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A C T S

PASSED AT THE

FIRST SESSION

OF THE

SIXTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE SIX-
TEENTH DAY OF SEPTEMBER, ONE THOUSAND EIGHT
HUNDRED AND FIVE.



KNOXVILLE.

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ACTS
OF THE
STATE OF TENNESSEE.

CHAPTER I.

AN ACT to compel the Clerks of the Courts of Equity, Clerks of the Superior Courts of Law, Clerks of the County Courts, Registers and Rangers of the different counties in this State, to keep their Offices at the places of holding their respective Courts.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee, That from and after the first day of August next, the clerks of the courts of equity, clerks of the superior courts of law, clerks of the county courts, registers and rangers, either by themselves or lawful deputies, shall keep their offices within the county town, or place established by law for holding their respective courts, and that all the public papers and records belonging to their said offices, be, and at all times remain there.*

SEC. 2. *Be it enacted, That it shall at all times after the said first day of August, be the duty of each of the said officers, by himself or deputy, to give due attendance at their said offices, for the purpose of performing their official duties under the regulations and restrictions set forth in an act, entitled, "An act authorising the several courts to remove their clerks for misbehaviour in office." Passed at Knoxville, November 13th, 1801.*

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

October 3d, 1805.

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CHAPTER II.

AN ACT to authorise the different Superior or County Courts of Law in this State to alter the names of illegitimate persons.

WHEREAS the frequent applications to this General Assembly, have become troublesome, and have a tendency to expose the morals of society, and unnecessarily put the State to considerable expence for public printing, and time of the Legislature. For remedy whereof:

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, any of the Superior or county courts of law in this state, shall have full power and authority to alter the name of any illegitimate person on application of any person wishing to make legitimate any of their off-spring not born in wedlock: *Provided*, said applicant intends to make said illegitimate person heir, or joint heir to his or her estate.

SEC. 2. *Be it enacted*, That each applicant shall prefer a petition to the court, setting forth his or her reasons for legitimating said person; and if the court should think the reasons sufficient as stated in the petition, they shall direct the petition to be recorded at length, together with the opinion of said court, that said person made legitimate as aforesaid, have become heir or joint heir of the person petitioning.

SEC. 3. *Be it enacted*, That the clerks of the Superior or county courts, shall receive the sum of two dollars, to be paid by the person applying for the same, as a full compensation for his services.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER III.

AN ACT to alter the names of certain persons therein mentioned.

WHEREAS John Henderson of Greene County, hath petitioned this General Assembly to alter the name of William Miller, (an orphan) to that of William Henderson: And Whereas, it is the request of John Hamilton, of Sumner county, to alter the name of James Snody, to that of James Hamilton.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, that the name of William Miller, aforesaid, is hereby altered and changed to that of William Henderson — and that the said William Henderson is hereby adopted the son of the said John Henderson, and shall in all respects whatever, both in law and equity, be upon an equal footing with the legitimate children of the said John Henderson, and shall be entitled to all the privileges and advantages that he, the said William Henderson possibly could be, provided he had been born the legitimate son of the said John Henderson.

SEC. 2. *Be it enacted*, That from and after the passing of this act, that the name of James Snody, aforesaid, is hereby altered and changed to that of James Hamilton, and that the said James Snody is hereby adopted the son of the said John Hamilton, and shall in all respects whatever, both in law and equity, be upon an equal footing with the legitimate children of the said John Hamilton, and shall be entitled to all the privileges and advantages that he, the said James Hamilton possibly could be, provided he had been born the legitimate son of the said John Hamilton, any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER IV.

AN ACT to appoint Commissioners to settle with persons heretofore appointed Commissioners in the county of Cocke, to contract for the public buildings, and for the regulation of

the town of Newport, in the county aforesaid, by an act of the General Assembly passed at Knoxville, the 9th day of October, 1797.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Isaac Leonard, Abraham McCoy and John Inman, be appointed to call on all persons who have heretofore been appointed by law to fix on a place to erect a court-house, prison and stocks in the county of Cocke, and to contract for the public buildings in the county aforesaid, and a final settlement to make with the aforesaid commissioners; and said commissioners shall make a fair statement of all sums by them expended, to whom paid, and for what purposes, and shall return the same to the county court aforesaid, which shall be entered on the records.

Sec. 2. *Be it enacted,* That the better to enable the said commissioners to make and complete the aforesaid settlement, they are hereby empowered to call on all persons who may have any accounts respecting the aforesaid buildings, and the clerk of the aforesaid county shall lay before the aforesaid commissioners, a fair statement of the amount of all taxes laid on the aforesaid county, for the purpose of erecting the public buildings, setting down the particular year, and the amount of the sum in each year.

Sec. 3. *Be it enacted,* That if the clerk, sheriff, or the commissioners who were appointed to contract for the public buildings in the county aforesaid, shall refuse, or neglect, when called on, to furnish the commissioners appointed by this act, with all papers and vouchers that they may deem necessary, which are or may be in their hands or possession, shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, by the said commissioners, and when recovered to be applied to the use of the county aforesaid.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M. MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER V.

AN ACT, to amend an act, entitled, "An act for the better establishment and regulation of the Militia of this State," so far as respects the county of Hawkins.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all persons liable to do militia duty, residing North of Clinch Mountain, and within the limits of the county of Hawkins, shall be laid off and compose the third battalion in the Hawkins regiment; and the said battalion shall be governed by the same laws, rules and regulations, and enjoy similar privileges with the battalions already formed in the regiment aforesaid.

Sec. 2. *Be it enacted,* That the time for holding battalion musters, and the officer to command the same, shall be regulated by the regimental court-martial at their first setting after the passing of this act, and prior to that, if necessity should require, the colonel commandant shall fix such place, as in his judgment shall be most central, and appoint one of the majors to command, which appointment shall be considered temporary, and liable to be altered by the regimental court-martial at any subsequent period.

Sec. 3. *Be it enacted,* That this act shall not be so construed as to alter, abolish or change any part of the militia law of this state, except so far as respects the organization of the third battalion in the Hawkins regiment, and that the said battalion shall in every respect be governed by the same laws as heretofore, except where it is otherwise provided for by this act, any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VI.

AN ACT declaring certain words actionable, and to enable persons indicted for libels to give the truth of the matter in evidence, under the plea of not guilty.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That if any person shall wrongfully and maliciously utter, publish and declare any words of another, importing a charge of adultery or fornication, he, she, or they, shall be liable to an action at the suit of the party injured.

Sec. 2. *Be it enacted,* That in cases of indictments for libels, the person or persons charged, may give the truth of the matter charged in the indictment in evidence, under the plea of not guilty, and shall have every advantage thereof, that they now can have under any plea of justification in actions for libels.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VII.

AN ACT to compel the attendance of Commissioners appointed for the regulation of the different towns in this state.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of each and every commissioner appointed for the regulation of the respective towns in this state, to meet at the time and place appointed by the board of commissioners in their respective towns, at least once in every three months, and oftner if necessary, on the third days of the different county courts, and on failure thereof, (without a reasonable cause) shall pay the sum of one dollar to the commissioners for the use of said town, to be recovered before any justice of the peace for the county in which the forfeiture may accrue, by a warrant in the name of the chairman of the commissioners of the town.

Sec. 2. *Be it enacted,* That the presiding member of all boards of commissioners of towns in this state, shall in future be known and distinguished by the name of chairman of the board over whom he presides.

Sec. 3. *Be it enacted,* That each commissioner at their next meeting after the passing of this act, and before entering on the

duties of their appointment, shall take the following oath. I A. B. do solemnly swear or affirm (as the case may be) that I will well and truly discharge the duties enjoined on me by law, as commissioner of the town of _____ to the best of my skill and judgment. **SO HELP ME GOD.** *Provided always,* that any commissioner of any town, may resign his appointment to the board when he thinks proper.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER VIII.

AN ACT, to repeal the second section of an act, respecting Dollars and Cents and Contracts, and the manner of keeping Accounts, so far as respects the currency in which contracts shall be made and accounts kept.

BE it enacted by the General Assembly of the State of Tennessee, That the second section of the before recited act, passed the fifth of January, in the year of our Lord one thousand seven hundred and ninety-nine, be, and the same is hereby repealed; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER IX.

AN ACT to establish and confirm James Roddy's mill-dam across Powell's River.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the mill-dam erected by James Roddy across Powell's river, be established and confirmed: *Provided,* the said James Roddy, or his assigns,

do make, or cause to be made, within six months after the passing of this act, a good and sufficient slope in said dam, so that fish may pass without obstruction, and that boats and other crafts of every description, fit for navigating said river, may pass and repass with ease and safety: *Provided also*, that it shall be the duty of the said James Roddye, or his assigns, to keep the said slope at all times in good and sufficient repair, and fit for the navigation of boats and other crafts, at his or their own proper costs and charges.

