

THE
COLONIAL RECORDS
OF THE
STATE OF GEORGIA

VOLUME XVIII.

STATUTES ENACTED BY THE ROYAL LEGISLATURE
OF GEORGIA FROM ITS FIRST SESSION IN
1754 TO 1768.

COMPILED AND PUBLISHED UNDER AUTHORITY
OF

THE LEGISLATURE

BY

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1910.

For Establishing and Regulating of Patrols.

(State Archives.)

AN ACT

For Establishing and Regulating of Patrols

FOR AS MUCH as it is absolutely necessary Preamble
 for the Security of his Majesty's Subjects in this
 Province, that Patrols should be established under
 proper Regulations in the settled parts thereof, for
 the better keeping of Negroes and other Slaves in
 Order and prevention of any Cabals Insurrections or
 other Irregularities amongst them WE therefore Enacted

humbly pray your most sacred Majesty, that it May
 be ENACTED and be it ENACTED by his Honour
 Henry Ellis Esquire Lieutenant Governor and Com-
 mander in Chief of his Majesty's Province of
 Georgia by and with the Advice and Consent of the
 Honourable Council and Commons House of As-
 sembly in general Assembly met and by the Author-
 ity of the same, that immediately from and after the
 passing of this Act every Captain or Commanding
 Officer of a Company of Foot Militia throughout
 this Province is hereby authorized impowered and
 required severally and respectively to summon to-
 gether his inferior Officers, if any such there be,
 and they shall in Concert subdivide and distinguish
 his Company District into as many other convenient
 Patrol Districts, as they shall think most proper and
 consistent with the extent and situation of their gen-
 eral Company District, and so as the riding over any
 such Patrol District may not exceed above Twelve
 Miles in extent which said subdivided District sever-

That the
 Captain or
 Commanding
 Officer of a
 Company of
 Foot Militia
 shall in
 Concert with
 his Inferior
 Officers sub-
 divide his
 Company
 District into
 Patrol Dis-
 tricts, and
 the Owners
 of settled
 Plantations
 and other
 Inhabitants
 of such Dis-
 tricts shall
 do Patrol
 Duty suc-
 cessively.

erally

 For Establishing and Regulating of Patrols.

Any Captain or Commanding Officer failing to subdivide his Company District to pay 20s. to be applied towards repairing the Bridges and Causeways within such Districts—

Captains to publish in writing their subdivisions of Patrol Districts, and cause a Copy thereof to be entered by the Clerks of their Companies respectively

erally and respectively shall thenceforth be the Patrol Districts unless the same shall be thought necessary to be altered by the Officers as aforesaid, and wherein the Owners of settled Plantations as well as the other Inhabitants of any such subdivided Patrol District as well Alarm Men as others both Foot and Horse shall be subject to the Patrol Duty of that District and shall either by themselves in Person, or by others employed for that purpose do their Patrol Duty regularly and successively according to the true intent and meaning of this Act, and in Case any Captain or Commanding Officer shall omit or fail to subdivide and distinguish his or their Company District in Manner hereinbefore enjoined, that then every such Captain or Commanding Officer so failing shall respectively be subject to and pay the Penalty of Twenty Shillings Sterling to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the District where the offence shall be committed and be paid to the Commissioners of the high Roads in the Districts where the Offence shall be committed and be by them applied towards repairing the Bridges and Causeways in such Districts respectively, and that the Owners of settled Plantations and also the Inhabitants of every District may the better know to what Patrol District they severally belong the said Captains and Commanding Officers as aforesaid in each Militia District shall draw up and describe in writing their said subdivisions and appointments of such Patrol Districts and shall within ten Days after they make the same Cause signed Coppys thereof to be fixed

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up at the Church and Meeting-House Doors or other public Places in their several Districts and shall Cause another Copy thereof to be entered in a Book by the Clerk of each Company respectively, that any Person may from time to time have recourse to the same And forasmuch as all Persons as well Women as Men who are or shall be Owners of settled Plantations in any District ought to contribute to the Service and Security of that District where their Interest lays whether such Persons be residing there or not BE IT THEREFORE FURTHER ENACTED by the Authority aforesaid that the Captains or Commanding Officers of each Company of Foot Militia shall in their several Districts make out and keep from time to time a special Patrol List for every subdivided and distinct Patrol District in which List shall be inserted the Names of all Owners of Settled Plantations lying therein as well Women as Men and as well alarm Men as others whether they reside there or not as also the Names of all the Male White Persons there inhabiting PROVIDED that the Masters of all Overseers, and white Male Servants who by this Act are obliged to do Patrol Service, shall be obliged to furnish the said Overseers and Servants with a Horse and furniture for such Service PROVIDED ALSO that every Person having settled Plantations in this Province on which white Overseers shall be severally and constantly employed shall not be subject or obliged to do Patrol Service in those Districts where such Plantations lay on which white Overseers are employed as aforesaid other than in such in which

Commanding Officer of each Company to make out Patrol Lists for each subdivided District, to contain the Names of Owners of Plantations, whether Men or Women, and also all other white Male Persons inhabiting therein.

