lie on the table.

A message from His Excellency the Governor by Mr. Porter his Secretary.

*Mr. President;*

I am instructed by His Excellency the Governor to inform the Senate that he has approved of and signed sundry resolutions which originated in this branch of the Legislature, to wit;

One authorising the Justices of the Inferior court and Justices of the Peace in McIntosh county, to confine in the Jail at Darien in said county all criminals, until a county Jail is erected.

One appointing Ephraim Brown and Thomas Garnett, Esquires, Lumber-Measurers for the city of Savannah.

One appointing Malcom Buie, Esquire, a Justice of the Inferior court of Fannall county vice M<sup>r</sup> Keen Green, removed.

One appointing Francis Jeter, Esq. a Notary Public for the county of Baldwin.

One appointing Harris Allen and Alexandr Greene, Esquires, Vendue Masters for the Town of Milledgeville.

One appointing Morgan Brown, Esquire, a Notary Public for the county of Washington and town of Sandersville.

One appointing Paul Peter Thomasson, a Notary Public for the county of Chatham and city of Savannah.

One appointing James Frazer and Thomas Barrett, Esquires, Vendue masters for the city of Augusta.

One confirming the Executive appointment of Rhesa Boswick, Esquire, as a Justice of the Inferior court of Burke county vice Doctor Southworth Harlow removed.

One confirming the Executive appointment of William Wilkins & John

J Smith, Esquires, ss Justices of the Inferior court of Putnam county, vice Reuben D'Jarnette and James B. Clopton, Esquires, resigned—and

One appointing James Pittman, Geo. Eberhart, Nathan Maroney, George Christian and James Thompson, Esquires, Commissioners of the Academy of madison county, and authorising them to purchase at any future sales of confiscated property the amount of one thousand pounds worth of confiscated property.

Adjourned 'till 10 o'clock tomorrow morning.

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TUESDAY, 7th November, 1812.

On motion of Mr Leigh;

Resolved, that Valentine Walker & Holland M<sup>r</sup> Tyre be, and they are hereby appointed justices of the Inferior court for the county of Richmond, to fill the vacancy occasioned by the resignation of John Course and John Wilson.

Mr Byne from the committee reported a bill to authorize the Commissioners of Waynesboro' in Burke county to dispose of two hundred acres of land belonging to the Academy adjoining the town commons, which was received and read the first time.

Mr Lanier from the committee on the state of the republic, reported in part, which was read and ordered to lie on the table.

Mr Blackman from the committee reported a bill to form a new county out of the counties of Bulloch and Montgo-

mary, which was received and read the first time.

He also reported a bill to add part of the counties of Fairfax and Tatnall to that of Montgomery, which was received and read the first time.

The bill to alter and amend the 3d and 4th sections of the third article of the constitution of this state, was read the third time, & on the question, shall this bill now pass? it was determined in the affirmative, and the yeas & nays being required are, Yeas 29—Nays 7.

Those who voted in the affirmative, are, messrs Blair, Blackman, Burnett, Cook, Crane, Fort, Fulwood, Griffin, Hardie, Hatcher, Irwin, Lane, Lanier, Leigh, Little, McCall, McIntosh, Montgomery, Nesbit, Owens, Parks, Pope, Scruggs, Swain, Tharpe, Ware, Watkins, Wilkins and Wood.

Those who voted in the negative are messrs. Byne, Hudspeth, Hurt, Pray, Proctor, Stevens and Talbot.

The Senate took up and concurred in the resolution from the House of Representatives, on the subject of printing a compilation of the laws and concurred resolutions of this state.

Mr. Byne presented a petition from Reuben Moore & one from Wm. Stobbs, which were severally read and referred to a special committee consisting of messrs. Byne, Irwin and McCall.

Mr. Hardee gives notice that he will on tomorrow move for leave to introduce a bill to amend an act, entitled an act, to amend an act, to amend and revise an act, to incorporate the town of St. Mary's.

Mr. Fort gives notice that he will on tomorrow move for leave to introduce a

bill to repeal an act, inflicting penalties on certain persons therein named, so far as respects the banishment of Edward Pilcher, senior.

Mr. Fulwood gives notice that he will on tomorrow move for leave to introduce a bill, to incorporate the town of Dublin, in the county of Laurens, and to appoint commissioners for said town.

The Senate resolved itself into a committee of the whole on the bill to amend an act, to point out the mode for the collection of rents, passed 16th Dec'r, 1811—Mr. Byne in the chair, Mr. President resumed the chair, and Mr. Byne reported that they had gone through the same with an amendment.

The Senate took up the report, which being read,

Mr. Hudspeth moved the following clause as an amendment to the report, to wit—"And be it further enacted, that all debts contracted for rents shall be placed upon the same footing of other debts, and that the act passed the last session for the collection of rents be, and the same is hereby repealed"—And on the question to agree to the same it was determined in the negative, and the yeas and nays being required, are Yeas 7—Nays 29.

Those who voted in the affirmative, are messrs Blackman, Hudspeth, Little, McCall, Montgomery, Talbot and Wilkins.

Those who voted in the negative, are messrs Blair, Byne, Burnett, Cook, Crane, Fort, Fulwood, Griffin, Hardee, Hatcher, Hurt, Irwin, Lane, Lanier, Leigh, McIntosh, Nesbit, Owens, Parks, Pope, Pray, Proctor, Scruggs, Stevens, Swain, Tharpe, Ware, Watkins & Wood.



Ordered, that said report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to amend the 5th section of an act to regulate an act granting Certioraries and injunctions, passed 16th December, 1811,— Mr Irwin in the chair. Mr President resumed the Chair and Mr Irwin reported, that the further consideration of said bill be postponed until June next.

The Senate took up the report, which was read and agreed to.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President ;

The House of Representatives have concurred in the resolution appointing a joint committee to wait on the Editors of the Georgia Journal, to obtain the name of the writer signed, "A Citizen," in a late publication in that paper, and have added a committee on their part.

They have passed the following bills, viz :

A bill to incorporate the town of Sandersville, in the county of Washington ;

A bill to incorporate the town of Jefferson, in the county of Jackson ;

A bill to authorize the musters of a portion of militia of Camden county, at the town of St. Mary's ;

A bill to authorize Sheriff's sales at St. Mary's in Camden county ;

A bill to amend an act, to authorize the Inferior court of Clark county to levy an extra tax, for the purpose of building bridges ;

A bill to authorize the opening of a road from Fancy Bluff, to the main post-

A bill to amend an act, to amend the several road acts regulating roads, so far as respects the operation of said acts in the counties of Bryan, Liberty, McIntosh, Glynn, Camden and Wayne.

They have agreed to the amendment made by the Senate to the resolution appointing an Interpreter of Foreign Languages ; and,

They have concurred in the resolution from Senate, confirming the Executive appointment of a Justice of the Inferior court for Morgan county, and he withdrew.

The Senate took up the message, and the said bills were severally read the first time.

Mr Lanier from the committee on the state of the Republic reported as follows, to wit :

The committee on the State of the Republic to whom was referred documents No. 1 & 2, on the subject of East Florida, beg leave to submit the following memorial as their Report ;

*To the Congress of the United States.*

The Legislature of the state of Georgia having taken into their consideration, the relations between the Province of East Florida and the state they represent, with every sentiment of deference and respect, submit to the consideration of your honorable body, their memorial and remonstrance

The numerous and multiplied aggressions by Spain upon the commerce, the rights, and the dignity of the United States, since the ratification of the Treaty, concluded between the two governments on the 20th of Oct<sup>r</sup> 1795,

which wrongs are yet unredressed, & her spoiliations on our commerce yet unatoned for; and since the purchase of Louisiana by the United States from France, with the same limits and boundaries as ceded to France by Spain, that government has uniformly refused, and does now forcibly retain possession of a part of said territory, including the town of *Mobile*, obviously within the limits of said territory thus purchased, in violation of that good faith which should always subsist between nations not at war with each other; and that the government of Spain being now in the hands of a Regency, not recognized by the United States as legitimate authority; independently of this, the alliance between Spain and Great Britain, with whom we are now at war, renders it in the opinion of your memorialists, highly expedient, nay, indispensably necessary, that your honorable body should adopt efficient measures to authorise the President of the United States to take immediate possession of the province of East Florida, as well as that portion of West Florida, purchased from France, but still retained by Spain. The contiguity of the province of East Florida to the states they represent, together with the influence which it has had, and may have upon the Indians within the boundary of the United States, makes it necessary for the safety and interests of the states generally, and that of their southern frontier in particular, to take measures to occupy immediately the province in question by the forces of the United States; your memorialists are impelled to this recommendation from a consideration of the following facts;

1st. That the port and island of *Amelia* belonging to the province of East Florida is a rendezvous for smugglers, whose patriotism has long since been prostrated at the shrine of avarice, and who by ministering to their own rapacity, violate the laws of the Union, and strengthen the enemy by treasonably affording him aid and comfort, thereby prolonging the war, which the injustice and oppression of Great Britain has compelled the United States to declare against her

2d That by suffering the province of East Florida to remain in the possession of Spain during the present contest with Great Britain, with whose government Spain is in intimate alliance. we may reasonably expect reinforcements from the Havannah or elsewhere, of British and Spanish forces; which acting in conjunction with their savage allies, already in the province, must inevitably eventuate in the destruction of the frontier inhabitants of this state.— Add to this the difficulty with which we could take possession of the fortress of *St. Augustine*, (if indeed it be practicable at all) when in possession of a competent force.

3d. That in the event of a strong force, either British or Spanish, occupying East Florida and the island of *Cuba* at the same time, the whole trade of the western states bordering on the *Mississippi*, must be totally annihilated; that being the key to the entrance of the *Mississippi*, and being in possession of the enemy, our vessels would have to sail around the island of *Hispaniola*, which would expose them to the dan-

ger of falling inevitable victims to British cruisers.

Your memorialists would not presume to enter into a further detail of facts, which are so well known to your honorable body, and by whom they trust so justly appreciated. believing as they do, that every friend to the peace and safety of this country will cordially unite in effectuating an object by which the chances of speedily terminating the war, will be so greatly multiplied.

Your memorialists are aware that the provisions of the Constitution of the United States, forbid any state from engaging in war unless actually invaded or in such imminent danger as will not admit of delay. That this danger exists, and that the persons and property of citizens resident in the south eastern section of the state they represent, cannot be considered safe while the war continues with England, and East Florida remains in the possession of Spain her ally. That the sovereignty of the state has been invaded by the murder of one man and the wounding another within the limits of the state of Georgia, by the Indians residing in the province of East Florida. And where is the difference in the criminality of the act (they beg leave to ask) between the commission of a crime by the subjects of Spain in East

Florida, and its commission by a people resident in their Province, and whom they supply with arms, ammunition and protection? That this is the fact cannot, will not be denied, when it is recollected that not only the Indians in the Province are provided

for and protected; but that a general invitation has issued from the fortress at Augustine to the blacks in the Province to take protection in the fort, and they will be furnished with arms and implements of war, necessary for the execution of their nefarious purposes.

Your memorialists would further state, that nothing but that reverential respect which they have ever felt, now feel, and will ever feel for the Constitution of these states, has thus long prevented them from avenging the manifold injuries they have received and so long supported from the minions of that corrupt and corrupting Province. And should the period ever arrive (which they pray Heaven to avert) when the constituted authorities of the United States shall deny them that aid which the safety, the honor and interests of the southern frontier of the Union, the state they represent, so imperiously require; they will deeply regret the necessity, which shall compel them to resort to those means which God and nature has placed within their reach, to demand that justice from their insolent oppressors, which the duty they owe to themselves, their country and posterity requires at their hands

And the same being read, was agreed to.

The Senate resolved itself into a committee of the whole on the bill to authorise & require His Excellency the Governor to cause the public arms of this state to be removed from the arsenal at Louisville, to Milledgeville, and to provide for their safe keeping—Mr.

Cavalry, to be taken from the volunteer corps in any part of the state or militia of the line, not exceeding one third thereof, as he may think sufficient to chastise the violent aggressions already committed by any Indian on our borders, or which may hereafter be committed by them. The service of said troops and the payment thereof to be regulated in such manner as is pointed out by the laws of the United States in similar cases; and also, that he be authorised to take such measures as he may deem proper and requisite to open a path or road leading from any part of the said frontiers to **Trader's Hill**, or any other path or road in the Indian territory, which may by him be considered necessary to the prosecution and accomplishment of the object above expressed.

Mr Hatcher presented sundry petitions from the inhabitants of Wilkeson county, which were read and referred to a special committee.

Ordered, That Messrs. Hatcher, Griffin and Fulwood be that committee.

Mr. Scruggs presented a petition from John A. Williams, which was read and referred to Messrs. Scruggs, Lanier & Sharpe, a committee to report by bill or otherwise.

Mr. Hardee reported a bill to be entitled an act, to amend an act, entitled an act, to amend and revise an act, to incorporate the town of St. Mary's, passed the 10th day of December 1804, which was received and read the first time.

The Senate took up the report of the committee of the whole on the bill to be entitled an act, to authorise the Gov-

ernor to contract for making a certain number of Rifle-guns, and the same being read, was agreed to.

Whereupon the said bill was read the third time and passed.

Mr Nesbit presented a petition from David Speer, which was read and referred to a special committee.

Ordered, That Messrs Nesbit, Talbot and Cook be that committee.

The Senate again resolved itself into a committee of the whole on the bill to be entitled an act, to amend and consolidate the several militia laws of this state—Mr. Cook in the chair; Mr President resumed the chair and Mr Cook reported, that they had gone through the bill and made sundry amendments.

The Senate took up the report, and the amendments were agreed to.

Ordered, That the bill be engrossed for a third reading.

Mr. Montgomery from the select committee to whom was recommitted the bill to be entitled an act, to authorise the commissioners of the Academy of the county of Glynn to purchase property at any sales of confiscated property, for the use of that institution,

#### REPORTED

a bill to be entitled an act, to repeal an act, entitled an act, to point out the mode under which property reverting to the state shall be disposed of. passed on the 20th December 1792, which was received and read the first time.

Mr. Fulwood reported a bill to incorporate the town of Dublin, which was received and read the first time.

A message from the House of Representatives by Mr. Holt their clerk;

Mr. President;

The House of Representatives have passed a bill for the alleviation of debts, and he withdrew.

The Senate took up the message, and the said bill was read the first time.

Mr. McIntosh from the committee reported as follows ;

*To the Senators and Representatives of the State of Georgia, in the Congress of the United States.*

*Gentlemen,*

The General Assembly of the State of Georgia beg leave through you, gentlemen, to remonstrate against the trade now carried on with Spain and Portugal, under the sanction and authority of law, and for these obvious reasons ; that Spain and Portugal are allies of Great-Britain, occupied by her troops, and as much dependant upon the power and influence of Great-Britain, as if they were component sections of her Empire, or colonies thereof. In feeding therefore the armies of England in

Spain and Portugal, or any other pretended neutral power in alliance with or dependant upon the energies of Great Britain, is indirectly supporting that government, or supplying it with the means (not otherwise to be obtained) of protracting the just and necessary war in which our republic is now engaged, to an indefinite extent ; and at the same time, exhibiting to the world the curious spectacle of one belligerent generously aiding the efforts of the opposing belligerent ; the trade to these allies of Great Britain, is not, and cannot be countenanced or tolerated by that portion, and it may be added, that the overwhelming majority of the citizens of these United States, who have supported and will continue to support our

National Government in this second contest, with the haughty and oppressive monarchy of England.

The people of this state are known to be zealously devoted to the Republican institutions of their country, as well as to their present rulers and administration, and are prepared at all hazards to sacrifice their lives and their fortunes in the present contest with the enemy. But the Legislature of Georgia would again beg leave to ask, through you gentlemen, of what avail those efforts will be, if opposed by avicious speculators supplying the starving armies of England in the Spanish Peninsula? Would not the British Government sacrifice, readily sacrifice her possessions on this continent, if permitted to maintain its ground in Spain and Portugal, through the facilities of a commercial intercourse between those countries and united America?

The General Assembly of Georgia can neither comprehend, or accede to the policy which suffers that intercourse. In its effects it operates exclusively to the ruin of the interior agriculturalists, and of all the patriotic farmers & planters of the U. S. who will not, or are not disposed to consent to the exportation of rice, flour, grain or other bread stuffs and provisions to the said countries occupied by British armies, and can only be promotive of the views and interests of a class of speculators with whom all forms of government are the same, and who are ever ready to erect their fortunes upon the ruins of justice and the nation ; with these statements before you, gentlemen, emanating from this source, you

are hereby requested, for and in behalf of the state of Georgia, to remonstrate against any measure which has, or may be taken, to legalise the intercourse referred to; and also to use your best exertions to inhibit it by an act of Congress of the United States.

Which being read was ordered to lie on the table

Adjourned till half after 9 o'clock tomorrow morning.

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THURSDAY, 19th November, 1812

Mr Lane moved the following resolution, to wit;

Resolved, that a committee be appointed forthwith to call on the State-Printers to request & direct that ——— copies of the Alleviating Law, be immediately struck off for the use of the members of the ———

And on the question to agree to the same, it was determined in the negative, and the yeas and nays being required, are yeas 16, nays 19.

Those who voted in the affirmative are Messrs Blackman, Burnett, Fort, Fulwood, Hurt, Irwin, Lane, Leigh, Nesbit, Parks, Pray, Stevens, Swain, Talbot, Ware and Wood.