Sec. 2. *Be it enacted*, That if any person or persons, after the time in this act limited and appointed for the erection of said slope, shall be obstructed in the navigation of said river, in consequence of the erection of said dam, it shall and may be lawful for such person or persons to institute a suit or suits against the said James Roddye, or his assigns, and shall recover such damages as he or they may sustain by reason of such obstruction.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 3d, 1805.

CHAPTER X.

AN ACT to appoint additional Commissioners for the town of Sevierville, and for other purposes relative thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Porter, Isaac Love, John Brabson, Flayl Nichol, Robert Wear, Benjamin Ominet and William Mitchell, are hereby appointed commissioners for the town of Sevierville, in addition to those already appointed; which said commissioners shall have, and are hereby vested with as full and ample powers as those heretofore appointed, and any number, not less than three, shall constitute a quorum to do any business relative to said town, within their original authority.

Sec. 2. *Be it enacted*, That the commissioners of the said town shall, within one month after the passing of this act, take

the following oath. I, A. B. do swear or affirm (as the case may be) that I will faithfully execute and discharge the duties of commissioner of the town of Sevierville, to the best of my knowledge and abilities. SO HELP ME GOD.

Sec. 3. *Be it enacted*, That all commissioners hereafter appointed for the said town of Sevierville, shall take the aforesaid oath before they shall enter on the duties of their said appointment.

Sec. 4. *Be it enacted*, That the said commissioners shall choose from their own body a proper person, to preside at their meetings as chairman thereof, annually, and shall also appoint a clerk and treasurer, and said treasurer shall keep a regular account of all money received and paid by him, in a book to be kept for that purpose; and the clerk shall keep in a book kept for that purpose, a true and regular account of the proceedings of said commissioners, and shall advertize the rules and regulations by them made when they may deem it necessary: And said commissioners shall cause the said town to be surveyed, designating the lots by fixing a stone at the corner of each lot, and shall cause to be made a plan of said town, in which shall be marked the number of each lot, and the name of the person to whom it was conveyed by the said commissioners.

Sec. 5. *Be it enacted*, That the commissioners of the said town shall have power to lay a tax on the holders of lots in said town annually; not exceeding fifty cents on each town lot; fifty cents on each white poll-resident in said town on the first day of January, annually; one dollar on each black poll, and on each stud horse; which said tax shall be collected by warrant under the hand and seal of the chairman and clerk, and directed to the collector of the county, whose duty it shall be to collect and pay over said money to the treasurer of said town, for which he shall be allowed as for collecting the county tax.

Sec. 6. *Be it enacted*, That in case any citizen or holder of lots, shall fail to pay any tax laid agreeably to this act, or to give in their property as by this act required, they shall be subject to the same proceedings, and liable to the same penalties as are imposed in case of failing to give in the state and county tax.

Sec. 7. *Be it enacted*, That said commissioners shall annually appoint one of their own body to take in a list of taxable property of said town, at the time and place where the inhabitants

shall give in the state and county taxes, and if any person or persons shall fail or neglect to return their taxable property to said commissioners, upon his reporting the same, shall be liable to the penalties directed by law in similar cases.

Sec. 8. *Be it enacted*, That the commissioners of the said town may make such bye-laws and acts for the regulation of the said town, as they may deem necessary, provided a majority of the acting commissioners be present, and consent thereto; which said acts shall be binding on the holders of lots in, and citizens of said town, such acts first being published by the clerk of said commissioners at the door of the court house thirty days before the same shall be binding on the inhabitants; and where recoveries are not provided for by this act, it shall be lawful to sue for the same before any justice of the peace for said county.

Sec. 9. *Be it enacted*, That no appropriation of the monies of said town, shall be made by said commissioners unless for the benefit and improvement of said town, or for defraying the expenses necessarily arising from carrying the same into execution.

Sec. 10. *Be it enacted*, That the said commissioners shall, within three months after the passing of this act, make such titles to those who are entitled to receive the same or their agents on application to them made for that purpose, conveying such titles as they are authorized and directed to make, by an act passed at Knoxville, on the tenth day of July, in the year one thousand seven hundred and ninety-five, entitled, "An act appointing commissioners to erect a court-house, prison and stocks in the county of Sevier, and to lay out and establish a town in the same, and for altering the time of holding courts, and apportioning jurors to the superior courts."

Sec. 11. *Be it enacted*, That where any holder of lots in said town, shall hold more than one lot joining each other, in that case, if said holder builds and make such improvements on any one or more of said lots so joining as aforesaid, of his own property, the value of which said improvements shall be equal to the value of the improvements required to be made by the before-recited act on each lot so possessed, such improvement shall be considered as a compliance with the said before-recited law, if made within two years from the date of their respective deeds or conveyances made to them by the commissioners aforesaid; and in case any holder of a lot or lots, shall fail to

improve agreeable to the requisitions of the before-recited act, or of this act, the lot or lots, so suffered to be and remain unimproved, shall revert to the said commissioners, and be disposed of as by the laid before-recited act directed.

Sec. 12. *Be it enacted*, That the treasurer of the said commissioners of said town, shall lay before the county court of said county, a true account on oath, of all monies by him received and disbursed, at the first court after the first day of January, annually.

Sec. 13. *Be it enacted*, That the said treasurer shall receive the same compensation for receiving and disbursing said monies, as the treasurers of counties are allowed for similar services.

Sec. 14. *Be it enacted*, That the said commissioners shall not receive any compensation for their services.

Sec. 15. *Be it enacted*, That all laws, and parts of laws, coming within the purview and meaning of this act, are hereby repealed and made void.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 3d, 1805.

CHAPTER XI.

AN ACT to enable persons having a right or title to land, and not in actual possession thereof, to transfer their interest.

WHEREAS it has lately been adjudged in this state, that persons having a right or title to land in the possession of another, cannot convey such an interest therein as to enable the grantee to recover the possession thereof, in an action of ejectment. For remedy whereof:

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall and may be lawful for any person or persons having a right or title to land, although he, she or they may be out of possession, and notwithstanding there may be an

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adverse possession, to sell, and convey, and transfer his, her, or their interest, in and to the same, in as full and ample a manner as if he, she or they had been in actual possession of the land intended to be conveyed, and the grantee or grantees shall have the same right of action to recover the possession thereof, that the grantor or grantors had at the time of executing the conveyance.

Sec. 2. *Be it enacted*, That in all cases of actions hereafter to be brought in any of the courts of this state, it shall and may be lawful for the grantee or grantees claiming an interest under a conveyance for land heretofore made, although the grantor or grantors were out of possession, and notwithstanding there was an adverse possession at the time the conveyance was executed, to derive the same benefit and advantage therefrom, as if the grantor or grantors had been in actual possession at the time of executing the conveyance; any law, usage or custom to the contrary notwithstanding.

Sec. 3. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, be, and the same is hereby repealed.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

October 3d, 1805.

CHAPTER XII.

AN ACT making good the registration of all deeds, registered by William Wilson, deputy of James Stinson, register of Greene county.

BE it enacted by the General Assembly of the State of Tennessee, That all deeds, or certified copies thereof, that have been registered in the register's office of Greene county, by William Wilson, deputy of James Stinson aforelaid, shall be considered in law as legal, and shall be admitted as evidence in any court of justice in this state, in as full and ample a manner as though they had been register-

ed by the said James Stinson; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

October 9th, 1805.

CHAPTER XIII.

AN ACT authorising George Gordon, to complete the Mills he is building on Nolichucky River.

BE it enacted by the General Assembly of the State of Tennessee, That George Gordon, of Greene county, is hereby empowered and authorised to finish and complete the mills that he has begun on Nolichucky river, in Greene county, and to raise and complete the dam on said river: *Provided*, the completion of said dam and mills does not impede the navigation of said river, nor obstruct the passage of fish; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

October 9th, 1805.

CHAPTER XIV.

AN ACT authorising the county court of Sevier, to compensate the commissioners by them appointed for the purpose of ascertaining the line between the counties of Jefferson and Sevier.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That Peter Bryan, and Joshua Gift, commissioners appointed by the county court of Sevier, for the purpose of ascertaining the line between the counties of Jefferson and Sevier, be allowed the sum of two

dollars each, for each day they may have served as such, to be paid out of the treasury of the county of Sevier.

Sec. 2. *Be it enacted*, That Mordecai Lewis, be allowed the sum of two dollars for each day he may have served as surveyor, in running the line between the counties of Jefferson and Sevier, to be paid out of the treasury of the county aforesaid.

Sec. 3. *Be it enacted*, That the chain-carriers attending the aforesaid commissioners, be allowed the sum of one dollar each, for each day they may have served as such, to be paid as aforesaid.

Sec. 4. *Be it enacted*, That the said court shall grant certificates to the aforesaid commissioners, surveyor, and chain-carriers, for the sums they are respectively entitled to, from the proof they adduce to said court, of the time each of them hath served as such, which certificates shall be paid in the same manner, as is provided for the payment of other county dues; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 9th, 1805.

