

Extracts from the Journal of the House of Representatives.

WEDNESDAY, November 20, 1793.

A message from the senate by their secretary Mr. Watkins.

Mr. Speaker, The senate have passed a bill to be entitled, an act to revise and amend the judiciary act---and a resolution appointing a committee to join any committee this house may appoint, to report to each branch of the legislature the sums necessary to be provided for by law for payment of the salaries of the officers of government for the present and ensuing year, to which they desire the concurrence of this house---and he withdrew.

THURSDAY, November 21, 1793.

A bill to be entitled, an act declaratory of certain parts of the retained sovereignty of the state of Georgia, was read the third time.

And on motion made---*Resolved,* That the bill be inserted at full length on the journals of this house.

Resolved, That the bill do pass under the title of "an act declaratory of certain parts of the retained sovereignty of the state of Georgia."

Ordered, That the clerk do carry the same to the senate and desire their concurrence.

Ordered, That Mr. James Jones of Chatham, Mr. Fort and Mr. J. Jones of Burke be appointed a committee to prepare and report a bill to fix upon the time of holding elections for members of convention to revise and amend the constitution and determining the time and place where the said convention shall meet.

Ordered, That Mr. Waldburger, Mr. McNeil and Mr. George Jones be appointed a committee to prepare and report a bill to be entitled, an act to amend an act pointing out the mode under which property reverting to the state shall be disposed of.

FRIDAY, November 22, 1793.

On motion, *Resolved,* That the house will take up no petitions, this session, not presented before the 30th instant.

An engrossed bill to be entitled, an act to punish persons convicted of bastardy and other immoralities, was read the third time.

Resolved, That the bill do pass, and that the title be, an act respecting bastardy and other immoralities.

Ordered, That the clerk do carry the same to the senate and desire their concurrence.

On motion, *Resolved,* That his excellency the governor be requested to furnish this house with a statement of the militia men in the several counties of this state, designating the several companies, battalions, or regiments; the companies of artillery, infantry, foot and cavalry; with a statement of the arms in their possession, together with the several arsenals within the limits of this state where military stores are deposited.

SATURDAY, November 23, 1793.

The house resumed the order of the day, and resolved itself into a committee of the whole to take under consideration a bill to be entitled, an act to prevent the importation of negroes to this state, and for other purposes therein mentioned.

Mr. speaker left the chair.

Mr. Worsham took the chair of the committee---Mr. speaker resumed the chair, and Mr. Worsham from the committee of the whole house, reported, that the committee had according to order, again taken the said bill under consideration, had gone through the same, and made several amendments thereto.

And the bill with the amendments being read;

On the first section of the said bill in the words following:

"A bill to be entitled, an act to prevent the importation of negroes to this state, and for other purposes therein mentioned.

"Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and by the authority of the same, That after three months from the passing of this act, any

person or persons who shall directly or indirectly import to this state from the coast of Africa or any of the West-India, Windward, Leeward, or Bahama Islands, or from either of the adjacent provinces of East or West Florida, any negroe, mulatto or mustizoe slave or slaves, who has been months in the same, for sale or otherwise, every such person or persons shall forfeit and pay to the state fifty pounds each for every negroe, mulatto or mustizoe slave so imported as aforesaid."

A motion was made by Mr. Simms, that the house do disagree to the amendments made to the said bill to strike out the words "the coast of Africa or" and on the question "shall the house disagree to the amendment proposed?"

The yeas and nays being required are as follow:
Yeas. Messrs. Farrow, Farley, Greer, Graybill, Hardin, Jas. Jones of Burke, R. Jones, Simms, &

Nays. Messrs. Burnett, Carnes, Fort, Fabian, Howell, Hammond, Harris, Jas. Jones of Chatham, G. Jones, Jack, Lanier, McNeil, McIntosh, Rutherford, Stewart, Waldburger, Winn, Walker, Watkins, Worsham and Wilkinson, 21.

Ordered, That the bill be engrossed for a third reading.

