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# Georgia Headright and Bounty Grants

[Introduction](#) | [How to Locate a Headright and Bounty Grant or Plat](#) | [Georgia Bounty Land Grants](#) by Alex Hitz | [GDAH Land Records](#)

## Introduction

While the Revolutionary War was still in progress, the General Assembly of Georgia passed two Acts relating to the granting of land, but until 1782 the State was overrun and occupied by the British and the government was so disorganized that the necessary official machinery for surveying and granting land was never perfected. As a result, both of these Acts became ineffectual and are referred to here only as a matter of historical interest. The first of these was the Act of June 7, 1777 (as amended by the Act of September 16, 1777) entitled "An Act for opening a land office and for the better settling and strengthening this State;" the second was the Act of January 23, 1780, entitled "An Act for the more speedy and effectual settling and strengthening this state." Actually only a very few surveys were ever made under these Acts and the first grant of land based on any of such surveys was not signed and issued until October 22, 1783. Neither Act provided for a fee-simple grant, but both followed the Colonial requirement for the annual payment of rent of two shillings on each hundred acres in the grant, in addition to settlement and cultivation within nine months. However, both Acts recognized the fact that many Colonial and State records had been lost or destroyed during the war and stipulated that, despite their loss, those persons who could produce some proof of an application for survey, or an agreement to purchase, or settlement under any Colonial law or grant, would be entitled to confirming grants. One feature of both Acts, which was followed in every subsequent Act, was that a man would be entitled to 200 acres as his own headright plus an additional 50 acres for his wife, each child and each slave, but that in no event could the total grant exceed 1000 acres.

The first effective land Act was the Act of February 17, 1783 (as amended by the Act of August 1, 1783) entitled an "Act for opening the land office and for other purposes therein mentioned." This Act allowed a man to take up 200 acres upon his own headright free of any charge except office fees for survey and grant, plus an additional 50 acres upon the head of each member of his family at sales prices ranging from one to four shillings per acre, and it limited any grant to a maximum of 1000 acres. The rights of persons who had previously received warrants of survey were ratified, and they were declared to be entitled to grants to land occupied by them. Those persons who, under legislation passed during the War, had become entitled to bounty lands, such as citizens who had not molested their neighbors' families or property, refugees who had served in militia companies outside the State, militia men of the State and men who had served in the minute battalions were declared entitled to grants, without charge except the office fees. The machinery for granting land, as set up by this Act, was as follows: The applicant for land would appear before the land court of the county in which he desired land, composed of at least five Justices, and after making oath as to the size of his family, including slaves, would obtain a warrant of survey. The county surveyor would then lay out his land, keep a copy of the plat of survey in his office, and forward a

copy to the Surveyor General. After living on the land a year and cultivating at least three per cent of the acreage, the settler would then apply to the Governor's office for his grant and pay all purchase price due and all office fees. The grant would then be issued and recorded

The Act of February 25, 1784, which was passed primarily to create and open up Franklin and Washington Counties, made some revisions in the grants laws previously enacted. The sales price of land in those two counties was fixed at three shillings per acre, and the maximum grant was again limited to 1000 acres. Bounty grants could be located in the new Counties, and all the bounty grants in all the counties were no longer to be tax free for ten years but were to be increased fifteen per cent in acreage. A large section, in what later became Greene County, was reserved exclusively for bounty grants to men who had served in the Continental Line or Navy, as distinguished from citizens, refugees or militiamen. For the first year members of the Executive Council were to act as the land courts for the new counties, prior to their organizations.

Under the Act of February 22, 1785, the provisions for payment of a purchase price or consideration for granted land, other than office fees, were removed, and thereafter all land was granted free. Cultivation was no longer a requisite. However, the restrictions as to the amount of land to which a man was entitled on his own and his family's headrights and the restriction to a 1000 acre maximum remained unchanged. No surveys for bounty grants were to be made after February 22, 1786, but as to bounty land surveyed prior to that date, a grant could be made upon the warrant at any time thereafter.

No information whatsoever as to the state or country of a man's former residence or as to names of his wife or members of his family are on either the warrant for survey, the recorded plat of survey or the recorded grant.

## How to Locate a Headright Grant or Plat

<p><b><u>Locating a Headright Grant:</u></b></p>	<p><b><u>I. Access By Grantee</u></b>  <b><u>II. Reasons for "No Finds"</u></b>  <b><u>III. Access by Grantee or Location</u></b></p>	<p><b><u>Locating a Headright Plat:</u></b></p>	<p><b><u>I. Access By Grantee Only</u></b>  <b><u>II. Access By Grantee or Location</u></b></p>
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## Locating a Headright Grant

Both Headright and Lottery grants bring together the name of the grantee plus some variation of legal description of the location of the land. In a Headright grant the legal description consists of information on the county, acreage, names of neighbors (provided there were any), and on any geographic land marks such as streams or roads, if present. In a Lottery grant this description consists of information on the original county, land district and lot number, and the grant can be accessed from both points (see [Locating a Lottery Grant](#)). With the exception of the Colonial grants (see

below), Headright grants can only be accessed by the name of the grantee, since there is no finding aid that would allow us to look them up under one of these other terms.

### I. Access by Grantee:

1. Look for the name you are researching in the printed *Index to the Headright and Bounty Grants of Georgia, 1756-1909*, (F 285 .I814). The index is arranged alphabetically by grantee and takes you directly to the citation of the document by listing grant book, title and page number; it also provides information as to county in which land was situated, acreage, and year of grant. If you find the subject of your research, proceed to the next step.
2. Search the Georgia Archives microfilm card catalog for the reel that includes your grant book. The respective cards are labeled *Georgia. Surveyor General. Grants, Colonial and Headright*. Volumes are listed alphabetically by title.

### II. Reasons for "No Finds":

1. An error in the printed index
2. Some grant books have duplicate pages
3. Two grant books seem to have the same title: **R-5** (or **RRRRR**), and in each book pagination starts with page 1; actually, on the spines of the volumes, these titles are given as **R-5,1833-35** and **R-5, No. 2, 1829**, and the microfilm card catalog lists them correctly with the first book being on GDAH #52/59 and the second one being on GDAH #52/60; however, the index does not differentiate between them, so check them both.

### III. Access by Grantee or Location:

There is a published finding aid for the Colonial grants that allows us to access these by grantee and by neighbor, stream, etc., by listing all these names in one alphabet. The distinction between a grantee and a neighbor is made by the style of print (names of grantees are printed in bold). The title is *An Index to English Crown Grants in Georgia, 1755-1775*, published by the Taylor Foundation (F 285 .I49). Instructions on how to use the index should be read (page ix). After you have found a citation, proceed with [Section I, Step 2](#).