CHAPTER XV.

AN ACT, to amend an act, passed at Knoxville, November the 13th, 1801, authorising the inhabitants south-west of the river Holston, in the lower end of Sullivan county, to hold separate elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for all the inhabitants south west of the river Holston and Watauga below the mouth thereof, in Sullivan county, and those living in the Long Island of Holston, to meet at the house of Frederick Brumstrutter, on the days appointed by law, and vote for a governor, representatives to congress, and members to the general assembly of this state.

Sec. 2. *Be it enacted*, That it shall be lawful for the coroner or deputy sheriff of Sullivan county, to open and hold said

election at the house aforesaid, for the purpose aforesaid, on the days appointed by law, subject to the same rules and restrictions as therein prescribed.

Sec. 3. *Be it enacted*, That the votes taken as above, shall be counted at the place where they are taken, in presence of the judges appointed to superintend said election; and it shall be their duty to make out a fair statement of the votes given to each candidate; which statement, when made, shall be given under the hands and seals of said judges, and immediately sent to the court house at Blountville, by the returning officer.

Sec. 4. *Be it enacted*, That at all times when vacancies may happen for field officers in said county, that the inhabitants within the bounds aforesaid, who shall be entitled to vote for field officers, shall meet in like manner at the place aforesaid, and vote for field officers; and it shall be conducted under the same rules as are prescribed by law, and the votes so taken shall be considered at all times part of the election aforesaid; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 9th, 1805.

CHAPTER XVI.

AN ACT giving further time for proving and registering Grants and Deeds, and for regulating Conveyances.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all grants for lands not registered within the time heretofore prescribed, may be registered at any time within two years from and after the passage of this act; and all deeds and other conveyances for the absolute transfer of any estate in lands, tenements or hereditaments, not acknowledged, or proved and registered within the time heretofore prescribed, may at any time within twelve months from the passing hereof, be acknowledged or proved in the manner by law directed, and registered in the county where the land lies; and the said acknowledgment or probate, and registration, shall be as good and valid as if the same had been made within the time heretofore prescribed.

Sec. 2. *Be it enacted*, That from and after the passing hereof, all deeds and mesne conveyances for the absolute transfer of any estate in lands, tenements or hereditaments, or for the settlement of lands, tenements or hereditaments, or the settlement of slaves or other personal property in consideration of marriage; and all mortgages and deeds of trust whatsoever, which shall hereafter be made and executed, shall be void as to creditors and subsequent purchasers, unless the execution of the same shall be acknowledged by the grantor or bargainor, or proved by two credible witnesses at least, and registered in the county where the land lies, or in case of slaves or personal property, where the grantor or bargainor resides, within nine months from the time of executing such deed, mesne conveyance, mortgage or deed of trust.

Sec. 3. *Be it enacted*, That in all cases where bills of sale of negroes have been executed and not registered within the time heretofore prescribed by law, it shall and may be lawful to register the same within nine months after the passage of this act, and the same shall be good and valid in law as if registered in the time heretofore prescribed.

Sec. 4. *Be it enacted*, That powers of attorney authorizing the conveyance of land, may, on being proved in the manner in which deeds and other conveyances of land are by law required to be proved, be registered in the register's office, of the county in which the land authorized to be conveyed shall lie. And attested copies of such powers of attorney shall be legal evidence in the same manner as copies of deeds and other conveyances of land, by law required to be registered.

Sec. 5. *Be it enacted*, That the several registers of this State shall, and they are hereby required to register all powers of attorney delivered to them for that purpose, and proved as herein-before-mentioned, on receiving from the person requiring the same to be registered, the sum of fifty cents, and the like sum for each copy by him given of any such power of attorney,

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 18th, 1805.

CHAPTER XVII.

AN ACT to establish an Academy in the District of Mero, and for other purposes.

WHEREAS it has been communicated to this General Assembly, that sundry inhabitants in the said District of Mero, have for several years kept up a School in the vicinity of Nashville, called the Valadolid Academy, and are now erecting a commodious building for the use of the same: And the Legislature of this State feeling a lively interest in promoting every measure so well calculated to diffuse useful knowledge, and with it all the virtues that adorn the character of a free and enlightened people:

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That Joel Lewis, Robert C. Foster, Robert White, Benjamin D. Wills, Thomas A. Claiborne, Robert Searcy and George M. Deaderick, gentlemen, be, and they are hereby constituted a body politic and corporate, by the name of "The Trustees of Valadolid Academy," and by that name shall have perpetual succession and a common seal.

Sec. 2. *Be it enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be capable in law to purchase, receive, and hold to them and their successors forever, any lands, tenements, rents, goods and chattels of what kind soever, which may be purchased by, or sold, devised or given to them for the use of said Academy, and to sell or otherwise dispose of the same in such manner as to them shall seem most conducive to the advantage of said Academy.

Sec. 3. *Be it enacted*, That said trustees or a majority of them, by the name aforesaid, may sue or be sued, plead and be impleaded in any court of law or equity, and they shall from time to time have power to make such bye-laws, rules and regulations, not contrary to the laws and constitution of this State, as they shall deem necessary for the good order and regulation of said Academy, and to appoint a President, Secretary, Tutors, Treasurer, and other persons necessary for conducting the business of the institution; erect the necessary buildings, and do all such o-

ther matters and things as to them shall seem best for the promotion of the same, and for securing and improving the property aforesaid; the said Trustees or a majority of them, shall have power to make and receive subscriptions to the use, and for the benefit of said Academy, and in case any person shall fail to comply with his or her subscription, to enforce payment thereof by warrant or motion as the case may require, before a justice of the peace, or the court of the county where the delinquent subscriber resides, ten days notice of such motion being given.

Sec. 4. *Be it enacted*, That all vacancies, occasioned by death, resignation, removal, or otherwise, of any of the said Trustees, shall be supplied by the choice of the remaining Trustees or a majority of them.

Sec. 5. *Be it enacted*, That this act shall commence and be in force from and after the passing thereof.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 18th, 1805.

CHAPTER XVIII.

AN ACT to suspend certain Acts therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act, entitled, "An act to confirm and make good all lawful entries made, and warrants and grants issued by the state of North Carolina, for lands lying within the limits of this state, and to authorize the Secretary and Governor of the same to perfect titles on all the lawful entries and warrants that are not yet perfected," be, and the same is hereby suspended until the end of the next session of the General Assembly, except the seventh section of the before-recited act.

Sec. 2. *Be it enacted*, That the act entitled, "An act for establishing offices for receiving entries of claims for all vacant lands within the several counties in this state, and ascertaining the method of obtaining titles to the same," passed January fifth, 1799. And an act entitled, "An act appointing survey-

ors and entry takers, and directing their duties in office," passed November 14th, 1801; and all acts and parts of acts in any wise relative to perfecting titles by grant, original survey, or entering vacant and unappropriated lands, issuing warrants upon certificates, or otherwise, passed by the Legislature of this state, be, and the same are hereby suspended until the end of the next Session of the General Assembly, except such parts thereof as relates to the appointment and duty of county surveyors, for dividing, re-surveying, &c. of such tracts as have been acted upon, and performing the duties as such. *Provided*, nothing herein contained shall be so construed, as to effect the compact entered into between this state and the state of North Carolina.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 18th, 1805.

CHAPTER XIX.

AN ACT appointing Commissioners for the regulation of the town of Tazewell, in the county of Claiborne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Lane, Walter Evans, Abel Langham, James Grayham, Henry Baker and John Bristoe, are hereby appointed commissioners for the regulation of the town aforesaid.

Sec. 2. *Be it enacted*, That the said commissioners shall and may take upon them the regulation of the said town, having regard to the manner and form the same hath heretofore been laid out by former commissioners by law appointed for that purpose.

Sec. 3. *Be it enacted*, That from and after the passing of this act, the commissioners aforesaid shall be, and they and every of them, are hereby constituted directors and trustees for the designing and improving the town aforesaid.

Sec. 4. *Be it enacted*, That the said commissioners, or a majority of them, shall and may cause the streets of said town to

be kept in good repair: *Provided*, they call on none but the inhabitants of said town for that purpose; and said commissioners or a majority of them, shall have power to exercise their authority as regulators of said town in all respects whatever.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XX.

AN ACT to exempt certain persons from serving as Jurors.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, all regular authorized Ministers of the Gospel of all professions in this state, shall be exempt from serving as jurors in any court within this state.

Sec. 2. *Be it enacted*, That all overseers of public roads within this state, being duly appointed according to law, shall be exempt from serving on any jury in the courts of pleas and quarter sessions within this state during the time they hold such appointment; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXI.