Those who voted in the negative are Messrs Blair, Byne, Cook, Crane, Griffin, Hardie, Hatcher, Hudspeth, Lanier, Little, M'Call, M'Intosh, Montgomery, Owens, Pope, Proctor, Tharpe, Watkins and Wilkins.

Mr Byne from the committee reported a bill for the relief of William Stebo and Reuben Moore, which was received and read the first time.

Mr Fort agreeable to notice introduced a bill for inflicting penalties on certain persons therein named, so far as respects the banishment of Edward Pilcher, which was received and read the first time.

Mr Lanier gives notice, that he will on tomorrow move for the appointment of a committee, to prepare and report a bill for the relief of Francis Flournoy.

The bill to be entitled an act, to amend and consolidate the several militia laws of this state, and to adopt the same to the acts of the Congress of the United States, so far as respects the Infantry, Artillery and Rifle corps, was taken up, read the third time, and passed under the title thereof, and

Ordered, That the Secretary do immediately take the said bill to the House of Representatives.

The Senate again resolved itself into a committee of the whole on the bill to alter the mode of appointing Vendue Masters for the City of Savannah—Mr. Scruggs in the chair; Mr. President resumed the chair, and Mr. Scruggs reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend and explain an act, entitled an act, to legalize and make valid certain acts of Sheriffs and clerks, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers—Mr Leigh in the chair; Mr. President resumed the chair and Mr. Leigh reported that they had gone through the bill without any 2-

amendment.

The Senate took up the report which being amended, the bill was read the third time and passed under the title aforesaid

The Senate resolved itself into a committee of the whole on the bill for the relief of William S. Lancaster and Clement Lanier, Mr Hudspeth in the chair. Mr President resumed the chair and Mr Hudspeth reported that they had gone through the bill with an amendment.

The Senate took up the report and agreed to the amendment, and the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to alter the 9th section of the third article of the Constitution of this state Mr Byne in the chair. Mr President resumed the chair and Mr Byne reported that they had gone through the bill with an amendment.

The Senate took up the report—and

On motion of Mr Montgomery that the following clause be inserted as an amendment to the bill, viz.

“But no suit, judgment or divorce shall be considered as authorising the offending party to intermarry a second time:”

And on the question to agree, it was determined in the negative ; and the yeas and nays being required, are yeas 15, nays 21.

Those who voted in the affirmative, are Messrs. Blair, Cook, Crane, Griffin, Hatcher Hudspeth, Little, McCall, McIntosh, Montgomery, Nesbit, Scruggs,

Tharpe, Ware and Wilkins.

Those who voted in the negative, are Messrs. Blackman, Byne, Burnett, Fort, Fulwood, Hardee, Hurt, Irwin, Lane, Lanier, Leigh, Owens, Parks, Pope, Pray, Proctor, Stevens, Swain, Talbot, Watkins and Wood.

Whereupon the bill was taken up and read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 27—Nays 9

Those who voted in the affirmative, are Messrs. Blair, Blackman, Burnett, Cook, Crane, Fort, Fulwood, Hardee, Hudspeth, Hurt, Irwin, Lane, Lanier, Leigh, Little, McIntosh, Nesbit, Owens, Pope, Pray, Proctor, Stevens, Swain, Talbot, Watkins, Wilkins and Wood.

Those in the negative, are Messrs. Byne, Griffin, Hatcher, McCall, Montgomery, Parks, Scruggs, Tharpe and Wood.

The bill to be entitled an act, to alleviate the condition of debtors was taken up and read the second time.

Ordered for committee of the whole.

The Senate took up the report of the committee of the whole, on the bill to be entitled an act, to amend an act, to point out the mode for the collection of rents, which being read, was amended and agreed to.

Whereupon the said bill was read the 3d time and passed.

Mr. Stevens presented a petition from Reuben S. Saffold, Health Officer of Savannah, and

Mr Proctor presented a memorial from the City of Savannah, which were severally read and referred to the com-

mittee on the State of the Republic.

The bill to be entitled an act, to authorise the commissioners of Waynesboro' in Burke county, to dispose of two hundred acres of land belonging to the Academy adjoining the town common was taken up and read the second time.

Ordered for 3d reading

Mr Scruggs from the committee reported a bill to be entitled an act, to authorise J hn A. Williams to erect a ferry at the town of Hartford, on the O mulgee river, which was read the first time

Mr Owens agreeably to the reconsideration of the minutes on the petition of George Micklejohn, moved that the minutes be amended so as to permit him to report the following bill ;

A bill to be entitled an act, to authorise the commissioners of the town of Milledgeville, to lay off & lease a parcel of land to George Micklejohn, for the purpose of erecting a Tann-yard, which was read the 1st time

Mr Nesbit agreeably to notice introduced a bill for the relief of David Speer, which was read the 1st time

The bill to be entitled an act, to make known and establish the dividing line between Camden and Wayne counties and to add a part of Camden to Wayne. was taken up, read the 3d time & passed

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to regulate and license Pedlars—Mr. Watkins in the chair; Mr President resumed the chair, and Mr Watkins reported that they had gone through the bill with an amendment.

The Senate took up the report, and the amendment was agreed to.

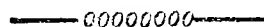
Whereupon the said bill was read the 3d time and passed.

A message from the House of Representatives by Mr. Holt their clerk; Mr President;

The House of Representatives have passed a resolution appointing Thomas H Penn a Notary Public for the city of Augusta & county of Richmond; And have agreed to a remonstrance to the Senators and Representatives of this state in the Congress of the United States, and he withdrew.

Ordered to lie on the table.

Adjourned 'till 10 o'clock tomorrow morning.



FRIDAY, 20th November, 1812.

Mr Burnett presented a petition from John M'Kinnon, which being read, was referred to the committee on the State of the Republic.

Mr. Lanier from the committee reported a bill to amend an act, to authorise the service of ——— hundred mounted Riflemen, which was received and read the first time.

Mr. Blackman gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill authorising Batt Wyche to erect a mill on the Oconee river, at Ford's shoals.

The Senate resolved itself into a committee of the whole on the bill to alleviate the condition of debtors; Mr. Talbot in the chair; Mr President resumed the chair, and Mr Talbot reported progress, and had leave to sit again.



Mr Owens gives notice that he will on tomorrow move for leave to introduce a bill to authorise the Inferior court of Baldwin county to draw Grand & Petit Jurors for said county, and to correct the jury box.

The Senate resolved itself into a committee of the whole on the bill for the relief of Benjamin Moore ; Mr Owens in the chair ; Mr President resumed the chair, and Mr Owens reported that they had gone through the bill without any amendment.

Whereupon the said bill was read the third time and passed.

The bill to be entitled an act, to compel slave-owners to give in and pay taxes on all slaves where such may reside, was taken up and read the 2d time.

Ordered for committee of the whole.

The bill to be entitled an act, to add part of the counties of Tatnall and Telfair, to that of Montgomery county, was taken up and read the second time.

Ordered for a third reading.

The bill to form a new county out of the counties of Bulloch and Montgomery, was taken up & read the 2d time.

Ordered for committee of the whole.

The bill to be entitled an act, to amend an act, authorising the Inferior court of Clark county to levy an extra tax, was read the 2d time.

Ordered for a 3d reading.

The President of Senate having stated a necessity for him to be absent for a few days, the Hon. Jared Irwin was nominated, and took the chair as President pro tem.

And the following bills were taken up and read the 2d time.

The bill to be entitled an act, to amend an act, entitled an act, to amend the several road acts in this state

Ordered for committee of the whole.

The bill to authorise Sheriff's sales at St. Mary's in Camden county.

Ordered for a 3d reading.

The bill to authorise the mustering of a portion of the militia of Camden county at the town of St. Mary's.

Ordered for committee of the whole.

The bill to be entitled an act, to incorporate the town of Jefferson in the county of Jackson.

Ordered for committee of the whole.

The bill to incorporate the town of Sandersville in the county of Washington

Ordered for a 3d reading.

The bill to authorise the opening of a road from Fancy Bluff, to the main post road.

Ordered for committee of the whole.

The bill to authorise Sherod McCall to open a road from High Bluff through the counties of Effingham and Chatham

Ordered for a third reading.

The bill to repeal the confiscation acts of this state

Ordered for committee of the whole.

The bill to amend an act, entitled an act, to revise and amend an act, to incorporate the town of St. Mary's.

Ordered for a third reading.

The bill to incorporate the town of Dublin, in the county of Laurens.

Ordered for a third reading.

The bill for the relief of David Speer.

Ordered for committee of the whole.

The bill to repeal an act, entitled

an act for inflicting penalties on certain persons therein named, so far as respects the banishment of Edward Pilscher, Sen'r.

Ordered for committee of the whole

The bill to authorise the Commissioners of the town of Milledgeville to lay off and lease a parcel of land to George Micklejohn for a Tan Yard

Ordered, for committee of the whole

The bill to authorise the Commissioners of Waynesborough in Burke county to dispose of 200 acres of land belonging to the Academy.

Ordered for a third reading.

The bill for the relief of William Stobo and Reuben Moore.

Ordered for a third reading.

Mr Pray presented a petition from John McQueen, which was read and referred to a special committee.

Ordered, that Messrs Pray, Talbot, Proctor, Stevens and Burnett be that committee.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to repeal an act, to make permanent the site of the public buildings of Telfair—Mr. Cook in the chair; Mr. President resumed the chair, and Mr Cook reported, that they had gone through the same with an amendment

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time and passed.

The following communication was received from His Excellency the Governor by Mr. Freeman his Secretary:

Executive Department, Georgia, }  
Milledgeville, 20th Nov'r, 1812. }

Mr President, and

Gentlemen of the Senate, and

Mr Speaker, and Gentlemen of the

House of Representatives,

The last mail brought me a letter from Col. Hawkins, enclosing a communication from the National Council of the Creek Indians, copies of which lay before you.

D B. MITCHELL.

And the same being taken up and read, was together with the documents therein referred to,

Ordered to be referred to the committee on the state of the Republic.

The Senate again resolved itself into a committee of the whole on the bill to alter & amend an act for the more effectually securing the Probate of Wills, limiting the time of Executors to qualify and Widows to make their election.

Mr Montgomery in the chair. Mr President resumed the Chair & Mr Montgomery reported, that they had gone through the same with an amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the bill was read the 3d time and passed.

The Senate took up the message from the House of Representatives of yesterday, and the resolution appointing a Notary Public for the city of Augusta was concurred in; and also the remonstrance addressed to the Senators and Representatives of the state of Georgia, to obtain by act of Congress an inhibition of trade to Spain and Portugal was concurred in.

Mr. Leigh gives notice that he will on tomorrow move for leave to report a bill for the relief of William Wilson, Zachariah Beall and Thomas M'Dade.

Mr. Owens agreeably to notice introduced a bill, to authorise the commissioners of Milledgeville to lease four acres of land to Overoff Jordan, which was received and read the first time.

Mr. Lanier agreeably to notice moved for the appointment of a committee to prepare and report a bill for the relief of Francis Flournoy

Ordered, That Messrs. Lanier, Lane and Ware be that committee.

On motion,

Mr. Hardec and Mr. M'Intosh had leave of absence after tomorrow for the remainder of the session; Mr. Ware till Monday; Mr. Fulwood till Tuesday, and Mr. Byne till Wednesday next.

Adjourned 'till half past 9 o'clock tomorrow morning.

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SATURDAY, 21st November, 1812.

On motion of Mr. Pray,

The Journal of yesterday, so far as respects the petition of John M'Queen was reconsidered,

And ordered that said petition be referred to the committee on the State of the Republic.

Mr. Leigh agreeably to notice reported a bill for the relief of William Wilson, Zachariah Beall and Thomas M'Dade, which was received and read the first time.

On motion,

Mr. Tharpe had leave of absence till Monday morning next.

Mr. Montgomery presented a petition from Jacob Pearson, which being read, was referred to the committee on the state of the Republic.

On motion of Mr. Byne,

Resolved that the Secretary inform the House of Representatives, that the Hon. William Rabun, President of the Senate, has had leave of absence, and that the Senate has made choice of the Hon. Jared Irwin, their President pro tem.

The Senate again resolved itself into a committee of the whole on the bill to alleviate the condition of debtors— Mr Talbot in the chair; Mr President resumed the chair, and Mr Talbot reported progress, and had leave to sit again.

Mr Lanier from the committee on the state of the Republic, reported on the petition of Harmon Courter, which was read and ordered to lie on the table.

The following bills were severally taken up and read the second time, to wit:

A bill to authorise the service of — mounted rifle, sword or spear-men.

Ordered for committee of the whole.

And a bill to authorise the commissioners of Milledgeville to lay off and lease four acres of land to Overoff Jordan.

Ordered for committee of the whole.

Ordered, That the further consideration of the bill authorising John A. Williams to erect a ferry at the town of Hartford be postponed till June next.

The bill to amend an act, to authorise the Inferior court of Clark county to levy an extra tax for the purpose of

building bridges in said county, passed the 4th December 1811;

The bill to amend an act, to revise and amend an act, to incorporate the town of St. Mary's;

The bill to authorise Sherod M'Call to open and keep in repair a road from High Bluff on the Ogeechee river, through the counties of Effingham and Chatham;

A bill to incorporate the town of Dublin, in the county of Laurens, and to vest certain powers in the commissioners of said town;

A bill for the relief of William Stobbs and Reuben Moore;

A bill to authorise Sheriff's sales at St. Mary's, in Camden county; and,

A bill to incorporate the town of Sandersville, in the county of Washington,

and to vest certain powers in the commissioners thereof, were severally taken up, read the third time, and passed under their respective titles.

A message from His Excellency the Governor by Mr Freeman his Secretary;

Mr President;

I am instructed by His Excellency the Governor, to inform the Senate that he has approved of and signed the memorial to the Congress of the United States, on the subject of East and part of West Florida, and he withdrew.

The Senate resolved itself into a committee of the whole on the bill to compel slave owners to make return of, and pay taxes on all slaves in the different counties in this state, where such slaves may reside either by themselves, their attorneys, or agents—Mr.

Cook in the chair; Mr President resumed the chair, and Mr Cook reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to amend an act, entitled an act, to amend the several road acts regulating roads in this state, so far as respects the operation of said acts in the counties of Bryan, Liberty, M<sup>o</sup>Intosh, Glynn, Camden and Wayne, so far as respects the county of Bryan—Mr Nesbit in the chair; Mr President resumed the chair, and Mr Nesbit reported that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to, and the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill for the relief of David Speer—Mr M'Call in the chair; Mr President resumed the chair, and Mr M'Call reported that they gone through the same with amendments.

The Senate took up the report, which was read and agreed to, and the bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to authorise the opening of a road from Fancy Bluff in Glynn county, to the main post road, &c—Mr Lanier in the chair; Mr President resumed the chair, and Mr Lanier reported progress, and had leave to sit again in June next.

The Senate resolved itself into a committee of the whole on the bill to incorporate the town of Jefferson in

in the county of Jackson—**mr Pray** in the chair; **mr President** resumed the chair, and **mr Pray** reported that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to, and the said bill was read the third time & passed.

The Senate resolved itself into a committee of the whole on the bill to authorise the musters of a portion of the militia of Camden county, at St. Mary's—**mr Hudspeth** in the chair; **mr President** resumed the chair, and **mr Hudspeth** reported progress, and had leave to sit again in June next.

The Senate resolved itself into a committee of the whole on the bill to repeal an act, for inflicting penalties on certain persons therein named, so far as respects the banishment of Edward Pilcher, sen'r.—**mr Blair** in the chair; **mr President** resumed the chair, and **mr Blair** reported that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to

Whereupon the bill was read the third time, and on the question, shall this bill now pass, it was determined in the negative.

**mr Swain** presented a petition from James Tapley, which was read and referred to a special committee, consisting of Messrs Swain, Scruggs and Blackman.

On motion of **mr Griffin**,

Resolved, That Thomas Swain and Ziba Fletcher be, and they are hereby appointed Justices of the Inferior court of Telfair county, in the place of John

Pierce removed, and William Hinly resigned.

A message from the House of Representatives by Mr Holt their clerk.

**Mr. President**;

The House of Representatives have concurred in the resolution directing His Excellency the Governor to request of Major General Thos. Pinckney a detachment of the quota of the militia of this state to be stationed on the sea-coast and other frontier parts of this state.

One appointing a Justice of the Inferior court of Bryan county.

One appointing Justices of the Inferior court of Richmond County—and

One appointing Trustees of the Richmond county Academy.

They have passed a resolution appointing a Justice of the Inferior court of Randolph county; and

One appointing Justices of the Inferior court of Elbert county, and he withdrew.

The Senate took up the message & the said Resolutions were concurred in.

**Mr Blackman** agreeably to notice moved for the appointment of a committee to prepare & report a bill to authorize Batt Wyche to erect a mill on the Oconee river at Ford's Shoals.

Ordered, that Messrs. Blackman, Lanier and Swain be that committee.

**Mr Daniel** gives notice that he will on Monday next move for the appointment of a committee to report a bill to allow the county of Madison two representatives until the Census

And the same being read, was referred to the committee on the state of the Republic.

On motion of Mr Pray,

Resolved, That His Excellency the Governor be, and he is hereby directed to take the necessary steps to bring before the proper authority, Jesse Bryan, to account in what manner he came by the certificates mentioned in his communication.

Ordered, That the Secretary take said resolution immediately to the House of Representatives for concurrence.