The house proceeded to take under consideration the report of the committee to whom was referred the petition of sundry inhabitants of the counties of Wilkes and Franklin, praying that an explanatory act may pass the legislature confirming certain doubtful county lines, which was ordered to lie on the table. And the report being read, is as follows:

Resolved. That it is the opinion of the committee, that the district north-east of Greene county line, that is to say, from the head of Ogechee river to the Cherokee corner, is, and shall be considered as a part of Wilkes, and the grantees of all lands surveyed therein since the 15th June 1784, confirmed in their titles, the oldest taking preference, whether the said grants shall have been obtained by warrants from the counties of Wilkes, Greene or Washington---And your committee are further of opinion, that if any lands within the said district, that is to say, between Wilkes and Greene counties was surveyed prior to the 15th June 1784, such surveys and grants ought to be considered void and the lands held by the state, and disposed of as a future legislature may direct: *Provided,* that in such disposal, all occupants prior to June 1791, ought to have pre-emption---And the committee further are of opinion, that the boundary line between Franklin and Elbert counties ought to be immediately ran and marked by the county surveyor according to the act creating the said county of Franklin.

And the report being again read, was on the question put thereupon, agreed to by the house.

Ordered, That Mr. Early, Mr. Fort and Mr. Graybill be appointed a committee to prepare and report a bill conformable to the subject of the said report.

Mr. Fort from the committee appointed to prepare and report a bill to be entitled, an act to establish an inspection of tobacco on the Savannah river, at the mouth of Lightwood Log creek, reported the same, which was received and read the first time.

Mr. G. Jones from the committee on finance, to whom it was referred to prepare and report a bill to be entitled, an act appropriating money for the year 1794, reported the same, which was received and read the first time.

Ordered, That a committee be appointed to prepare and report a bill to be entitled, an act to revise and amend an act entitled, an act for regulating the town of Augusta, and for regulating the town of Savannah and hamlets thereof; and that Mr. George Jones, Mr. Waldburger and Mr. Jack be that committee.

MONDAY Nov. 25, 1793.

Mr. Early from the committee appointed to

prepare and report a bill to be entitled, an act to explain and amend certain doubtful county lines, and for other purposes, reported the same, which was received and read the first time.

An engrossed bill to be entitled, an act to prevent the importation of negroes to this state, and for other purposes therein mentioned, was read the third time.

Resolved, That the bill do pass and that the title be, an act to prevent the importation of negroes to this state, and for other purposes therein mentioned.

Ordered, That the clerk do carry the same to the senate and desire their concurrence.

Mr. G. Jones from the committee on finance, to whom it was referred to prepare and report a bill to be entitled, an act to impose a tax on the inhabitants of this state for the support of government for the year 1794, reported the same, which was received and read the first time.

~~The house~~ *Resolved* itself into a committee of the whole to take under their consideration a bill to be entitled, an act to lay out a county out of part of the counties of Burke and Effingham.

Mr. speaker left the chair--

Mr. Simms took the chair of the committee, and having spent some time therein, Mr. speaker resumed the chair, and Mr. Simms from the committee of the whole reported, that the committee had according to order taken the said bill under consideration, had gone through the same, and made several amendments thereto, which he delivered in at the clerk's table.

And the bill with the amendments being read,

Ordered, That the bill be engrossed for the third reading.

TUESDAY, Nov. 25, 1793.

An engrossed bill to be entitled, an act to lay out a county out of part of the counties of Burke and Effingham, was read the third time.

Resolved, That the bill do pass, and that the title be, An act to lay out a county out of part of the counties of Burke and Effingham.

Ordered, That the clerk do carry the same to the senate and desire their concurrence.

Mr. James Jones of Chatham, from the committee on enrolled bills reported, that they had examined an act for opening and keeping clear the navigation of Ogechee river, and find the same truly enrolled.

The speaker signed the aforesaid act.

Mr. McIntosh presented a petition from several persons whose names are thereunto subscribed, stating sundry propositions relative to the western territory of this state, for the consideration of the legislature; which being read, was ordered to be referred to a special committee, to consist of a member from each county.

Ordered, That Mr. Waldburger, Mr. Stuart, Mr. Burnet, Mr. Carnes, Mr. Lanier, Mr. Kemp, Mr. Watkins, Mr. Simms, Mr. Early, Mr. Barnett, Mr. Hardin, Mr. Graybill and Mr. Rutherford be that committee.

On motion *Resolved*, that the senate be requested to appoint a committee to join a committee already appointed by the house of representatives, to take into consideration the application of certain persons who have this day applied to the legislature by petition, stating proposals for the purchase of a part of the western territory of this state, and to form settlements thereon.