AN ACT to compel defendants against whom actions are brought for the recovery of the penalty for the breach of penal statutes, to give bail as in other cases.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, in all cases where a quitam action or actions are to recover the penalty for the breach of any penal statute, the

person or persons against whom such action is brought, shall be held to bail as in other cases of arrest on civil process; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXII.

AN ACT to release Walter Evans from a forfeited recognizance.

WHEREAS Walter Evans entered into recognizance for the appearance of James M. Murry, at a Superior Court for the District of Hamilton, which appears to have been forfeited. Wherefore, for sufficient reasons appearing to the General Assembly,

BE it enacted by the General Assembly of the State of Tennessee, That the said Walter Evans is hereby released from the said forfeited recognizance; any thing to the contrary notwithstanding. *Provided*, nothing herein contained shall be so construed as to exonerate the said Walter Evans from the payment of all the cost which may have accrued on the said prosecution.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXIII.

AN ACT authorising Jeremiah Jack of Knox county, to erect a Mill or Mills and Dam, across the North Sluice of the first Island in French-Broad River, above the junction thereof with the River Holston.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the said Jeremiah Jack, his heirs and assigns,

shall have and enjoy the exclusive use and benefit of all that part of French Broad river that runs on the North side of said Island, through his own lands, for the express purpose of erecting a mill or mills and dam across the same: *Provided*, that the navigation of said river is not impeded thereby; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXIV.

AN ACT to repeal a part of the sixtieth section of an act, entitled, "An act to regulate the proceedings of the Courts of Equity," and for amendment of the law passed at Knoxville, the second day of November, in the year one thousand eight hundred and one.

BE it enacted by the General Assembly of the State of Tennessee, That so much of the sixtieth section of the above recited act as authorises the verdict of a jury and judgment of the court thereon to be pleaded in bar to any ejectment brought afterwards by the same party, or any person claiming under him, her or them, on the same title, be, and the same is hereby repealed and made void.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXV.

AN ACT concerning Moses Brown.

WHEREAS it is represented to this General Assembly that Moses Brown of Davidson county, is an honest and respectable citizen, and there being some doubts as to his degree of blood: For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That from and after the

passing of this act, that the aforesaid Moses Brown be, and is hereby entitled to all the privileges with other citizens of this State; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXVI.

AN ACT to confirm a contract between the Commissioners of the town of Greenville, and David Deaderick, by his agent Valentine Sevier.

WHEREAS under the authority of the second section of an act, passed at Knoxville, the third day of November, one thousand eight hundred and three, entitled, "An act giving more special powers to the commissioners for the regulation of the town of Greenville, and to authorize the court of Greene county, if they think it expedient, to lay an additional tax for the sole purpose at herein contemplated." The commissioners aforesaid, subsequent to the passing of this act, disposed of the jail lot in said town, to David Deaderick, by his agent Valentine Sevier, aforesaid. Wherefore,

BE it enacted by the General Assembly of the State of Tennessee, That the commissioners aforesaid, or a majority of them, which will not exceed eight in number, are hereby empowered and authorized to execute and grant unto David Deaderick aforesaid, a deed of conveyance for the jail lot in said town, known and represented in the original plan of said town, to be lot, number sixty-one, and to vest the said David Deaderick in an indefeasible right of inheritance in fee simple to said lot with its appurtenances, so far as the right of inheritance is vested in said commissioners; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

October 18th, 1805.

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CHAPTER XXVII.

AN ACT to release James Stinson, Ewen Allison, and David Russell, from the payment of a Judgment recovered against them by the Governor in behalf of the State, in the Superior Court of Hamilton District, except as to the sum really due the State.

WHEREAS a suit was heretofore instituted in the name of the then Governor of this state, against James Stinson register of Greene county, and Ewen Allison and David Russell his securities, for public taxes which the said James Stinson had collected on the registration of grants and conveyances for land; and at the September term of the superior court of law for Hamilton district, in the year one thousand eight hundred and three, a judgment was recovered against the said James Stinson, Ewen Allison and David Russell, for the sum of five hundred dollars, the penalty of the bond which they had entered into for the said James Stinson's true and faithful performance in collecting the public taxes arising on the registration of grants and conveyances for lands registered in Greene county, and for the payment of the same to the public treasurer, in manner prescribed by law, as appears of record in the office of the clerk of said court:

BE it enacted by the General Assembly of the State of Tennessee, That the said James Stinson, Ewen Allison, and David Russell, shall be released from the payment of the before-recited judgment: *Provided*, the said James Stinson does, within six months after the passage of this act, deliver unto the Treasurer of the districts of Washington and Hamilton, a regular and well authenticated account, containing a just and fair statement of all the public taxes by him collected, and which by law he was bound to pay into the public treasury, and pay the amount of the said account into the hands of the said treasurer; and also pay all costs which accrued in recovering said judgment; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives,
JOSEPH M. MINN,
Speaker of the Senate.

October 18th, 1805.

CHAPTER XXVIII.

AN ACT concerning the Natchez Hospital.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That James Hearn, John Sommerville, and Duncan Robertson, Gentlemen, be, and they are hereby appointed and constituted a board of trustees at the town of Nashville; and that John Crozier, Josiah Nichol, and James Park, Gentlemen, be, and they are hereby appointed and constituted a board of trustees at the town of Knoxville, with full authority to take and receive subscriptions for the use and benefit of the President and Trustees of the Natchez Hospital; and if any person shall neglect or refuse to pay the money by him subscribed for that purpose, it shall be lawful for the said trustees to recover the same by warrant before a justice of the peace, where the subscription shall not exceed fifty dollars; and where it shall exceed that sum, by motion in the court of the county where the delinquent subscriber resides: *Provided*, the party has ten days previous notice of said motion.

Sec. 2. Be it enacted, That the trustees by this act constituted at the places aforesaid, are required from time to time to pay over to the President and Trustees, of the Natchez Hospital, all such money as may come into their hands by virtue of this act, in such manner as to them, with the concurrence of the President and Trustees aforesaid, may deem best calculated to insure safety, and promote the end in view.

Sec. 3. Be it enacted, That the trustees hereby appointed shall make report of their accounts to the stated meetings of the General Assembly of this state.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

CHAPTER XXIX.

AN ACT granting a certain sum of money to the President and Trustees of the Natchez Hospital.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That the treasurer of Me-ro district, be, and he is hereby authorized and required to pay to

the order of the President and Trustees of the Natchez Hospital, for the use and benefit of the same, the sum of five hundred dollars, which said order acknowledged to be paid, shall be a sufficient voucher in the hands of said treasurer, in the settlement of his accounts.

Sec. 2. *Be it enacted*, That this act shall commence and be in force from the passing thereof.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

CHAPTER XXX.

AN ACT to establish ware-houses, and a place for the inspection of flour, beef and pork, on the bank of Holston River, in Sullivan county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Laurence Snapp, junior, to build a ware-house at the most convenient place near his ferry, on his own land, on the main road leading from Blountville in Sullivan county, to Greeneville in Greene county, for the purpose of establishing an inspection of flour, beef, pork, and all such other produce as may be necessary.

Sec. 2. *Be it enacted*, That it shall also be lawful for William Childrels, to erect a ware-house on his own land, near the mouth of Fall creek, for the purposes above mentioned.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 30th, 1805.

CHAPTER XXXI.

AN ACT to prevent sheriffs, coroners and constables from bidding or purchasing at their own sales.

WHEREAS it appears to this General Assembly, that sheriffs, coroners and constables if permitted to bid or pur-

chase at their own sales, may often prove injurious and oppressive to debtors and securities. For remedy whereof:

BE it enacted by the General Assembly of the State of Tennessee, That if any sheriff, coroner, or constable, from and after the first day of January next, shall bid or purchase at their own sales, either by themselves or any other person or persons for them or their benefit, all such sales or purchases shall be void, and all persons concerned in any such sales shall be liable to an indictment for a misdemeanor by the party injured; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

CHAPTER XXXII.

AN ACT to amend an act, entitled, "An act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments."

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, it shall be lawful when any county line shall run through any lands where any dower is to be laid off, in that case the same jury summoned by the sheriff of the county where the said petition shall be filed, may proceed to lay off the said dower in the same manner as if there was no division by any county line through said tract of land; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

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CHAPTER XXXIII.

AN ACT respecting the Treasurer of Mero District.

BE it enacted by the General Assembly of the State of Tennessee, That Thomas Crutcher, treasurer of Mero district, be, and he is hereby entitled to a credit of two hundred and sixty dollars, money by him advanced in conformity to the particular request of His Excellency the Governor, in order to defray the necessary expences of said Governor, and General James Robertson, while attending a treaty held with the Cherokee nation of Indians, agreeably to a resolution of the last General Assembly.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXIV.

AN ACT to establish a town in the county of Stewart, on the south bank of Cumberland River.

