

# Georgia Legislative Acts

- [AN ACT, 20 December 1828](#) AN ACT to add the Territory lying within the limits of this State, and occupied by the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham; and to extend the laws of this State over the same, and for other purposes
- [An Act, 19 December 1829](#) AN ACT to add the Territory lying within the limits of this State, and occupied by the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham; and to extend the laws of this State over the same, and for other purposes
- [An Act, 02 December 1830](#) AN ACT to authorise 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.
- [An Act, 21 December 1830](#) AN ACT to authorise the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said State, claimed as Creek land, and to authorise the Governor to call out a military force, to protect Surveyors, in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent, any Surveyor from performing his duties, as pointed out by this act, or who shall wilfully cut down and deface any marked trees, or remove any land mark, which may be made in pursuance of this act, and to protect the Indians, in the peaceable possession of their improvements, and of the lots on which the same may be situate.

AN ACT to add the Territory lying within the limits of this State, and occupied by the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham; and to extend the laws of this State over the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same [Illegible Text] [Illegible Text] and after the passing of this act, all that part of the territory, within the limits of this state, and which lies between the Alabama line, and the old path leading from the Buzzard Roost, on the Chattahoochee river, to Sally Huse's, where the said path strikes the Alabama road, thence with said road, to the boundary line of Georgia, be and the same is hereby added to, and shall become a part of the county of Carroll.

Sec. 2. And be it [Illegible Text] by the authority aforesaid, That all that part of the said territory, lying and being north of the last [Illegible Text] line, and south of the road, running from Charles Gates [Illegible Text] on Chattahoochee river, to Dick Roes, to where it intersects with the path aforesaid be, and the same is hereby added, and [Illegible Text] become a part of the county of DeKalb.

Sec. 3 And be it further [Illegible Text] That [Illegible Text] that part of said territory lying north of the last mentioned line, and south of the old federal road be, and the same is hereby added, and shall become a part of the [Illegible Text] of [Illegible Text]

Sec. 4. And be it further enacted. That all that part of the said territory, lying north of said last mentioned line, and south of a line to begin on the Chestertee river, at the mouth of Yoholo creek, thence up said creek, to the top of the Blue ridge, thence to the head waters of Notley river, thence down said river, to the boundary line of Georgia be, and the same is hereby added to, and shall become a part of the county of Hall.

Sec. 5. And be it further enacted, That all that part of the said territory, lying north of the last mentioned line, within the limits of Georgia be, and the same is hereby added to, and shall become a part of the county of Habersham.

Sec. 6. And be it further enacted, That all the laws of this State be, and the same are hereby extended over said territory, and all white persons residing within the same, shall immediately after the passage of this act, be subject and liable to the operation of the said laws, in the same manner as other citizens of the state, or the citizens of said counties respectively.

Sec. 7. And be it further enacted, That after the first day of June, 1850, all Indians then, and at that time, [Illegible Text] in [Illegible Text] territory, and within any one of the counties as aforesaid, shall be liable and subject to such laws and regulations, as the legislature may hereafter prescribe.

Sec. 8. And be [Illegible Text] further enacted, That all laws, usages, and customs made, established and in force, in the said territory, by the said Cherokee Indians be, and the same are hereby on, and after the first June, 1830, declared null and void.

Sec. 9. And be it further enacted, That no Indian, or [Illegible Text] of Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness, or a party to any suit, [Illegible Text] court created by the constitution, or laws of this state, to which a white man may be a party.

IRBY HUDSON, Speaker of the House of Representatives

THOMAS STOCKS, President of the Senate

JOHN FORSYTH, Governor

Approval Date: Assented to, Dec. 20, 1828.

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AN ACT to add the Territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, and to extend the laws of this State over the same, and to annual all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said Territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight, upon this subject.

Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the unlocated territory within the limits of this State, and which lies

between the Alabama line and the old path leading from the Buzzard Roost on the Chattahoochie to Sally Hughes' on the Hightower river: thence to Thomas Petets on the old Federal road: thence with said road to the Alabama line, be, and the same is hereby added to, and shall become a part of the county of Carroll.

Sec. 2. And be it further enacted, That all that part of said territory lying and being North of the last mentioned line, and South of the road running from Charles Gates' ferry on the Chattahoochie river, to Dick Roe's, to where it intersects with the path aforesaid, be, and the same is hereby added to, and shall become a part of the county of DeKalb.

Sec. 3. And be it further enacted, That all that part of said territory lying North of the last mentioned line, and South of a line commencing at the mouth of Baldrigges Creek: thence up said creek to its source: from thence to where the Federal road crosses the Hightower: thence with said road to the Tennessee line, be, and the same is hereby added to, and shall become a part of the county of Gwinnett.

Sec. 4. And be it further enacted, That all that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chestatee river at the month of Yoholo creek: thence up said creek to the top of the Blue ridge: thence to the head waters of Notley river: thence down said river to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of Hall.

Sec. 5. And be it further enacted, That all that part of said territory, lying north of said last mentioned line, within the limits of this State, be, and the same is hereby added to, and shall become a part of the county of Habersham.

