

THE  
COLONIAL RECORDS  
OF THE  
STATE OF GEORGIA

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PART II.

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STATUTES, COLONIAL AND REVOLUTIONARY  
1774 TO 1805.

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## AN ACT

*For Revising and amending the several Militia Laws of this State. —*

WHEREAS the Laws now in being For the regulation of the Militia, are either expired or near expiring, or are found inadequate to the present Period: and a well ordered and well disciplined Militia is essentially necessary to the safety, peace And prosperity of the State in Particular, and the Confederal Union in General.

BE IT THEREFORE ENACTED by the Representatives of the Freemen of the State of Georgia in General Assembly Met and by the Authority of the same. That from and immediately after the passing this Act it shall and may be lawful for his honor the Governor for the time being, by and with the Advice and consent of the honorable Executive Council, to call forth And Assemble all the Male free Inhabitants of this State, from the Age of Sixteen to fifty Years Within the Different Counties, Districts, and places of the same at such times as may appear to him and them Necessary, and to Lead, conduct or employ, or cause or procure to be led, Conducted or employed as well within the said Counties, Districts and places where such persons Reside, as into any other County, District,

District, or place, Agreeable to the Necessity of the Case, under such forms, restrictions and regulations as are herein after expressly set down & declared . —

AND BE IT FURTHER ENACTED by the Authority Aforesaid that the Mode of Officering the said Militia, Shall be as follows; to wit, ALL OFFICERS inferior to field Rank shall be chosen by the Respective Companies of each battalion Agreeable to the Majority of Ballots of the persons liable to do duty in Manner herein after pointed out, after public Notice of such election being given for at least ten Days previous to the same in the respective Districts — And the said Officers so Chosen shall elect their field Officers, also by a Majority of ballots; except the staff, who shall be appointed by the Colonel or Lieutenant Colonel Commandant of each battalion or Regiment as the case may be, And all the said Officers shall receive their commissions from his Honor the Governor, for the time being, for and during their Good behaviour; and shall also be liable to be broken, Cashed or suspended by his honor the Governor for the time being; after a Trial Of such Officer or Officers being had before a Court Martial and if agreeable to the Decision or Sentence of such Court Martial.

AND BE IT FURTHER ENACTED by the Authority Aforesaid that it shall and may be  
lawful

## Revising and Amending Militia Laws.

lawful to and for the Colonel or Lieutenant Colonel of any of the Regiments or Battalions of this state, or in his absence the next Commanding field Officer to call together And Assemble, within his County, all or any of the Companies belonging to his Battalion or Regiment and cause them to be trained, Mustered, and exercised as he shall think fit: PROVIDED such Trainings Musterings, and exercisings do not exceed Twice in One twelve Months, unless by Order of his honor the Governor as aforesaid. —

AND BE IT FURTHER ENACTED by the Authority aforesaid That every Captain, or other Inferior Commissioned Officer of any Company in any Battalion, who shall refuse or neglect to Conduct or lead his Company, or attend the same to the place of Rendezvous for any General Muster exercising or training as aforesaid; under the Orders of the Officer Commanding Agreeable to the Directions of this Act Without Proper and sufficient excuse to a General Court Martial, to be held for that purpose; shall for the first Offence forfeit and pay a sum not exceeding five pounds, for the second Double the sum, And for the third, shall be Rendered incapable of holding a Commission —

AND BE IT FURTHER ENACTED that it shall And may be lawful to and for the Captains of the Different Companies of each battalion or Regiment

## Revising and Amending Militia Laws.

Regiment within this state, and they are hereby Required to assemble, Muster train and exercise, or Cause to be Mustered trained and Exercised their respective Companies, giving Notice of the same by beat of Drum or otherwise in such expeditious Manner as the Colonel or Officer Commanding the Regiment shall think fit, at any place, or places for Ordering Musters; PROVIDED the same does not exceed six times each Year, and that such Muster, training and exercising be within the district or division the said Company belongs to — —

AND BE IT FURTHER ENACTED that the several Captains or Commanding Officers of Companies in the Different Battalions or Regiments, shall Respectively enter enlist and enroll the names of all the male free inhabitants from the age of Sixteen to fifty as aforesaid within their respective companies districts or divisions and shall cause the several persons so enrolled and enlisted notice being given of the same, to appear at the times and places appointed for ordinary muster in each respective districts or division, and the publishing of which as aforesaid, shall be deemed a sufficient summons within the intent of this act to oblige the persons so entered and enrolled liable to appear as well at such ordinary musters, as at any general musters which may be held as aforesaid, and the persons so enrolled shall be deemed and held to be enlisted in and to belong to

to the company of that district or division in which he or they shall so reside and be so entered and enrolled and in case of any neglect or refusal to obey such summons, such person or persons so offending shall be fined at the direction of a court-martial to consist, if an ordinary muster of one captain two lieutenants in a sum not exceeding twenty shillings.