BE it enacted by the General Assembly of the State of Tennessee, That the town heretofore laid off by Robert Nelson, in the said county of Stewart, on the first Bluff on the south bank of Cumberland river, below Dyer's Island, be, and is hereby established by the name of Dover: Provided, the said Robert Nelson files a plan of said town in the clerk's office of said county, within six months after the passing of this act.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 30th, 1805.

CHAPTER XXXV.

AN ACT concerning Henry Tooley.

BE it enacted by the General Assembly of the State of Tennessee, That the late commission-

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ers of the town of Livingston, be authorized to re-convey to Henry Tooley, the lands by him conveyed to them as commissioners, in trust for the county of Smith; forty acres of land bounded as follows, viz. Beginning at a sugar-tree on the north bank of Cumberland river, on his line, running east one hundred and ten poles to a stone fixed in the side of a hill; then north, sixty four poles to a stake; then west to the river bank, and up the same to the beginning; which conveyance shall be as good and valid both in law and equity, as if the same had never been conveyed to them by the said Henry Tooley; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXVI.

AN ACT concerning Jurors in Jackson and Stewart counties.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, that any house-holder, or any person holding land by bond or entry, shall be competent in all respects whatever to serve as jurors in the said counties of Jackson and Stewart, in the same manner as if they were free-holders; any law to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XXXVII.

AN ACT to authorize the sheriffs of the different counties within this state, to take recognizances in certain cases.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the

passing of this act, it shall be the duty of the different sheriffs within this state when they execute any Capias on an Indictment, to take a recognizance for the appearance of the party, in the same manner that justices of the peace are now bound to do by law; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate,

October 28th, 1805.

CHAPTER XXXVIII.

AN ACT concerning Merchants, Pedlars, &c.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the first and second sections of an act, entitled, "an act to declare what species of merchandise or manufactures, may be sold by retail or otherwise, without subjecting the seller to the penalties set forth in act, entitled, "an act ascertaining what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," &c. passed the fourth day of August, one thousand eight hundred and four, be, and the same is hereby repealed; and that such parts of the act, thereby intended to be explained, remain in full force and effect: *Provided*, that nothing therein contained shall be so construed as to prevent any person from vending any article the growth and manufacture of this state; or to retail the articles of iron, salt, lead, steel and caltans, whether manufactured within or without the limits of this state.

And whereas, it is represented to this General Assembly, that sundry merchants have misconstrued the before-recited act, whereby they have failed to apply for licence and pay the taxes agreeably to the true intent & meaning thereof. Wherefore:

Sec. 2. *Be it enacted*, That each merchant, pedlar, and hawker in this state, who have not paid his or their tax agreeably to the fourth and fifth sections of an act, entitled, "an act to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," passed November 7th, 1803, shall have

the further time of two months allowed them to pay the same to the clerks of their respective courts, whose duty it shall be to receive and account for the same, in like manner as heretofore prescribed by law; and if the said merchants, or any of them, should fail to pay the said taxes, it shall be the duty of the different clerks to enforce the penalties of the before recited act.

Sec. 3. *Be it enacted*, That it shall be the duty of the clerks of the several counties within this state, to report to their respective courts such persons within their knowledge, as have failed to comply with the requisitions herein alluded to: Whereupon, the court shall enter up judgment against such merchant, pedlar, or hawker, for the penalties thereby incurred.

Sec. 4. *Be it enacted*, That it shall hereafter be the duty of every person, whether a citizen or foreigner, who shall bring into this state any stud horse for covering of mares, after the first day of January in each and every year, to report such horse to the clerk of the county wherein he shall stand, who shall issue a licence to such applicant, granting to him the privilege of advertising and letting such horse to mares for one season and no longer: *Provided*, before such licence shall issue, the applicant shall pay to the clerk a sum equal to the season of one mare, and the additional sum of fifty cents as fees of office, which money so received for the state, shall be accounted for by each clerk in the same manner and form as he accounts for other public monies.

Sec. 5. *Be it enacted*, That any person failing to comply with the requisitions of this act, shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt before any jurisdiction having cognizance thereof, one half to the use of the state and the other half to the use of the person who will sue for the same; and any person imposing on the clerk a less sum for the use of the state than that which he may receive for the season of one mare, shall forfeit and pay the sum of fifty dollars, to be recovered as aforesaid.

Sec. 6. *Be it enacted*, That any person keeping a horse for the purpose of covering mares, although said horse may not have been returned, shall nevertheless be liable to pay the tax prescribed by law, under the penalties herein mentioned.

and should any stud horse be removed from one county to another for the purpose of covering mares, the person in whose possession said horse may be, shall be liable to pay the tax, unless such person shall, within ten days after such horse shall be brought into such county, produce a certificate from the clerk of the county where the owner of said horse resided on the first day of January, that said horse has been given in as taxable property within this state.

Sec. 7. *Be it enacted*, That the tax upon billiard tables, shall be and remain a lien upon the plantation, tract of land, or lot of ground whereon such table is kept, in case the owner of the land give a permit for keeping such table; any law to the contrary notwithstanding.

Sec. 8. *Be it enacted*, That if a tenant in possession, or other person, shall set up a billiard table upon the plantation, tract of land, or lot of another, he, she, or they so offending, shall be subject to nine months imprisonment without bail or mainprize, for every such offence, and shall stand committed until he, she, or they shall satisfy and pay all costs and charges that may accrue, unless the offender or offenders shall produce a written permit from the owner of such plantation, tract of land, or lot, granting such person or persons liberty to set up a billiard table thereon.

Sec. 9. *Be it enacted*, That this act shall not take effect as to billiard tables and stud horses, until the first day of December next.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 28th, 1805.

CHAPTER XXXIX.

AN ACT to authorize actions of ejectment and trespass south of French Broad and Holston.

SECTION 1. **BE it enacted by the General Assembly of the State of Tennessee**, That from and after the

passing of this act, actions of ejectment may be brought and maintained for the recovery of lands lying south of the rivers French Broad and Holston, and between the rivers Big Pigeon and Tennessee, held or claimed, by, or under improvement right, or right of occupancy, in the same manner, and under the same rules, regulations and restrictions, that actions of ejectment heretofore have been brought and maintained, or that may hereafter be brought and maintained for lands lying elsewhere within this state, held by or under patent, grant, or other legal title, which improvement shall be such as was required by the laws of the state of North-Carolina, regulating improvements, and the manner of laying off the lands held by such improvement right, or right of occupancy, shall be agreeable to the several conditional lines of the respective occupants, where the conditional lines of such occupancy hath been made; and where conditional lines of any improvement or occupant claim hath not been made, the laying off shall be the same as were heretofore recognized by the laws of the state of North-Carolina, before, and at the time of passing the cession act of said state; and such improvement right, or right of occupancy, may consist of six hundred and forty acres, and no more: *Provided*, that when the right of occupancy hath been withheld by adverse possession by force, the laws of limitation shall be no bar as to the time so withheld: *Provided also*, that where any person has made an improvement and deserted the same, or absented himself from the county, or made no settlement, nor renewal or continuance of claim and improvement, for the term of two years, such person shall not be authorized to recover by virtue of any thing contained in this act: *And provided also*, that when any person hath sold or conveyed any part of his, her, or their original improvement right, or right of occupancy to any other, such person so selling or conveying, shall not be authorized to hold or claim any other land in lieu thereof, or to extend his, her, or their claim otherwise than what it was, or would have been in case no such sale or conveyance had been made.

Sec. 2. *Be it enacted*, That actions of trespass on the case may be brought and maintained for the mesne profits on a recovery had in such ejectment: And also actions of trespass

for any injury done to the land held by such improvement or occupancy, within the lines of any such improvement, while in the possession of the rightful occupant.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

October 28th, 1895.

CHAPTER XL.

AN ACT for appointing Commissioners to superintend the opening and keeping in repair, that part of the road leading from Virginia and North-Carolina to Kentucky, which lies between the Cross Roads, at the place called Bean's station, in Grainger county, and the Ford of Sycamore Creek, in Claiborne County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Hord, David M'Annally, and Joseph M. Anderson be, and they are hereby appointed commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia and North-Carolina to the state of Kentucky, which lies between the Cross-Roads, at the place called Bean's Station, in the county of Grainger, and the ford of Sycamore creek, in Claiborne county, crossing Clinch mountain at the Three Stone Gap; and that said commissioners or a majority of them, are hereby authorized and required within four months from the passing hereof, having given sixty days previous notice of the time and place, at three of the most public places in Grainger and Claiborne counties, to nominate, and by writing under their hands and seals, appoint two suitable persons to open said road, keep it in repair, and keep a turnpike thereon for the term of ten years from the time of erecting a turnpike on said road.