Sec. 6. And be it further enacted, That all the laws both civil and criminal of this State be, and the same are hereby extended over said portions of territory respectively, and all persons whatever residing within the same, shall, after the first day of June nex [sic], be subject and liable to the operation of said laws, in the same manner as other citizens of this State or the citizens of said counties respectively, and all writs and processes whatever issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

Sec. 7. And be it further enacted, That after the first day of June next, all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders or regulations; nor shall the courts of this State permit the same to be given in evidence on the trial of any suit whatever.

Sec. 8. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said Cherokee nation, to prevent, by threats, menaces or other means, to endeavor to prevent any Indian of said nation residing within the chartered limits of this State, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary [sic] power or by virtue of any pretended rule, ordinance, law or custom of said nation, to

punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant or for emigrating, or intending to emigrate from said nation.

Sec. 9. And be it further enacted, That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be punished by confinement in the common jail of any county of this State, or by confinement at hard labor in the Penitentiary for a term not exceeding four years, at the discretion of the court.

Sec. 10. And be it further enacted, That it shall not be lawful for any person or body of persons, by arbitrary power, or under colour of any pretended rule, ordinance, law or custom of said nation to prevent, or offer to prevent, or deter any Indian, head man, chief or warrior of said nation residing within the chartered limits of this State, from selling or ceding to the U. States, for the use of Georgia the whole or any part of said territory, or to prevent or offer to prevent any Indian, head man, chief or warrior of said nation, residing as aforesaid, from meeting in council or treaty, any commissioners or commissioners on the part of the United States, for any purpose whatever.

Sec. 11. And be it further enacted, That any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment and on conviction, shall be confined at hard labor in the Penitentiary for not less than four, nor longer than six years, at the discretion of the court.

Sec. 12. And be it further enacted, That it shall not be lawful for any person or body of persons by arbitrary force or under colour of any pretended rules, ordinances, law or custom of said nation, to take the life of any Indian residing as aforesaid for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede as aforesaid, the whole or any part of said territory, or meeting or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any person or body of persons offending against the provisions of this section, shall be guilty of murder, subject to indictment, and on conviction shall suffer death by hanging.

Sec. 13. And be it further enacted, That should any of the foregoing offences be committed under colour of any pretended rules, ordinance, custom or law of said nation, all persons acting therein either as individuals or as pretended executive, ministerial or judicial officers, shall be deemed and considered as principals, and subject to the pains and penalties herein before prescribed.

Sec. 14. And be it further enacted, That for all demands which may come within the jurisdiction of a Magistrates court, suit may be brought for the same in the nearest district of the county to which the territory is hereby annexed, and all officers serving any legal process, or any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; & in case any of said officers should be resisted in the execution of any legal process issued by any court or Magistrate, Justice of the Inferior court or Judge of the Superior court of any of said counties, he is hereby authorised to call out a sufficient number of the militia of said counties to aid and protect him in the execution of his duty.

Sec. 15. And be it further enacted, That no Indian or descendant of any Indian residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State to which a white person may be a party, except such white person resides within the said nation.

WARREN JOURDAN, Speaker of the House of Representatives.

THOMAS STOCKS, President of the Senate.

Assented to, Dec. 19, 1829.

George R. Gilmer, Governor

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AN ACT to authorise 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 trespasses and intrusions of numberless citizens of this and of 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 it is hereby enacted by the authority of the same, That the Governor is hereby authorised 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 legislative enactments, and that he be empowered, if it should in his judgment 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 all 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 objects 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 authorised 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 four years.

Sec. 4. And be it further enacted, That if any person or persons, not authorised 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 the misdemeanors contemplated by this act, shall be confiscated and sold, and after the expenses of trial and condemnation shall have been paid, the nett [sic] 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 authorised to appoint one or more agents, if he should deem [I]t 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 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 trespassers 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, Dec. 2d, 1830.

GEORGE R. GILMER, Governor.

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AN ACT to authorise the survey and disposition of lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said State, claimed as Creek land, and to authorise the Governor to call out a military force, to protect Surveyors, in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent, any Surveyor from performing

his duties, as pointed out by this act, or who shall wilfully cut down and deface any marked trees, or remove any land mark, which may be made in pursuance of this act, and to protect the Indians, in the peaceable possession of their improvements, and of the lots on which the same may be situate.

Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same, That all the Territory within the limits of Georgia, and now in the occupancy of the Cherokee tribe of Indians; and all other unlocated lands within the limits of this State, claimed as Creek land, shall form and be divided into four sections as follows, to wit: all that part of said territory, which lies east of a line, commencing on the line which divides North Carolina and Georgia, thirty six miles due West, from the North West corner of the first district in Rabun county, running thence south to the Chattahoochie, shall form what shall be called section first. All that part which lies west of the line aforesaid, and east of a line commencing twenty-seven miles due West, from the first named corner, running thence South to the Carroll line, or to the boundary line dividing the organized, and unorganized parts of the State, shall form the second section. All that part of said territory, which lies West of the line last aforesaid, and East of a line commencing twenty-seven miles due West, from the last mentioned corner, and running thence South until it strikes the Carroll line or Alabama line, shall be called the third section. All the remaining part of said territory, shall form what shall be called section fourth.