### Locating A Headright Plat

Headright plats include the name of the person for whom the land was laid out and information on the location of the tract. The location is provided by listing the names of neighbors and/or land marks such as streams, roads, salt marsh, etc. While the Colonial plats can be accessed by grantee and by location, the majority of all headright plats, namely all those drawn after the Revolution, can only be accessed by grantee, and usually, the search is based on the information provided by the respective grant. We want to focus on these first:

## I. Access by Grantee Only:

1. Our main finding aid is a manuscript index entitled *Index - Plats - Headrights* (GDAH #286/42), identified on the Georgia Archives microfilm catalog card with the heading *Georgia. Surveyor General. Plats, Colonial and Headright. Index, 1755-1909*. The index is roughly arranged by grantee, insofar as the surnames are grouped together under their first letter only (random alphabetizing); the group is then subdivided by **plat book title** (which consists of one or more letters), i.e., all the grantees whose surnames begin with an "A" and whose plats are recorded in Plat Book **VV**, are assembled under the sub-heading **VV**, followed by all the "A's" recorded in Plat Book **WW** and assembled under the sub-heading **WW**. The columns beside the names show county, acreage, land marks (mostly streams), year of survey (a few years prior to the year of the grant), and page number. If name (not necessarily spelling), county, and acreage agree with the data from the corresponding grant, a match has been made. Check by what plat book title the group in which your researched name appears is headed and find the page number in the 6th column of the entry.
2. Locate the set of Georgia Archives microfilm catalog cards with the heading *Georgia. Surveyor General. Plats, Colonial and Headright* which lists the plat book titles in alphabetical order. Identify your microfilm reel, load the film on a reader, and go to the page number you have obtained from the index.
3. If you absolutely cannot find the name you are researching in the manuscript index, but you do have a grant, please ask for assistance. It is possible that the clerk omitted a name. We do have a collection of loose plats on file from which the recordings in the plat books were made. Each plat shows its citation, plat book and page number, on the back side. The collection is not complete and its arrangement (by county and in many cases randomly alphabetized) is not perfect, but it serves as a last resort.

## II. Access by Grantee or Location:

The publication *An Index to English Crown Grants in Georgia* (F 285 .I49) provides access to the Colonial grants by grantee and by location, since it lists all the names of grantees, neighbors, landmarks (streams, etc.) alphabetically. Instructions on how to use the index should be read (page ix). If you find a citation, proceed as in [Section I, Step 2](#).

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URL: <http://www.sos.state.ga.us/archives/rs/hbg.htm>

# Georgia Bounty Land Grants

By Alex M. Hitz

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Very little that is authentic has been written about the land grants given by the State of Georgia immediately following the close of the American Revolution, and many erroneous ideas have developed during the years since. There appears to be prevalent a belief, subscribed to by many of the patriotic societies, that every man who received a "Bounty Grant" was a Revolutionary soldier and a hero, whereas, actually the majority were not in either category. Very unfortunately this error was perpetuated by the publication in 1920 of a book by a former historian in which he listed as veterans all persons for whom land was surveyed, without recognizing any distinction between the various classes of grants.<sup>1</sup>

A most able and accurate historian has written that, at the start of the Revolution, Georgia " had about 18,000 whites and 15,000 Negro slaves. If every Georgian has cast his lot with the Revolution, she could not have afforded more than 3,000 fighting men."<sup>2</sup> It is a recognized fact that a very large percentage of the Georgia colonists continued to be loyalists or Tories up to the evacuation of Savannah by the British in 1782. A later writer has laboriously counted 1,458 warrants issued for bounties to known fighting men, and 2,923 warrants issued for bounties to citizens as a reward for not plundering or distressing the country.<sup>3</sup>

Before studying the background and history of the bounty grants, let us consider the conditions and temper of the time during which they were being issued. The Executive Council, in its minutes of July 15, 1784, recorded, "It being suggested there are many frauds committed in the surveys of land in the two new Counties<sup>4</sup> can there be any general rule made in regard to the stopping all grants for lands in the said Counties until the meeting of Assembly? The Council are of opinion, that there can be no such general rule made...."<sup>5</sup> And again, by section IX of the Act of February 22, 1785, the General Assembly enacted: "*And whereas*, it is apprehended that great abuses have happened in regard to bounties, *Be it therefore enacted*... That in future...."<sup>6</sup> Hundreds of vouchers or preliminary certificates intended to induce the issuance of warrants were signed by former officers, who then bought those warrants and had grants issued thereon to themselves. There are on file in the Georgia Department of Archives and History petitions containing the names of twenty or more men, all in the same handwriting, alleged by the certifying officer to have been entitled to bounty, praying that their bounties be granted to that officer. Among the worst offenders who thus acquired thousands of acres were Peter Carnes, Elijah Clarke, Leonard Marbury, Horatio Marbury, John Gorham, Edward Telfair, Ignatius Few, Zachariah Philips, Micajah Williamson, and Richard Call.

Moreover, entirely apart from such planned frauds, there occurred in the office of the secretary of the Executive Council, on May 29, 1784, the day appointed for the numbering and distribution of warrants for survey, such riotous and disorderly conduct that the clerks were overrun and the warrants were forcibly removed and scattered outside. Many duplicate warrants were signed to replace those so removed, and afterwards grants were made to the same man on both the original and the duplicate. Under such confusion, it would not be surprising that the fearful clerks should put through many unauthorized warrants for the most aggressive of the rioters. Read the words of the man who actually received the petitions and distributed the warrants, "Speculation, as I hinted before, has certainly extinguished in many men, passing for gentlemen, every spark of probity and integrity. Many have sworn that instead of 287 ½ acres of land, for which their warrants were made, they were entitled to 575 acres, and for others, on second thought, have deposed that they petitioned or meant to petition for the other Bounty, in both of which cases that warrants were taken up and new ones made accordingly."<sup>7</sup>

The original acts and resolutions pertaining to bounties allotted to each rank of each class a specified number of acres of land which would be exempt from tax for ten years. But Section XV of the Act of February 25, 1784<sup>8</sup> increased the respective amounts by fifteen per cent and made the land subject to tax. Inasmuch as the first warrants were dated May 15, 1784, they all conformed to that act, regardless of the lesser amount written in the governor's certificates. The bounties were awarded as follows:

<b>Rank</b>	<b>Acreage</b>	<b>Rank</b>	<b>Acreage</b>	<b>Rank</b>	<b>Acreage</b>
Private in Georgia Line	230	Lieutenant in Militia	460	Major in Georgia Line	920
Private in Minute Battalions	287 ½	Lieutenant in Minute Battalions	460	Refugee Captain in Militia	977 ½
Private in Militia	287 ½	Lieutenant in Georgia Line	460	Lt. Colonel in Georgia Line	1035
Refugee Private in Militia	287 ½	Refugee Private in Militia (also Citizen)	575	Lt. Colonel in Militia	1035
Seaman in Galleys	287 ½	Captain in Militia	575	Lt. Colonel in Minute Battalions	1035
Citizen	287 ½	Captain in Minute Battalions	575	Colonel in Militia	1150
Deserter from British	287 ½	Refugee Sergeant in Militia (also Citizen)	632 ½	Colonel in Georgia Line	1150
Sergeant in Minute Battalions	345	Captain in Georgia Line	690	Refugee Major in Militia	1207 ½
Sergeant in Militia	345	Refugee Lieutenant in Militia	747 ½	Brigadier General in Militia	1955

Sergeant in Georgia Line	345	Major in Militia	920		
Refugee Sergeant in Militia	345	Major in Minute Battalions	920		

One class of men to whom Georgia granted bounties of land were the officers and enlisted men of the four regiments of the Georgia Line attached to the Continental Army, who served at various times between January 7, 1776 and December 23, 1783. Although they were unquestionably more entitled to a bounty than any other class, they were given less land. Moreover the Executive Council thereafter dismissed their petitions for additional refugee warrants, upon the ground that they had been drawing pay and performing the duties of the profession they had chosen.<sup>9</sup> The land set aside for the veterans of the Georgia Line or Continental Line, as it was previously called, was a tremendous tract known as the Bounty Reserve or simply the Reserve, located in the south end of old Franklin County and the north end of old Washington County. The same territory is today part of Oconee, Oglethorpe and Greene Counties, lying between the Oconee and Appalachian rivers.