The house took under consideration a resolution of the senate sent for concurrence in the words following, to wit,

Whereas a number of persons have just claims against the government of this state for supplies furnished the militia when in actual service,

Resolved, That the auditor is hereby directed and required to audit all such claims or demands on the necessary evidences to substantiate such claims being to him produced.

And the said resolution being read, *Resolved*, That this house doth disagree to the same.

Ordered, That the clerk do acquaint the senate thereof.

WEDNESDAY, Nov. 27, 1793.

An engrossed bill to be entitled, an act for the regulating and keeping in repair the public roads and bridges, in the several counties within this state, was read the third time,

Resolved, That the bill do pass, and that the title be "an act for keeping in repair the roads and bridges in the several counties within this state."

Ordered, That the clerk do carry the same to the senate and desire their concurrence.

A message from the senate, by their secretary Mr. Watkins.

Mr. Speaker, The senate do concur in the requisition of this house to appoint a committee of their body, to join the committee appointed by the house of representatives, on the subject of improving the navigation of the Savannah river, and have named Mr. Jones, Mr. Blackburn and Mr. Cavthon, as a committee on their part for that purpose. The senate also concur in the requisition of this house to appoint a committee from their body to join the committee appointed by this house to consider and report on the application which has been made by several persons whose names are thereunto subscribed, stating propositions for purchasing a part of the western territory of this state, and making settlements on the same. And the senate have passed a bill to be entitled, an act for laying out the several counties therein after named, to which the senate desire the concurrence of this house--- and he withdrew.

THURSDAY, Nov. 28, 1793.

A bill from the senate to be entitled, an act for laying out the several counties therein after named, was read the first time.

The house proceeded to take under their consideration the report of the committee to whom was referred the petition from a number of the inhabitants of the county of Effingham, which being read, is as follows:

Whereas it appears that great abuses have been committed by some of the land courts in this state, in consequence whereof, warrants have been signed for many thousand of acres of land in direct contradiction to the express laws of this state--- And to the end, that such abuses may be corrected and in future prevented, the committee recommend the following resolutions to the consideration of the general assembly:

Resolved, That his excellency the governor be directed, and he is hereby required to issue his proclamation requiring the clerks of the several land courts in the respective counties to which they belong, to bring forward to the executive department, authenticated documents of all land warrants granted, otherwise than on the head-right of the person who may have obtained the same within three months from the date of such proclamation, and any clerk of a land court who shall neglect to comply with this resolution, shall forfeit to the use of the state, the sum of five hundred pounds, to be recovered with cost of suit, in any court of record within this state, and shall moreover be disqualified from holding any post of honor, trust or profit in this state hereafter.

Resolved, That no grant shall be signed by the governor in future, unless the warrant expresses that the same was founded on his, or her head-rights by whom the warrant was obtained.

Resolved, That any grant for land which has been signed by his excellency the governor since the first day of January 1792, which is not founded on a warrant obtained on the head-rights of the person or persons to whom the same was granted; all such grant or grants, is, and are hereby declared void and of none effect, the same being contrary to law; and the lands so granted are hereby made known to be reverted in the state, and may be applied for, and taken up as vacant lands by any person legally entitled to apply for the same.

And the first and second resolutions of the said report being read, were on the question severally put thereupon agreed to by the house.

The third resolution in the said report being read, and the question put thereupon;

The yeas and nays being required, are as follow:

Yeas. Messrs. Greer, Hardin, Jas. Jones of Burke, Jas. Jones of Chatham, Geo. Jones, R. Jones, Lanier, Simms, Waldburger and Winn, 10.

Nays. Messrs. Barrow, Burnett, Carnes, Earley, Fort, Fabian, Graybill, Harris, Jack, Kemp, McIntosh, Ruthertford, Stuart, Walker and Worsham, 15.

So the resolution was lost.

Ordered, That the clerk do carry the two first resolutions to the senate and desire their concurrence.

The speaker laid before the house a letter from his excellency the governor, accompanied with a communication from the lieutenant-governor of

the state of Massachusetts, covering several resolutions of the general court of that state, on the subject of the suability of a state by an individual, as also a letter from the Honorable John Houstoun, resigning his appointment as a judge of the superior court of this state; which being read, were ordered to lie on the table.