Sec. 2. And be it further enacted, That each of the sections, herein before laid out and described, shall be divided into districts of nine miles square, as near as practicable, the district lines running parallel to the lines dividing sections, and crossed by other lines at right angles, and said districts so laid out, shall be again sub-divided by lines to be run in like directions into square tracts, containing one hundred and sixty acres, marked and numbered, according to the plan heretofore pursued under the instructions of the Surveyor General.

Sec. 3. And be it further enacted, That all fractional parts of Surveys which may be created, containing one hundred acres or upwards, shall be held and deemed prizes, and all fractions under one hundred acres, shall be reserved for public use, and be disposed of as a future Legislature may direct.

Sec. 4. And be it further enacted, That ninety-six district surveyors, shall be apportioned to the different counties, so that the twenty counties having the largest white population, shall have two surveyors each, viz: Greene, Jasper, Jones, Monroe, Morgan, Newton, Oglethorpe, Putnam, Walton, Warren, Washington, Wilkes, Franklin, Gwinnett, Habersham, Jackson, Henry, DeKalb, Hall and Elbert, the balance of the counties being fifty-six in number, shall have one surveyor each, which surveyors shall be elected on the first Monday of February, eighteen hundred and thirty-one, by the citizens entitled to vote for members of the Legislature, at their respective places of holding elections for members of the General Assembly, in their respective counties, and the presiding magistrates, at each and every such election, shall make a return of the same to his Excellency the Governor, under their hands and seals, within thirty days, after said election, they shall likewise give a certificate, to the persons elected in their respective counties, agreeably to the foregoing apportionment. With regard to choice of districts, the Surveyor General shall decide by lot, and in case any of the counties should fail to elect a surveyor agreeable to this section the Governor shall appoint to fill such failure, and in case any vacancy shall happen by death, resignation or otherwise, the same shall be filled by their respective counties, in the same manner as they were first elected: Provided, that nothing herein contained shall be so construed, as to make any member of the present Legislature, eligible to the office of surveyor, to survey said territory.

Sec. 5. And be it further enacted, That twelve persons shall be appointed by joint ballot of this Legislature, neither of whom shall be a district surveyor, to run and plainly mark the several district and sectional lines, herein directed, whose duty shall be apportioned by the Surveyor General, as nearly equal as practicable, and any person elected a surveyor, who shall fail to perform the duties of his office, as required by the provisions of this act, shall be considered as forfeiting his bond, and himself, and his securities, be immediately liable therefore [sic], and no ticket shall be counted unless it contains the names of twelve persons.

Sec. 6. And be it further enacted, That the surveyors respectively, shall give bond in the sum of ten thousand dollars, to the Governor and his successors in office, with such security as he, or a majority of the Justices of the Inferior Court of the county in which such surveyor may reside, shall approve, conditioned for the faithful performance of the duties required of them, by this act, which bond shall be deposited in the Executive office.

Sec. 7. And be it further enacted, That it shall be the duty of the surveyors appointed, in pursuance of this act, to make the surveys of the sections, and districts, to which they may be appointed, in their own proper persons, to mark, or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise on posts, all stations and all lines which may be required to be run, for the purpose of making the surveys of their respective sections and districts immediately upon being required so to do by the Governor; to cause all such lines to be measured with all possible exactness, with a half chain containing thirty-three feet, divided into fifty equal links, which shall be adjusted by the Surveyor General, according to the standard in his office; to take as accurately as possible the meanders of all water courses, which shall form natural boundaries to any of the surveys; to note in field books to be kept by them respectively, the name of the corner and station trees, which shall be marked and numbered under the direction of the Surveyor General, also all rivers, creeks and other water courses, which may be touched upon or crossed in running any of the lines aforesaid, transcripts of which said field books, after being compared with the originals, by the Surveyor General, and certified and signed on every page, by the surveyor returning the same, shall be deposited in the Surveyor General's office, and become a record, and the district surveyors shall, unless prevented by unavoidable cause, make a return of their surveys and works, within one hundred and twenty days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered, all lots and fractions of said district, and all waters therein delineated, as the Surveyor General may direct, and also representing the extent of improvements on each lot or fraction, as nearly as they can estimate the same, and also return at the same time a detached plat of each lot and fraction, which said district may contain, certified and signed by such surveyor, which plat shall be filed among the records of the Surveyor General's office, and from which copies shall be taken to annex to grants. And said surveyors shall conform to such instructions as they may receive from time to time, from the Surveyor General, during their contingency in office: Provided, the same do not militate against this act. And the surveyors appointed to lay out section and district lines, shall unless prevented by unavoidable cause, make return of their work to the Surveyor General, within ninety days from the time they shall be required to enter upon the duties of their office, of all such surveys as shall have been made by them.

Sec. 8. And be it further enacted, That the district surveyors to be appointed by this act, shall receive two dollars and fifty cents, for every mile that shall be actually run or surveyed, as a full compensation for the duties required of them by this act, out of which they shall defray the whole of the expense incident to their offices. And his Excellency the Governor, is hereby authorised and required to issue his warrant on the treasury, in favor of each of the aforesaid surveyors, upon his being called into service, to the amount of three hundred dollars, to enable him with the [Illegible Text]

delay to enter upon his duties, and the balance to which such surveyor may be entitled shall be paid to him in like manner, upon his producing a certificate from the Surveyor General, setting forth a performance of the work, and the amount due.