Another class were the Minutemen, or officers and enlisted men of the three Minute Battalions which were created by the Resolution of June 3, 1777 and disbanded by the subsequent resolution of March 1, 1778. Minutes of both resolutions are now lost, but it might be a reasonable presumption that the first followed the resolution of the Council of Safety which created the Line Regiments, by providing for a land bounty for enlistment. The Minutemen were all non-residents of Georgia at the time of their enlistments, recruited from other states.

The next class were the State Militia, a somewhat disorganized soldiery which was created in February, 1776 from the patriotic members of the former King's Militia who had taken over when the British fled. Judging from all histories, the Militia enlisted men assembled when they pleased, fought when they pleased, and went home when they pleased. Apparently the commanding officer of each regiment acted on his own initiative, without or in disregard of orders, so that groups of fighting Militia sprang up when needed and disappeared when they thought they were no longer needed. The Militia was in the service of the state, and not of the Continental Congress, from the start to the finish of the war.

Men who had fled from the state when their homes were overrun by the British and had enlisted and fought in the Militia Regiments of South Carolina and North Carolina comprised the next class, known as Refugees. The original resolution of August 19, 1781 is now lost, but from the Resolution of February 12, 1782<sup>10</sup> it appears that bounty grants were authorized to "an inhabitant of the State prior to the reduction thereof by the British arms, who was a refugee from the same, during which time he cheerfully did his duty as a soldier and friend to this and the United States." It is quite possible that, due to the differences in conditions and circumstances, the Refugees performed more sustained and effective military service than the Militia.

The fifth and largest class who received bounty grants, entitled Citizens, was the least deserving. On August 20, 1781 the General Assembly passed an Act reading, in Section VIII:

"And whereas numbers of persons are daily absenting themselves and leaving their fellow citizens to encounter the difficulties of the present crisis, *Be it enacted*...That any person or persons who shall produce a certificate from the commanding officer of the district to which he belongs, to the legislature of this State, (on the total expulsion of the enemy from it) of his stedfastly done his duty from the time of passing of this act, shall be entitled to two hundred and fifty acres of good land...*Provided* such person or persons cannot be convicted of plundering or distressing the country."<sup>11</sup>

Inasmuch as the Act was passed August 20, 1781 and the British were expelled from Savannah and the state in July, 1782, the bounty was for good, or at least neutral, behavior for the last ten months of the fighting. Military service was not mentioned; all that was required was that the citizen do not plunder or distress his neighbors, or that his plundering be not so overt and notorious to justify conviction. This group of persons, which was twice as numerous as all of the fighting-men combined, received more land for merely remaining in the state for ten months, at home and at peace with their neighbors, than did the men who served and fought for eight years in the Georgia Line Regiments of the Continental Army.

The sixth class, deserters from the British, was so negligible as barely to warrant mention, as bounty grants were given to fewer than five.

Between February 17, 1783 and February 22, 1785, there were five necessary steps involved in the issuance of a bounty grant of land in either Franklin or Washington County, namely:

First. The applicant for a grant would submit to the Executive Council (sitting as a land court) his petition showing the county in which he desired land, accompanied by a voucher (miscalled a certificate) from his commanding officer. It should be noted here that in the case of a soldier who fought in the Georgia Line, or Minute Battalions, or Militia, or Refugee Militia, or Galleys, the voucher or certificate would be from the commanding officer of the regiment or battalion in which he *served*; in the case of a citizen, the voucher would be from the commanding officer of the district in which he *belonged*.

Second. If this voucher or preliminary certificate was accepted as bona fide by the Executive Council – and many were not – the governor<sup>12</sup> would issue to or in the name of the petitioner a numbered certificate which showed his name and classification, such as Refugee, Minuteman or Citizen, and the number of acres to which he was entitled, and also the name of the officer who signed his voucher or preliminary certificate.

Third –A. The president of the Executive Council would then issue to the petitioner a numbered warrant, directed to the county surveyor of the county selected, directing him to admeasure and lay out the stated number of acres as bounty.

Third – B. For those who desired land in any of the eight old counties the procedure was substantially the same, except that the land court of that county exercised the same functions in steps 1, 2, 3-A as exercised by the governor, president and Executive Council with respect to Franklin and Washington Counties.

Fourth. The county surveyor or one of his deputies would survey the land chosen by the applicant, make three plats thereof, record one copy in a book in his office, and forward two copies, together with the executed warrant, to the surveyor-general; one to be recorded and filed in the latter's office and the other to be attached to the grant.

Fifth. Upon transmission of one copy of the plat of survey and the executed warrant by the surveyor-general to the secretary of state, a grant would be issued by the latter in the name of the governor after the payment of nominal office fees. Both the surveyor-general and the secretary of state would enter on the survey book and on the grant book the notation Bounty, but in no case was the actual classification of the grantee shown.

So far as future generations were concerned , the greatest defect in this system is that nothing except the governor's numbered certificate (step 2 above) indicated whether the grant was made to a civilian , or to a soldier, or to the purchaser and transferee of another man's rights. Some unauthorized person, probably about 1920, created confusion by writing the word bounty on many pages in the survey books and grant books, where the acreage suggested to him that the early clerks should have done so, even though the dates indicated that the grant could not lawfully have been a bounty.

The files of the Surveyor-General and of the Secretary of State, now deposited in the Georgia Department of Archives and History, contain only about half of the governor's numbered certificates and only about half of the Executive Council president's numbered warrants-the remainder, together with some of the books in which they were recorded, have been lost for many years. Because of this, no records are available today to determine the correct classification of many of the grantees. The Department of Archives and History has hundreds of the vouchers or preliminary certificates signed by commanding officers, but these have no probative value whatsoever in determining an individual's status. They were not signed for the state or by an official of the state, and were written only with the object of having a man's application for bounty considered by the Executive Committee.

By the act of February 22, 1785,<sup>13</sup> the General Assembly delegated to the land courts of the then ten counties in the state the duty of issuing warrants for bounty grants, without the necessity for a governor's certificate. But the act specifically provided that no bounty grants would be allowed or passed after February 22, 1786 unless application had been made prior to that date: however, a warrant issued prior to that latter date, either by the

president of the Executive Council or a county land court, would not become out-of-date if surveyed within two years from the date thereof. It is obvious that many warrants issued by county land courts after February 22, 1786 could not have been the basis for true and lawful bounty grants, even though so entitled.

After the expiration of the time allowed for soldiers of the Georgia Line or Continental Line to apply for lawful bounty grants in the Bounty Reserve, the ungranted land in that area was open to headright settlers. Through carelessness, the county land courts frequently wrote on their warrants and the surveyors wrote on their plats the words "bounty reserve"; this was not intended to indicate a bounty, but to describe the location of the land as lying within the Reserve. Those words were even written on hundreds of the absolutely fraudulent and void grants and surveys which were placed on the state's record books in the 1790-1796 period.<sup>14</sup>

As no law prevented it, many of the holders of numbered warrants, or even numbered certificates, sold the same to others, some of whom may have received grants in their own rights and the rest of whom would not have been entitled to warrants under any classification. Whenever any of these purchasers would present such warrants or certificates, either singly or in groups, to the land courts of any of the counties they would issue new warrants running in the purchaser's name, and subsequently, after surveys, the secretary of state would issue grants to those purchasers. As many of those grants were in the amount of 230 or 287 1/2 or 575 acres, Knight in his *Roster*<sup>15</sup> listed these grantees as Revolutionary soldiers, without ascertaining whether or not they were merely purchasers and assignees.