A message from the House of Representatives by Mr. Holt their clerk;

Mr President;

The House of Representatives have passed a resolution, that if any of the Electors chosen by this General Assembly to vote for President and Vice President shall fail to attend in Milledgeville by 12 o'clock, on the first Wednesday in December, the appointment of such Elector or Electors shall be considered as vacated, and the General Assembly will forthwith proceed to fill such vacancy, and he withdrew.

The Senate took up the said resolution, and the same being read, was concurred in.

The Senate resolved itself into a committee of the whole on the bill authorising the commissioners of Milledgeville to lease to George Micklejohn a certain quantity of land, for the purpose of erecting a Tan-yard—Mr Montgomery in the chair; Mr President resumed the chair, and Mr Montgomery reported progress and had leave to sit again.

On motion of Mr. Pray,

Resolved, That Samuel Miller Bond be, and he is hereby appointed a Notary Public for the City of Savannah.

Adjourned 'till half past 9 o'clock tomorrow morning.

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TUESDAY, 24th November, 1812.

Mr Daniel from the committee reported a bill to add a part of Clarke county to that of Madison, which was received and read the first time.

Mr Hudspeth from the committee on Finance made the following report, which was read and agreed to—to wit;

The committee on Finance to whom was referred the petition of Michael Whatley and others, requesting of the state a loan of fifteen hundred dollars to enable them to establish and carry on a Cotton Cloth Manufactory,

Report that they are of opinion that the present situation of the funds of the state will not admit of granting the prayer of the Petitioners.

The Senate took up the report of the committee of the whole on the bill to alleviate the condition of debtors, and the same being read,

Mr Montgomery offered the following enacting clause in lieu of the fourth section of the bill, to wit;

And be it further enacted, that all persons shall be compelled to liquidate their accounts, if required so to do, & on refusing to comply their accounts shall bear an interest of eight per cent from the time such demand is made, until payment.

And on the question to agree to the

same, the yeas and nays being required, are yeas 17, nays 16.

Those who voted in the affirmative, are Messrs. Blair, Blackman, Cook, Daniel, Griffin, Hatcher, Irwin, Lane, Lanier, Little, M'Call, Montgomery, Parks, Pope, Scruggs, Swain and Wood.

Those who voted in the negative, are Messrs. Burnett, Crane, Fort, Hudspeth, Hurt, Leigh, Nesbit, Owens, Pray, Proctor, Stevens, Talbot, Tharpe, Ware, Watkins and Wilkins.

The President having voted in the negative the same was lost.

Mr Daniel then moved the following clause in lieu of the same section, to wit;

And be it further enacted that all persons shall be compelled to liquidate their accounts if required so to do, and on refusing to comply, the creditor shall be at liberty to prosecute his suit to a judgment.

And on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 18. Nays 14.

Those who voted in the affirmative, are Messrs Blair, Blackman, Cook, Daniel, Griffin, Hatcher, Irwin, Lane, Lanier, Little, M'Call, Montgomery, Parks, Pope, Scruggs, Swain, Tharpe and Wood.

Those who voted in the negative, are Messrs Burnett, Fort, Hudspeth, Hurt, Leigh, Nesbit, Owens, Pray, Proctor, Stevens, Talbot, Ware, Watkins and Wilkins.

On motion of Mr Stevens,

Resolved, That the following amend-

ment be inserted in the 8th clause, after the words "Augusta Bank," "or to any monies due to the University, and all Academies in this state;" and on the question to agree, it was determined in the negative, and the yeas and nays being required, are Yeas 16 .... Nays 17.

Those who voted in the affirmative, are Messrs Burnett, Cook, Fort, Hudspeth, Hurt, Irwin, Lane, Leigh, Nesbit, Owens, Pray, Proctor, Stevens, Talbot, Watkins and Wilkins.

Those who voted in the negative, are Messrs Blair, Blackman, Crane, Daniel, Griffin, Hatcher, Lanier, Little, M'Call, Montgomery, Parks, Pope, Scruggs, Swain, Tharpe, Ware and Wood.

Mr Stevens moved that the following clause be inserted at the end of the clause—Provided, that this act shall not extend to prevent the collection of tuition money now due, or which hereafter may become due to the University, to the Academies in Chatham, Liberty, and Meson Academy in the county of Oglethorpe.

Mr Pray moved to amend the amendment, by inserting the following, to wit:

Provided, that this act shall not extend to the collection of tuition money now due, or which hereafter may become due to the University and to the Academies in Chatham and Liberty, and all other Academies and private schools.

And on the question to agree to the same, the yeas and nays were called for, which are Yeas 16. Nays 16.

Those who voted in the affirmative, are Messrs Burnett, Cook, Crane, Fort,

December 1792—Mr Swain in the chair; Mr President resumed the chair, and Mr Swain reported that they had gone through the same without any amendment.

Ordered that the said report do lie on the table

The Senate resolved itself into a committee of the whole on the bill to form a new Brigade in the counties of Twiggs, Putaski, Telfair, Laurens and Wilkinson—Mr M'Call in the chair Mr President resumed the chair, and Mr M'Call reported, that they had gone through the same with amendments.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the 3d time and passed.

Mr Hurt had leave to report a bill to alter the names of certain persons therein named, which was received and read the first time.

A message from the House of Representatives by Mr. Holt their clerk

Mr. President;

The House of Representatives have agreed to all the amendments made by Senate to the bill for the alleviation of the condition of debtors, except the clause relative to where Sheriffs have levied on property, and the defendant and property have afterward been removed out of the state, to which clause they disagree.

The Senate took up the message, and,

Resolved, that the Senate do recede from their amendments as aforesaid made to the said bill.

Mr Daniel agreeably to notice moved for the appointment of a committee

to prepare and report a bill to allow the county of Madison two Representatives to represent said county, until the census or fourth enumeration shall be taken.

Ordered, that Messrs Daniel, Montgomery and Watkins be that committee.

Mr Daniel from the committee reported said bill, which was read the 1st time.

Mr Daniel notifies the Senate that he will on tomorrow move for the appointment of a committee to prepare and report a bill to authorise the Inferior court of Madison county to levy an extra tax for for certain purposes therein named.

Mr Daniel presented a petition from a number of the inhabitants of Franklin county, which being read, was referred to a special committee, consisting of Messrs Daniel and Little, to join such as may be appointed by the House of Representatives, to take the same into consideration.

Mr Leigh presented a petition from Daniel M. Murphy, which was read and referred to the committee on the state of the Republic

The Senate took up the amendments made to the bill to alter the mode for appointing Vendue Masters in the city of Savannah, which were amended, and again ordered to lie on the table.

The Senate again resolved itself into a committee of the whole on the bill compelling slave owners to pay tax for such slaves where said slaves may reside—Mr Irwin in the chair; Mr President resumed the chair, and Mr Ir-



win reported progress, and had leave to sit again.

Mr Lanier from the committee reported a bill for the relief of Francis Flournoy, which was read the 1st-time and on the question, shall this bill now pass for a second reading, it was negatived.

A message from the House of Representatives by Mr Holt their clerk ;

Mr President ;

The House of Representatives have passed a bill declaring the assent of the Legislature of the state of Georgia to the formation of one or more state governments in the Mississippi territory, and he withdrew.

The Senate took up the message, and said bill was read the 1st time.

Mr Hudspeth laid on the table the following resolution.

On motion,

Resolved, That the commissioners of the town of Milledgeville do lease to Jane Rucker, five acres of land out of the town commons, adjoining the lease she is now in possession of, for the term of nine years

Mr Fulwood gives notice that he will on tomorrow move for the appointment of a committee to prepare and report a bill to be entitled an act, to enable the commissioners & justices of the Inferior court for the county of Laurens, to refund to the former purchasers of lots at Sumpterville, the amount of purchase money paid by them, and to make disposition of the square of land and the lots forming the said township, now the property of the county

Adjourned 'till 9 o'clock tomorrow morning.

THURSDAY, 26th November, 1812.

The Senate resolved itself into a committee of the whole on the bill to add a part of Clark county to the county of Madison ; mr Talbot in the chair ; mr President resumed the chair, and mr Talbot reported, that they had gone through the same without any amendment.

The Senate took up the report, which was agreed to.

Whereupon the said bill was read the third time.

And on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 23 ; Nays 8.

Those who voted in the affirmative, are messrs Blair, Blackman, Byne, Burnett, Daniel, Fort, Fulwood, Hatcher, Hudspeth, Irwin Lanc, Lanier, Leigh, McCall, Montgomery, Parks, Pope, Pray, Swain, Talbot, Tharpe, Watkins, and Wood.

Those who voted in the negative, are messrs Cook, Crane, Griffin, Hunt, Little, Owens, Procter and Ware.

Mr Lanier from the committee on the state of the Republic reported in part, which was read and ordered to lie on the table

On motion of mr Blair,

Resolved, That Thomas Brannen, Aaron Smith, Paul Bevill, jr. and William Young, esqrs. be & they are hereby appointed Justices of the Inferior court for the county of Scriven, in place of Caleb Howell, sen. removed, and James Oliver, John Pollock and William Black, esq's. resigned.

The following bills were severally read the second time, to wit :

passed the following bills ;

A bill to incorporate the Savannah Insurance company ;

A bill to alter and amend an act, to prohibit duelling ;

A bill to establish and make permanent M'Donald's ferry on Savannah river in Elbert county ;

A bill to continue in force an act, for the relief of John M'Leod and others ;

A bill to add a part of Washington county, to the county of Baldwin ;

A bill to admit Grand Jurors to give evidence ;

A bill to authorise the building an Academy in Glynn county ;

A bill to incorporate the town of Waynesborough, in Burke county, &c

A bill to authorise Sheriffs to perform the duties of their office in adjoining counties in certain cases ;

A bill to regulate the roads in Wayne county, &c.

A bill for the relief of Simon Jackson ;

A bill to make permanent the site of the public buildings in Madison county ;

And a bill to invest William A. Dunham with the privilege of running a line of stages from Savannah to St Mary's, and he withdrew.

The Senate took up the message, and the said bills were severally read the first time.

Mr Lanier from the committee on the state of the Republic made the following report, which was read and agreed to. to wit :

The committee on the State of the Republic having examined the laws of Congress, passed 5th March 1792 ; al-

so the letter of Henry Knox, Secretary to the War Department to the Governor of this state, the deed of cession and every document accessible to the committee that could afford them information upon the subject of making effectual provision for the defence of the frontiers of the United States, as it respects the state of Georgia's unsettled claims for military services rendered, so far in particular as regards the claim of Jonas Fauche and a troop of horse under his command, from the 23d day of April 1793, to the 31st day of March 1794 inclusive, and others similarly circumstanced are of opinion, that there is the clearest evidence that the said claims are just, and that said services ought to be compensated by the General Government, and not by the state of Georgia.

They therefore recommend the following resolution :

Resolved that His Excellency the Governor of this state be requested to instruct the Senators, and earnestly urge and request them and the representatives from this state in Congress, to urge and prosecute the claim of Jonas Fauche and others for pay due to them for Military services, performed for the United States from the 23d of April 1793 to the 31st May, 1794, and the claims of others similarly circumstanced.

Mr Daniel had leave to report a bill to authorize the inferior court of Madison county to levy an extra tax, which was received and read the first time

Mr Fulwood agreeably to notice moved for the appointment of a commit-

tee to report a bill to enable the Commissioners or Justices of the Inferior court of Laurens county, to refund monies paid by them to certain persons

Ordered that Messrs. Fulwood, Hatcher and Griffin be that committee.

The Senate adjourned till 10 o'clock tomorrow morning.

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FRIDAY, 27th November, 1812.

The bill to authorize the Inferior court of the county of Madison to levy an extra tax was read the second time and ordered for a third reading.

The bill to be entitled an act to add the county of Madison to the second brigade of the fourth division of Militia of this state; and the bill declaring the assent of the Legislature of the state of Georgia to the formation of one or more state governments in the Mississippi Territory, were severally taken up, read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to authorize Bart Wyche to erect a mill on the Oconee river at Ford's Shoals; Mr Hatcher in the chair. Mr. President resumed the chair and Mr Hatcher reported that they had gone through the same without any amendment.

The Senate took up the report which was agreed to.

Whereupon the said bill was read the third time, and on the question shall this bill now pass? it was determined in the affirmative, and the yeas and nays being required, are yeas 20 nays 6.

Those who voted in the affirmative,

are Messrs. Blair, Blackman, Burnett, Crane, Fulwood, Griffin, Hatcher, Hudspeth, Lanier, Leigh, Little, M'Call, Parks, Pray, Scruggs, Stevens, Swain, Watkins, Wilkins and Wood.

Those in the negative, are Messrs. Hurr, Lane, Nesbit Owens, Tharpe and Ware

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to alter the names of Lorinda Price, Florina Price and Linson Ebbin Price to that of Lorinda Jackson, Florinda Jackson and Linson Ebbin Jackson Mr Leigh in the chair. Mr President resumed the chair, and Mr Leigh reported, that they had gone through the same with an amendment.

The Senate took up the report which was agreed to.

Whereupon the bill was read the 3d time and passed.

The bill to be entitled, an act to authorize the Justices of the Inferior court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors and correct the Jury Box, was read the third time and passed

The following bills were severally taken up and read the second time, viz.

A bill for the relief of John M'Leod and the heirs of Micajah Little.

Ordered for committee of the whole.

A bill to admit Grand Jurors to give evidence

Ordered for committee of the whole.

A bill to authorize the building of an academy in the county of Glynn.

Ordered for committee of the whole.

A bill to incorporate the town of Waynesborough in the county of Burke

and to vest certain powers in the commissioners thereof

Ordered for committee of the whole

A bill to be entitled an act regulating roads in Wayne county.

Ordered for a third reading.

A bill to establish and make permanent the Ferry on Savannah in Elbert county, known by the name of McDonald's Ferry.

Ordered for a third reading.

A bill to authorize Sheriffs to perform the duties of their office in adjoining counties in certain cases.

Ordered for committee of the whole.

A bill to incorporate the Savannah Insurance company.

Ordered for committee of the whole.

A bill to add a part of Washington county to that of Baldwin county.

Ordered, for committee of the whole

A bill to make permanent the site of the public buildings in the county of Madison.

Ordered for a third reading.

A bill for the relief of Simon Jackson.

Ordered for a committee of the whole.

A bill to alter and amend an act to prohibit duelling, passed the 12th day of December, 1809.

Ordered for a committee of the whole.

On motion of Mr. Hurt,

Resolved, That Solomon Thompson, esq. be, and he is hereby appointed a Justice of the Inferior court for Warren county, in the place of Isaac Ball, esq. resigned.

Mr Leigh agreeably to notice moved for the appointment of a committee to prepare and report a bill to regulate

wharfage, storage and other expences on articles sold in, or passing through the City of Savannah.

Ordered, That Messrs Leigh, Pray and Scruggs be that committee.

The Senate took up the report of the committee on the state of the Republic, on the petition of John M Kinnon, which was read and recommitted to a select committee, consisting of Messrs Montgomery, Pray, Stevens, Burnett and Cook, with power to report by bill or otherwise.

The report of the committee on the state of the Republic on the petition of Reuben S. Saffold was read, and again ordered to lie on the table till Monday next.

Mr Montgomery called up the resolution he laid on the table yesterday, requesting the Governor of this state, to apply to the President of the United States, requesting a road to be opened from Fugalo in this state, through the land of the Upper Cherokees, which was read and agreed to.

The Senate resolved itself into a committee of the whole on the bill to alter and amend an act to prohibit duelling. Mr. Talbot in the chair. Mr President resumed the chair and Mr Talbot reported, that the further consideration of said bill be postponed till June next.

The Senate took up the report, and on the question to agree to the same, it was determined in the affirmative, and the yeas and nays being required, are Yeas 17 -- Nays 17.

Those who voted in the affirmative, are Messrs Blackman, Byne, Burnett, Crane, Griffin, Hudspeth, Irwin, Lane, McCall, Montgomery, Owens Parks, Proctor, Scruggs, Swain, Talbot and

Wood.

Those who voted in the negative, are Messrs Blair, Cook, Daniel, Fort, Fulwood, Hatcher, Hurt, Lanier, Leigh, Little, Nesbit, Pope, Stevens, Tharpe, Ware, Watkins and Wilkins.

The vote being equal, the President voted in the affirmative.

A message from the House of Representatives by Mr Holt their clerk; Mr President;

The House of Representatives have passed the following resolution;

Whereas it appears from representations made to this General Assembly, that there are now in the possession of Joseph Bevin, for the purpose of being removed to the Mississippi or elsewhere, 42, or about that number of negro slaves, the property of Matthias Maher, who is said to be an alien enemy and subject of his Britannic Majesty.

Be it therefore resolved, That His Excellency the Governor be, and he is hereby directed and authorised to take or advise the necessary legal measures for the purpose of seizing and placing in the hands of the Marshal of this district, or any one of his deputies, the said slaves, in order that the said property may be disposed of for the use and benefit of the United States, if they have any claim thereto, as the property of an alien enemy, and he withdrew.

The Senate took up the message, and the said resolution was read and disagreed to.

The Senate resolved itself into a committee of the whole on the bill allowing the county of Madison two Representatives—Mr Ware in the chair;

Mr President resumed the chair, and Mr Ware reported, that they had gone through the same without any amendment.

The Senate took up the report, which was read and agreed to.

Whereupon the said bill was read the 3d time;

And on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 21—Nays 11.

Those who voted in the affirmative, are messrs. Blair, Byne, Cook, Crane, Daniel Fort, Fulwood, Griffin, Hatcher, Hurt, Lane, Lanier, Little, M'Call, Montgomery, Parks, Pray, Scruggs, Talbot, Tharpe and Watkins.