Sec. 9. And be further enacted, That the surveyors who may be appointed to run section and district lines, shall receive three dollars and fifty cents, for each mile they may run and survey, as a full compensation for their services, out of which they shall pay all incidental expenses, and the Governor is required to issue his warrant on the treasury in favour of each of said surveyors, for the sum of three hundred dollars, upon their being called into service, and in like manner to pay any balance which may be due when the work is completed, and the Surveyor General shall certify the same.

Sec. 10. And be it further enacted, That should there be more districts than are contemplated by this act, and surveyors elected for, or in case the appointment of any surveyor should become vacant, by death, resignation or otherwise, after he shall have commenced the performance of his duties, his Excellency the Governor, is requested and authorised to fill said vacancy, from the county from whence the failure took place. And in case any surveyor shall be found incompetent, or fail to execute the duties required of him by this act, his office shall be vacant, and his vacancy filled in like manner.

Sec. 11. And be it further enacted, That the surveyors to be appointed in pursuance of this act, shall before they enter upon their duties, take and subscribe the following oath: "I do solemnly swear (or affirm) that I am twenty-one years of age, that I will well and faithfully to the best of my skill and abilities, discharge the duties which may be required of me, as surveyor in the territory of which I am elected, a surveyor, so help me God;" which oath the Surveyor General, is required to administer. The oath to be administered to chain men by their respective surveyors, shall be as follows: "I do solemnly swear (or affirm) that to the best of my skill and judgment, I will measure all lines on which I may be employed as chain carrier, as accurately and with as little deviation from the course pointed out by the surveyor as possible, and give a true account of the same to the surveyor, so help me God;" and similar oaths shall be administered by the surveyors, to all axe-men, and markers.

Sec. 12. And be it further enacted, That the land to be surveyed under the provisions of this act, shall be classed under the following heads, viz: First quality river land, second quality river land, first quality oak and hickory upland, second quality oak and hickory upland, third quality oak and hickory upland, first quality pine land, and pine land; and it shall be the duty of surveyors, charged with the business of dividing the districts into lots, to note upon the separate plat of each lot which he is required to file in the Surveyor General's Office, the quality of each lot according to the foregoing classes, the number of the same; the enumeration to commence in all square districts in the North-west corner and to run East.

Sec. 13. And be it further enacted, That the following shall be the description and qualification of persons entitled to give in their names for a draw or draws under this act, to wit: Every male white person, of eighteen years of age, and upwards, being a citizen of the United States, and an inhabitant within the organized limits of this State, four years immediately preceding the time that his Excellency the Governor, shall issue the notification as contemplated by this act to the persons whose duty it may be take in draws, including such as have been absent on lawful business, shall be entitled to one draw. Every deaf and dumb or blind person of like residence, who has not drawn a lot of land in a former lottery, shall have one draw, unless provided for by this act, as an orphan. Every male person of like description, having a wife or legitimate male child or children, under eighteen years of age, or unmarried female child or children, resident as aforesaid, or who were born and have ever since resided in this State, shall have two draws, and no person shall be entitled to a draw or draws who has a family residing out of this State, or whose family has not resided in

this State, for four years as aforesaid, provided said applicant for a draw or draws has had a family so long, and excepting officers of the army or navy of the United States, and others in the employment of the United States, who may under the other provisions of this act be entitled to a draw or draws. All widows with like residence shall be entitled to one draw, and wife and children in this State, of persons who have been absent from the State three years, shall be on the same footing as to draws, as if the said husband was dead, and the title to such lots as said females or children may draw be vested permanently in them as though they were widows and orphans: All families of orphans, resident as aforesaid, or who have resided in this State from their birth, under the age of eighteen years, except such as may be entitled in their own right to a draw or draws, whose father is dead, shall have one draw. All families of orphans consisting of more than two shall have two draws, but if not exceeding two, then such orphan or orphans shall be entitled to one draw, to be given in, in the county and district where the eldest of said orphans, or where the guardian of the eldest resides, and if such orphan or orphans have no guardian, then by the mother or next friend: All widows of like residence, whose husbands were killed or died in the service of their country, or on their return march in the late wars with Great Britain, or the Indians, shall be entitled to a draw, exclusive to that otherwise allowed to widows by this act: All orphans whose father was killed or died in the service of their country, or on their return march in the late wars against Great Britain or the Indians, shall be entitled to a draw, exclusive of that otherwise allowed by this act to orphans, and no orphan or family of orphans shall be excluded from a draw or draws by reason of such orphan or family of orphans, having been carried beyond the limits of this State, provided they have returned and are now inhabitants of this State; and all and every unmarried female, over the age of eighteen years, whose father was killed or died as aforesaid, shall have one draw; and all persons who served in the Indian wars from one thousand seven hundred and eighty-four to one thousand seven hundred and ninety-seven, or any part thereof as soldiers of this State, being at that time residents of the same, and at this time citizens thereof, shall be entitled to one draw each as such, and the widow of such person shall be entitled to one draw as such, and the orphan or orphans of such person shall be entitled to one draw as such, in addition to the draw or draws to which they may be entitled under the other provisions of this act: Provided, such person is not entitled under this act to an extra draw as a revolutionary soldier, or as the widow of a revolutionary soldier, and Provided also, that such person did not at any time during the revolutionary war, take protection under the British or Tories: Provided, that nothing herein contained, shall be so construed as to entitle any person or persons to a draw or draws in the present contemplated land lottery who, may have been fortunate drawers in any previous land lottery, except such persons as have drawn land as one of a family of orphans, and who have arrived at the age of eighteen years, but such person shall be entitled to one draw, and the remainder of such family of orphans shall be entitled to one draw, and except persons who may have drawn land, as soldiers who served a tour of duty under the authority of this State, or the United States: And provided, that all widows of revolutionary soldiers, shall have one draw in addition to those already contemplated by this act; and that all revolutionary soldiers, who were not fortunate drawers as revolutionary soldiers, in any of the former land lotteries, shall be entitled to two draws as revolutionary soldiers: Provided, that the citizens of this State, who come under the provisions of this act, as above contemplated, and who volunteered or were legally drafted in the late war against Great Britain, or the Indians, and refused to serve a tour of duty, either in person or by substitute, or who may have deserted from the service of this State, or of the United States, shall not be entitled to the provisions of this act, as above contemplated, nor any of those who illegally avoided a draft by removal or otherwise; and no person or persons who have removed from the organized limits of the State, for the purpose of avoiding the laws of this State, or have absconded for debt, shall be entitled to a draw or draws under this act: And in case land is drawn by minors, the grant shall issue accordingly, upon payment of the usual fees, and every citizen of this State, who served a tour of duty under the authority of this State, or of the United States, of two months or more in the militia of this State, during the late war against the British or Indians, shall be entitled to one extra draw: Provided they have not drawn land on account of said service in any former lottery: And provided, that when such service has been rendered by a substitute, the person employing such substitute, shall be entitled to the draw, and not the substitute, and they shall take the following oath. "I do swear (or affirm) that I