AND BE IT FURTHER ENACTED that it shall and may be lawful for the captains of the respective companies to appoint a proper person in each of their companies to act as clerk thereof who shall enroll and enter the names of the free male inhabitants so as aforesaid to be taken and sett down in a fair book for that purpose, and after the same shall be set down, such captain or other commanding officer of such company shall cause the different names to be thrown into a box, with a partition to be made for that purpose and shall every year draw four names from the one part, to be put into the other agreeable to the mode of drawing jurors, to act as serjeants for such company who shall proceed to obey the commands of their superior officers, and shall be respected and obey'd as such by the other non-commissioned officers and privates of their company and in case such serjeant or serjeants so drawn shall refuse in his or their turn to act immediately or shall at any time within his or their turn of continuance as such, that is one year as aforesaid, he or they shall

shall be liable to the mulct or fine of five pounds to be levied and placed to such purposes, as this act hereafter points out and directs, and the said officer so commanding is hereby required to proceed in manner before mentioned to draw another or others in his or their room: PROVID'D NEVERTHELESS that this clause shall not extend to prevent any captain, previous to such election from appointing any serjeant or serjeants not exceeding the number aforesaid who may be found capable and willing to act in that capacity

AND BE IT FURTHER ENACTED that in case any person or persons so liable shall neglect or refuse to appear compleatly armed and furnished with one rifle musket, fowling-piece or fusee fit for action, with a cartridge box or powder-horn answerable for that purpose with six cartridges or powder and lead equal thereto and three flints, at any general musters of the regiment or battalion to which his company belongs, every such person shall forfeit and pay a sum not exceeding five shillings, and if an ordinary muster a sum not exceeding two shillings and six pence

AND WHEREAS it may much contribute to the safety and welfare of the state, by encouraging volunteer troops of horse and companies subject however to the Field Officers of each regiment or battalion: BE IT THEREFORE

FORE ENACTED that it shall and may be lawful for any commanding Officer of any regiment or battalion to give his sanction to any number not less than twenty or more than seventy five privates to associate for that purpose and to Elect their own officers in that district they belong to, and they shall be permitted to make their own Rules, so as the same do not militate with the direction of this Act and are approved of by the field officers of the Regiment: Provided every such Officer and non commissioned Officer and Private therein enrolled do and shall muster and exercise in such volunteer or Uniform Troop or Company at least one day in three company or ordinary musters in default of which Muster the said person shall be held and respected as again enrolled in the Company his district belongs commonly to, and shall be liable to have the Penalties of fine inflicted on him, which are non defaulters by this Act inflicted for every such offence, and previous to his or their leaving such Volunteer, Troop or Company he or they shall give One Month notice, and in default thereof shall be mulct or fined, till the term expires agreeable to the rules pointed out by this Act for other Companies.

AND BE IT FURTHER ENACTED that no Company shall consist of more than one Captain two Lieutenants, Four Serjeants, four Corporals, one Drummer, one fifer and Fifty privates and in case any district or division now  
laid

laid out for any one respective Company of any battalion within that State shall exceed that number the same shall be formed into two districts divisions or Companies and shall elect officers as before laid down and mentioned, except that the officers before commanding the Company so to be divided shall have choice of commissions agreeable to their Rank in either.

AND IT IS HEREBY FURTHER ENACTED That when any battalion or Regiment comes to be too numerous, that is above the amount of One thousand effective privates, for the district division or County they respectively belong to, The field Officers are required to assemble with three or more Justices, not officers, of the County in which the same shall happen, and equally divide into two Regiments or battalions the old officers, taking choice and rank as aforesaid

AND BE IT FURTHER ENACTED, That in case of the removal of any Person or persons so enrolled from one district or division to another, such person or persons shall produce a Certificate thereof, and of his being enrolled in such other Company under the hand of the Captain or Commanding Officer of the same, and shall be liable to the pains and penalties of this Act, for neglect of duty or non attendance till such Certificate is delivered to such person or persons former Captain. —