Masters to furnish Overseers and white Male Servants with a Horse and furniture for Patrol Service

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 For Establishing and Regulating of Patrols.

The Com-
manding Of-
ficer every
Muster Day
to prick of
out of the
Patrol List
not more
than 7 Per-
sons to do
Patrol Duty,
'till the next
Muster Day,
and so on
every Mus-
ter Day suc-
cessively

he shall actually reside and which Persons Male and Female whose Names shall be so inlisted shall be answerable for the Patrol Service of that District severally, successively and in turns; and on every Muster Day the said Captains or other Commanders of the Foot Militia shall out of every such Patrol List prick of the Names of so many Persons not exceeding seven in Number, as well Women as Men and Absentees Owners or Plantations there as well as residents all the Male Persons of which Lists severally and respectively whose Names shall be so pricked off shall by themselves or others employed and provided for that purpose severally and respectively to do the Patrol Service hereinafter directed for that Muster Day 'till the next ensuing Muster Day when the like Number shall be pricked off in the like Manner by equal turns and so on time after time on every ensuing Muster Day regularly, equally and successively, always choosing the nearest sett of Inhabitants mentioned in the general Patrol List to do Duty together that they may meet and assemble with the more conveniency and expedition, and if any Man or Woman (excepting such Women who hath not three Slaves) Owner of a Settled Plantation in any District to whom it may not be suitable or convenient to do Duty in Person shall fail of having a sufficient Person ready on any Muster Day to answer for and undertake the Patrol Service on his, her or their behalf when their Names shall be so pricked off as aforesaid or shall refuse to perform Patrol Service then and in every such Case the Captain or Commander at that Muster is

Owners of
settled Plan-
tations (ex-
cept Women,
who have
not 3
Slaves) not
having a
Person
ready to un-
dertake the
Patrol Serv-
ice, when
their Names
shall be
pricked off,
or shall re-
fuse to per-
form it, the
Commander
at that Mus-
ter may
agree with
any other
Person to do
it at a cer-
tain Price
not exceed-
ing 4s a
Night, to be
paid

to

For Establishing and Regulating of Patrols.

to agree with any other Person at a certain Price not exceeding four Shillings Sterling a Night to do Duty for him or her so unprovided, or that shall not appear to have a sufficient Person there ready or shall refuse to perform that Service until he or she shall actually procure some other white Person, between the Age of Sixteen and Sixty to do Patrol Duty for them, and the Rate or Price so agreed upon by any such Captain or Commander as aforesaid shall be paid by the Person whose turn of Service shall be so performed to the Person performing the same according to his time of Service, and in Case any Person shall fail to pay or satisfy such other Person, so appointed for him her or them so neglecting the Price so agreed upon by the said Captain or Commander then and in every such Case it shall and may be lawful to and for the said Captain or Commander for the time being who agreed with such Person to levy the same on the Goods and Chattels belonging to the Party so failing by Warrant of Distress for that purpose directed to any Sergeant of that Company or any Constable in which such District lays which Sergeant or Constable shall be allowed one Shilling for serving the Warrant, and at the Rate of two Pence Sterling per Mile outwards only any Law usage or Custom to the Contrary notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the Captains or Commanders of the several Companys belonging to the Town and District of Savannah shall prick off a Number not exceeding seven Men (who are not Residents of the Town)

paid by the Defaulter, or on Failure to be recovered by Warrant of Distress

Commanders of the several Companys in the Town and District of Savannah to prick off, not exceeding 7 Men (not residents of the Town) to do Patrol Service in their respective Districts

from

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Persons Ex-
cepted

Commanding
Officer of
each Com-
pany to ap-
point a
Person to
command
each Patrol,
who is to
fine any
Patrol Man
making De-
fault in his
Duty not ex-
ceeding 4s
to be ap-
plied to the
Use of such
Patrol, and
to be re-
served by
Warrant of
the Com-
mander of
the Com-
pany in the
District,
where the
Offence may
be commit-
ted