am a citizen of this State, and that I served a tour of duty in the militia of this State of two months or more in the late war against the British or Indians, in person or by substitute:" All persons whose names appear on the books of the Surveyor General's office as having drawn a lot of land in any of the lotteries heretofore drawn in this State, and have not drawn any other lot, and whose name does not appear to said lot in the Executive office, but appears on the books in the Executive office to have been drawn by some other person, shall be entitled to the provisions of this act: Provided, that nothing herein contained, shall be so construed to exclude those who have heretofore drawn only as soldiers, revolutionary soldiers and widows of revolutionary soldiers, from a draw or draws that they may be entitled to as citizens.

Sec. 14. And be it further enacted, That no person who is or has been either directly or indirectly concerned or interested with a certain horde of Thieves known as the Pony Club, shall be entitled to the provisions of this act, in respect to draws, and no person who has been at any time convicted of a felony in any of the Courts of this State shall be entitled to a draw or draws under this act.

Sec. 15. And be it further enacted, That no person who in person or by agent may have dug gold, silver, or any other metal since the first day of June last, in the lands to be surveyed or disposed of under this act, shall be entitled to a draw or draws under this act; and no person who employed any white person, negro, mulatto, or Indian, to dig gold in said Cherokee country, shall be entitled to a draw under this act, who may have employed any white person, negro, mulatto, or Indian, and did dig gold, as aforesaid, since the first day of June, eighteen hundred and thirty.

Sec. 16. And be it further enacted, That no person or persons who are residents on any part of the lands contemplated to be disposed of by this act, shall be entitled to a draw or draws under any of its provisions.

Sec. 17. And be it further enacted, that the right of navigating the streams in said territory be, and the same is hereby reserved to the State.

Sec. 18. And be it further enacted, That nothing herein contained shall be so construed as to allow any convict in the Penitentiary to give in for a draw or draws in the present contemplated land lottery: Provided, nevertheless, That the child or children who have resided in this State four years of any of said convicts, shall be entitled in the same manner they would be entitled if they were orphans, and may be given in for by their mother or other persons, under whose care they may be, and the grant or grants shall issue accordingly to any land so drawn: Provided, That no such convict has drawn in any of the former land lotteries of this State in his own name.

Sec. 19. And be it further enacted, That lists of persons entitled to draws under this act shall be made out by the Inferior court of each county, or such person as they may appoint, not exceeding two to each battalion, within four months from the date of such proclamation as his Excellency the Governor shall issue requiring the same to be done, and said Inferior court of the several counties in this State, or the persons they may appoint, shall attend in each captains' district at least twice, giving ten days notice of the time and place, for the purpose of taking the names of persons entitled to draws, and the names of the persons entitled shall be entered by the receivers in a book to be kept for that purpose, a transcript of which book, fairly made out, shall be transmitted to the Executive, and the original deposited with the Clerk of the Superior court of the respective counties; and should the Inferior court of any county fail to take in such names themselves, or to make proper appointments within two months after they are required by proclamation to do so, then the clerk of the Superior court (or his legal deputy in his absence) in such county, may make such appointments, and said receivers, before they enter upon their duties, shall take and subscribe the following oath, to wit: -- "I do solemnly swear (or affirm) that I will not receive or register any name, except the person giving in shall first take the oath prescribed by this act, and that I will make a