Mr. James Jones of Chatham, from the committee appointed to prepare and report a bill to be entitled, an act to incorporate the Savannah association of mechanics--reported the same, which was received and read the first time.

Mr. Waldburger from the committee appointed to prepare and report a bill to be entitled, an act to amend an act pointing out the mode under which property reverting to the state shall be disposed of--reported the same, which was received and read the first time.

Mr. George Jones from the committee appointed to prepare and report a bill to be entitled, an act to amend an act entitled, an act for regulating the town of Augusta, and for regulating the town of Savannah and hamlets thereof--reported the same, which was received and read the first time.

Mr. Greer presented a petition from a number of persons whose names are thereunto subscribed, in the upper part of Greene county, praying the stations established in that part of the county aforesaid may be removed to the Alachsee--which being read, was ordered to be referred to the committee appointed to take under consideration the state of the republic.

FRIDAY, Nov. 29, 1793.

The house proceeded to take into consideration the amendments proposed to the bill to be entitled, an act supplementary to an act entitled, an act to revise and amend the militia law of this state, and to adapt the same to the act of the congress of the United States, passed the 8th day of May 1792, entitled, "an act more effectually to provide for the national defence, by establishing an uniform militia throughout the United states."

And on reading the following amendment, viz.

Be it enacted, That the governor shall have power and authority to order out as many companies of mounted infantry or riflemen, from time to time, as may be necessary for the defence of the frontiers, who shall be allowed only the pay and rations of footmen, with the addition of forage, provided that no such companies of mounted infantry or riflemen shall be continued in service more than twenty days at one time-----being under debate,

And the question about to be put thereupon.

The yeas and nays being required, are as follow:

Yeas. Messrs. Barnett, Fabian, Greer, Hammond, Harris, J. Jones of Chatham, Geo. Jones, Rufel Jones, Jack, Kemp, Rutherford, Stuart, Watkins, Worham and Wilkinson, 15.

Nays. Messrs. Barrow, Early, Fort, Hardin, J. Jones of Burke, Lanier, McIntosh, Simms, Waldburger, Winn and Echols, 11.

The following amendment to the bill in the seventh section thereof being under consideration, to wit,

"The members of the legislature for the time being, and their officers, judges of the superior court, justices of the inferior court, the executive officers, the treasurer, auditor, secretary of the state, surveyor-general, mayor and aldermen of cities or incorporated towns, their treasurer, clerk and marshal, justices of the peace, registers of probats, sheriffs, clerks of courts, constables, coroners, tobacco inspectors, ministers of the gospel in orders, practitioners of physic, public printers, ferrymen, millers, tutors, post-riders, cripples, idiots and madmen, be inserted in that clause, as exempt from militia duty.

And on the question, shall the amendment be rejected,

The yeas and nays being required, are as follow:

Yeas. Messrs. Barnett, Barrow, Burnett, Carnes, Early, Fabian, Hardin, J. Jones of Chatham, Rufel Jones, Echols, Simms, Stuart, Worham and Wilkinson, 12.

Nays. Messrs. Fort, Greer, Harris, J. Jones of Burke, Jack, Kemp, Lanier, McIntosh, Rutherford, Waldburger, Winn, Walker and Watkins, 13.

The speaker under the rules of the house, gave his negative to the question, which making the division equal--the question for rejecting the amendment was lost.

Ordered, That the bill with the amendments be engrossed for a third reading.

On motion, *Resolved,* That any grant for land which has been signed by his excellency the governor since the first day of January 1792, which is not founded on the head-rights of the person who obtained the same, or on the legal head-rights of another purchased by the grantee, shall be, and is hereby declared void and of none effect, the same being contrary to law; and any lands so

granted are hereby made known to the
people, and may be taken up by any
legally entitled to apply for the same.

And the said resolution being again read, was
on the question put thereupon, agreed to by the
house.

Ordered, That the clerk do carry the same to
the senate, and desire their concurrence.

THURSDAY, December 5, 1793.

On motion of Mr. James Jones of Burke,
the house came to the following resolution:

Resolved, That it appears to the legislature, that
the late GOVERNOR, EDWARD TELFAIR,
Esq. has discharged the office of CHIEF MAGIS-
TRATE of this state as an able statesman, and an
upright servant of the republic.