Those who voted in the negative, are messrs Blackman, Hudspeth, Irwin, Leigh, Nesbit, Owens, Pope, Swain, Ware, Wilkins and Wood.

The Senate took up the resolution relative to the importation of British goods, which was read, and is as follows:

The joint committee appointed by both branches of the Legislature to enquire into and ascertain the name of the author of a publication signed "Citizen," and also all other information relative to the purchase and importation of certain British goods prohibited by the laws of the United States, beg leave to state, that in conformity to the duties assigned them, they have procured sundry affidavits, marked No. 1, 2, 3, 4, 5 and 6, and have herewith submitted them to the Senate & House of Representatives, together with two statements marked No 7 and 8.

Resolved, That the committee view

The bill to make permanent M'Donald's ferry, in Elbert county;

And the bill to authorise the Inferior court of Madison county to levy an extra tax, were severally taken up and read the third time and passed.

The bill for the relief of purchasers of lots in the town of Sumpterville, in Laurens county, was read the second time, and ordered for a third reading.

The Senate resolved itself into a committee of the whole on the bill to add a part of Washington county to the county of Baldwin; Mr Montgomery in the chair; Mr President resumed the chair, and Mr Montgomery reported, that they had gone through the same without any amendment.

The Senate took up and agreed to the report.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill for the relief of John M'Leod & the heir of Micaiah Little, dec'd—Mr Watkins in the chair; Mr President resumed the chair, and Mr Watkins reported, that they had gone through the same without any amendment.

The report was taken up and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill admitting Grand Jurors to give evidence—Mr Nesbit in the chair; Mr President resumed the chair, and Nesbit reported progress, and had leave to sit again in June next.

The Senate resolved itself into a committee of the whole on the bill authorising the building of an Academy in the county of Glynn—Mr Daniel in the chair; Mr President resumed the chair and Mr Daniel reported, that the further consideration of said bill be postponed till June next.

The report was taken up and agreed to.

The Senate resolved itself into a committee of the whole on the bill authorising Sheriffs to perform the duties of their office in certain cases. Mr Irwin in the chair. Mr President resumed the chair and Mr Irwin reported, that they had gone through the same without any amendment.

The report was taken up, read and ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to incorporate the town of Waynesborough in the county of Burke, and to vest certain powers in the Commissioners thereof—Mr Talbot in the chair. Mr President resumed the chair and Mr Talbot reported, that they had gone through the same without any amendment.

The Senate took up and agreed to the report.

Whereupon the said bill was read the third time and passed.

A message from the House of Representatives by Mr Holt their clerk.

Mr President;

The House of Representatives have concurred in the resolution appointing Justices of the Inferior court of Telfair county;

And in the resolution appointing a Notary Public for the City of Savannah, with an amendment;

They have passed a resolution appointing a committee on their part to join such as may be appointed by Senate to enquire into the situation of the funds arising from the sale of lots in Milledgeville;

They have agreed to the amendments made by Senate to the bill to alter the mode of appointing Vendue masters for the city of Savannah;

They have passed a bill for the relief of Hague Laughton;

A bill to incorporate a company for the improvement of the navigation of Broad River; and,

A bill from senate to change the name of Joseph M'Coy, with amendments, and he withdrew;

The senate took up the message and agreed to the amendment made to the resolution appointing a Notary Public for the city of Savannah.

They concurred in the resolution appointing a joint committee to enquire into the funds arising from the sale of Lots in Milledgeville, and added a committee on their part consisting of Mes'rs Owens, Talbot and Montgomery.

They agreed to the amendments made by the H. of R. to the bill changing the name of Joseph M'Coy, and the bills passed by the H. of R. were severely read the first time.

The senate took up the report of the committee of the whole on the bill authorizing the service of — number of mounted rifle, sword or spear men which was read and on the question

to agree to the same, was determined in the affirmative and the Yeas & Nays being required are yeas 17 nays 16;

Those who voted in the affirmative are Mes'rs. Blair, Byne, Burnete, Crane, Daniel, Hudspeth, Irwin, Lane, Leigh, Nesbit, Owens, Parks, Pray, Stevens, Talbot, Ware and Wilkins;

Those who voted in the negative are Mes'rs. Blackman, Cook, Fort Fulwood, Griffin, Hatcher, Hurt, Lanier, Little, M'Call, Montgomery, Pope, Swaine, Scruggs, Tharpe, and Watkins;

The President also voted in the affirmative.

On motion of Mr. Burnett, Resolved that oct. Robert Grant and Raymond Demerie, sen. Esquires, be appointed Commissioners of Glynn county academy in addition to those already appointed.

On motion of Mr. Fort, Resolved that Wiley Robinson and Benjamin Liles, be and they are hereby appointed Commissioners of the Court House and Jail for the county of Wayne, in place of Geo. Linder resigned, & John Roberts refusing to serve. Mr. Owens called up his resolution of the day which was amended and agreed to as follows, to wit:—

Whereas some of the members of this Legislature, have received information from a Gentleman of respectability who is just from the Creek Nation stating that he was informed by the Indians that there were three Indians belonging to the Creek Nation who had lately returned home badly wounded & that they received their wounds in a fight that the white people & Indians had

in Florida which circumstance if true and it appears to be well authenticated is in the opinion of this Legislature is a sufficient proof of the hostile disposition of a considerable part of that Nation towards the United States, and particularly toward the State of Georgia;

Be it therefore Resolved by the Senate and House of Representatives, that His Excellency the Governor of the State of Georgia, be & he is hereby authorised and requested to direct Col Hawkins to call on the Chiefs of said Nation to deliver the wounded Indians if alive & such other warriors as were engaged in the late action in Florida to such person or persons and at such time and place as His Excellency may appoint, and that sixty days be allowed to the Indians to make such delivery.

Adjourned till 10 o'clock Monday morning.

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MONDAY, 30th November, 1812.

The Senate reconsidered the minutes of Saturday, so far as relates to the bill to admit Grand Jurors to give evidence, and ordered that said bill do lie on the table.

They proceeded to reconsider the minutes relative to the bill to authorise the service of ——— rifle, sword or spear men, and that said bill do lie on the table;

And on the question to agree, it was determined in the affirmative, and yeas and nays being required, are Yeas 2 Nays 6.

Those who voted in the affirmative are Messrs Blair, Blackman, Burnett,

Cook, Crane, Daniel, Fort, Fulwood, Griffin, Hatcher, Stuart, Irwin, Lanier, Little, McCall, Montgomery, Nesbit, Owens, Parks, Pray, Swain, Straggs, Talbot, Tharpe, Ware and Watkins.

Those in the negative are, Messrs. Bynne, Hudspeth, Lane, Leigh, Stevens and Wilkins.

Mr Leigh introduced a bill to be entitled an act to regulate & govern the rates of the commissions and advances for the city of Savannah, which was read the first time

He also had leave to introduce a bill to be entitled an act, more effectually to punish forgery and counterfeiting, which was read the first time.

On motion of Mr Owens,

Resolved, That the commissioners of the town of Milledgeville be authorised and required to measure and lay off five acres of land of the town common, on the North side of Rocky creek, below where the road crosses the said creek, near Joseph B. Jones's, and lease the same to George Micklejohn, for the term of twenty years, for the purpose of creating a Tan-yard.

And be it further resolved, That the said George Micklejohn be, and he is hereby authorised to convey water to the said Tan yard, from a spring known by the name of Lower Commissioners spring—provided he does not obstruct any public road.

The Senate took up the following bills which were severally read the second time

A bill to be entitled an act, to authorise Henry Joice to erect a ferry across the Oconee river, at or near his landing.

Ordered for committee of the whole



And a bill for the relief of Hague one thousand seven hundred and eleven dollars and ten cents be paid out

Laughton. Ordered for committee of the whole of the proceeds of said sale, to John

The bill to be entitled an act, for the M'Kinnon, one of the commissioners relief of purchasers of lots in the town of confiscated estates, in full satisfaction of Sumperville, in Laurens county on for his claim upon this state for his was taken up and read the third time commissions on former sales—and, and passed.

The Senate resolved itself into a Be it further Resolved by the authority committee of the whole on the bill to authority aforesaid, that in the event of incorporate the Savannah Insurance the said Island selling for no more than the amount of the said claim of the said company—Mr Irwin in the chair ; Mr John M'Kinnon together with the 20 President resumed the chair, and Mr. percentum due the Heirs of the said Irwin reported progress, and had leave Major Lachland M'Intosh or for a less to sit again. sum that then the said Island to be bid

Mr Pray from the committee on the off for the State, and Commissioners of memorial of John M'Kinnon, reported confiscated property are hereby authorized as follows : as follows : to make Titles to the said John

The select committee on the memorial of John M'Kinnon,

REPORT,

That they have taken the said memorial into their consideration, and find that the memorialist is entitled to the commissions as set forth in his said memorial, and your committee recommend the following resolution : information relative to the said confiscated property.

Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby resolved by the authority of the same, that the island known by the name of Carr's Island situate in the Alatomaha river, and county of M'Intosh, originally granted for 220 acres, and part of the confiscated property of Basil Cooper, returned by Major Lachlan M'Intosh to the commissioners of confiscated estates, be sold forthwith by the Sheriff of M'Intosh county, at the court-house of said county, after thirty days public notice in one of the newspapers of Savannah, and the sum of

On motion Mr. Talbot,

Resolved that George Jones & John Pray, Esquires, be and they are hereby appointed Directors of the Planters Bank of the State of Georgia on the part of this State.

On motion Mr. Pray.

Resolved that James Morrison be, & he is hereby appointed a Notary Public for the city of Savannah.

Mr. Daniel laid on the table the following Resolutions, to wit :

Whereas it is received by this Legislature, that the Laws heretofore passed in this State are fully calculated to secure the rights and liberties of the Citizens, and that the enacting of laws

at this time different from the existing laws would be attended with unnecessary expence before the laws have been in operation a sufficient length of time to know their good or bad effects, and having at the present session passed an act to alleviate the condition of debtors by which the execution of many laws heretofore passed or that may be passed the present session will be in a great measure suspended, therefore conceive that the Legislature remaining in session any considerable length of time would be an expence to the State without any material benefit;

Be it therefore Resolved that the Legislature will adjourn on Saturday next, sine die.

The Senate resolved itself into a committee of the whole on the bill to compel slave owners to pay tax for slaves in the county where such slaves may reside—Mr Montgomery in the chair; Mr President resumed the chair, and Mr Montgomery reported that they had gone through the same with amendments.

The Senate took up the report, and the amendments were agreed to.

Whereupon the said bill was read the 3d time and passed.

Mr Pray called up the following resolutions, which was read and agreed to, to wit:

Whereas by the first rule forming the fundamental articles of the constitution of the Planters' Bank of the state of Georgia, of which 1000 shares of 100 dollars each, shall be reserved until the first day of January 1813, on the original terms, then or at any prior time to be taken by the State according

to the pleasure of the Legislature.

Resolved therefore that His Excellency the Governor be, and he is hereby authorised and required to cause the said one thousand shares to be subscribed for within the time limited for the state of Georgia.

And be it further resolved, That an appropriation be made in the appropriation act, to be passed the present session, for one hundred thousand dollars for the purpose aforesaid, to be by him applied in said subscription according to the constitution and bye-laws of said Bank—and that the Governor be, and he is hereby authorised to raise the whole or any part of the amount necessary, to be immediately paid to the Bank upon said subscription by discount with the said Bank, or the Bank of Augusta.

The following report on the petition of John M'Queen, was taken up, read and disagreed to, to wit:

The committee on the State of the Republic to whom was referred the petition of John M'Queen,

#### REPORTED.

Whereas the late Basil Cooper, dec'd, was named and included in the act of confiscation of this state, passed 1st March 1778, and had a very large real estate confiscated and sold for the benefit of said state,

And whereas, there is, or may be part of that estate yet remaining unsold or otherwise disposed of by the state, for which a petition hath been presented by John M'Queen for the widow and children of the said Basil Cooper, to have the remnant of his said property restored.

Be it therefore resolved, that all the lands of Basil Cooper, dec'd, heretofore confiscated to the use of the state, and yet remaining unsold or otherwise undisposed of by the state, except Carr's Island in the Altamaha river, about to be disposed of by the state, be, and the same is hereby vested in John M'Queen of the county of Chatham, and his heirs and assigns forever, to and for the use, and in trust for the heirs of the said Basil Cooper, dec'd, share and share alike.

Be it further resolved, that all the right, title, interest and claim of this state to the unsold & undisposed lands of Basil Cooper, a person named in the bill of confiscation, passed on the day and year aforesaid be, and the same is hereby relinquished on the part of said state, and fully and completely vested in, and transferred to John M'Queen of the county of Chatham, his heirs and assigns forever in trust, for the purposes above mentioned—provided, that the said John M'Queen shall pay all per cent and expences which may have accrued or arisen by reason of any information which may have heretofore been given to the commissioners of confiscated property, to be sold in terms of the several laws regulating the sale of confiscated property.

A message from the House of Representatives by Mr Holt their clerk.

Mr President;

The House of Representatives have concurred in the following resolutions from Senate, to wit:

One on the subject of a part of the Creek nation of Indians engaged in the Florida expedition;

One on the petition of Jonas Fauchet; One making it the duty of the justices of the Inferior court of Laurens county to pay John Thomas a reasonable compensation for running the county line of Pulaski, &c.

One appointing justices of the Inferior court of Scriven county;

One appointing a justice of the Inferior court of Warren county;

One requiring the commissioners of Milledgeville to lease to Jane Rucker, five acres of land;

And one appointing commissioners of Laurens county.

They have passed a resolution appointing a Notary Public for the county of Baldwin;

One appointing a Notary Public for the county of Wilkinson;

One appointing a Notary Public for the town of Eatonton; and,

One appointing a justice of the Inferior court of Effingham county.

They have passed a bill to renew a certain Bounty Warrant therein named;

A bill to amend an act, for the limitation of actions;

And a bill to make valid certain acts of Sheriffs and clerks of the counties of Wilkinson and Twiggs, and he withdrew.

The Senate took up the message, and concurred in the several resolutions, and the bills were severally read the first time.

The Senate resolved itself into a committee of the whole on the bill for the relief of Hague Laughton—Mr Leigh in the chair; Mr President resumed the chair, and Mr Leigh reported, that they

had gone through the same without any amendment.

The Senate took up the report, which was agreed to, and the said bill was ordered to lie on the table.

The Senate resolved itself into a committee of the whole on the bill to admit Grand Jurors to give evidence—Mr Stevens in the chair; Mr President resumed the chair, and Mr Stevens reported, that they had gone through the same with an amendment.

The Senate took up the report, and agreed to the amendment and the said bill was ordered to lie on the table.

The Senate took up the report of the committee on the petition of Reuben S. Saffold, which was agreed to, and is as follows, to wit:

The committee on the state of the Republic to whom was referred the petition of Reuben S. Saffold, and the counter petition of sundry merchants of the city of Savannah, report as follows:

Whereas it is expressed by the tenth section of the first article of the constitution of the United States, "that no state shall without the consent of Congress lay any duty of tonnage;"

And whereas the state of Georgia passed a law dated the 12th December 1804, authorizing the Harbor Master and Health Officer of the ports of Savannah and St. Mary's to receive from all foreign vessels four cents per ton, and on all American vessels two cents per ton, which shall arrive at said ports. And whereas the law of Congress sanctioning the law of Georgia expired in March 1812, in consequence of which the Harbor Master and Health Officer aforesaid, have not received their res-

pective fees, notwithstanding they have faithfully discharged the duties of their several appointments;

Therefore resolved, that the Senators & Representatives from this state, in the Congress of the United States be required to use their best endeavors to obtain the consent of Congress to an act of the state of Georgia, passed the 12th December 1804, for the term of one year from the 1st of Dec'r 1813, so far as to authorise the Harbor Master and Health Officer of the ports of Savannah and St. Mary's to collect as duty on the tonnage of all foreign vessels four cents per ton, and on all American vessels two cents per ton, in full of all fees, dues or demands whatsoever, for the service of them the said Harbor Master and Health Officer respectively.

Adjourned till 10 o'clock tomorrow morning.

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TUESDAY, 1st December, 1812.

On motion of Mr Montgomery, The Journal of yesterday was reconsidered, so far as respects the report of the committee on the petition of John M Queen.

Ordered that the same do lie on the table.

Mr Lanier from the committee on the state of the Republic reported on the memorial of the Senatus Academicus of the University of the state of Georgia, which was read and ordered to lie on the table.

Mr Cook had leave to report a bill to amend the eleventh section of an act,

to provide for the organization and equipment of the Cavalry, which was read the first time.

Mr Pray presented a memorial from E. B. Jenkins, esq. which was read and ordered to lie on the table.

The following bills were read the second time, to wit:

A bill to renew a certain Bounty Warrant therein named.

Ordered for committee of the whole.

A bill to prevent forgery in this state.

Ordered for committee of the whole.

A bill to regulate and govern the rates of commissions and advances for the city of Savannah.

Ordered for a committee of the whole.

A bill to amend an act, for the limitation of actions, and avoiding suits in law,

Ordered for committee of the whole.

The Senate again resolved itself into a committee of the whole on the bill to incorporate the Savannah Insurance company—Mr Byne in the chair; Mr President resumed the chair, and Mr Byne reported progress, and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill for the relief of Simon Jackson—Mr Pray in the chair; Mr President resumed the chair, and Mr Pray reported, that they have gone through the bill without amendment.