just and true return of all such persons' names as may severally take the oath or oaths prescribed by this act, so help me God;" which oath any Justice of the Inferior Court, or of the Peace, is hereby required to administer, and the person or persons taking in names as aforesaid shall administer to all applicants for draws, other than widows, guardians or next friends of orphans, idiots and lunatics, the following oath, viz: -- "I do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in this State four years immediately preceding the time of the notification issued by the Governor, except absent on lawful business, and am an inhabitant of the same, that I am eighteen years of age, that I have (or have not) a wife or child or children, that I have not given in my name for any draw or draws in the present contemplated land lottery, in any other part of the State, that I have not drawn a tract of land in any of the former lotteries in my individual capacity, or as an individual orphan, and that I did not directly or indirectly evade the service of this State or of the United States in the late wars against Great Britain or the Indians." -- And the widows of revolutionary soldiers shall take the following oath or affirmation, to wit: -- "I do solemnly swear (or affirm) that I am the widow of a revolutionary soldier on the American side, to the best of my knowledge and belief, so help me God." The following oath shall be administered to all married women entitled to draws on account of three years absence of their husbands, as contemplated by this act, to wit: -- "I do solemnly swear (or affirm) that my husband has been absent from this State three years, that he was a citizen of the United States, that I have resided the four last years in this State, except absent on lawful business, and am now a resident in this district, that I have not put in my name for a draw in the approaching land lottery in any other part of the State, and that I have not drawn any tract of land in any of the former land lotteries, either in my individual capacity, or as an individual orphan, to the best of my knowledge and belief, so help me God." The following oath shall be administered to the mother or next friend of any minor or family of minors, who may be entitled to a draw or draws on account of three years absence of their father, as contemplated by this act, to wit: -- "I do solemnly swear (or affirm) that the minor or family of minors whom I now return is, or are, entitled to a draw or draws under this act, to the best of my knowledge, so help me God." The following oath shall be administered to all revolutionary soldiers who shall apply for draws under this act: -- "I do solemnly swear (or affirm) that I served as a soldier in the armies of the United States during the revolutionary war a tour or tours of duty, and that I did not at any time during the said war bear arms or act as a spy or emissary against the United States, or in any manner aid or abet the enemy thereof, and am entitled to a draw or draws according to the provisions of this act, so help me God." And all guardians or next friends of orphans or children of convicts in the Penitentiary shall take the following oath: -- "I do solemnly swear (or affirm) that the orphan or family of orphans, or the child or children whom I return is, or are, entitled to a draw or draws under this act, to the best of my knowledge, so help me God." The following oath shall be administered to all widows: -- "I do solemnly swear (or affirm) that I am a widow, that I have resided the last four years in this State, except absent on lawful business, and am now a resident in this district, that I have not put in my name for a draw in the present lottery in any other part of the State, and that I have not drawn land in any of the former lotteries, to the best of my knowledge and belief, so help me God." That all idiots and lunatics and deaf and dumb or blind persons, entitled to a draw or draws by this act, shall be given in by their respective parents or guardians or next friends, who shall take the following oath, to wit: -- "I do solemnly swear (or affirm) that the person whose name I now give in is an idiot or lunatic. or a deaf and dumb or blind person, that he, or she, is eighteen years of age or upwards, and entitled to a draw or draws under this act, that he, or she has not drawn land in any of the former land lotteries of this State, in his or her own name, or as an individual orphan, so help me God." Every person claiming a draw, as having served in the Indian wars between the years seventeen hundred and eighty-four and seventeen hundred and ninety-seven, shall take the following oath, to wit: -- "I do solemnly swear (or affirm) that I served in the Indian war a portion of the time between the years, seventeen hundred and eighty-four and seventeen hundred and ninety-seven, as an inhabitant of Georgia, and that I am still a citizen of the same, and that I did not act as a spy or emissary of, or in any way aid or abet the British or Indians in the revolutionary war, so help me God." Every widow, and the guardian of the orphan or orphans of such persons, shall take the following oath, to wit: -- "I do solemnly swear (or affirm) that I am the widow (or that the orphan or orphans of whom I am the guardian, is or

are the orphan or orphans as the case may be,) of a resident of Georgia who served in the Indian wars a portion of the time between the years seventeen hundred and eighty-four and seventeen hundred and ninety-seven." And the persons who shall be authorized to take in the names of those who are entitled to a draw or draws under this act, shall receive twenty-five cents from each of said applicants for each draw.

Sec. 20. And be it further enacted, That if any person entitled by this act to a draw or draws in their own right or in the right of others, should by absence or other unavoidable causes, fail to give in his or her name, within the time herein prescribed, it shall and may be lawful for such person to make oath of the draw or draws to which he or she may be entitled before [sic] any justice of the Inferior court or of the peace of the county in which he or she may reside, and make return thereof to the Executive, at any time before the commencement of the drawing; and it shall and may be lawful for any person or persons entitled to a draw or draws in said lottery, who are about leaving the State on lawful business, to take the oath prescribed by the act, and deposit the same in the clerk's office of the Superior Court of the county where such person or persons may reside, and their names shall be registered according to the provisions of this act: Provided, such person shall swear that he intends to return and remain a citizen of this State. The following oath shall be administered to every unmarried female over the age of eighteen years, whose father was killed or died as aforesaid: -- "I do solemnly swear (or affirm) that I am eighteen years of age, and that I am unmarried, that I have not put in my name for a draw in the approaching land lottery in any other part of the State, and that I have [Illegible Text] drawn any tract of land in any of the former land lotteries, and that my father died in the service or on his return march in the late war against Great Britain or the Indians, to the best of my knowledge and belief, so help me God."