Sec. 2. *Be it enacted,* That it shall be the duty of the persons so nominated and appointed, to open said road at least thirty-three feet wide, clear of all timber and under growth, that might tend to shade, or in any manner injure said road, and to clear sixteen and an half feet wide in the centre of said road, of all trees, rocks, stumps, and every thing that might impede

the passage of carriages or horses, where the ground over which it passes will permit it to be done with reasonable exertions, and to erect bridges and causeways of the most permanent materials that can conveniently be procured near said road, over such creeks, branches, and such parts of the road as may render them necessary, at least twelve feet wide, and also to make said road as level and good as the nature of the ground will reasonably admit; the said road to be completed on or before the first day of September next, and to be kept in as good repair as the nature of the ground over which it passes will permit, until the expiration of the said term of ten years.

Sec. 3. *Be it enacted,* That said commissioners are hereby authorized and required, so soon as said road is opened in manner herein before directed, to issue a licence to the persons so appointed, authorizing them, their heirs, executors and administrators, to erect a turnpike on said road, and keep the same for said term of ten years, at such place as they may select; and said commissioners, or a majority of them, are hereby authorized and required to pass and view said road, on the said first day of September next, and once in every three months afterwards during said term, and return a correct report to the Secretary of State, of the condition of said road in writing under their hands, within one month after each time of viewing the same; and if the persons so appointed shall at any time after said first day of September next, permit said road to remain out of repair for a longer period than three months, it shall be the duty of the said commissioners, and they are hereby authorized and required to remove such persons, and nominate and appoint two others in the same manner as herein directed to make the first nomination and appointment.

Sec. 4. *Be it enacted,* That the persons so appointed, after receiving licence to erect a turnpike as before directed, may, and are hereby authorized to demand and receive from all persons passing said road, the following toll, to wit: For each waggon and team fifty cents; for each cart, or other two wheeled carriage of burthen twenty-five cents; for each four wheeled pleasurable carriage one hundred and twenty-five cents; for each chair, sulkey, gigg, or other two wheeled pleasurable carriage fifty cents; for man and horse six and one fourth cents; for each loose or led horse six and one fourth

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cents ; for each head of cattle one cent ; for each hog or sheep one cent ; for each slave six and one fourth cents ; for every stage-waggon thirty-seven and an half cents.

Sec. 5. *Be it enacted*, That said commissioners shall, before they enter on the duties of their appointment, take and subscribe the following oath before some justice of the peace of said county of Grainger, to wit : " I, A. B. do solemnly swear or affirm, (as the case may be) that I, as one of the commissioners appointed to superintend the opening and keeping in repair the road between the Cross Roads, at the place called Bean's Station, in Grainger county, and the ford of Sycamore creek, in Claiborne county, will not nominate or appoint any person or persons to open, keep in repair, and keep a turnpike on said road, but such as in my opinion are able, and will open, keep in repair, and keep a turnpike on said road, according to the directions of the act of assembly in such case made and provided. And that I will well and truly view said road, and make true report to the Secretary of State, in conformity with the directions of said act of assembly, to the best of my judgment and abilities. SO HELP ME GOD."

Sec. 6. *Be it enacted*, That the persons so nominated by said commissioners shall, in their presence, before receiving said appointment, enter into bond with at least two sufficient securities, in the sum of twenty thousand dollars, payable to the governor for the time being, and his successors in office, with a condition, that if said (naming them) shall well and truly open said road in the manner, and within the time prescribed by the act of the general assembly in such case made and provided, and keep said road in repair, and conduct the turnpike on the same during said term of ten years, and in all other respects discharge the duties of said appointment, in keeping said road in repair, and conducting said turnpike thereon in conformity with the true intent and meaning of said act, then said obligation shall be void, &c. And the persons so nominated, after receiving said appointment, before they enter upon the duties thereof, shall, in the presence of said commissioners, take and subscribe the following oath, to wit. I, A. B. do solemnly swear or affirm (as the case may be) that I will well and truly open the road which lies between the Cross Roads at the place called Bean's Station in Grainger county, and the

ford of Sycamore creek in Claiborne county, and keep the same in repair for the term I have been appointed, so far as in my power, in conformity with the directions of the act of the general assembly, in that case made and provided, and that I will not directly or indirectly ask or demand any greater toll than is by said act allowed. SO HELP ME GOD.

Sec. 7. *Be it enacted*, That said commissioners are hereby directed and required to deliver the bond to be given by the persons appointed as herein directed, to the Secretary of State within one month from the date thereof, who shall record the same, and the different reports made by said commissioners respecting said road in his office ; and when said commissioners, or a majority of them, shall report that said road is out of repair, the said Secretary is hereby authorized and required to cause a suit to be commenced in the superior court of the district in which the road lies, on said bond, in the name of the governor for the time being, against the persons so nominated and appointed and their securities, to recover such damages as the nature of the case may require ; and said bond shall not be void on one recovery, but may be put in suit as often as need be, until the whole amount of the penalty be recovered in damages.

Sec. 8. *Be it enacted*, That said commissioners shall each be allowed forty dollars per annum for their services, to commence from the first day of September next, which is to be paid to them half yearly by the persons so nominated and appointed to keep said turnpike, for recovery of which each of said commissioners may have an action of debt before any tribunal having jurisdiction thereof.

Sec. 9. *Be it enacted*, That if said commissioners fail to return the bond to be given by the persons nominated and appointed as herein directed, to the Secretary within one month from the date thereof, each of them shall forfeit and pay one thousand dollars, to be recovered by action of debt in the name of the governor for the time being, in the superior court of the district in which said road lies ; and if said commissioners, or a majority of them shall refuse or neglect to pass and view said road, on the said first day of September, one thousand eight hundred and six, and once every three months thereafter during the said term of ten years, or having passed and viewed

said road, shall fail to make report to the Secretary of State within one month as herein before directed, or shall make a false report, in either case, each of said commissioners for every such offence shall forfeit and pay one hundred dollars, to be recovered by action of debt in any court having jurisdiction, one half to the State, the other half to him who will sue for the same.

Sec. 10. *Be it enacted*, That if any vacancy shall happen by the death, removal, or resignation of any of the said commissioners, it shall be the duty of the governor for the time being, and he is hereby authorized and required to fill such vacancy as often as it may happen, within one month after he may be notified thereof by the surviving or remaining commissioner or commissioners, or the keeper of said turnpike, by appointing some suitable person who may reside near said road: And every person appointed by the Governor to fill any such vacancy, shall, before entering on the duties of commissioner, take the same oath, and shall be vested with the same power and authority, perform the same duties, and be subject to the same penalties that the commissioners herein named are vested with, directed to perform, and subjected to, and shall receive the same compensation, to be paid in the same manner, and have the same remedy to recover the same that is given by this act to the commissioners herein named.

Sec. 11. *Be it enacted*, That if said commissioners, shall remove the persons so nominated and appointed to open and keep said road in repair, and keep a turnpike thereon, and appoint others in their place, as by this act they are authorized, without reasonable cause, the person or persons so removed, his or their executors or administrators, shall have an action against the said commissioners to recover such damages as he or they may have sustained, in any court having jurisdiction thereof.

Sec. 12. *Be it enacted*, That if any person shall sustain any damage by being detained at said turnpike, such person may recover the same by suit in any court having jurisdiction, against the persons so appointed to open said road, keep it in repair, and keep a turnpike thereon; and if any person shall forcibly or secretly pass said turnpike to avoid paying the toll, such person shall forfeit and pay the sum of twenty dollars to the

persons so appointed, to be recovered by warrant before any justice of the peace in this state.

Sec. 13. *Be it enacted*, That if any person who resides within four miles of said road, shall make his election to work with all his family and slaves that are by law obliged to work on some public road, three days at opening said road, and two days in each year in keeping the same in repair, and shall notify such election to the persons so appointed to open said road and keep it in repair, within three months after said appointment, it shall be lawful for such person, his family and property, and he and they are hereby authorized to pass and repass said road free of any toll, so long as such person complies with the terms of said election; and the person making such election, is to work on that part of said road most convenient to his own residence, under the direction of the persons so appointed, and at such times as they may require, on reasonable notice.

Sec. 14. *Be it enacted*, That no commissioner or any person related to him or them, either by affinity or consanguinity shall be eligible to be undertaker as a fit and proper person to have said road, and if the said commissioners should appoint any person so as aforesaid, the said appointment shall be void, and the undertaker of said road, or the other commissioners shall notify the same to the Governor, and the said vacancy shall be filled as in other cases of vacancies provided for in this act, and also be liable to the same penalties for failing to perform the aforesaid duty, as they are liable to for similar neglects.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 2d, 1805.

CHAPTER XLI.

AN ACT to regulate the election of sheriffs in certain cases.

BE it enacted by the General Assembly of the State of Tennessee, That it shall not be lawful for the justices of any county court in this state, to reelect any person as a sheriff, unless such sheriff shall produce sufficient vouchers, that he hath accounted for and paid all state and county taxes that before the time of such election he

may have been bound by law to account for and pay ; any law heretofore to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 2d, 1805.