Whereupon the bill was read the 3d time;

And on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 24—Nays 10.

Those who voted in the affirmative, are Messrs Blair, Blackman, Burnett, Crane, Fort, Hudspeth, Hurt, Irwin, Lane, Lanier, Leigh, M'Call, Montgomery, Nesbit, Parks, Pope, Pray, Proctor, Stevens, Swain, Talbot, Ware, Watkins and Wilkins.

Those in the negative, are Messrs Byne, Cook, Daniel, Fulwood, Griffin, Hatcher, Little, Owens, Scruggs and Tharpe.

The Senate resolved itself into a committee of the whole on the bill to be entitled, an act to erect a Ferry across the Oconee river at or near Henry Joice's landing. Mr Lanier in the chair. Mr President resumed the chair and Mr Lanier reported, that the further consideration of this bill be postponed until June next.

The Senate took up the report which was agreed to.

The bill to be entitled, an act to make valid certain acts of the Sheriffs of the counties of Wilkinson and Twiggs, was read the second time.

Ordered for a third reading.

The bill for the relief of Hague Laughton, was taken up and read the third time and passed.

The Senate took up the bill to admit grand Jurors to give evidence, which was read the third time and passed.

The bill to authorize Sheriffs to perform the duties of their offices in adjoining counties in certain cases herein deferred was read the third time and passed.

On motion Mr. Cook,

Resolved that Messrs Owens, Irwin and Hatcher be appointed a committee on the part of Senate to join such as

may be appointed by the House of Representatives to see the great seal of the state affixed to the several laws passed the present session, and to examine the balance of the Journal of Senate, and that they be allowed three days after the adjournment for the same.

A message from the House of Representatives by Mr Holt their clerk Mr President ;

The House of Representatives have passed the bill from Senate authorising the Governor to contract for making a certain number of rifle guns, &c with an amendment

They have agreed to sundry reports made by the committee on Finance.

They have passed a resolution on the memorial of E. B. Jenkins, Esq — and

They have passed the following bills to wit ;

A bill to incorporate the Demosthenian Society of the University of Georgia.

A bill to incorporate the Hibernian Society of Savannah.

A bill to compel Sheriffs to collect monies under executions issuing from the Treasury.

A bill for the relief of Samuel Wilkinson.

A bill for the relief of John Fielder, and

A bill for the relief of John Allen.

A bill to raise a tax for the support of government for the political year, 1813

A bill to amend an act to regulate attachments in this state, and

A bill to amend an act to keep open, prevent and remove obstructions in the

Savannah river.

The Senate took up the message and the several resolutions from the committee on Finance were agreed to except the one relative to counterfeit audits, which was amended ; and the resolution on the memorial of E. B. Jenkins, which was ordered to lie on the table ; and the said several bills were read the first time

Mr. Nesbit from the committee on enrolled bills reported as correctly enrolled and signed by the Speaker, the following acts viz.

An act to add a part of Washington county to the county of Baldwin

An act to make permanent the site of the public buildings in the county of Madison.

An act to amend the several laws now in force within this state for regulating of Vendues and to alter the mode of appointing Vendue Masters for the city of Savannah.

An act to establish and make permanent the Ferry on Savannah river in Elbert county, known by the name of M'Donald's Ferry.

An act to continue in force an act, entitled an act, for the relief of John M Cloud, and the heirs of Micajah Little, dec'd.

An act declaring the assent of the Legislature of the state of Georgia to the formation of one or more state governments in the Mississippi territory ;

And an act regulating roads in this state, so far as respects the county of Wayne, and to repeal an act, entitled an act, to amend the several acts regulating roads in this state, so far as respects the county of Wayne, passed the

10th December 1811, which were presented to and signed by the President of the Senate

Ordered, that the committee on enrolled bills do carry the said acts to His Excellency the Governor for his revision.

Adjourned till half after 9 o'clock to-morrow morning.

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WEDNESDAY, 2d December, 1812

The Senate took up the bill authorising the service of ——— number of mounted rifle & sword or spear men. and Mr Lanier presented the following bill as a substitute for the original bill in the words following, to wit:

*A BILL.*

To be entitled an act, to amend the militia law of this state, so far as to authorise the volunteer service of seven companies of mounted rifle and sword or spear men, for the protection of the frontiers.

Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met. and by the authority of the same, that seven companies of volunteer mounted militia shall be accepted of, and officered by His Excellency the Governor; such companies to consist of fifty men each exclusive of officers, to be distributed as follows, to wit:—The counties of Tatnall, Telfair, Pulaski, Jones, Randolph, Morgan and Twiggs shall be entitled to one company in each.

And be it further enacted, that so soon as thirty men shall be enrolled in any one company, they then shall be at

liberty to proceed to the choice of three fit and proper persons to command as Captain, Lieutenant and Ensign, by ballot, under the superintendancy of one justice of the Peace or justice of the Inferior court and two freeholders, the return of such election made under the hands of one justice of the Peace or justice of the Inferior court and two freeholders as aforesaid, to His Excellency the Governor; he then is hereby authorised to commission the three persons having the highest number of votes as Captain, Lieutenant and Ensign.

And be it further enacted, that each man enrolled as aforesaid, shall equip himself with a good horse, saddle and bridle, and a good rifle gun or other good gun, until the state shall be prepared to furnish said troops with good rifle guns and swords.

And be it further enacted, that a certificate from under the hand of the officer commanding such volunteer company, presented to the district officer in which such volunteer may reside, setting forth that such person is enrolled in his company and equipped as aforesaid, shall be sufficient to discharge such volunteer from the duties of such district officer's command, patrol duty excepted.

And be it further enacted, that the aforesaid mounted riflemen and officers shall be entitled to, & receive the same pay and rations as other mounted troops of this state are entitled unto when in actual service.

And be it further enacted, that the aforesaid troops and officers shall be subject to be called into service by the

Executive of the State, or by the officers Burnett, Daniel, Hudspeth, Lancaster commanding the division, brigades, Legh, Montgomery, Nesbit, Parks, regiment or battalion, to which said Pray, Stevens, Tabor, Walker, Wil-company or companies may be attached, and Word  
 ed, by entire company or otherwise. The President having voted in the  
 whenever it shall appear that troops of negative, the bill was lost.  
 this description are required.

And be it further enacted, that the aforesaid officers and troops shall equip themselves as aforesaid within the term of forty days after the officer commanding them shall be commissioned, and hold themselves in readiness to march at the shortest notice, equipped as aforesaid, and with as many rations as the commander may deem sufficient for the expedition

And be it further enacted, that if any of the aforesaid officers or troops shall lose their horse or gun in action, or when in actual service, they shall be entitled to receive the estimate value for the same from the government of the state or of the United States, and shall also receive a reasonable compensation for all rations which may be furnished by themselves when in service

And be it further enacted, that this act shall not be construed to extend to disorganize any militia district company

And on the question to agree to the said proposed substitute, the yeas and nays were called for, which are as follows, to wit—Yeas 13 —Nays 17

Those who voted in the affirmative, are Messrs Cook, Crane, Fort, Hulwood, Griffin, Hatcher, Hurt, Irwin, Lanier, Little, McCall, Owens, Pope, Proctor, Swan, Cuggs, Fharpe and others.

Those who voted in the negative, are Messrs. Blair, Blackman, Byne,

A message from the House of Representatives by Mr Holt their clerk.

Mr President;

The House of Representatives have passed a bill to amend an act, more effectually to open and keep in repair the public roads, causeways and bridges in this state; and,

A bill to amend an act, to revive and amend the Judiciary system of this state, so far as respects the powers of a court of equity.

They concurred in the report of the committee on the petition of John McKinnon; and,

They have agreed to the report of the joint committee on the State of the Republic, on the petition of John McQueen, and he withdrew.

Ordered that the said message do lie on the table.

The Senate resolved itself into a committee of the whole on the bill more effectually to prevent forgery and counterfeiting—Mr Irwin in the chair; Mr

President resumed the chair and Mr Irwin reported, that they had gone through the same with amendments.

The Senate took up and agreed to the report.

Whereupon the said bill was read the 3d time and passed

The bill from the House of Representatives to make valid certain acts of Sheriffs of Wilkmon and Luwigs, was read the 3d time and passed with



an amendment.

The bill to be entitled an act, to amend an act, more effectually to provide for the organization and equipment of the Cavalry ;

The bill to raise a tax for the support of government for the political year 1813 ;

The bill for the relief of Samuel Wilkinson ; and,

The bill to amend an act, to regulate attachments in this state, were read the second time and ordered for committee of the whole.

The bill to compel Sheriffs to collect monies by virtue of executions issuing from the Treasury of this state ;

The bill for the relief of John Allen ; and,

The bill to incorporate the Hibernian Society of the city of Savannah ;

The bill for the relief of John Fielder ;

The bill to incorporate the Demosthenian Society of the University of Georgia, were severally read the second time, and ordered for a 3d reading.

The bill to amend an act, to keep open and remove obstructions in the Savannah river, was read the second time, and ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill to renew a certain Bounty Warrant therein named—Mr Scruggs in the chair, Mr President resumed the chair, and Mr Scruggs reported progress and had leave to sit again

The Senate resolved itself into committee of the whole on the bill

to amend an act, for the limitation of actions and for avoiding suits in law—Mr Proctor in the chair ; Mr President resumed the chair, and Mr Proctor reported, that the further consideration of said bill be postponed until the 4th Monday in August next.

The following communication was received from His Excellency the Governor by Mr Porter his Secretary ;

Executive Department, Georgia, }  
Milledgeville, 2d Dec'r, 1812. }

Mr President, and

Gentlemen of the Senate, and  
Mr Speaker, and Gentlemen of the  
House of Representatives,

By a provision in our militia law, & also in the act for the organization of the Cavalry, the Brigade Inspectors of the respective Brigades are allowed as a compensation for their services, two dollars per day whilst in actual service, " provided such service does not exceed thirty days in any one year."— This provision it is believed has reference to the Brigade Inspectors of the militia of the line only, & does not embrace the Brigade Inspector of the Cavalry, whose duties embrace every Brigade in the state, and could not therefore be with any propriety limited to thirty days in any one year. The recent reviews and inspection of the Cavalry by the Brigadier General and Inspector is full proof that the allowance to the Brigade Inspectors of the line ought not to form a criterion by which to fix the compensation of the Inspector of the Cavalry ; because those duties as I have before observed, have been performed in various Brigades of the line. I should therefore

deem it to be nothing more than justice to the Brigade Inspector of the Cavalry, to pay him so much per day whilst in actual service, as the Honorable the Legislature may consider a reasonable compensation for his services. My principal object in making this communication is, however, only to state that by our laws as they now stand, there does not appear to be any provision made for compensating the Brigade Inspector of the Cavalry, and to draw the attention of the Legislature to that fact

D. B. MITCHELL.

Which was read and ordered to lie on the table.

The Senate again resolved itself into a committee of the whole on the bill to incorporate the Savannah Insurance Company—Mr Montgomery in the chair; Mr President resumed the chair, and Mr Montgomery reported, that the farther consideration of said bill be postponed until June next.

Ordered that said report do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to regulate and govern the rates of commissions and advances for the City of Savannah—Mr Cook in the chair; Mr President resumed the chair, and Mr Cook reported, that they had gone through the same with an amendment

The report was taken up and agreed to, and the said bill was read the third time and passed

The Senate took up the message from the House of Representatives, and the bills mentioned therein were severally read the first time, and the re-

port of the joint committee on the state of the Republic on the petition of John M. Queen was read and concurred in. Adjourned 'till ten o'clock tomorrow morning.

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THURSDAY, 5d December, 1812.

Mr Stevens called up the resolution laid on the table on ——— last by Mr Daniel.

Resolved, That the Legislature will adjourn on Saturday next. And on motion, that the said resolution do lie on the table, it was determined in the affirmative, and the yeas and nays being required, are Yeas 18—Nays 17.

Those in the affirmative, are Messrs Blackman, Cook, Crane, Fulwood, Griffin, Irwin, Lane, Lanier, Leigh, Owens, Parks, Pray, Proctor, Swain, Talbot, Ware, Wilkins and Wood.

Those in the negative, are Messrs Blair, Byne, Burnett, Daniel, Fort, Hatcher, Hudspeth, Hurt, Little, M'Call, Montgomery, Nesbit, Pope, Stevens, Scruggs, Tharpe and Watkins.

A communication from the Treasurer of this state was read and laid on the table, in the words following.

Treasury-Office, Georgia, }  
Milledgeville, 2d Dec'r, 1812 }  
To the Hon. the President,  
and Members of the Senate.

GENTLEMEN,

IN obedience to a resolution of the last Legislature, approved by His Excellency the Governor on the 16th December 1811, requiring the Secretary of state, Treasurer, Surveyor General and Comptroller General to make out

and lay before the present General Assembly, true and correct lists of all the books of record in their respective offices, I do myself the honor to submit the following schedule of the books now in, and appertaining to this office.

The Senate took up the report of the committee on the State of the Republic on His Excellency the Governor's communication on the subject of the expedition to Florida, and rencounter with the Seminolie Indians, which being again read, was ordered to lie on the table.

A message from the House of Representatives by Mr Holt their clerk; Mr President;

The House of Representatives have concurred in the resolution authorising His Excellency the Governor to subscribe for the State's shares in the Planters' Bank of the State of Georgia;

In the resolution on the memorial of Reuben S Saffold, Health Officer for the Port of Savannah;

In the report of the joint committee to enquire into, and ascertain the name of the author of a publication signed, "Citizen," and also all other information relative to the purchase of, and importation of certain British goods prohibited by the laws of the U. States;

In the resolution appointing Dr Robert Grant and Raymond Demerie, sen. esq. commissioners of Glynn county academy, in addition to those already appointed;

In the resolution appointing Willie Robinson and Benjamin Liles, commissioners of the Court-house and Jail for the county of Wayne;

In the resolution appointing James Morrison a Notary Public for the City of Savannah;

In the amendments to the report of the committee on Finance, relative to sundry Audited Certificates presented for renewal;

In the amendments to the bill to make valid certain acts of the Sheriffs of Wilkinson and Twiggs counties.

They have passed a resolution requesting the Governor to direct the Solicitor General to investigate the purchase of, and claim of the state to certain lands sold to several academies in this state;

A resolution appointing Stephen Gatland and Daniel Cole justices of the Inferior court for Pulaski county;

In the resolution appointing Patrick Houston, Venables Bond, Abraham Gindrat, George M. Waters and Lee Blacksell, esquires, commissioners of the Academy of Bryan county;

And they have passed a bill to be entitled an act, to amend the several acts heretofore passed for opening and keeping open the Oconee river, and he withdrew.

The Senate took up the message, and the several resolutions were concurred in, and the said bill was read the first time.

The Senate took up the bill to be entitled an act, to amend an act, to keep open, remove and prevent obstructions in the Savannah river, which was read the third time, and passed with amendments.

The bill to be entitled an act, to incorporate the Hibernian Society of the City of Savannah, was read the third

time and passed.

The bill to be entitled an act, to incorporate the Demosthenian Society of the University of Georgia, was read the third time, and ordered to lie on the table.

The bill to be entitled an act, to compel Sheriffs to collect monies by virtue of executions issuing from the Treasury, was read the third time and passed.

The bill to be entitled an act, for the relief of John Fielder was taken up, read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 17—Nays 16.

Those in the affirmative, are Messrs Blackman, Byne, Burnett, Cook, Fort Irwin, Lanier, McCall, Montgomery Parks, Pray, Swain, Scruggs, Talbot Ware, Watkins and Wood.

Those in the negative, are Messrs Blair, Crane, Daniel, Fulwood, Griffin, Hatcher, Hudspeth, Hurt, Leigh, Little, Nesbit, Owens, Pope, Proctor, Tharpe and Watkins.

The Senate took up the bill for the relief of John Allen, which was read the third time, and on the question, shall this bill now pass, it was determined in the affirmative, and the yeas and nays being required, are Yeas 21; Nays 12.

Those in the affirmative, are Messrs Blackman, Byne, Burnett, Cook, Fort Irwin, Lanier, Leigh, McCall, Montgomery, Nesbit, Parks, Pope, Pray, Stevens, Swain, Scruggs, Talbot, Ware, Watkins and Wood.

Those in the negative, are Messrs

Blair, Crane, Daniel Fulwood, Griffin, Hatcher, Hudspeth, Hurt, Little, Owens, Proctor and Tharpe.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend an act, entitled an act, to regulate attachments in this state; Mr Cook in the chair; Mr President resumed the chair, and Mr Cook reported, that the further consideration of this bill be postponed until June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill for the relief of Samuel Wilkinson—Mr Wood in the chair; Mr President resumed the chair, and Mr Wood reported, that they had gone through the same without any amendment.

Whereupon the bill was read the 3d time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to renew a certain Bounty Warrant therein named—Mr Hudspeth in the chair; Mr President resumed the chair, and Mr Hudspeth reported, that they had gone through the same without any amendment.

Whereupon the said bill was read the 3d time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend an act, entitled an act, more effectually to provide for the organization and equipment of the Cavalry of this state, passed the 16th December 1841—Mr Talbot in the chair; Mr President resumed the chair, and Mr Talbot reported, that

they had gone through the bill with amendments.

The Senate took up the amendments which were read and agreed to.

Whereupon the said bill was read the third time, and passed as amended.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act to raise a tax for the support of government for the political year, 1813. Mr Irwin in the chair. Mr. President resumed the chair and Mr. Irwin reported, that they had gone through the bill with amendments.