from the Lists of their Companys respectively including as well Horse as Foot, Alarm Men and others to perform Patrol Service in the District to which they belong beginning with the first Company and so on as is before directed by this Act to be done in other Districts PROVIDED always that nothing in this Act contained shall extend or be construed to extend to subject the Commander in Chief for the time being or any of the Members of His Majesty's Honourable Council or their Clerk or of the Commons House of Assembly or their Clerk the Public Treasurer, the Powder Receiver, Commissary General, nor any Judges of the General Court or Ministers of the Gospels, Custom-House Officers, or other Officers Commissioned by Vertue of His Majestys Sign Manual or the Pilots or Ferry-Men in any part of this Province to serve upon any Patrol Duty in any District whatever, any thing hereinbefore contained to the contrary notwithstanding AND BE IT FURTHER ENACTED by the Authority aforesaid that the Captain or Commanding Officers of every Company shall have Power in their several Districts from time to time to apoint one good and discreet Person from among the Persons so pricked off, to be their Commander as soon as their Names shall be so pricked of as aforesaid and that the Commander of every Patrol may have better Authority to keep them in good Order and demeanor during their time and turn of Duty, it shall and may be lawful for every such Patrol Commander and they are hereby directed and required, on any default or misbehaviour or neglect of Duty of any Patrol Man,

to

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to inflict a Fine upon him not exceeding the Sum of four Shillings Sterling for the use of Patrols respectively in which such neglect, default or Misbehaviour shall be committed, to be levied by Distress and Sale of the Offenders Goods, by Virtue of a Warrant for that purpose directed to the Constable of the District or Sergeant of such Company under the Hand and Seal of the Captain or Commander of the Company for that District in whose Company or Patrol such neglect, default or misbehaviour shall happen or be committed, which Constable or Sergeant shall be allowed one Shilling for serving the Warrant and two Pence per Mile Outwards only and every Constable or Sergeant refusing and neglecting to serve such Warrant directed to him shall be liable to a Fine not exceeding the Sum of Ten Shillings and that the said Patrols may be the better able to suppress any mischeivous designs of Negroes or other Slaves, during their time of Service IT IS HEREBY FURTHER ENACTED by the Authority aforesaid that every Person appointed or undertaking as a proxy for another, to serve in the said Patrol in pursuance of or by Vertue of this Act, shall provide for himself and keep always in readiness and carry with him on his Patrol Service, one good Gun or Pistol in Order, a Cutlass and a Cartridge Box with at least Six Cartridges, in it, under the Penalty of a Sum not exceeding four Shillings for want of any such Arms or Ammunition at such time and Places as they shall be appointed by their respective Commanders in their several Districts to whose Orders they shall on all occasions be respectively obedient during their time

Every Patrol Man to provide himself with a Gun or Pistol, a Cutlass and a Cartridge Box with at least 6 Cartridges on Penalty of 4s/

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Power and
Duty of the
Patrol

time of Service on pain of incurring the fine not exceeding four Shillings herein before mentioned AND BE IT FURTHER ENACTED by the Authority aforesaid that every Patrol shall go to, and examine the several Plantations in their District as they in their discretion shall see fit so that they be obliged to do Patrol Service one Night in fourteen at least and which shall be performed in such manner so as to visit every Plantation within their respective District once in every Month and may take up all Slaves which they shall see without the Fences or cleared Ground of their Owners Plantations, who have not a Ticket or Letter or other Token to shew the reasonableness of their Absence or who have not some white Person in Company to give an Account, of his her or their business; and such Patrol may correct every such Slave or Slaves by whipping with a Switch, Whip or Cow-Skin, not exceeding Twenty Lashes; PROVIDED that no Patrol Man shall beat or abuse any Slave quietly and peaceably being in his Master's Plantation or found any where out of the same having a lawful Ticket or other Token under the Penalty of Ten Shillings to be recovered by Warrant from any Justice of the Peace upon Oath, and be paid to the Owner of the Slave so abused: and the said Patrol shall have full Power to search and examine all Negro-Houses for offensive Weapons and Ammunition, and on finding of any such contrary to the Act for the better ordering and governing of Negroes and other Slaves shall then proceed according to the Method by the said Act directed and if any Patrol shall see any fugitive Slave or Slaves endeavouring to avoid them by
 hiding