AND BE IT FURTHER ENACTED by the  
Authority

Authority aforesaid, That every Master or other person, who hath the power over, government, or command of any Indented man Servant, who shall be employed within the State, shall at his or their own proper Costs and Charges, furnish and provide, every such Man Servant with such necessary Arms and Accoutrements, as is pointed out and directed by this Law to be furnished by every Male free inhabitant and such Masters shall be, and are hereby accountable for the appearance of his said servant at all Musters traininess, and exercisings, whether general or ordinary; and in default shall be liable to every fine or Mulet such non appearance is subject to: PROVIDED nevertheless that if such non appearance shall be his such Servants fault, he shall on conviction thereof, be held, bound and obliged to serve his said Master One Month for every such Offence

AND BE IT FURTHER ENACTED, that no civil process shall be served on any person or persons so enrolled as aforesaid, during his or their going to, or returning from, or whilst they are at the place of rendezvous of such Muster, Training or exercising, whether general or ordinary, or for twelve hours thereafter —

AND BE IT FURTHER ENACTED, that in case of absolute necessity, and order as aforesaid from his Honor the Governor, by and with the advice and consent of the Executive Council as aforesaid, all offences against the proper and necessary

necessary orders of a Superior Officer shall be fined and Mulet at double the rates laid down in this Act for non-appearance at general Muster for every such offence agreeable to the rank of the offenders. —

AND BE IT FURTHER ENACTED That all fines levied and penalties incurred for or by reason of this Act shall be lodged in the hands of the Major, to and for the use of the Regiment or Battalion the offender or offenders belonged to, and to be laid out to the best advantage either for Drums, colours or otherwise agreeable to the direction of a Majority of the field officers and the Major of such Battalion or Regiment is hereby required to render in a just and true account of all such fines and penalties as have come through his hands, at the end of every Year, to the Commanding officer of such Regiment or Battalion with an account of the necessaries purchased for such Regiment or Battalion out of the same, and the Commanding officer as aforesaid is hereby required to cause to the same to be publickly read at least once a Year, at the head of his said Regiment or Battalion

AND BE IT FURTHER ENACTED— That it shall and may be Lawful for the Captain, of every district, division or company on conviction by a court Martial to Issue his Warrant directed to any Serjeant of his said Company commanding him to levy such sum as such offender was convicted for, within ten days thereafter

after, who is hereby authorised and empowered to levy upon the offenders goods and chattles for that purpose, within ten days after receiving such Warrant, and if he shall find no such goods or chattles, so as to satisfy the same, he shall return the said Warrant, and such commanding officer is hereby authorized to Issue another to such Serjeant to apprehend the Offender and deliver him to the Keeper of the common goal of the County he belongs to, who is hereby required to keep and detain him, for the Space of twenty four hours, for every general Muster, and twelve hours for every ordinary Muster.

AND BE IT FURTHER ENACTED, that in case of refusal to serve such Warrants, or neglect of returning the same within fifteen days after receipt thereof, to the Issuing officer such Serjeant shall forfeit for every such offence Forty shillings, to be levied in like manner as is herein before pointed out for the private persons so enrolled —

AND BE IT FURTHER ENACTED, That in case of fine or mulct of any officer or Officers bearing Commissions in any company or Regiment of this State, the same shall be recovered by Warrants of distress under the hand of the Commanding officer of the Regiment and shall be directed to the Adjutant of the same, who is hereby required to levy as before laid down and mentioned for Serjeants in the case of  
Privates:

Privates: The Adjutant for the time, being and he is hereby declared liable to double the pains and penalties such Serjeant as aforesaid is subject to for every offence, whether neglect of duty, or refusal to Act —

AND BE IT FURTHER ENACTED, That Nothing in this Act contained, shall extend or be construed to extend to the subjecting to Militia duty the Honourable the Executive Council, the Members of the Legislature, the Chief Justice, the Assistant Judges, of each County, the Treasurer, The Secretary of State and Council, The Attorney General, The Clerk of the Assembly, Messengers, and door keepers of the Council and Assembly, the Clerks and Sheriffs of the County Courts, the Collectors of the different ports, the Pilots and Mariners, and Citizens, acting as such, Millers, School Masters, Ferry Men, Clergymen, in orders, Physicians, Justices qualified and actually acting as such, Sworn Attornies, Idiots, and Madmen, except in cases of Alarm.

By order of the House

JAS: HABERSHAM Speaker.

Savannah 26<sup>th</sup>:  
february 1784

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