By the acts of January 23, 1780, February 17, 1783, February 25, 1784, and February 22, 1785, emigrants from other states were encouraged to come into Georgia and take out free headright grants, but Revolutionary soldiers were not given any favor or consideration over any other prospective settler. Ex-soldier and civilian stood on the same footing, and each was granted a quantity of land commensurate with the number of heads (meaning wife, children and slaves) in his family, the minimum grant being 200 acres to a bachelor, and the maximum grant being 1,000 acres.

In the third (1820),<sup>16</sup> fifth (1827)<sup>17</sup> and sixth (1832)<sup>18</sup> land lotteries a Revolutionary soldier was, under certain conditions, allowed to put in for two draws, as compared to the ordinary citizen's one draw. Although this was a preference, it certainly was not a bounty, as the drawing of land was purely a matter of chance. If he became a fortunate drawer on either or both of his chances and if he paid grant fees, the veteran would receive a grant to a land lot, which grant would show after his name the abbreviations Rev. Sol. or R.S.

Those who are interested in reading the legislative enactments and deliberations which provided for bounty grants are referred to the following:

<b>Date</b>	<b>Source</b>	<b>Date</b>	<b>Source</b>
January	Resolution of Council of Safety	February	Minutes of Executive Council.

1776		6, 1784	<i>Ibid.</i> , 587.
June 3, 1777	Resolution of Council of Safety	February 20, 1784	Minutes of Executive Council. <i>Ibid.</i> , 594.
March 1, 1778	Resolution of Council of Safety	February 25, 1784	Act of General Assembly, Sections IV, XI, XV, XVI, XVII, XVIII. Watkins, <i>Digest</i> , 291-95.
January 23, 1780	Act of General Assembly. Watkins, <i>Digest</i> , 232.	March 2, 1784	Minutes of Executive Council. Candler, ed., <i>Revolutionary Records of Georgia</i> , II, 605.
August 18, 1781	Resolution of General Assembly. Candler, ed., <i>Revolutionary Records of Georgia</i> , III, 11.	March 23, 1784	Minutes of Executive Council. <i>Ibid.</i> , 624.
August 19, 1781	Resolution of General Assembly	April 2, 1784	Minutes of Executive Council. <i>Ibid.</i> , 627.
August 20, 1781	Act of General Assembly. Watkins, <i>Digest</i> , 238	April 2, 1784	Minutes of Executive Council. <i>Ibid.</i> , 628.
January 12, 1782	Resolution of General Assembly. Candler, ed., <i>Revolutionary Records of Georgia</i> , III, 73.	April 6, 1784	Minutes of Executive Council. <i>Ibid.</i> , 789.
January 24, 1783	Minutes of General Assembly. <i>Ibid.</i> , 236.	April 12, 1784	Minutes of Executive Council. <i>Ibid.</i> , 792.
February 13, 1783	Minutes of General Assembly. <i>Ibid.</i> , 281.	July 15, 1784	Minutes of Executive Council. <i>Ibid.</i> , 667.
February 17, 1783	Minutes of General Assembly. <i>Ibid.</i> , 298.	July 16, 1784	Minutes of Executive Council. <i>Ibid.</i> , 669.
February 17, 1783	Act of General Assembly, Section II. Watkins, <i>Digest</i> , 259.	February 22, 1785	Act of General Assembly, Sections I, IV, VIII-X. Watkins, <i>Digest</i> , 308-11.
July 29, 1783	Resolution of General Assembly. Candler, ed., <i>Revolutionary Records of Georgia</i> , III, 385.	February 13, 1786	Act of General Assembly. Watkins, <i>Digest</i> , 327.
January 23, 1784	Minutes of Executive Council. <i>Ibid.</i> , II, 580		

## EXHIBIT A

Governor's Certificate (No. 871)

These are to certify, That Drury Cade, a Captain in Militia, is entitle to Five Hundred Acres of Land, as a Bounty, agreeable to an Act and Resolve of the General Assembly, passed at Augusta the 19 August 1781. As per certificate of E. Clark, Col. Given under my hand, at Savannah, the 25<sup>th</sup> Day of March in the Year of our Lord One Thousand Seven Hundred and Eighty-four.

Attest D. Rees Secty Jno. Houstoun

**Bounty Warrant** (No. 1942)

To Joseph Pannill, Esq. Surveyor for the County of Washington: You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto Drury Cade, Captn., a Tract of Land, which shall contain Five Hundred and Seventy Five Acres, in the said County of Washington Taking especial care that the same has not heretofore been laid out to any other Person or Persons; And you are hereby also directed and required to record the Plat of the same in your Office, and transmit a Copy thereof, together with this Warrant, to the Surveyor General, within the Term of three Months from this Date. Given under my hand, this Seventeenth Day of May 1784.

Secretary's Office. Certified John Habersham

By D. Rees Depty Secty Presdt. E. C.

**EXHIBIT B**

**Governor's Certificate** (No. 872)

This is to certify, That Drury Cade, Refugee, is entitled to Two Hundred and Fifty Acres of Land, as a Bounty, agreeable to an Act and Resolve of the General Assembly, passed at Augusta the 19 August 1781. As per certificate of E. Clark, Coln. Given under my Hand at Savannah, the 25<sup>th</sup> Day of March in the Year of our Lord One Thousand Seven Hundred and Eight-four.

Attest D. Rees Secty Jno. Houstoun

**Bounty Warrant** (No. 246)

To Jno. Gorham Surveyor for the County of Franklin:

You are hereby authorized and required to admeasure and lay out , or cause to be admeasured and laid, unto Drury Cade, a Tract of Land, which shall contain Two Hundred eighty seven & ½ Acres, in the said County of Franklin Taking especial Care that the same has not been laid to any other Person or Persons ; And You are hereby also directed and required to record the Plat of the same in your Office, and transmit a Copy thereof, together with this Warrant, to the Surveyor General, within the Term of

Three Months from this Date. Given under my Hand, this Seventeenth Day of May, 1784.

Secretary's Office Certified John Habersham

By D. Rees Dept Secty Presdt. E. C.

## **Exhibit C**

### **Petition**

To the Honourable the President and the Members of Council, now sitting in Augusta for the Purpose of granting Lands in the two new Counties of Franklin and Washington. The Petition of William Campbell, a Citizen of the State aforesaid Sheweth That your Petitioner is entitled to 287 ½ Acres of Land , as a Bounty for his Services, pursuant to the Certificate hereunto annexed; That your Petitioner is desirous of taking up the said Lands in the County of Washington. May it therefore please your Honourable Board to grant your Petitioner Two Hundred Eighty Seven and a half Acres of Land in the County of Washington on the Right aforesaid, and on his complying with the Terms mentioned in the late Land Act; and your Petitioner will pray.