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hiding or runing into or shall hear of any such being harboured in any dwelling-House of a white Person, the Commander shall ask leave of the Owner of the said Dwelling-House or of some white Person then there, to search for, examine and apprehend the said fugitive Slave, or that the said Owner should deliver up such Slave or Slaves, and in Case the said Owner or other white Person so intreated, shall refuse to deliver up such fugitive Slave or Slaves, or to suffer search to be made for them (the said Patrol or any of them having seen such Slaves enter) shall forfeit the Sum of Twenty Shillings for every such Offence AND BE IT FURTHER ENACTED by the Authority aforesaid that the said Patrols in their several Districts, or any two Persons belonging to the said Patrol respectively shall have full Power, and they are hereby authorized and impowered to enter into any disorderly tpling-House, or other House suspected of harbouring, trafficking or dealing with Negroes, either of white Persons, free Negroes or others, and to apprehend and correct all disorderly Slaves there found by whipping as hereinbefore directed, and the said Patrols in their several Districts may search any such disorderly Houses for stolen Goods, if any are suspected to be there concealed upon Oath first made of such suspicion before a Magistrate and the same certified to the Commander of such Patrol AND WHEREAS many irregularities may arise by Patrols drinking too much Liquor before or during the time of their being on duty BE IT FURTHER ENACTED by the Authority aforesaid,

The Patrol or any two of them impowered to enter any disorderly House suspected of harbouring or trafficking with Negroes, and may search such disorderly Houses for stolen Goods suspected to be there, Oath having first been made of such Suspicion and certified to the Commander of such Patrol-

Any Patrol Man being drunk when on Duty to pay 4s/ to be recovered by Warrant from a Justice and applied to the Use of the High Ways -

that

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Commanders
at Muster
Days or
within 5
Days after
neglecting
to prick off
a sufficient
Patrol to
pay 10s
for each
Patrol Dis-
trict to be
applied
towards re-
pairing
Bridges and
Causeways -

Persons be-
tween the
Age of 16
and 60 years
capable of
doing Patrol
Duty

that any Person whatever who shall be drunk during the time of his Service on the Patrol shall be subject to the Penalty of four Shillings, to be recovered by Warrant from any Justice of the Peace, upon Oath first made thereof, the same to be applied to the use of the High-Ways in the respective Districts where the Offence shall happen AND BE IT FURTHER ENACTED by the Authority aforesaid that in Case the Captain of any District or other Commander Officer, at any Muster Day, or within five Days after, shall fail or neglect to prick off a sufficient Patrol for any District according to the Method prescribed by this Act in Manner aforesaid, each of the said Captains or other next Commanding Officer, shall for every such neglect or default forfeit the Sum of Ten Shillings for every Patrol District so unsupplied to be recovered by Warrant under the Hand and Seal of any Justice of the Peace for the District where the Offence shall be committed, and shall be paid to the Commissioners of the High-Roads in the District where the Offence shall be committed and to be by them applied towards repairing the Bridges and Causeways in such District respectively AND BE IT FURTHER ENACTED by the Authority aforesaid, that it shall and may be lawful to and for any Person or Persons between the Age of Sixteen and Sixty to do Patrol Service for them, and to perform the other Dutys required of Patrols. And if any Captain or other Officer, Constable, Patrol-Man or other Person, shall be sued, arrested or impleaded for any Matter or Thing which he shall do or cause to be done by Virtue of or in pursuance of this Act,

it

For Establishing and Regulating of Patrols.

it shall and may be lawful for every such Captain and other Officer, Constable, Patrol-Man and other Person to plead the General Issue, and give this Act and the special Matter in Evidence on the Trial; and if a Verdict shall pass against the Plaintiff or Plaintiffs or that such Plaintiff or Plaintiffs shall suffer a Nonsuit, or discontinue his or their Action or Suit, then in every such Case, the Court where such Action shall be depending shall Tax and allow to the Defendant his and their double Costs in every such suit or Action PROVIDED always that this Act and every thing herein contained shall continue and be in force for the Term of two Years and from thence to the End of the next Sessions of the General Assembly and no longer

Persons
sued for any
Matter or
Thing done
by Virtue of
this Act
may plead
the General
Issue

The Dura-
tion of this
Act —

DAVD. MONTAIGUT Speaker

By Order of the upper House

PAT HOUSTOUN

Assented to 28 July 1757

HENRY ELLIS

(From B. P. R. O.—B. of T., Georgia.)

AN ACT

*for Stamping & issuing in paper Bills of Credit the
Sum of Six Hundred thirty Eight pounds Seven
Shillings*