

EXECUTIVE DEPARTMENT,

Milledgeville, 30th December, 1830,

Agreeably to a resolution of the Legislature, Ordered. That the subjoined Act be published once in the Federal Union, Augusta Chronicle and Macon Telegraph.

By the Governor,

MILLER GRIEVE, Sec'y Ex Dep.

AN ACT to authorize the Governor to take possession of the Gold, silver and other Mines, lying and being in that section of the chartered limits of Georgia, commonly called the Cherokee country, and those upon all other unappropriated lands of the State, and for punishing any person or persons, who may hereafter be found trespassing upon said Mines.

WHEREAS the Gold, Silver and other Mines, situate in the Cherokee country, within the jurisdictional limits of Georgia, are of right the property of Georgia—And whereas great waste has been committed by the trespass and intrusion of numberless citizens of this and other States, in digging, taking and carrying away, large quantities of Gold from said Mines—For remedy whereof.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General assembly met, and is hereby enacted by the authority of the same. That the Governor is hereby authorized and required for, and in behalf of the citizens of Georgia, to take immediate possession of all the Gold, Silver and other mines which have been discovered, and of all those which may hereafter be discovered, as soon as practicable, in the said Cherokee country, within the chartered limits of Georgia, and of all those upon other unappropriated lands of the State, subject nevertheless to any disposition by the legislative enactments, and that he be empowered, if it should in his judgement become necessary, to employ such military force as may by him be deemed competent to take into possession the said mines, and to protect and defend them from further trespass.

Sec. 2. And be it further enacted. That the sum of twenty thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, subject to the warrant of the Governor, to carry into effect the object contained in the foregoing section.

Sec. 3. And be it further enacted, For the better securing said mines from trespass, that if any person or persons shall be guilty of digging for gold, silver or other metal upon said mines, or who shall take from, or carry away any gold, silver or other metal from any of the said mines, unless authorized by law, he, she or they, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to hard labor in the Penitentiary for, and during the term of five years.

Sec. 4. And be it further enacted, That if any person or persons, not authorized by law, shall employ any white man, Indian, negro or mulatto, to dig for gold, silver or other metal, upon said mines or to take or carry away any gold, silver or other metal from said mines, he, she or they, so employing said white man, Indian, negro or mulatto, to dig for gold, silver or other metal upon said mines, or to take or carry away gold, silver or other metal from said mines, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by confinement in the Penitentiary, at hard labor, for and during the term of four years.

Sec. 5. And be it further enacted, That nothing in this act shall be so construed as to confine any negro slave in the Penitentiary of this State.

Sec. 6. And be it further enacted, That each and every negro slave and other property owned and employed in trespassing on said mines, by any person or persons convicted of misdemeanors contemplated by this act, shall be confiscated and sold, and after the expenses of trial and condemnation shall have been paid the nett proceeds of such sale, shall be paid over to the Treasurer of this State for the use thereof.

Sec. 7. And be it further enacted, That his Excellency the Governor, is hereby authorized to appropriate one or more agents, if he should deem it necessary, for the protection of the gold mines in the Cherokee country, or other unappropriated lands of the State, and for the purpose of assisting in the enforcement of the laws of this State over the said country and land, whose duty it shall be to give to the civil authority, information of any trespass upon the gold mines, or violation of the laws of this State, and to see that the transgressors are promptly proceeded against, and to give information from time to time to his Excellency the Governor, of the actings and doings in said premises.

Sec. 8. And be it further enacted, That such parts of this act as relate to the punishment of trespasses upon the mines, within the limits of the Cherokee nation, shall not take effect until the first day of January, eighteen hundred and thirty one.

Sec. 9. And be it further enacted, That all persons who shall be arrested by virtue of this act, and shall be liable for costs, and who may be found unable to pay such costs as may be incurred, the costs thus incurred shall be defrayed by the State, any law to the contrary notwithstanding. Provided that the provisions of this section shall not extend to persons residing within the old limits of the county where they may be confined.

ASBURY HULL

Speaker of the House of Representatives.

THOMAS STOCKS,

President of the Senate.

Assented to 2d December, 1830.

GEORGE R. GILMER, Governor.

Secretary of State's Office.

MILLEDGEVILLE, Dec. 2d, 1830.

The foregoing is a true copy from the original act on the file in this office, with the great seal of the State affixed thereto. EVERARD HAMILTON,

Secretary of State.