Ordered, that the report do lie on the table.

The bill to be entitled, an act to amend an act entitled, an act to revise and amend the Judiciary System of this state, so far as it relates to the powers of a court of equity; and

The bill to be entitled, an act to amend an act entitled an act more effectually to open and keep in repair the public roads, causeways and bridges in this state, passed the 10th day of December 1811, were severally taken up and read the 2d time, and ordered for committee of the whole

A communication from James Bozeman, esq. Comptroller General of this state was received, enclosing a schedule of the books of record in his office which was read and ordered to lie on the table.

On motion,

Mr Watkins had leave of absence for the remainder of the session.

Adjourned till 10 o'clock tomorrow morning.

FRIDAY, 4th December, 1812.

The minutes of yesterday were re-considered on the bill to be entitled an act, to amend the attachment laws.

Ordered that said bill do lie on the table.

Mr Lanier from the committee on the State of the Republic to whom was referred the petition of James and Mary Batting,

REPORTED,

That it appears from the documents accompanying the petition of the said James and Mary Batting, that the claim of the petitioners is a fair and just one, and established by the verdict of a jury in the year 1783, on a suit instituted by John Hardy the then husband of the petitioner Mary Batting, against the state of Georgia; the sum so secured by the said John Hardy, amounted to nine hundred & eight pounds sterling. But your committee are of opinion, that the sum of four hundred and eighteen dollars ought now to be a sufficient compensation to the said James and Mary Batting in lieu of, and in full satisfaction for the losses sustained during the revolutionary war by the said John Hardy, when in the service of this state, and therefore recommend the following resolution;

Resolved, That the sum of four hundred and eighteen dollars be appropriated for, and paid to James and Mary Batting, or their legal attorney, in full of, and in satisfaction for the claim of John Hardy, dec'd for his losses and military services as an officer of this state during the revolutionary war; and the same being read, was ordered to lie on the table.

The Senate took up the report of the committee on the State of the Republic, on the communication of Col. Newnan, in the words following ;

The committee on the State of the Republic to whom was referred the letter of Col. Newnan, containing an account of the expedition lately conducted by him against the Seminole Indians in East Florida, beg leave to

**REPORT,**

That the subject presented in this interesting document, considered in relation to the brave and patriotic persons to which it alludes, and their still more brave and devoted services to their country, imminently challenges a frank expression of our acknowledgments, and directs a feeling appeal to our gratitude—Unaccustomed to war, and the various consequences which mark its progress, an eventful experiment was involved in the call of the nation, upon the untrained valor of a peaceful people ; and but for the native principles of bravery, combined with an ardent love of country, derived from ancestors constitutionally free from fear, which warm the bosoms of our youthful warriors, we might be left in fearful and dubious suspense as to the issue of this new and untried contest. In the state of reluctant hostilities, to which this nation has been justly provoked by the vicious passions of an unprincipled government, we have witnessed the ready appearance of generous and disinterested volunteers, anxious to breast the first rude approach of an odious and deprecated struggle—Prompted by a glowing affection for their country, and influenced by the opening prospect of fame, they tendered their willing services to protect the perilous situation of our most exposed fellow citizens—And the contemplation of these services from their commencement, to their splendid termination, awakens emotions which cannot be repressed within the dull limits of cold detail.

At an unfriendly season, untrained to its sultry influence, and upon the first alarm of danger, did this little soldierly band assemble in prompt and eager haste to meet the threatening exigency—their comfortable homes were cheerfully forsaken; they pressed from the fond and affectionate embrace of friends and relatives ; they encountered without a murmur the multiplied fatigues of tiresome marches, through dreary forests and scorching sands ; they perseveringly buffeted the rain and wind of a fickle climate—disease, with more than common wantonness rioted upon their vigorous health, far from parental or friendly care, and amidst every privation and distress did they support with manly fortitude their trying vicissitude of condition. Such instances of youthful patriotism have occurred but seldom in any age or country, and are rare indeed upon the page of history. The annals of martial deeds may be safely dared to display a scene of courage and of suffering equal to that which a part of this intrepid corps bravely and inflexibly sustained—they were advanced with skill and cool deliberation, against a superior enemy, and after the most signal proofs of steady firmness, and patient resolution, their heroic exertions were

crowned with repeated and honorable victory—Their's was no trivial enterprise, although engaged against an enemy, whose horrid warfare dismayed the common mind and tests the coward heart; although in the bosom of a wild and savage country, surrounded by prowling and butchering barbarians; worn down by long and laborious marches; exhausted by impetuous but successful battle; assailed by vigorous fame; haunted by a lurking deadly foe by day, and from the groans of sick and wounded, deprived of rest by night; yet for seven days through every pressing danger did they brave these dire distresses, and maintain the boasted character of the veteran soldier—It is to services like these, a grateful country will readily pay the just tribute of respect and applause, and to the disconsolate families of those who have fallen early martyrs in so glorious cause, will cheerfully administer that support, of which they have been deprived;

Therefore resolved, That the Volunteers who so promptly assembled and marched from different quarters of the state, at the call of the Commander in Chief, then acting as commissioner in the service of the United States, to defend the South Eastern extremity of our frontiers, and who were, always in such willing readiness to engage in any expedition which he might direct, have acted with patriotism and courage well meriting the thanks of this Legislature.

Resolved, That those Volunteers who have lately been engaged in an expedition against the hostile Indians in East Florida, have evinced acts of

intrepidity and a love of country, loudly claiming the hearty applause and entire approbation of the General Assembly.

Resolved, That His Excellency the Governor be authorised to draw on the Treasury for any money not otherwise appropriated, to the amount of one years pay at five dollars per month, in favor of the families, if any they had, of those persons who fell in the engagement with the Seminolie Indians in a late expedition conducted by the Adjutant General of this state.

And the report being read, was agreed to, and the yeas and nays being required, are Yeas 28—Nays 6.

Those in the affirmative, are Messrs Byne, Burnett, Cook, Crane, Daniel, Fort, Fulwood, Hatcher, Hauspeth, Turt, Lane, Lanier, Leigh, Little, PCall, Nesbit, Owens, Parks, Pope, Pray, Proctor, Stevens, Swain, Scruggs, Falbot, Ware, Wilkins and Wood.

Those in the negative, are Messrs Blair, Blackman, Griffin, Irwin, Montgomery and Tharpe.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House have passed the following bills from Senate without any amendment, viz:

A bill entitled an act, to authorise the Justices of the Inferior court of Wilkinson county to draw Grand and Petit Jurors for said county;

A bill entitled an act, to authorise the Justices of the Inferior court of Baldwin county to levy an extra tax;

A bill entitled an act, to authorise the commissioners of the town of Mil-

ledgeville, to lay off and lease four acres of land to One off Jordan;

A bill entitled an act, to incorporate the town of Dublin;

A bill entitled an act, to amend an act, entitled an act, to revise and amend an act, to incorporate the town of St. Mary's.

A bill for the relief of William Wilson, Zachariah Bell and Thomas M. Dade;

A bill to alter the names of Lorinda Price, Florina Price and Linson Ebben Price, to that of Jackson;

A bill for the relief of David Spear;

A bill entitled an act, to repeal an act, entitled an act, to make permanent the site for the public buildings in the county of Telfair;

A bill entitled an act, to add the county of Madison to the 2d brigade of the 4th division of the militia of this state;

A bill entitled an act, to appoint Port Wardens for the port of Savannah;

A bill entitled an act, for licensing and regulating Pedlars;

A bill for the relief of William S. Lancaster and Clement Lanier;

A bill entitled an act, to make valid a transcribed copy of the records of the Ordinary court of Scriven county, & to confirm the same in courts of record;

A bill entitled an act, explanatory of the several judiciary laws of this state;

A bill entitled an act, to authorise Batt Wyche to erect a mill on the Oconee river;

A bill entitled an act, for the relief of William Stobo and Reuben Moore;

A bill entitled an act, to lay off a 5th division of the militia of this state;

A bill entitled an act, to add to the county of Jackson all that territory formerly comprehended in Franklin county, and which was left out by Hawkins's line;

A bill for the relief of Benjamin Moore;

A bill entitled an act, to authorise the commissioners of Waynesborough, in Burke county, to dispose of 200 acres of land belonging to the academy, adjoining the town common;

A bill entitled an act to amend the 9th section of the 3d article of the constitution of this state;

A bill entitled an act, to amend and explain the 29th section of the Judiciary law of this state; and,

A bill entitled an act, to make known and establish the dividing lines between Camden and Wayne counties, and to add part of Camden to Wayne.

They have passed a bill from Senate entitled an act, to authorise the justices of the Inferior court of Baldwin county to select fit and proper persons to serve as Grand Jurors, with an amendment; and,

They have passed the following bills to wit;

A bill to be entitled, an act to compel Clerks of the Inferior court and Justices of the Peace to lay before the Grand Juries of their respective counties their official records.

A bill to be entitled, an act to alter and amend the several estray laws now in force in this state;

And a bill to be entitled, an act to change the name of the county of Randolph;

They have passed a resolution re-



quiring the Commissioners of the town and common of Milledgeville to pay over all bonds and monies in their hands ; and

A resolution allowing them compensation.

A resolution allowing the Brigade Major of the Cavalry compensation for his services, and allowing him for future services in that line.

They have passed a resolution appointing Commissioners of the Academy of the county of Burke.

They have concurred in the resolution on the petition of George Micklejohn.

The Senate took up the message and the several bills therein mentioned were read the first time.

They concurred in the resolution on the subject of the Commissioners of the town and common of Milledgeville.

In the resolution appointing commissioners of the Academy of Burke—and

On the question to concur in the resolution allowing compensation to the Brigade Major of the Cavalry, it was determined in the affirmative, and the yeas and nays being required, are yeas 21, nays 10.

Those in the affirmative are Messrs Blair, Byne, Burnett, Cook, Crane, Fort, Fulwood, Hudspeth, Irwin, Lane, Lanier, Leigh, Little, M'Call, Nesbit, Pray, Proctor, Swain, Talbot, Wilkins and Wood.

Those in the negative are Messrs Daniel, Griffin, Hurt, Hatcher, Montgomery, Owens, Parks, Pope, Tharpe and Ware.

The Senate took up the report of the committee of the whole on the bill to

be entitled an act, to incorporate the insurance company of the city of Savannah ; and Mr. Pray moved that the 4th section of said bill be stricken out and read in the words following :

And be it further enacted that the capital stock of said company, shall be seventy five thousand dollars, but that the said company shall commence its said business and operation, so soon as twenty-five thousand dollars shall have been deposited in the Bank of Savannah, and the said company organized.

And be it further enacted, That the said company may encrease the said capital stock to the amount of three hundred thousand dollars, on the said Company's making a deposit in the ratio as above described.

And on the question to agree to the same, it was determined in the negative ; whereupon

Mr Proctor moved that the following clause be inserted.

That if the Directors of said Company shall at any time ensure for more than three times the amount of money actually deposited, then and in that case such directors shall become individually responsible ; and on the question to agree, it was determined in the negative.

The yeas and nays being required, are yeas 16, nays 17.

Those in the affirmative are Messrs Blackman, Burnett, Cook, Crane, Hatcher, Hudspeth, Hurt, Lanier, M'Call, Nesbit, Proctor, Scruggs, Talbot, Tharpe, Ware and Wilkins.

Those in the negative are Messrs Blair, Byne, Daniel, Fort, Fulwood,

Griffin, Irwin, Lane, Leigh, Little, Montgomery, Owens, Parks, Pope, Pray, Swain and Wood.

And whereupon Mr Proctor moved that said bill be postponed until the 1st Monday in June next;

On the question it was determined in the affirmative, and the yeas and nays being required, are Yeas 16— Nays 16.

Those in the affirmative, are Messrs Daniel, Griffin, Hatcher, Hudspeth, Hurt, Lanier, McCall, Montgomery, Nesbit, Owens, Pope, Proctor, Scruggs, Talbot, Tharpe and Wilkins.

Those in the negative, are Messrs Blair, Byne, Burnett, Cook, Crane, Fort, Fulwood, Irwin, Lane, Leigh, Little, Parks, Pray, Swain, Ware and Wood.

The President determined in the affirmative.

The Senate took up the memorial of Edmund B. Jenkins, which was read and ordered to lie on the table.

The bill to be entitled an act, to amend the several acts heretofore passed for opening, and keeping open the Oconee river, was taken up and read the second time.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to amend an act, entitled an act, more effectually to open and keep in repair the public roads, causeways and bridges in this state, passed the 10th day of December, 1811; Mr Montgomery in the chair; Mr President resumed the chair, and Mr Montgomery reported that they had gone through the bill with amend-

ments.

Ordered that the report do lie on the table.

On motion of Mr Griffin,

Whereas there are a number of persons residing within the limits of this state, whose names appear on the list of banishment and acts of confiscation, and have not made application to the Government of this state, praying a restoration of citizenship;

And whereas it may appear that more or less of those persons aforesaid, now have, or hereafter may have appointments in this state in a civil or military line; which appointments are contrary to law, and the interest, wish and spirit of this government; for remedy whereof;

Be it resolved by the Senate and House of Representatives in General Assembly met, That His Excellency the Governor be, and he is hereby authorised & requested to have the names of all those persons who appear in the act aforesaid, published in two or more of the public Gazettes of this state, who have not heretofore been restored to citizenship, and the same being read, was ordered to lie on the table.

On motion of Mr Wilkins,

Resolved, That Garan Davis be, and he is hereby appointed a commissioner of the academy of Columbia county, to fill the vacancy of Gazaway Davis, esq. resigned.

Adjourned till 10 o'clock tomorrow morning.

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SATURDAY, 5th December, 1812. The minutes of yesterday were re-

considered on the resolution allowing and agreed to.  
compensation to the Brigade Major of  
the Cavalry.

Ordered that the said resolution do  
lie on the table.

On motion of Mr ———,

The minutes of yesterday were re-  
considered on the bill entitled an act, to  
incorporate the Savannah Insurance  
company.

Ordered that the said bill do lie on  
the table.

Mr Owens presented a petition from  
—— Guiry, which was read and order-  
ed to lie on the table.

A message from the House of Re-  
presentatives by Mr Holt their clerk.

Mr President ;

The House of Representatives have  
concurred in the resolution authorising  
His Excellency the Governor to cut  
roads, &c. through the Creek nation,  
with an amendment ;

They have passed a resolution adding  
commissioners for the purpose of build-  
ing a court-house and jail in the coun-  
ty of Wilkinson ; and,

They have passed a bill appropriat-  
ing money for the political year 1813,  
and he withdrew.

The Senate took up the message,  
and concurred in the amendment on  
the resolution on the subject of the  
Creek nation ;

They concurred in the resolution ap-  
pointing additional commissioners of  
the court house and jail of Wilkinson ;

And the said bill was read the first  
time

The resolution on the subject of per-  
sons on the list of banishment and acts  
of confiscation was taken up, again read

The report of the committee of the  
whole on the bill entitled an act, to a-  
mend an act, entitled an act, more ef-  
fectually to open, and keep in repair the  
public roads, causeways and bridges  
in this state was taken up, agreed to,  
and the said bill was read the 3d time  
and passed.

The bill to be entitled an act, to in-  
corporate the Savannah Insurance com-  
pany was again taken up, amended, and  
read the third time, and passed as a-  
mended.

The resolution allowing compensa-  
tion to the Brigade Inspector of the  
Cavalry was taken up, amended, and a-  
greed to.

Mr Lanier from the committee on the  
State of the Republic, reported as fol-  
lows ;

The committee on the State of the  
Republic to whom was referred the pe-  
tition of Daniel Newnan, beg leave to

#### REPORT,

That the Treasurer be directed to  
credit the bonds of Daniel Newnan,  
which he has given to the state for  
fractions, to the amount of 500 dollars,  
in full compensation for a negro fellow  
which was killed in a battle fought  
lately against the Seminolie Indians in  
East Florida, belonging to him.

Ordered that the said report do lie  
on the table.

The Senate again took up the report  
of the committee to whom was referred  
the memorial of Edmund B Jenkins,  
esq and the same being read, was a-  
mended and agreed to.

Mr Hatcher from the committee to  
whom was referred the petition of a

number of the inhabitants in the county of Wilkinson, praying a removal of the site of the public buildings in the said county,

**REPORTED,**

That from the known uncertainty that exists in procuring titles to the lot of land mentioned and recommended by the petitioners, they are of opinion that the petitioners cannot be granted which being read was agreed to.

The following bills were taken up, and severally read the second time viz :

A bill to be entitled an act, to alter and amend the several estray laws now in force in this state.

Ordered for committee of the whole

The bill to be entitled an act, to compel Clerks of the Inferior courts and Justices of the Peace to lay before the Grand Juries of their respective counties, their official records.

Ordered for committee of the whole

And the bill entitled an act to change the name of the county of Randolph.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill entitled an act to amend the several acts heretofore passed for opening, and keeping open the Oconee river—Mr Lane in the chair; Mr President resumed the chair, and Mr Lane reported, that they had gone through the bill with an amendment.

The Senate took up the report, which was agreed to, and,

The said bill was read the 3d time, and passed as amended.

The Senate resolved itself into a committee of the whole on the bill en-

titled an act, to amend an act, entitled an act, to revise and amend the Judiciary System of this state, so far as it relates to the powers of a court of equity

—Mr Lanier in the chair; Mr President resumed the chair, and Mr Lanier reported, that the further consideration of this bill be postponed until August next.

The Senate took up the report, which was agreed to.