Wm. Campbell

### **Certificate of Commander of District**

This is to certify, That William Campbell hath stedfastly done his duty, from the time of passing an Act at Augusta, towit, on the 20<sup>th</sup> of August, 1781, until the total Expulsion of the British from this State; and the said William Campbell cannot, to my knowledge or belief, be convicted of plundering or distressing the country; and is therefor, under the said Act, entitled to a Bounty of Two Hundred and Fifty Acres of good Land, free from taxes for ten years. Given under my hand, at Savannah the Second day of February 1784. By his order

H. Freeman Elijah Clark, Coln.

### **Governor's Certificate (No.368)**

These are to certify, That William Campbell, Citizen, is entitled to Two Hundred and fifty Acres of Land, as a Bounty, agreeable to an Act and Resolve of the General Assembly, passed at Augusta the 20<sup>th</sup> August 1781. As per certificate of Elijah Clark Colo. Given under my Hand, at Savannah, the 25<sup>th</sup> Day of February in the Year of our Lord One Thousand Seven Hundred and Eighty-four.

Attest

D. Rees Secty. Jno. Houstoun

## Bounty Warrant<sup>19</sup>

To Joseph Pannill Surveyor for the County of Washington. You are hereby authorized and required to admeasure and lay out, unto William Campbell a Tract of land , which shall contain Two Hundred & eighty seven 1/2 Acres, in the said County of Washington Taking especial Care that the same has not heretofore been laid out to any other Person or Persons; And you are hereby also directed and required to record the Plat of the same in your Office, and transmit a Copy Thereof, together with this Warrant, to the Surveyor General, within the Term of three Months from this Date. Given under my Hand, this Seventeenth Day of May 1784.

Secretary's Office Certified John Habersham

By D. Rees Secy. Presdt. E.C.

## Endnotes

1. L. L. Knight, *Georgia's Roster of the Revolution*.
2. E. M. Coulter. *A Short History of Georgia* (Chapel Hill, 1933), 121-22.
3. Louise Frederick Hays, *Hero of Hornet's Nest* (New York, 1946), 174.
4. Franklin County and Washington County, created February 25, 1784.
5. Allen D. Candler, ed. *Revolutionary Records of the State of Georgia* (3 vols., Atlanta, 1908), II, 667.
6. Robert and George Watkins. *A Digest of the Laws of the State of Georgia*. (Philadelphia, 1800), 311.
7. Letter of June 2, 1784 from David Rees, Secretary of Executive Council to Governor John Houstoun. Original in possession of the Georgia Historical Society, Savannah.
8. Watkins, *Digest*, 290.
9. Candler, ed. *Revolutionary Records of the State of Georgia*, II, 587.
10. Candler, ed. *Revolutionary Records of the State of Georgia*, III, 73.
11. Watkins, *Digest*, 238.
12. Section II of Act of February 17, 1783. Watkins, *Digest*, 259.
13. Section IX of Act of February 22, 1785. Watkins, *Digest*, 311.
14. S. G. McLendon. *History of the Public Domain of Georgia* (Atlanta, 1924).
15. See footnote 1, ante.
16. Act of December 15, 1818.
17. Act of June 9, 1825.
18. Acts of December 21, 1830 and December 24, 1831.
19. William Campbell, Citizen, also procured Warrant No. 67 Duplicate during the riot of May 29<sup>th</sup>, 1784 and then used both the original and duplicate warrants to obtain two surveys and grants. Grant Book GGG, pp. 24, 253. In Georgia Department of Archives and History.



## Books related to Land Records

- "Hancock Co., GA, Land Deed Genealogy", Helen & Tim Marsh, 1997, [2]
- "Index to the Headright and Bounty Grants of Georgia, 1756-1909", repr. 1992, Silas Lucas, Jr., [2], [4], [5]
- "Washington Co., GA, Land Warrants, 1784-1787", 1992, Mary Warren and Jack Jones, [9]

2. **Southern Historical Press**, 275 W. Broad St., Greenville, SC 29601. Phone (803) 233-2346 (803) 233-2346

4. **Hearthstone Bookshop**, 5735-A Telegraph Rd., Alexandria, VA 22303. Phone: (703) 960-0086 (703) 960-0086

5. **Frontier Press**, 15 Quintana Dr., Galveston, TX 77554. Phone: (409) 740-7988 (409) 740-7988

9. **Iberian Publishing Company**, 548 Cedar Creek Dr., Athens, GA 30605-3408. Phone: 1-706-546-6740 1-706-546-6740

## Georgia Land Records Glossary

### Bounty Grants

Grants issued to Revolutionary Soldiers or to Citizens (persons who stayed neutral during the Revolution). It cannot be determined from the grant itself, if the person did military service. However, application papers will reflect the status of the grantee (see also [Loose Headright and Bounty Documents File](#)).

### Certificate

A document that would entitle a person to a bounty grant. If the person was a Revolutionary Soldier, the paper would be signed by the commanding officer of his battalion or regiment, if he was a Citizen, it would be signed by the captain of the Militia District in which he resided. Upon receipt the governor would then confirm the man's eligibility with a numbered certificate that reflected his status.

### Citizen

A person who did not leave the state during the Revolution and could not be convicted of "plundering or distressing the country"; he was entitled to a bounty grant. This would have to be documented by a certificate.

### Headright System

Land distribution system prevailing roughly east of the Oconee River from 1755 to 1909. The size of the land to be granted depended on the number of "heads" in a household. In many cases settlers selected the tract of land first and then applied for a grant. The surveying system used was the Metes and Bounds System.

### Metes and Bounds System

Surveying system used under the Headright System. The boundary lines of a tract were measured (metes) and described in terms of the adjacent land or

geographical features, i.e., a stream, a road, land owned by another person or unknown land. The land was never pre-surveyed as a whole, but piece by piece, as it was granted. In contrast to the metes and bounds system is the [Land Lot System](#).

**Militia District**

A division within a county. All men between 16 and 60 (age varied) residing within its lines were automatically enrolled in a company for military purposes under a captain.

**Petition**

A written application for a grant under the Headright System and also for a Bounty Grant

## Chronology

# Georgia headright grants

[June 7, 1777](#)

Georgia passes its first headright law, allowing the leader of the executive branch to give land to individuals to "strengthen the state." No land is granted under this law.

[Georgia headright grants](#)

[September 16, 1777](#)

Georgia amends the headright provision to also create a land sales office. No land is granted or sold under this act.

[Georgia headright grants](#)

[January 23, 1780](#)

Georgia passes a headright law offering families 200 acres of land, plus 50 acres per person, to migrate to Georgia. Some land is surveyed to be granted, but none is actually granted under this law.

[Georgia headright grants](#)

[February 17, 1783](#)

Georgia passes a new headright law. This law recognizes the grants made under the 1780 headright law

[Georgia headright grants](#)

[October 22, 1783](#)

First of the Georgia headright grants is made.

[Georgia headright grants](#)

[May 29, 1784](#)

A general brawl erupts at the headright distribution for Franklin and Washington County.

[Washington County, Georgia](#)

[Franklin County, Georgia](#)

[Georgia headright grants](#)

[July 15, 1784](#)

Because of the huge amount of fraud Georgia's Executive Council suspends the granting of land in Franklin and Washington Counties

[Washington County, Georgia](#)

[Franklin County, Georgia](#)

[Georgia headright grants](#)

[February 22, 1785](#)

The General Assembly addresses the headright issues with a new act establishing a set procedure for granting headright land by delegating the authority to grant land to land courts in each county

[Georgia headright grants](#)

[December 21, 1789](#)

The Georgia Assembly, unsuccessful in dealing with the headright issue, agrees to sell land to the South Carolina Yazoo Company, The Virginia Yazoo Company and the Tennessee Yazoo Land Company. The deal, selling some 20 million acres falls through when the companies try to pay with near worthless specie

[Georgia headright grants](#)

[January 7, 1795](#)

Governor George Mathews signs into law a bill that agrees to sell almost 40 million acres to speculators at the starting the Yazoo Land Fraud. This corrupt deal led to the downfall of many popular politicians of the day.