Sec. 21. And be it further enacted, That five persons shall be appointed by joint ballot of the Legislature to superintend the drawing of the lottery, to be convened in Milledgeville by the Governor, when necessary, and that whenever this act imposes duties on the Governor, Surveyor General, Surveyors, Receivers of names or Commissioners, such duties shall be severally performed with as little delay as possible consistently with this act, and a due execution thereof.

Sec. 22. And be it further enacted, That as soon as said lists are made out and returned, his Excellency the Governor, for the purpose of carrying the lottery into effect, shall cause the names of persons entitled to draws, together with other designatory remarks of residence, &c. to be placed on tickets as nearly similar as possible, which shall be deposited in one wheel; and the prizes on tickets of the like description, shall be deposited in another wheel, which prizes shall consist of all square lots, and tracts of one hundred acres, and upwards, in said territory, not herein reserved; and from each wheel as nearly at the same time as may be, a ticket shall be drawn and delivered to the superintending managers, and so on until the whole number of prizes are drawn out, and said managers shall make due and particular entry of the names so drawn out and the prizes corresponding therewith, said names and prizes being first thoroughly mixed in their respective wheels; and his Excellency the Governor is required to give three weeks notice of the commencement of the drawing,

Sec. 23. And be it further enacted, That all persons who may draw lands under this act, shall be entitled to receive grants for the same, conveying fee simple titles, on paying into the Treasury of this State, the sum of eighteen dollars; and any person drawing, and failing to take out his grant within five years from the date of said draw, shall forfeit his or her right to receive a grant to the land so drawn, and the same shall revert to the State; orphans, and deaf and dumb, and blind persons, idiots, and lunatics excepted; and all persons who shall draw lands in this lottery, except

orphans, idiots, and lunatics, shall, whether the same be granted or not, pay taxes thereon at the same rates, as for other lands of similar qualities, until they shall sell or relinquish the same to the use of the State by writing to be filed in the office of the Secretary of State.

Sec. 24. And be it further enacted, That all returns made contrary to the true intent and meaning of this act, are declared to be fraudulent, and all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent returns, are hereby declared to be null and void, and the lands so drawn or granted shall revert and become the property of the State; and the question of the fraud shall be tried upon scire facias, to be issued from under the hands of the Clerk of the Superior Court of the county in which the land lies, in the name of the Governor of the State for the time being, upon the application of any individual, against the tenant in possession of the land alleged to be fraudulently drawn or against the drawer thereof, setting forth the circumstances of fraud in the said scire facias specially.

Sec. 25. And be it further enacted, That all fictitious names, that may get into the lottery wheel by any means whatever, are hereby declared to be fraudulent, and any lot or lots drawn under a fictitious name or names, may be returned and condemned in the same manner as other lots fraudulently drawn.

Sec. 26. And be it further enacted, That in all cases where any person intends to return any tract of land as fraudulently drawn, before he shall be allowed to do so, he shall first give bond and security in the sum of two hundred dollars to the Justices of the Inferior Court of the county where the land lies, conditioned to indemnify the individual drawer of such tract of land for all damages he may sustain, provided the land is not condemned as fraudulent.

Sec. 27. And be it further enacted, That upon the return of said scire facias, with an entry thereon of service effected by any Sheriff of any county of this State, by leaving a copy thereof with the person named as defendant, or at his or her notorious place of abode, or by the return of said Sheriff, that the defendant is not to be found; Provided, the informer shall make affidavit that he does not believe the defendant resides in the State -- Upon which return of the Sheriff, that the defendant is not to be found, on affidavit, the Court is hereby authorised to have service perfected by an order, for a three months publication, in one or more of the public gazettes of this State, which rule when duly published shall be considered as sufficient service to authorize an issue to be made up, under the direction of the Court, to try the question of fraud, and in case the jury shall find the return fraudulent, the court shall by judgment, pronounce the grant issued on such return, and draw to be void, and order it to be cancelled, which judgment when transmitted to the Surveyor General's Office, and Secretary of State's Office, and entered, of file, shall be of sufficient authority, to those officers, to cancel the plats and grants for such fraudulent draws, from their offices respectively -- And the land when condemned, shall belong one half to the State, and the other half to the informer, and subject to be laid off, between the informer and the State, by writ of partition to be issued under the direction of the Superior court of the county in which the land lies, and to the proceedings of said writ of partition, on behalf of the State, it shall be the duty of the Solicitors General, in the respective circuits, to attend, and when the said lands are so laid off, the informer shall be entitled to a plat and grant for his share, upon the payment of the legal office fees: Provided nevertheless, that no return made by, or on behalf of any orphan or orphans, shall be pronounced fraudulent, until his or their legal guardian shall have been made a party to the Scire Facias, or other discreet person appointed by the court, in which the case is tried, to defend the case for the said orphan or orphans: And Provided also, That the Scire Facias under this section issue within two years from the date of the drawing.