The Senate took up the report of the committee of the whole on the bill entitled an act, to raise a tax for the support of Government for the political year 1813, which was read and the amendments agreed to.

Whereupon the bill was read the 3d time, and passed as amended

Mr Blackman and Mr Thaspe had leave of absence until Monday next, and Mr Burnett and Mr Fort had leave of absence the remainder of the session, after Tuesday next.

Mr Owens presented a petition from Willoughby Jordan, which was read and referred to Messrs Owens, Montgomery and Daniel, a special committee to report thereon.

Mr Nesbit from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to form a new division out of the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson ;

An act to repeal an act, entitled an act to make permanent the site of the public buildings for the county of Telfair ;

An act for the relief of David Speer;

- An act to appoint Port Wardens for the port of Savannah ;
- An act for the relief of William Stobo and Reuben Moore ;
- An act to authorise the commissioners of the Academy in Burke county to dispose of certain lands belonging to the said institution, adjoining the town ;
- An act entitled an act, to amend an act, entitled an act, for licensing and regulating Pedlars ;
- An act for the relief of William S. Lancaster and Clement Lanier ;
- An act to add the county of Madison to the 2d brigade of the 4th division of the militia of this state ;
- An act to authorise Batt Wyche to erect a mill on the Oconee river at Ford's Shoals ;
- An act to alter the names of Lorinda Price, Florina Price and Linson Ebben Price, to that of Jackson ;
- An act for the relief of William Wilson, Zachariah Bell and Thomas M'Dade ;
- An act to amend and revise an act, to incorporate St. Mary's, passed the 10th day of December 1811 ;
- An act to incorporate the town of Dublin, in the county of Laurens, and to vest certain powers in the commissioners thereof ;
- An act to amend and explain the 29th section of the judiciary law of this state ;
- An act explanatory of the several judiciary laws of this state ;
- An act to make known and establish the dividing line between Camden and Wayne counties, and to add a part of Camden to Wayne ;
- An act to authorise the justices of the Inferior court of Baldwin county to
- levy an extra tax ;
- An act to add to the county of Jackson all that territory formerly comprehended in Franklin county, which was left out by Hawkins's line ;
- An act to authorise the Justices of the Inferior court of the county of Wilkinson to draw Grand and Petit Jurors for said county.
- An act to authorize the Justices of the Inferior court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.
- An act to make valid a transcribed copy of the records of the Ordinary Court of Scriven county, and to confirm the same in courts of Record— and
- An act to authorise the Commissioners of Milledgeville to lay off and lease four acres of land to Overoff Jordan. Which were presented to and severally signed by the President.
- Ordered that the committee on Enrolled bills do carry the said acts to His Excellency the Governor for his revision.
- Adjourned 'till ten o'clock Monday morning.

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MONDAY, 7th December, 1812.

On motion, Mr. Stevens and Mr. Pray had leave of absence after to-morrow and Mr Parks after this day for the remainder of the session.

On motion of Mr. Scruggs,

Resolved, that a committee be appointed to examine the accounts of the members of Senate of the present session.

number of the inhabitants in the county of Wilkinson, praying a removal of the site of the public buildings in the said county,

**REPORTED,**

That from the known uncertainty that exists in procuring titles to the lots of land mentioned and recommended by the petitioners, they are of opinion that the petitioners cannot be granted which being read was agreed to.

The following bills were taken up, and severally read the second time viz :

A bill to be entitled an act, to alter and amend the several estray laws now in force in this state.

Ordered for committee of the whole

The bill to be entitled an act, to compel Clerks of the Inferior courts and Justices of the Peace to lay before the Grand Juries of their respective counties, their official records.

Ordered for committee of the whole

And the bill entitled an act to change the name of the county of Randolph.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill entitled an act to amend the several acts heretofore passed for opening, and keeping open the Occanee river—Mr Lane in the chair; Mr President resumed the chair, and Mr Lane reported, that they had gone through the bill with an amendment.

The Senate took up the report, which was agreed to, and,

The said bill was read the 3d time, and passed as amended.

The Senate resolved itself into a committee of the whole on the bill en-

titled an act, to amend an act, entitled an act, to revise and amend the Judiciary System of this state, so far as it relates to the powers of a court of equity

—Mr Lanier in the chair; Mr President resumed the chair, and Mr Lanier reported, that the further consideration of this bill be postponed until August next.

The Senate took up the report, which was agreed to.

The Senate took up the report of the committee of the whole on the bill entitled an act, to raise a tax for the support of Government for the political year 1813, which was read and the amendments agreed to.

Whereupon the bill was read the 3d time, and passed as amended

Mr Blackman and Mr Thaspe had leave of absence until Monday next, and Mr Burnett and Mr Fort had leave of absence the remainder of the session, after Tuesday next.

Mr Owens presented a petition from Willoughby Jordan, which was read and referred to Messrs Owens, Montgomery and Daniel, a special committee to report thereon.

Mr Nesbit from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to form a new division out of the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson ;

An act to repeal an act, entitled an act, to make permanent the site of the public buildings for the county of Telfair ;

An act for the relief of David Speer;

- An act to appoint Port Wardens for the port of Savannah ;
- An act for the relief of William Stobo and Reuben Moore ;
- An act to authorise the commissioners of the Academy in Burke county to dispose of certain lands belonging to the said institution, adjoining the town ;
- An act entitled an act, to amend an act, entitled an act, for licensing and regulating Pedlars ;
- An act for the relief of William S. Lancaster and Clement Lanier ;
- An act to add the county of Madison to the 2d brigade of the 4th division of the militia of this state ;
- An act to authorise Batt Wyche to erect a mill on the Oconee river at Ford's Shoals ;
- An act to alter the names of Lorinda Price, Florina Price and Linson Ebben Price, to that of Jackson ;
- An act for the relief of William Wilson, Zachariah Bell and Thomas M'Dade ;
- An act to amend and revise an act, to incorporate St. Mary's, passed the 10th day of December 1811 ;
- An act to incorporate the town of Dublin, in the county of Laurens, and to vest certain powers in the commissioners thereof ;
- An act to amend and explain the 29th section of the judiciary law of this state ;
- An act explanatory of the several judiciary laws of this state ;
- An act to make known and establish the dividing line between Camden and Wayne counties, and to add a part of Camden to Wayne ;
- An act to authorise the justices of the Inferior court of Baldwin county to
- levy an extra tax ;
- An act to add to the county of Jackson all that territory formerly comprehended in Franklin county, which was left out by Hawkins's line ;
- An act to authorise the Justices of the Inferior court of the county of Wilkinson to draw Grand and Petit Jurors for said county.
- An act to authorize the Justices of the Inferior court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.
- An act to make valid a transcribed copy of the records of the Ordinary Court of Scriven county, and to confirm the same in courts of Record— and
- An act to authorise the Commissioners of Milledgeville to lay off and lease four acres of land to Overoff Jordan. Which were presented to and severally signed by the President.
- Ordered that the committee on Enrolled bills do carry the said acts to His Excellency the Governor for his revision.
- Adjourned 'till ten o'clock Monday morning.

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MONDAY. 7th December, 1812.

On motion, Mr. Stevens and Mr. Pray had leave of absence after to-morrow and Mr Parks after this day for the remainder of the session.

On motion of Mr. Scruggs, Resolved, that a committee be appointed to examine the accounts of the members of Senate of the present session.

number of the inhabitants in the county of Wilkinson, praying a removal of the site of the public buildings in the said county,

**REPORTED,**

That from the known uncertainty that exists in procuring titles to the lots of land mentioned and recommended by the petitioners, they are of opinion that the petitioners cannot be granted which being read was agreed to.

The following bills were taken up, and severally read the second time viz :

A bill to be entitled an act, to alter and amend the several estray laws now in force in this state.

Ordered for committee of the whole

The bill to be entitled an act, to compel Clerks of the Inferior courts and Justices of the Peace to lay before the Grand Juries of their respective counties, their official records.

Ordered for committee of the whole

And the bill entitled an act to change the name of the county of Randolph.

Ordered for committee of the whole.

The Senate resolved itself into a committee of the whole on the bill entitled an act to amend the several acts heretofore passed for opening, and keeping open the Oconee river—Mr Lane in the chair; Mr President resumed the chair, and Mr Lane reported, that they had gone through the bill with an amendment.

The Senate took up the report, which was agreed to, and,

The said bill was read the 3d time, and passed as amended.

The Senate resolved itself into a committee of the whole on the bill en-

titled an act, to amend an act, entitled an act, to revise and amend the Judiciary System of this state, so far as it relates to the powers of a court of equity

—Mr Lanier in the chair; Mr President resumed the chair, and Mr Lanier reported, that the further consideration of this bill be postponed until August next.

The Senate took up the report, which was agreed to.

The Senate took up the report of the committee of the whole on the bill entitled an act, to raise a tax for the support of Government for the political year 1813, which was read and the amendments agreed to.

Whereupon the bill was read the 3d time, and passed as amended

Mr Blackman and Mr Tharpe had leave of absence until Monday next, and Mr Burnett and Mr Fort had leave of absence the remainder of the session, after Tuesday next.

Mr Owens presented a petition from Willoughby Jordan, which was read and referred to Messrs Owens, Montgomery and Daniel, a special committee to report thereon.

Mr Nesbit from the committee on enrolled bills, reported as duly enrolled and signed by the Speaker, the following acts, to wit :

An act to form a new division out of the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson ;

An act to repeal an act, entitled an act, to make permanent the site of the public buildings for the county of Telfair ;

An act for the relief of David Speer;



- An act to appoint Port Wardens for the port of Savannah ;
- An act for the relief of William Stobo and Reuben Moore ;
- An act to authorise the commissioners of the Academy in Burke county to dispose of certain lands belonging to the said institution, adjoining the town ;
- An act entitled an act, to amend an act, entitled an act, for licensing and regulating Pedlars ;
- An act for the relief of William S. Lancaster and Clement Lanier ;
- An act to add the county of Madison to the 2d brigade of the 4th division of the militia of this state ;
- An act to authorise Batt Wyche to erect a mill on the Oconee river at Ford's Shoals ;
- An act to alter the names of Lorinda Price, Florina Price and Linson Ebben Price, to that of Jackson ;
- An act for the relief of William Wilson, Zachariah Bell and Thomas M'Dade ;
- An act to amend and revise an act, to incorporate St. Mary's, passed the 10th day of December 1811 ;
- An act to incorporate the town of Dublin, in the county of Laurens, and to vest certain powers in the commissioners thereof ;
- An act to amend and explain the 29th section of the judiciary law of this state ;
- An act explanatory of the several judiciary laws of this state ;
- An act to make known and establish the dividing line between Camden and Wayne counties, and to add a part of Camden to Wayne ;
- An act to authorise the justices of the Inferior court of Baldwin county to levy an extra tax ;
- An act to add to the county of Jackson all that territory formerly comprehended in Frankiin county, which was left out by Hawkins's line ;
- An act to authorise the Justices of the Inferior court of the county of Wilkinson to draw Grand and Petit Jurors for said county.
- An act to authorize the Justices of the Inferior court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.
- An act to make valid a transcribed copy of the records of the Ordinary Court of Scriven county, and to confirm the same in courts of Record—
- An act to authorise the Commissioners of Milledgeville to lay off and lease four acres of land to Overoff Jordan. Which were presented to and severally signed by the President.
- Ordered that the committee on Enrolled bills do carry the said acts to His Excellency the Governor for his revision.
- Adjourned 'till ten o'clock Monday morning.
- 0000000—
- MONDAY, 7th December, 1812.
- On motion, Mr. Stevens and Mr. Pray had leave of absence after to-morrow and Mr Parks after this day for the remainder of the session.
- On motion of Mr. Seruggs,  
Resolved, that a committee be appointed to examine the accounts of the members of Senate of the present session.

Ordered, that Messrs. Scruggs, Montgomery and Owens be that committee.

On motion of Mr. Talbot,

Resolved, that the Senate will adjourn on Wednesday next, sine die, and that the House of Representatives be notified of the same, and requested to arrange their business accordingly.

The bill to appropriate money for the political year 1813, was read the 2d time, and

Thereupon the Senate resolved itself into a committee of the whole on the said bill. Mr Talbot in the chair: Mr. President resumed the chair and Mr Talbot reported progress and had leave to sit again.

The Senate resolved itself into a committee of the whole on the bill to change the name of Randolph county. Mr Proctor in the Chair. Mr President resumed the chair and Mr. Proctor reported that they had gone through the same without any amendment.

The Senate took up the report which was read and agreed to.

Whereupon the said bill was read the third time and passed.

The Senate resolved itself into a committee of the whole on the bill to be entitled an act, to alter and amend the several stray laws of this state-- Mr Pray in the chair; Mr President resumed the chair, and Mr Pray reported, the further consideration of this bill be postponed till June next.

The Senate took up the report, which was agreed to.

The Senate resolved itself into a committee of the whole on the bill to

compel Clerks of the Inferior court and Justices of the Peace to lay before the Grand Juries of their respective counties, their official records—Mr Byne in the chair; Mr President resumed the chair, and Mr Byne reported, the further consideration be postponed till June next, which was taken up and agreed to.

On motion of Mr Owens,

Resolved, That the Senate and House of Representatives do convene on this day at 4 o'clock, in the Representative Chamber, for the purpose of electing a Major General of the 5th division of the militia of the state of Georgia & a Brigadier General of the 1st Brigade of the 5th Division and also a Brigadier General of the 2d brigade of the 5th division.

The bill regulating attachments was taken up and ordered to lie on the table for the remainder of the session.

On motion of Mr Irwin,

Resolved, That Richard A. Blount be appointed a Justice of the Inferior court of the county of Washington, in place of Francis Boyakin, esq. being now detached to Baldwin county.

On motion of Mr. Daniel,

Whereas the Legislature at their last session passed a bill to alter the 4th and 5th sections of the 3d articles of the Constitution of this state, and this Legislature at their present session have also passed the aforesaid bill by a majority of two thirds of each branch as required by the 15th section of the 4th article of the Constitution of this state.

And whereas through some mistake, a new bill has been presented to, and

signed by the Speaker of the House of Representatives and President of the Senate in lieu of the aforesaid original bill, and as the said original bill has passed the last and present session by a majority of two thirds of each branch of the Legislature as contemplated by the 15th section of the 4th article of the constitution of this state, it becomes necessary that the Speaker of the House of Representatives and President of the Senate should sign the said original bill ;

**Resolved** therefore, that the Speaker of the House of Representatives and President of the Senate do sign the aforesaid original bill, and that the Clerk of the House of Representatives and Secretary of the Senate do attest the same, which resolution being read, was agreed to

A message from the House of Representatives by Mr. Holt their clerk ;  
Mr. President ;

The House of Representatives have passed a resolution appointing David W. Crawford a Notary Public for the county of Columbia and Jacob P. Turner a Notary Public for the county of Hancock ;

A resolution requesting the next Legislature to wear and appear in full suit of homespun of the manufactory of this state ;

A resolution appointing James B. Spinger and Levi D'Lyon Notaries Public for the county of Chatham ;

A resolution appointing Daniel Miller Lumber Measurer for the river Sattilla, in the county of Camden ;

And a resolution authorising His Excellency the Governor, if he should

deem it expedient and necessary, to employ some attorney to assist the Solicitor General of the Ocmulgee district in the case of the State vs. Scott and Thomas, for the overplus paid them for building the State house.

They have passed the following bills.  
A bill for the relief of Benjamin Brown ; and,

A bill to amend an act, to appoint commissioners for the better regulation of the town of Milledgeville.

The Senate took up the message, and the said resolutions were severally concurred in, and the bills were read the first time.

On motion of Mr Swain,  
**Resolved**, that Edward Douglass, Reuben Neal and Milliner Holiday be, and they are hereby appointed justices of the Inferior court of the county of Emanuel.

A message from His Excellency the Governor by Mr Porter his Secretary,  
to wit :

Executive Department, Georgia, }  
Milledgeville, 7th Dec'r, 1812. }  
*Mr. President, and*

*Gentlemen of the Senate.*  
A concurred resolution of the 23d of last month which originated in Senate, authorising & requiring the Governor to direct Col. Hawkins to call on the Chiefs of the Creek nation, to deliver the wounded Indians, if alive, and such other warriors as were engaged in the late action in Florida, to such person or persons, and at such time and place as His Excellency may appoint, has been received and duly considered. By the preamble to the said resolution, it is stated, that some of the members of the

Legislature have received information from a gentleman of respectability, who is just from the Creek nation, stating that he was informed by the Indians that there were three Indians belonging to the Creek nation who had lately returned home badly wounded, and that they received their wounds in a fight that the white people and Indians had in Florida. I am constrained to re-

turn this resolution to the Senate, as the branch of the General Assembly in which it originated, with my dissent, and for the following reasons, viz.

1st. Because, by the preamble a certain fact is said to exist upon which a resolution is predicted, and as the Legislature no doubt passed the resolution upon some evidence of the existence of that fact, the same evidence which enabled them to form a decision ought to have accompanied the resolution to the Executive Department, otherwise the constitutional discretion of that department cannot be fairly exercised.

2d. Because, in making the demand contemplated by the resolution, the Executive ought to be in possession of the evidence which would support such demand, and impose upon the nation or party upon whom the demand is made the necessity of compliance.

The first paragraph of a letter which I received from Col. Hawkins on Saturday last on this very subject, a copy of which is herewith submitted, is conclusive evidence of the necessity of attending to the points which form the substance of my objections to the resolution, since it contains a denial of the fact upon which the Legislature have proceeded.