[Yazoo Land Fraud](#)

[Georgia headright grants](#)

[James Gunn](#)

[February 18, 1796](#)

Under pressure from reformists led by U.S. Senator and Revolutionary War hero James Jackson, the Yazoo Land Act is rescinded.

[James Jackson](#)

[Georgia headright grants](#)

[February 21, 1796](#)

At the state capital in Louisville, Georgia's reform politicians burn every copy of the Yazoo Land Act except for one sent to General George Washington. It is the only known copy of the act to survive

[Georgia headright grants](#)

[May 11, 1803](#)

Land Lottery Act passed by Georgia legislature. Georgia needed to divest new lands ceded by the Creek, and did not want to return to the corrupt headright practice. A lottery to be held in 1805 that gave advantages to veterans was chosen.

[Georgia headright grants](#)

"Headright" was a rudimentary system of granting lands to able-bodied men (women were pretty much excluded from holding land at the time) dating back to the early 1600's in the Virginia colony. One of the earliest problems faced by Georgia under the trustee rule was the lack of ability to attract men who were willing and able to produce crops. Men were unwilling to work for the meager sums of money, but give them land and they came in droves, for with land came power.

Georgia was faced with hostile Creek and Cherokee Indians, and the headright system seemed to be the perfect solution. By granting lands to settlers they would build a buffer zone around the state on the backs of upcountry farmers ("crackers" to the coastal wealthy, because their products had to be cracked before being used).

Georgia passed a number of headright laws, but it was in 1782 that headrights were granted, almost all to those who fought for the state during the Revolution.

Revolutionary War soldiers merely had to bring a piece of paper signed by their commanding officer to get a headright grant (grant size depended on the time the paper was turned in and the rank of the soldier). The practice was almost immediately corrupted by some very prominent men including Elijah Clark, Edward Telfair and Ignatius Few, who signed vouchers for men who would claim headright land then deed it to their former commanders.

After the Revolution land speculation was rampant in the new states. Georgia's contribution was land scandal that that is mentioned by most history books to illustrate the practice, the Yazoo Land Fraud. Respected Georgia politicians decided to line their pockets with graft money, first in 1789 (this one fell through when the politicians realized that they were dealing with men who were shadier than themselves, including Patrick Henry) and again in 1795. Georgia passed a law granting land (20 million acres the first time, almost 40 million dollars the second time)

## Land in Georgia

### The Pine Barrens Speculation and Yazoo Land Fraud

Until 1803 Georgia distributed land based on the "headright" system. Each head of family had the "right" to 200 acres of land for himself and 50 acres of land for each member of his family, up to 1000 acres. After the Revolutionary War a number of governors signed land grants of significantly greater amounts than the law allowed. These grants, most of which were signed by **Governors George Walton, George Mathews, George Handley, Edward Telfair and Jared Irwin**, served to fuel land speculation that would briefly put Georgia in the national spotlight. Governor Mathews granted a million and a half acres to a single man. In Montgomery County Richmond Dawson received grants of 987,000 acres, James Shorter received grants of 1,219,000 acres and Micajah Vassar received grants of 458,000 acres of land. These grants alone totaled 2,664,000 acres of land in a county with an area of only 407,680 acres of land. By the end of his term outstanding land grants totaled three times the amount of land available in Georgia.

In the early 1790's lands "rich in hickory and oak with streams..." were sold to investors caught up in the intense land speculation fever sweeping the country. From the descriptions the land would be suitable for farming. Actually the land was a pine barren that covered 4 counties. The Pine Barren Scandal was quickly overshadowed in 1795 by the Yazoo speculative land fraud. The Yazoo Land Fraud and the Pine

Barren Speculation are two episodes of Georgia history that are not only frequently misunderstood but often merged.

The Yazoo Land Fraud began in 1785 with the organization of the Combined Society and the creation of Bourbon County Georgia. The Combined Society was a secret society whose only purpose was "By means of certain influences brought to bear upon those in authority to obtain from the State(Georgia) large grants of land, either for immigration or for sale, in either case for the end of making a large sum of money out of the transaction". Bourbon County Georgia was located on the Mississippi and included the site of the future city of Natchez. Georgia appointed civil and judicial officers for Bourbon County but repealed the Bourbon County Act in 1788. The Combined Society faded away but the evil lingered on.

In 1789 three companies, The South Carolina Yazoo Company, The Virginia Yazoo Company, and the Tennessee Company formed to buy land from the Georgia Assembly. On the 21st of December 1789 Governor Telfair signed into law a bill selling 20,000,000 acres of land to the Yazoo Companies for \$207,000. The deal fell through when the companies tried to pay in old, and in some cases worthless, currency. The Virginia Yazoo Company was headed by Patrick, if you can't give me liberty or death at least give me a big chunk of graft, Henry.

In 1794 four new Yazoo companies, the Georgia Company, the Georgia-Mississippi Company, the Upper Mississippi Company, and the Tennessee Company bribed and intimidated a bill through the assembly that sold them more than twice the amount of land for \$500,000. It passed the house 19 to 9 on January 2, 1795, and the Senate 10 to 8 the following day and was signed into law by Governor Mathews on January 7, 1795. A bid of \$800,000 with a \$40,000 deposit in hard money by the Georgia Union Company was ignored. U. S. Senator James Gunn was a major stockholder in the companies, as were a number of Georgia legislators.

Public outcry at the bill and the methods used to pass it resulted in a major upheaval in Georgia politics. Later that year the electorate expressed its' dissatisfaction by voting most of the bill's supporters out of office. Reformers, led by U.S. Senator James Jackson, took office and the Act was rescinded on February 18, 1796. According to some sources he vowed to repeal Yazoo if it cost him his life and was prepared to call out and shoot every person involved in passing the act. All records of the bill and resulting sales except the one sent to President Washington were collected in front of the State Capital (then in Louisville) on February 21, 1796 and consumed by Holy Fire from Heaven summoned with the aid of a magnifying glass.



Reformer James Jackson and other burn the Yazoo Land Act which gave huge amounts of land to "investors."

The state refunded the money paid for the land, but some of the land had been resold to people who refused the money, preferring the land instead. The state did not recognize the claims and the matter ended up in court. The United States accepted the transfer of the Yazoo Land Fraud claims along with the cession of Georgia's western claims in 1802. In 1810 the U.S Supreme Court struck down the reform act as unconstitutional (Fletcher vs. Peck), ruling the state had infringed on a valid contract.

Thanks to Richard E. Irby, Jr., who made a significant contribution to this page.

### [Walton War](#)

It was not the end of the effects of the Yazoo Land Fraud. We fought a war with North Carolina as a result!