CHAPTER XLII.

AN ACT to amend the law now in force giving a right of action to any person for the value of their improvements, where recoveries are had in actions of ejectment.

BE it enacted by the General Assembly of the State of Tennessee, That any person in possession of any land under patent, grant, or lawful entry, and shall at any time be dispossessed by due course of law, or otherwise put out of possession, without his, her, or their consent first had and obtained ; in that case the person so dispossessed, shall be entitled to recover from the person to whose use the dispossession was so made, the value of the improvements which he, she, or they may have made on said land ; and the said land shall be and remain a fund for the payment of the judgment and cost that may be recovered in any action to be brought for the value of such improvements so made thereon ; and said land shall always be bound for the payment of such judgment and cost, notwithstanding it may be conveyed to some other person by him, her or them, who made said recovery as aforesaid.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 2d, 1805.

CHAPTER XLIII.

AN ACT to authorise the Court of Jefferson County to lay an additional county tax, &c.

WHEREAS the building of the court-house in the town of Dandridge, and county aforesaid, hath been com-

monced and considerably progressed in, and the tax heretofore authorised by law to be laid, has proved insufficient to complete the same. Wherefore :

SECTION 1. **BE** it enacted by the General Assembly of the State of Tennessee, That the court of Jefferson county are hereby authorised (two thirds of the acting justices being present) to lay an additional county tax, not exceeding the present county tax, for the express purpose of completing the said court-house.

Sec. 2. *Be it enacted,* That in case the above tax, laid as aforesaid in one year, proves insufficient to complete the said building, then it shall be the duty of the said court, or two-thirds of the justices, to continue the said tax as long as they may think expedient, or until a sufficient sum is collected to defray the expences incumbent on completing said building.

Sec. 3. *Be it enacted,* That the said tax shall be collected as other county monies have heretofore been collected in said county, and be paid by the collector when collected, into the hands of the commissioners appointed by law to contract for building said court-house.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER XLIV.

AN ACT to authorise the Governor for the time being to offer a reasonable reward for the apprehending of any person or persons who may have committed any flagitious crime.

SECTION 1. **BE** it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the Governor for the time being may, and he is hereby authorised, by proclamation to offer a reward not exceeding one hundred dollars, for the apprehending of any person or persons who now have, or hereafter shall commit any flagitious offence against the laws of the state, when he shall think the public good requires it.

Sec. 2. Be it enacted, That the said Governor shall be at liberty to draw a warrant on either of the public treasurers for the amount of the reward so offered, in favor of any person or persons who may in his opinion entitle themselves to the same; and it shall be the duty of the treasurers to pay the same; which warrant shall be good in the settlement of their accounts: Provided always, that no person shall be entitled to the reward offered by any proclamation, until such offender or offenders are delivered to the civil authority and confined in jail or admitted to bail.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XLV.

AN ACT authorising verdicts heretofore rendered in the several county courts of this state, to be given in evidence.

WHEREAS heretofore verdicts have been rendered in many of the courts of pleas and quarter sessions, and judgments have been neglected to be formerly entered thereon, notwithstanding which the same verdicts have had their effect as to recoveries, as fully as if judgments had been formerly entered thereon; and to the end, that all such verdicts should have the full effect for which they were made of record. Wherefore:

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all verdicts heretofore rendered in any of the courts in this state, and recoveries had thereon, and where it appears that such verdicts have been acquiesced in by the parties, notwithstanding the clerk may have neglected to enter the judgment of the court formerly thereon, that a copy of such verdict or verdicts, certified by the clerk, shall be admitted as evidence in any court in as full and ample a manner to all intents and purposes as though the judgment of the court had been entered up at the time it ought to have been done; any law to the contrary notwithstanding.

Sec. 2. Be it enacted, That in all cases hereafter, it shall be

the express duty of each and every clerk, to enter up judgment of the court on their records after the verdict of the jury.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER XLVI.

AN ACT to ascertain the true line between the counties of Sullivan and Carter.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the said line shall be as follows: Beginning near the first ford of Indian creek, above the widow Plumly's, and running thence on the north side of said creek to the fork thereof, on which George Neighaver lives; thence up said fork to the head thereof; thence a straight line to the top of the mountain; thence along the top of said mountain, and the left arm thereof, till it intersects the line run under the directions of an act passed August the fourth, one thousand eight hundred and four, and with said line to the Virginia line, so as to include what is called the Beaver Dam settlement.

Sec. 2. Be it enacted, That a surveyor to run said line, may be appointed by the county court of Sullivan, as well as such other persons as may be necessary, and the expence thereof shall be defrayed out of the treasury of the said county of Sullivan.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER XLVII.

AN ACT appointing commissioners to settle and designate the true boundary line between this state and the state of North Carolina.

WHEREAS it is represented to this General Assembly, that the line between this state and the state of North

Carolina, hath not been run agreeably to the Act of Cession ; in as much as it is confidently believed that the commissioners who heretofore run said line on the part of North-Carolina left the main Bald Mountain, and took a Ridge running a westwardly direction, to the lower Painted Rock on French-Broad river, contrary to the true intent and meaning of the Act of Cession aforesaid. Wherefore :

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That John Shields of Cocke county, and Robert Nelson of Greene county, gentlemen, are hereby appointed commissioners on the part of this state, and vested with full power and authority (as soon as they shall receive notice from the Governor of this state) to proceed and act in conjunction with such commissioners as may be appointed by the state of North-Carolina to settle and designate the true line from the top of the Bald Mountain to the Painted Rock on French Broad river; thence along the highest Ridge of said Mountain, to the top of the Iron Mountain, which is now called the Great Rich Mountain, and no further, agreeably to the act of cession, so as to establish the true line between those two given places, and between the states aforesaid.

Sec. 2. *Be it enacted,* That each of said commissioners shall receive three dollars per day, as full compensation for their services and expences whilst they are performing the services enjoined by this act; and there shall be chosen by the commissioners one suitable person as marker of the line aforesaid, who shall receive one dollar and fifty cents per day, in full discharge for his services and expences.

Sec. 3. *Be it enacted,* That the Governor is hereby required to issue such instructions to the commissioners as he may deem proper, for the purpose of carrying into effect the object intended by this act, consistent with the true interest of the state.

Sec. 4. *Be it enacted,* That the Governor for the time being, is hereby requested to forward a copy of this act to the Governor of North-Carolina, requesting him to lay the same before the Legislature of his state at their next session, and report the proceedings thereon to the Governor of this state, as soon as may be thereafter, whose duty it will be to advise the aforesaid commissioners thereof.

Sec. 5. *Be it enacted,* That said commissioners as soon as

may be, shall report to the Governor in writing, a true statement of all proceedings relative to the running and establishing said line, whose duty it shall be to lay the same before the next succeeding Legislature.

Sec. 6. *Be it enacted,* That the Governor be, and he is hereby authorized and empowered to draw on either of the public treasurers of this state, for such sum or sums of money as may be necessary for carrying this act into effect: *Provided,* the same doth not exceed one hundred dollars; and if it should exceed that sum, the deficiency shall be provided for by the succeeding Legislature.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER XLVIII.

AN ACT to compel the Public Printers of this State to give bond and security for the performance of their contract for the State Printing.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Speakers of both Houses of this General Assembly, and all future Assemblies, to cause the person or persons who undertake the State Printing, to enter into bond with two sufficient securities, to be approved of by the said Speakers, in the penal sum of three thousand dollars, payable to the Governor for the time being, and his successors in office, with condition, that if the said (naming him or them) shall well and truly print the public printing, by them contracted to be printed, within the time, and distributed in the manner specified in the contract as entered into, and shall well and truly perform the contract in the manner, and according to the true intent thereof, then the above obligation to be void, &c. which bond it shall be the duty of the said Speakers to immediately lodge in the office of the Secretary of State, whose duty it shall be to receive the same and file it in his office for the use of the state.

Sec. 2. *Be it enacted,* That it shall be the duty of the Se-

secretary of State in every instance, to see that the public printing is performed according to the contract so entered into by the printer or printers for the state; and if the said printers shall fail to perform their said contracts, it shall be the duty of the said Secretary to immediately institute suit on the bond, against the said printer or printers and their securities, in the superior court of Hamilton district, to recover all money that may have been paid to the said printers, and such damages as may be awarded by a jury, for the failing to perform their said contract with the state.

Sec. 3. *Be it enacted*, That in case of the discontinuance of the Press of the said printer or printers by death or otherwise, the Governor for the time being, is hereby authorized to appoint a printer or printers, who shall enter into bond and security such as the said Governor shall approve of, in the like sum, with the like condition, and liable to the same penalties that are provided for in the foregoing part of this act, which said printer shall be deemed the Public Printer until the next session of the General Assembly thereafter.