Other serious objections might be urged against the adoption of this resolution, but as those already stated are of themselves it is hoped sufficient to induce the Legislature to reconsider it, and if again submitted to the Executive to accompany it with the evidence of the fact stated, they will not now be adduced.

D. B. MITCHELL.

*Copy of a letter from Col Hawkins to His Excellency Governor Mitchell, dated,*

CREEK AGENCY, 1st Dec. 1812.

On my arrival at Fort Hawkins, I met Mr Limbaugh with two runaway negroes belonging to citizens on the frontiers. I communicated to him a report I had from a gentleman in Millidgeville, that Col. Joseph Phillips, coming through this Agency, was near a house where there were three wounded Indians who had returned from Aulotchewae, and he could have seen them. Mr Limbaugh says the report cannot be true, that travellers coming daily from the West, bear testimony to the friendly conduct of the Indians, who, on enquiry relative to affairs at Aulotchewae, knew nothing of any wounded Indians from that quarter.

Two men of the name of Hardridge, of good character, who have resided among us nearly twenty years, & mostly at the large towns above the confluence of Flint and Chatahuche, and are connected by marriage with respectable Indian families, and speak their language, this day called on me. They came up through the towns and by Mr Barnard's. They heard two young men and their mother had come from

Another was to reside below the confluence of Flint and Chatahucnee rivers, but none of the waring Indians had come within the United States.— I have myself no doubt of the truth of both statements. The waring Indians exact greatly at the white people being compelled half starved on horse meat, to retreat from their country without effecting their object. The elder Hardridge is of opinion, if the expedition had succeeded in destroying the two towns, that it would have had a happy effect upon all the red people, and that its failure has emboldened the Indians, and rendered them more assuming, impudent and ungovernable than they have been heretofore. He speaks of the waring Indians.

I have the honor to be,  
With great personal regard,  
My dear sir,  
Your obed't servant,

(Signed)

**BENJAMIN HAWKINS**

*Governor of Georgia.*

I am instructed by His Excellency Governor Mitchell, to inform the Senate that he has approved of, and signed sundry resolutions which originated in this branch of the Legislature, the substance of which are as follows, to wit:

One appointing Thomas Swain and Zeba Fletcher, esqrs. justices of the Inferior court of Telfair county, vice John Pearce removed, and William Hinly resigned;

One confirming the Executive appointment of Wm. Kindrick, esq. as a justice of the Inferior court of Morgan county, vice John Lane resigned;

One appointing Samuel Miller Bond and James Keys, esqrs. Notaries Public for the city of Savannah;

One appointing David Blackshear, Noah Stringer, Amos Love and Neal Monroe, esqrs. commissioners for the county of Laurens, the two former vice Benjamin Adams & Jethro B. Spivey, esqrs. resigned;

One requiring the justices of the Inferior court of each of the counties of Laurens and Pulaski to pay over to John Thomas a reasonable compensation for his services in surveying and laying out the county of Pulaski;

One appointing Thomas Brannen, Aaron Smith, Paul Bevill, jr. and William Young, esqrs. justices of the Inferior court of Scriven county;

One directing the commissioners of the town of Milledgeville to lease to Jane Rucker five acres of land out of the town common, adjoining the lease she is already in possession of, for the term of nine years;

One appointing Solomon Thompson esq. a justice of the Inferior court of Warren county, in the place of Isaac Ball, resigned;

One on the memorial of John McKinnon;

One on the subject of militia claims against the United States, by captain Jonas Fauche and others;

The one requiring His Excellency the Governor to direct Col Hawkins to call on the Chiefs of the Creek nation, to deliver certain wounded Indians if alive, and such other warriors as were engaged in the late action in Florida, to such person or persons as he may appoint, &c. he has disapproved of, for the following reasons, to wit:

1st. Because, by the preamble a certain fact is said to exist upon which the Resolution is predicated, and as the Legislature no doubt passed the resolution upon some evidence of the existence of that fact, the same evidence which enabled them to form a decision ought to have accompanied the resolution to the Executive Department, otherwise the Constitutional discretion of that Department cannot be fairly exercised.

2d. Because, in making the demand contemplated by the Resolution, the Executive ought to be in possession of the evidence which would support such demand, and impose upon the nation or party upon whom the demand is made, the necessity of compliance.

I am also instructed by him to return to the Senate sundry bills which originated in this branch of the Legislature which he has assented to and signed, to wit ;

An act explanatory of the several Judiciary Laws of this state.

An act to amend and explain the 29th section of the Judiciary Law of this state.

An act to amend an act entitled, an act for licensing and regulating Peddlars.

An act to make known and establish the dividing line between Camden and Wayne counties, and to add a part of Camden to Wayne.

An act to authorise Batt Wyche to erect a mill on the Oconee river at Ford's Shoals.

An act to appoint Port Wardens for the Port of Savannah.

An act to add to the county of

Jackson all that Territory formerly comprehended in Franklin county, and which was left out by Hawkins's line

An act to change the names of certain persons therein mentioned.

An act to authorise the Inferior court of Baldwin county to select fit and proper persons to serve as Grand and Petit Jurors.

An act to add the county of Madison to the second brigade of the 4th division of the militia of this state

An act for the relief of Wm. Wilson, Zachariah Bell and Thomas M<sup>rs</sup> Edc.

An act to amend an act, entitled an act to amend and revise an act to incorporate the town of St. Mary's, passed the 10th December, 1804.

An act for the relief of William Stobo and Reuben Moore.

An act for the relief of Benjamin Moore.

An act for the relief of Wm. S. Lancaster and Clement Lanier.

An act to authorize the Inf'r Court of the county of Wilkinson to draw Grand and Petit Jurors for said county.

An act to repeal an act, entitled an act to make permanent the site of the public buildings for the county of Talfer, passed 3d December, 1811.

An act to alter the names of Lorinda Price, Florina Price, and Linson Ebbin Price to that of Lorinda Jackson, Florina Jackson and Linson Ebbin-Jackson.

An act to authorise the Commissioners of the town and academy of Waynesborough, in Burke county, to dispose of certain lands belonging to said institution adjoining the town com.

mons;

An act to invest William A. Dunham with the exclusive right and privilege of running a line of Stages from Savannah to St. Mary's, for the term of ten years from the first day of January next;

An act to authorise His Excellency the Governor forthwith to contract with fit and proper persons to make a certain number of rifle guns, with the apparatus thereunto belonging, for the use of the militia of this state; and,

An act to form a new division out of the counties of Randolph, Jones, Twiggs, Pulaski, Telfair, Laurens and Wilkinson.

The Senate took up the message, which being read, was ordered to lie on the table.

On motion of Mr Owens,

Resolved by the Senate and House of Representatives, that the commissioners of the town of Milledgeville are hereby authorised and required to measure and lay off two acres of land on the South side of Fishing creek, adjoining a fraction belonging to George Micklejohn, to Willoughby Jordan, for the term of ten years, for the purpose of erecting a tan yard thereon, the aforesaid two acres of land being on the town common.

On motion of Mr Swain,

Whereas by an act for laying out and defining the boundary of Emanuel county, the present site of public buildings of the county of Montgomery is within the limits of the said county of Emanuel;

And whereas no provision is made in said act relative to public officers,

civil and military, who may be thrown into Montgomery county from the counties of Telfair & Tatnall—and whereas no commissioners have been appointed by said act to fix on and establish the site of the public buildings for said county of Montgomery—for remedy whereof;

It is resolved that the present civil and military officers do retain their commissions, and exercise their offices in the same manner as if they had been commissioned for Montgomery county, and that Thomas Mitchell, Henry Greenwood, Robert Flournoy and Thomas Moore be, and they are hereby appointed Justices of the Inferior court of said county of Montgomery, and that the above named justices of the Inferior court, and Benjamin C. Cray who holds a commission as justice of the Inferior court of Telfair, and is cut off by said act in Montgomery county be, and they are hereby appointed commissioners to fix on and establish the site of the public buildings in Montgomery county, and that in the mean time, the Superior and Inferior courts and county elections be held at the house of James Alston, at which place an election shall be held on the first Monday in January next, for the purpose of electing Sheriff, Clerks of the Superior and Inferior courts, Coroner, Receiver of tax returns and Collector of taxes, and all other officers that may be required for the organizing of said county.

Ordered to lie on the table.

A message from His Excellency the Governor by his Secretary Mr Porter;

Mr President;

His Excellency the Governor has

concerned in the resolution appointing this day to proceed to the election of Major General and two Brigadier Generals for the 5th division of the militia of this state, and he withdrew.

A message from the House of Representatives by Mr Holt their clerk ;  
Mr President ;

The House of Representatives are now ready to receive the Senate on their floor to proceed by joint ballot to the election of Major General and two Brigadier Generals for the 5th division of the militia of this state, and he withdrew.

The Senate repaired to the floor of the Representative House, and being seated, the Legislature proceeded by joint ballot to said election, and on counting out the votes, it appeared that Gen. David Adams was unanimously elected Major General, and Dr William Lee Brigadier General of the first Brigade of the 5th division, and Major David Blackbear Brigadier General of the 2d Brigade of the same.

The Senate repaired to their Chamber, and,

Adjourned till 10 o'clock tomorrow morning.

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TUESDAY, 8th December, 1812.

The minutes of yesterday were reconsidered so far as relates to the concurrence in the resolution appointing Notaries Public for the city of Savannah ; and

Ordered that said resolution do lie on the table.

The Senate resolved itself into a committee of the whole on the bill to appropriate money for the political

year 1813. Mr Talbot in the chair. Mr. President resumed the chair and Mr Talbot reported, that they had gone through the bill with amendments.

The Senate took up the report and it was amended.

Whereupon the bill was read the third time and passed as amended.

Mr. Blackman called up the resolution laid on the table yesterday relative to Emanuel county, & moved that the following be inserted in lieu thereof.

Whereas by an act for laying out & defining the boundary of Emanuel county, the present site of the public buildings of the county of Montgomery is within the lines of said county of Emanuel ; and

Whereas no provision is made in said act relative to public officers, for remedy whereof ;

Be it resolved, that Benjamin C. Cray, Thomas Moore, John H. Bryant, Robert Flournoy and Moses Daniel be, and they are hereby appointed Justices of the Inferior court for the county of Montgomery.

Also resolved, that the aforesaid justices of the Inferior court be, and they are hereby appointed commissioners to fix on the site of the public buildings for said county of Montgomery, and all elections, Superior and Inferior courts, shall be held at the house of James Alston, while such public buildings may be erected.

A message from the House of Representatives by Mr Holt their clerk ;  
Mr President ;

The House of Representatives have agreed to the amendments to the bill to amend the several acts heretofore



passed for opening, and keeping open the Oconee river ;

In the amendment to the tax act ;

In the amendments to the bill to admit Grand Jurors to give evidence ;

In the amendments to the bill to incorporate the Insurance company of Savannah ;

In the amendments to the bill to amend the act more effectually to open and keep in repair the public roads, causeways and bridges ;

In some, and disagreed to others of the amendments to the bill to amend the act, entitled an act, to peep open, remove and prevent obstructions in Savannah river.

They adhere to the original resolution on the subject of the Brigade Major of the Cavalry ;

They agree to the resolution appointing Edward Douglass and Reuben Neal justices of the Inferior court of the county of Emanuel, with the following amendment—strike out Edward Douglas and Reuben Neal, and insert Jesse Meezles and Francis Pugh ;

And they have passed a resolution appointing this day to elect two Directors for the Planters' Bank of the state of Georgia, and he withdrew.

The Senate took up the message, and resolved to adhere to their amendment to the bill to prevent obstructions in the Savannah river ;

They recede from their amendment on the resolution in favor of the Brigade Major of Cavalry, and agreed to the amendment to the resolution appointing justices of the Inferior court of Emanuel county, and concurred in the resolution appointing this day for

the election of two Directors for the state in the Planters' Bank of the state of Georgia.

The Senate concurred in the resolution appointing James Eppinger and Levi D'Lyon Notaries Public, with the following amendment, add John Drysdale.

On motion,

Ordered that Mr Owens be added to the committee on enrolled bills.

On motion of Mr Hudspeth,

Resolved, that Robert Freeman be appointed a justice of the Inferior court of Oglethorpe county, in the place of Charles Mathews, esq. resigned.

On motion of Mr Griffin,

Resolved, that Charles M'Kinnon be, and he is hereby appointed a justice of the Inferior court for the county of Telfair, in place of Benjamin Cray, who is attached to Montgomery county by the late division of Montgomery county

The bill to be entitled an act for the relief of Benjamin Moore was taken up and read the second time, whereupon the Senate resolved itself into a committee of the whole on the said bill—Mr Hudspeth in the chair ; Mr President resumed the chair, and Mr Hudspeth reported, that they had gone thro' the same without any amendment.

The Senate took up the report, which was agreed to.

The bill to be entitled an act, to amend an act, to appoint commissioners for the better regulation of the town ofsville was taken up and read the 2d time ;

Whereupon the Senate resolved itself into a committee of the whole on

Mr Irwin in the chair; Mr President resumed the chair, and Mr Irwin reported, that they had gone through the same with an amendment

Ordered that the report do lie on the table.

Adjourned till 4 o'clock this evening.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives do still adhere to their disagreement to the amendment made by Senate to the bill to prevent obstructions in the Savannah river;

And have appointed a committee to confer on the subject matter in dispute, and he withdrew

The Senate took up the message, and appointed Messrs Leigh, Irwin and Wood a committee to confer on their part.

Adjourned till half after 9 o'clock to morrow morning.

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WEDNESDAY, 9th December 1812

The bill for the relief of Benjamin Moore was taken up and read the 3d time, and passed.

The report of the committee of the whole on the bill entitled an act, to appoint commissioners for the better regulation of the town of Milledgeville was taken up read and agreed to;

Whereupon the bill was read the 3d time, and passed as amended.

On motion of Mr Proctor,

Resolved that the two branches of the Legislature will convene in the Representative Room this afternoon at

11 o'clock, for the purpose of electing two Directors to represent the shares to be subscribed for in the Planters' Bank of the State of Georgia, who are hereby authorised to act so soon as they shall be notified by His Excellency the Governor, and not before.

And be it further resolved, That in case of death or resignation of either of the aforesaid Directors in the recess of the Legislature, it shall be the duty of His Excellency the Governor to fill the same.

On motion of Mr Blackman,

Resolved, That Daniel Brinson be, and he is hereby appointed a justice of the Inferior court for the county of Tatnall in place of Wilson Conner, who is attached to Montgomery county by the late division.

A message from the House of Representatives by Mr Holt their clerk;

Mr President;

The House of Representatives have passed the bill to authorise the justices of the Inferior court of the county of Madison to levy an extra tax.

The bill for the relief the purchasers of lots in Sumpsterville, in Laurens county;

The bill to authorise Sherod M'Call to open, and keep open a road from High Bluff on the Ogechee river thro' the counties of Effingham and Chatham;

The bill to repeal an act, entitled an act, to establish and regulate the Inspection of flour, passed the 16th Dec. 1811, with an amendment;

And the bill to compel citizens of the different counties in this state, as well as citizens of other states who do now, or hereafter may own slaves residing

in the county of Scriven, to make a return of, and pay tax on all such slaves as aforesaid, to the receivers of returns and collectors of taxes, for the aforesaid county of Scriven, either by themselves, their attorneys, agents, trustees or guardians ; and the bill to be entitled, an act to amend and explain an act, entitled an act, to legalize and make valid certain acts of Sheriffs and Clerks, and to regulate the admission of evidence in the several courts of law and equity in this state, so far as relates to certain papers, with an amendment.

They have passed the bill to be entitled an act to amend an act, entitled an act, more effectually to provide for the organization and equipment of the Cavalry of this state, with amendments.

And the bill to amend and consolidate the militia laws of this state, with sundry amendments.

They have passed a resolution to destroy certain papers in the Treasury Office ;

And a resolution on the subject of confiscation ;

They have passed a resolution appointing a committee to examine the Journal of the House of Representatives for the remainder of the present session, and on the part of this House to see the Great Seal affixed to such acts as may remain in the Executive Department, at the end of the session ;

And they have agreed to the report of the committee of conference on the subject matter in dispute, on the bill to prevent obstructions in Savannah river.

A message from His Excellency the

Governor by his Secretary Mr Porter ;  
Mr President ;

I am directed by His Excellency the Governor to notify the Senate, that he has approved of and signed a resolution to proceed on this day at one o'clock, for the purpose of electing two Directors of the Planters' Bank of the State of Gergia, and he withdrew.

A message from the House of Representatives by Mr. Holt their clerk ;  
Mr. President ;

The House of Representatives are in readiness to receive the Senate in their Chamber, for the purpose of electing two Directors of the Planters' Bank of the State of Georgia, and he withdrew.

The Senate then repaired to the Representative floor, and being seated, the Legislature proceeded by joint ballot to said election, and on counting out the votes, it appeared that Charles Harris, esq. attorney of Savannah, and Thomas Mendenhall, esq. was duly elected.

A message from His Excellency the Governor by Mr Porter his Secretary ;  
Mr President ;

His Excellency the Governor has approved of and signed the following resolutions from Senate, viz :

One appointing Wiley Robeson and Benjamin Lises, esqrs. commissioners of the Court-house and Jail for the county of Wayne, vice George Linder removed, and John Roberts refusing to serve ;

One appointing Dr. Robert Grant and Raymond Demerie, sen. commissioners of Glynn county Academy, in addition to those already appointed ;