[Georgia Land Lotteries 1805-1832](#)

[North Georgia History](#)

## Georgia Militia Districts

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**By Alex M. Hitz**

*[Reprinted from Georgia Bar Journal, Vol. 18, No. 3 (February, 1956), and published with the permission of the Georgia Bar Association.]*

The active, organized Georgia Militia, in the sense that it existed during the Revolutionary War, the War of 1812 and the various Indian uprisings until 1840, is today practically extinct. Its place was taken by the Volunteer organizations, both before and after the War Between the States, and later by the National Guard when it was organized in 1916. In fact, although detailed provisions for the government of the organized Georgia Militia were contained in the 1863 Code, later Codes dropped all but a few references to it although containing equivalent provisions relating to the Volunteers. The 1910 Code omitted all references to the Militia as a military force. It is true that the Act of Aug. 21, 1916 (Chap 86-2 of the 1933 Code) and the Act of Feb. 19, 1951 (Chap. 86-1 of the 1933 Code Supplement ) contain references to the unorganized Militia, but it is obvious that they are included only to provide for a reservoir of manpower who could be made subject to the draft and duty in the defense of the State in emergencies of the gravest nature. Technically, every citizen of the State, between the ages of 17 and 45, who is not a member of the National Guard or other organized military force, is today a member of the unorganized Georgia Militia in the Militia District in which he resides.

But although the organized Georgia Militia is dead, the Georgia Militia Districts are very much alive and enter daily into the activities of all of our citizens in anything connected with (1) the territorial jurisdiction of Justice of the Peace Courts; (2) the boundaries of election districts; (3) the return of property for taxation; (4) stock and fence laws; (5) the conveyancing of land in headright Counties; and (6) in all other circumstances specifically referred to in the laws of the Senate as presently codified.

It must be borne in mind that , as was stated by Chief Justice Fish in the case reported in 150 Ga 370 (p.396), " it clearly appears \*\*\* that Captain's and Company Districts were the same as what are now known as Militia Districts." The words Captain's, Company and Militia appear interchangeably in all of the legislation where Militia District is the subject or is referred to.

Militia Districts had their origin in the colonial Acts of Jan. 24, 1755<sup>1</sup> and Sept. 29, 1773,<sup>2</sup> and the basic principles were adopted and adapted in all subsequent enactments of the State Legislature. Originally the Provincial Governor, as Commander in Chief, was empowered to create Regimental and Company Districts and the field officers commissioned by him would define the lines of the King's Militia Company Districts and designate the number of men constituting the Militia company in that District. The Captain of each Company would enroll the names of every male, between the ages of 16 and 60, residing in the Company District, and his action automatically made those men members of that Militia Company.

The first Militia Act of the newly-formed State was passed on Nov. 15, 1778.<sup>3</sup> Practically the only changes from the Colonial Acts were in the lowering of the minimum age to 15 years and the election of the Captain and Lieutenants by the Militiamen residing in that Company District. The Act of Feb. 26, 1784,<sup>4</sup> passed at the close of the Revolutionary War to amend the 1778 Act, placed the age limits between 16 and 50, but still made the enrolling of the names of all residents in a Company District, by the Captain thereof, an automatic and compulsory enlistment. Under both Acts the boundaries of each Company District were determined by the Governor and Commander in Chief and were controlled by the number of militiamen residing therein, a Company being limited to a maximum of sixty-three men. It was under these Acts that there was originated the custom of identifying the District in which the Company was contained by the name of the Captain of that Company. Thus, with each election of a Captain, the same Militia Company District could be known successively as Smith's District, Jones' District, Brown's District or

Robinson's District. The name of a Georgia Militia Company and of the District in which the Company was located changed each time its Captain died, resigned or was removed, and it then became known as the District of his successor.

Following the passage, on May 8, 1792,<sup>5</sup> of the Act of Congress establishing uniform Militia laws for all of the States, Georgia again revised and amended her former Militia laws by her act of Dec. 14 (or 24), 1792.<sup>6</sup> The only new revisions, so far as the Militia Companies and Militia Districts were effected, called for elections of Captains in all Company Districts "within ten days after such Company District shall have been defined by the Executive." Governor Telfair issued a proclamation on Dec. 21, 1792<sup>7</sup> to the effect that the Company Districts "will remain as at present established." The appointment of a Adjutant General was first provided for by this Act.

The amending Act of Feb. 18, 1799<sup>8</sup> gave to the field officers of each Regiment the power to arrange and define Company Districts, subject to the approval of the Brigade Commander.

No act can be found, dated prior to 1807, which required that Captain's or Company Districts should be numbered. Up to and including April 8, 1804 no commission issued to a Company officer mentioned the name of his Company, but all commissions issued on or after May 2, 1804 designated the number of the Company District for which issued. Presumably the numbering of Militia Districts or Captain's Districts originated as a regulation of the Adjutant General, but it was soon after written into the laws by the Act of Dec. 10, 1807.<sup>9</sup> Sect. 4 of that Act read:

"Every division, brigade, regiment, battalion and company district shall be numbered throughout the State, by order of the commander in chief, in such manner that every corps of the same denomination shall bear a different number, by which numbers every district shall be designated in the commissions of officers commanding therein."

Prior to the passage of the 1807 Act, the Adjutant General had given numbers to 275 Militia Districts or Company Districts, all in twenty-six headright Counties, and as each new County was thereafter formed and Militia Districts were designated therein, they were likewise numbered in consecutive order. The highest numbered Militia District is 1892. In the course of time 281 Districts have been abolished through consolidation or otherwise, but those losses have been somewhat offset by clerical errors in duplicating 54 numbers, so that there are approximately 1665 Militia Districts in the State, as of 1955. As new Counties were formed from older Counties or large tracts were transferred from one County to another, the Militia Districts retained their identities and numbers – thus, Long County which was created in 1920 contains Militia Districts Nos. 16 and 24 which had been numbered in 1804 when part of Liberty County.

Practically all of the Georgia Militia Districts are known by name as well as number and those names remain unchanged year after year, in contrast to the earlier years when the name of the Captain then commanding was given to his District. The fact that names instead of numbers were formerly more popular is evidenced by the fact that the drawers in all six Land Lotteries between 1805 and 1832 entered their residences as being in (for example) Captain Smith's District in Burke County, instead of giving the number of that same district. An unsuccessful applicant who never drew a Land Lot in any of the Land Lotteries could enter his name in each successive Lottery, and it was quite possible that his residence, although never changed, could have been shown in as many as five differently numbered Captain's Districts in two or more Counties. It is today impossible to identify (for example) Captain Wiggins' District of Washington County, as it was known in 1807, with any of the numbered Districts as they existed in that County that year or any following year.

From 1755 to 1776 the power to lay out, alter and define the boundary lines of Militia Districts was vested in the Provincial Governor; and from 1778 to 1799 it was vested in the State's Governor, as Commander in Chief. The first Adjutant General of the Militia evidently inaugurated a form of muster roll for each Company, which included a description of that Company District. Among the fragmentary records of his

office there can be found the descriptions, as of the year 1793, of thirty-seven Militia Districts in Columbia, Elbert, Franklin, Greene, Washington and Wilkes Counties.<sup>10</sup> This was changed by the Act of Feb. 18, 1799<sup>11</sup> which gave to the field officers of the Militia in each County the power to lay out new Company Districts and to alter the lines of old districts, subject to the approval of the Brigadier General in command over that County. The Act of Dec. 10, 1807<sup>12</sup> gave to the commanding officer of each regiment, sitting with all his junior officers as a court of inquiry, the power to alter existing Company Districts and to lay out new Districts, and provided that such changes be recorded by the regimental clerk. The same provisions were included in the Militia Acts of Dec. 6, 1813<sup>13</sup> and Dec. 19, 1818.<sup>14</sup> Only one complete report of a clerk of a regimental court of inquiry can be found today.<sup>15</sup> That report shows that the officers of the Gwinnett County Regiment convened on June 18, 1830 and, in great detail, defined the lines of new and altered Company Districts.