Sec. 28. And be it further enacted, That no case after being commenced as aforesaid, by scire facias, shall be settled or compromised, by the informer or otherwise disposed of to the prejudice of the State, and in case it is, said land shall be liable to be returned by any other informer, in manner above prescribed, and division made thereof accordingly.

Sec. 29. And be it further enacted, That no scire facias shall issue, until the applicant shall have made and deposited in the Clerk's office, from which the said scire facias shall issue the following oath, to wit: -- "I do solemnly swear (or affirm,) that in making this information, I have no combination or understanding directly or indirectly, with the drawer, or any other person as the friend of, or on the part of the drawer.

Sec. 30. And be it further enacted, That the Governor is required, to cause the surveyors to proceed with as little delay as possible, and when the surveys are so made, and returned to the Surveyor General's Office, the Governor is further required, to notify the lottery Commissioners to meet at Milledgeville, and proceed forthwith, to the drawing of the Lottery contemplated by this act.

Sec. 31. And be it further enacted, That the Indians and their descendants, who reside upon said territory, and have made improvements thereon, shall be protected in the quiet and peaceable possession of such improvements, and of the lot or lots of land upon which the said improvements are made, until the General Assembly of this State shall enact to the contrary, or said Indians or their descendants shall voluntarily abandon such improvements, but no Indian, or descendant of an Indian, who shall be entitled to the benefit of this section, shall be at liberty to rent, sell or convey, his right of occupancy to any person or persons, unless it be to the government of this State, or of the United States, to and for the use of such drawers, and the persons drawing lots upon which Indian residences may be, shall not be allowed to disturb them in their occupancy of such improvements and lots: Provided, the benefits of this act shall not extend to those who have made new settlements in the gold region, within the present year, for the purpose of occupying and working the gold mines, but they shall be allowed to return to and occupy their former residences as others are provided for under this section: And Provided, no grant shall issue for any tract or tracts of land upon which said Indian residences may be until said Indian or Indians, or their descendants, shall have abandoned the same in manner and form as herein pointed out, nor shall the drawer or drawers of any such lot or lots, be subject to pay taxes for the same until they are entitled to obtain a grant or grants, for the same under the provisions aforesaid, and any person or persons, who may be the fortunate drawers of such lot or lots, upon which such residences may be located, who shall by threats, menaces, or violence, remove or attempt to remove, any Indian, or descendant of an Indian therefrom, or who, either in person, or by agent, shall take, or attempt to take possession of any lot of land, on which improvements be, shall forfeit their right to a grant or grants for the same, and such lot or lots shall revert to the State.

Sec. 32. And be it further enacted, That if any person or persons, whether Indians or others, shall willfully cut down or deface any marked trees, or remove any land mark which may be made in pursuance of the provisions of this act, previously to the distribution of lands, such person or persons shall be guilty of a misdemeanor, and on conviction thereof shall be punished by confinement in jail or in the Penitentiary, for a term not exceeding four years, at the discretion of the Court,

Sec. 33. And be it further enacted, That any person or persons who shall by force, menaces or other means, prevent, or attempt to prevent any surveyor or surveyors from running any line or lines, or doing and performing any act required of him or them by this act, shall on indictment and conviction thereof be sentenced to the Penitentiary at hard labor for the term of five years.

Sec. 34. And be it further enacted, That all vacancies which may occur, by death, resignation, or otherwise, of any lottery commissioner, previous to the completion of said drawing, as contemplated by this act, shall be filled by the Governor.

Sec. 35. And be it further enacted, That the sectional surveyors shall, with as little delay as possible, proceed to the performance of the duties assigned to them under this act; and on the completion and return thereof to the Surveyor General, the Governor is authorised and requested to direct the election of two justices of the Peace, and two Constables, being white men resident in said territory, in every of such sections, to be held at such time, and at such place, and to be superintended and returned to the Executive by such person or persons, in every of such sections as the Governor shall direct, which Justices and Constables shall respectively take the oath and execute the bond required by law; and that all white males of full age, resident in said territory shall be entitled to vote for such justices and constables. And in the event that the President of the United States shall at any time during the ensuing recess of the Legislature succeed in executing the compact between the United States and the State of Georgia, in relation to the Cherokee lands, that the Governor shall order the district surveyors to proceed to the discharge of their duties, and to the completion of the survey of the districts, as required by this act, and to the occupancy of said territory, otherwise the survey of the districts shall be suspended until the next meeting of the general assembly, and until further enactment for this purpose.

Sec. 36. And be it further enacted, That no county that is allowed two district surveyors, shall have sectional surveyors appointed therefrom.

Sec. 37. And be it further enacted, That the Governor is hereby authorised and required to protect said surveyors, in the prosecution of said surveys, and call out for that purpose such portion of the militia as he may deem necessary for their effectual protection, should the said surveyors or any of them be interrupted in the prosecution of their labours.

ASBURY HULL, Speaker of the House of Representatives.

THOMAS STOCKS, President of the Senate.

Assented to, 21st Dec. 1830.

GEORGE R. GILMER, Governor.