However, the two Acts of Dec. 21, 1819 organizing Appling, Early, Irwin and Rabun Counties gave to the Inferior Court of each County the right to lay out the Captain's Districts. As each new County was thereafter created similar powers were given to the Justices of the Inferior Court, and the minutes books of those Courts should contain recorded data as to each such District. It must be noted that those Acts relating to newly created Counties did not change the laws respecting Militia Company Districts in the older Counties. But on

Dec. 23, 1839<sup>16</sup> a general law was passed, which gave to the Justices of the Inferior Courts of all Counties the right to lay out and alter the Militia Districts in their respective Counties. An amendatory Act of Dec. 23, 1840<sup>17</sup> required that the Governor be immediately notified as to the changes in District lines.

When the Inferior Courts were abolished by the Constitution of 1868,<sup>18</sup> their former jurisdiction over County matters, including the laying out and altering of Militia Districts, was conferred upon the Ordinaries.<sup>19</sup> An Ordinary's powers over Militia Districts were expressly set out in Sect. 337 of the 1873 Code and in all subsequent Codes, including Sect. 23-701 of the 1933 Code.

The creation of the office of County Commissioner(s) of Roads and Revenues was first authorized by the Constitution of 1868<sup>20</sup> and repeated in the Constitution of 1877,<sup>21</sup> and today 150 of the 159 Counties have such Commissioners or Boards of Commissioners. Up until 1922 the various local Acts creating County Commissioners for the various Counties defined their powers and duties, and unless the Act specifically gave them power to lay out new Militia Districts, or to alter or abolish existing Districts, that power remained vested in the Ordinary.<sup>22</sup> The Act of Aug. 21, 1922 (Acts 1922, p.82) gave to the Boards of County Commissioners of all Counties exactly the same powers and authority which had formerly been vested in the Inferior Courts, therefore, today the provisions of Chap. 23-2 of the 1933 Code apply alike to Ordinaries in Counties which have no County Commissioners and to County Commissioners in all other Counties, in which latter case the word "Ordinary" as it appears in each Section (except 23-208) of that Chapter should be construed as reading "County Commissioners of Roads and Revenues." Any action and order by Ordinary or County Commissioners, as the case may be relative to Georgia Militia Districts, is final and not subject to review or appeal, unless void on its face by reason of fraud or abuse of discretion.<sup>23</sup>

The territorial jurisdiction of Justice of the Peace Courts was first made conterminous with Militia Company Districts by Sec. 68 of the Judiciary Act of Feb. 9, 1797.<sup>24</sup> The Constitution of 1798<sup>25</sup> declared that "there shall be two Justices of the Peace in each Captain's District." Originally these Justices were nominated and appointed by the Inferior Courts, but after the Act of Dec. 21, 1819<sup>26</sup> they were elected by the citizens residing in each Militia District. The Constitution of 1968 reduced the number of Justices in each Militia District from two to one, and the actual wording of the law as it stands today is "there shall be one Justice of the Peace in each Militia District."<sup>27</sup>

Beginning in 1804<sup>28</sup> the Tax Receiver in each County took and made up the tax returns by and in the Militia Districts, and it was the duty of the Captain of each District Company to furnish him with a list of all persons in the District. These laws remained in force until 1830,<sup>29</sup> when the justices in each Captain's District were required to render similar assistance to the Tax Receiver. The practice of segregating taxpayers by Militia Districts on the tax digests continues to this day.

Originally all elections were required to be held at the seat of government in each County, but beginning in 1817 and continuing each year thereafter, local laws were passed for the various Counties, permitting general elections for Governor, Senators and all other officials to be held in the Militia Districts. Election Districts were established by varying phraseology such as "muster ground of the 27<sup>th</sup> Company, Captain Wilson's District" or " at the place of holding Justice courts in each Captain's District." Sec. 34-801 of the 1933 Code prescribes that voters deposit their ballots at the voting precinct in the Militia District in which they are registered.

The original Act of Dec. 23, 1839, as amended by the Acts of Dec. 23, 1840 and Dec. 14, 1899 (now codified as Chapter 23-2), prescribing the method of creating, changing, abolishing, or consolidating Georgia Militia Districts, has been considered and construed by the Supreme Court of Georgia in a number of decisions.<sup>30-40</sup> The most studious research into the State's history before these Acts was made by Chief Justice Fish in his dissenting opinion in the case reported in 150 Ga. 370 (pp. 392-396), but even he overlooked the first fifty years of the evolution of the District system. Perhaps the most remarkable instance in which the Supreme Court voided an order by the Commissioners of Roads and Revenues, wherein they had abused their discretion to the extent of removing certain isolated sections of one Militia District to another, even though those two Districts were physically separated by still another District, is illustrated in the case reported in 99 Ga. 544.

## Endnotes

1. *Colonial Records of Georgia*, Vol. 18, p. 7.
2. *Colonial Records of Georgia*, Vol. 19 (part 1), p. 291.
3. *Colonial Records of Georgia*, Vol. 19 (part 2), p. 103.
4. *Colonial Records of Georgia*, Vol. 19 (part 2), p. 348.
5. *Watkins Digest*, p. 816.
6. *Watkins Digest*, p. 458; *Marbury-Crawford Digest*, p. 348.
7. *Georgia Military Affairs*, Vol. 1, p. 324.
8. *Watkins Digest*, p. 741; *Marbury-Crawford Digest*, p. 362.
9. *Clayton Compilation*, p. 408.
10. *Georgia Military Affairs*, Vol. 1, pp. 358, 427, 457, 442; Vol. 2 (part 1), pp. 1-109; Vol. 3, p. 105.
11. *Watkins Digest*, p. 741; *Marbury-Crawford Digest*, p. 362.
12. *Clayton Compilation*, p. 408.
13. *Lamar Compilation*, p. 446.
14. *Lamar Compilation*, p. 459.
15. *Georgia Military Affairs*, Vol. 6, p. 23.
16. *Acts 1839*, p. 37.
17. *Acts 1840*, p. 53.
18. *Constitution of 1868*, Art. 5, Sec. 14.
19. *Constitution of 1868*, Art. 5, Sec. 5.
20. *Constitution of 1868*, Art. 5, Sec. 15.
21. *Constitution of 1868*, Art. 6, Sec. 16.
22. *86 Ga. 358*.
23. *198 Ga. 162*.
24. *Watkins Digest*, p. 619; *Marbury-Crawford Digest*, p. 271. Note: This Section was not repealed or amended by the Judiciary Act of Feb. 16, 1799.
25. *Art. 3, Sec. 5*.
26. *Lamar Compilation*, p. 393.
27. *Sec. 24-401 of 1933 Code*.
28. *Clayton Compilation*, p. 226.
29. *Acts 1830*, p. 200.
30. *67 Ga. 36*.
31. *67 Ga. 254*.
32. *68 Ga. 354*.
33. *84 Ga. 432*.

34. *87 Ga. 283.*
35. *91 Ga. 141.*
36. *93 Ga. 631.*
37. *99 Ga. 544.*
38. *130 Ga. 564.*
39. *138 Ga. 18.*
40. *150 Ga. 370.*