Sec. 4. *Be it enacted*, That if the said State Printer or Printers, shall fail to perform their said contract, it shall be the duty of the Governor for the time being, to withhold the payment of the half part of the amount of the sum that shall be due to the said printer or printers on the contract; and the said printer or printers shall not be authorized to obtain any draft on the treasury for more than one half of the sum they may be entitled to, until they have finally completed their contract according to the true intent and meaning thereof.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 30th, 1805.

CHAPTER XLIX.

AN ACT to amend the law relative to costs on criminal prosecutions.

BE it enacted by the General Assembly of the State of Tennessee, That in case any person

who may have been, or hereafter shall be convicted on an indictment for a capital, or other offence, judgment may be rendered & execution may issue against the estate of such defendant, as in other cases of fieri facias, for the fine, where a fine is adjudged, and all costs then due and incident thereto, and for any costs that may accrue after the time of such conviction, by imprisonment or carrying the judgment or sentence into effect; the court before whom such conviction may have been had, may at any subsequent term, on motion render judgment and award execution against the estate of such defendant as aforesaid; and when it shall in such cases appear to the court that the defendant at the time of such conviction, or of executing the sentence of court, hath or had no estate either real or personal, whereof such costs could be made, then it shall be lawful for such court, by an order on record, to direct the clerk to issue a certificate or certificates to the lawful claimant or claimants for all prison fees, and fees for executing such judgment or sentence, which certificate or certificates shall be receivable by either of the treasurers of the state, where the prosecution has been in the superior court, and shall be good in the settlement of his accounts; and likewise by the trustee of the county, where the prosecution has been in the county court.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 2d, 1805.

CHAPTER L.

AN ACT to amend the law now in force for selling under execution.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That all reports hereafter made by the sheriffs or collectors of the public and county tax, of lands owned by non resident persons, shall by order of the court to which they may be reported, be twice advertised in some Gazette or Newspaper printed in the district where the land may lie, if such there be, and twice in the Gazette or Newspaper of the Public Printer, at the seat of government,

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with the amount of tax, cost and charges due thereon, giving notice that the said lands will be sold for the payment thereof.

Sec. 2. *Be it enacted*, That for each publication the printers shall be entitled to receive thirty-seven and one half cents for each and every tract or parcel of land so reported and advertised, to be paid out of the proceeds of the sales of said lands, or satisfied by the owners thereof.

Sec. 3. *Be it enacted*, That no lands on which the tax may remain due and unpaid, shall be sold for less than the amount thereof, and he who shall pay the same for the smallest number of acres to be run off at the beginning corner, and running at least one line of said tract, so as to include the quantity to sold as near a square or oblong (at the election of the purchaser) as the situation of the other line or lines, or interruption of lines by former sales will admit, shall be the purchaser.

Sec. 4. *Be it enacted*, That in all cases where any lands shall be sold as directed by this act, the owner of the same, his heirs, executors or administrators, shall have liberty to redeem the same at any time within twelve months from the day of sale, upon payment, or tender of payment, to the sheriff or collector for the time being, for the use of the purchaser, his heirs or assigns, of the amount of said taxes, costs and charges, with interest for the same, at the rate of fifty per cent. per annum, together with the amount of taxes that may accrue on the land so to be redeemed, and upon payment or tender of payment as aforesaid, such sale shall be void, and no deed shall be given in pursuance of any such sale, until the time of redemption shall have expired.

Sec. 5. *Be it enacted*, That forty days notice shall be sufficient in all sheriffs sales hereafter to be made, and which by law are required to be published in the Gazette; and so much of an act passed October the twenty-sixth, one thousand seven hundred and ninety-nine, as requires sixty days notice, as well as all laws and parts of laws coming within the meaning of this act, are hereby repealed.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 30th, 1805.

CHAPTER LX

AN ACT supplemental to an act, entitled, "An act for the promotion of learning in the county of Davidson," passed by the Legislature of the State of North-Carolina.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the present treasurer, or his successor in office, of the board of trustees of the Davillon academy, and he is hereby authorized and empowered to call upon the former treasurer or treasurers, secretary and trustees, for the accounts they have kept in discharge of their duties, together with any money, or funds of any description whatsoever, that they now are or may have been possessed of, as being the property of, or belonging to the said institution; and in case such treasurer or treasurers, secretary or secretaries, and delinquent trustee or trustees, shall refuse or neglect to furnish the said treasurer with an accurate statement of their accounts, together with the money and other funds belonging to the said academy, he shall immediately direct the attorney general for the state to commence suit in the name of the Governor for the time being, against such treasurer or treasurers, secretary and delinquent trustees as the case may be, whose duty it shall be without delay, to institute a suit or suits in the superior court of law or equity for the district of Merit, and the monies when recovered, shall go to the use of said academy.

Sec. 2. *Be it enacted*, That the said board of trustees shall, and they are hereby required in all future appointments of treasurer, to cause the person appointed, before he enters on the duties of his office, to give bond and sufficient security in the sum of five thousand dollars, conditioned for the faithful discharge of his duty, which bond shall be given to, and in the name of the president of said board, and his successors in office, and shall be placed in the hands of their secretary for safe keeping, and shall not be void on the first recovery, but may be put in suit from time to time, in the name of the said president, or his successors, until the whole shall be recovered.

Sec. 3. *Be it enacted*, That the said board shall, from time to time make such allowance to their secretary and treasurer for their services as they may deem necessary.

Sec. 4. *Be it enacted*, That all conveyances for the alienation of any species of property whatever, belonging to said academy, shall be executed by the president in behalf of the board of trustees, while in session, and shall be attested by their secretary; which conveyance or conveyances shall be good and valid in law and equity; any law to the contrary notwithstanding.

Sec. 5. *Be it enacted*, That an act, entitled, "an act to amend an act, entitled, 'an act to establish a college, and incorporate the trustees thereof, in the county of Davidson,'" passed at Knoxville, on the twenty-fifth day of October, one thousand eight hundred and three, be, and the same is hereby repealed.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the passing thereof.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LII.

AN ACT to appoint a commissioner to run the line between the Counties of Williamson, Davidson and Dickson.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Henry Rutherford be, and is hereby appointed a commissioner to run and mark the lines (where the same hath not been done) between the counties of Williamson, Davidson, and Dickson, (formerly Robertson) agreeably to an act, entitled, "an act to divide the county of Davidson into two distinct counties," passed October the twenty-sixth, one thousand seven hundred and ninety-nine.

Sec. 2. *Be it enacted*, That Henry Rutherford shall receive two dollars per day, and each chain-carrier and one marker by him appointed, one dollar per day for their services; which expence shall be equally apportioned between the said counties, and paid by their respective treasurers accordingly, and their receipts shall be sufficient vouchers in the hands of the treasurer in the settlement of his accounts.

Sec. 3. *Be it enacted*, That the said Henry Rutherford shall

take an oath before some justice of the peace for one of the said counties, that he will justly and truly run the aforesaid line according to law.

ROBERT C. FOSTER,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LIII.

AN ACT concerning the Court of Pleas and Quarter Sessions, for the County of Davidson.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That in future, it shall and may be lawful for the court of pleas and quarter sessions for the county of Davidson, to hold and continue each term twelve juridical days: *Provided*, the business before them should require it.

Sec. 2. *Be it enacted*, That the said court shall, when they may deem it necessary, (a majority of the acting justices being present) proceed to lay a tax on the county aforesaid, for the express purpose of erecting a new district and county jail within the limits of the town of Nashville; which tax shall be laid, collected, and accounted for, in the same way, and under the same rules and restrictions as is observed in collecting and accounting for public taxes, and shall make such other rules and regulations respecting the said building as they may think proper.

Sec. 3. *Be it enacted*, That when the building aforesaid shall be finished and fit for use, the said court shall cause all persons confined in the old jail, to be safely conveyed to the said new jail, and shall dispose of the materials of the old jail to the best advantage, the proceeds of which shall be applied towards defraying the expence of the said new jail.

Sec. 4. *Be it enacted*, That the said court shall be, and they are hereby empowered, if to them it shall appear necessary, to extend the present prison bounds of said county, so as to include the spring at Stump's ware-house.

Sec. 5. *Be it enacted*, That this act shall be in force from and after the passing thereof; any law, usage or custom to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

October 24th, 1805.

CHAPTER LIV.

AN ACT making compensation to Moses Fisk, for services by him performed in revising and compiling the Laws of this State, &c. agreeably to an act of this General Assembly, past November the third, one thousand eight hundred and three for that purpose, and for other purposes.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the sum of three hundred dollars be allowed Moses Fisk, as full compensation for services by him performed, and expences incurred in revising and compiling the laws of this state, &c. as directed by the above recited act, to be drawn from either of the treasuries of this state, on a warrant signed by the Governor.

Sec. 2. *Be it enacted*, That the said Moses Fisk shall have leave to withdraw said compilation for the purpose of completing the same, according to the above recited act, and by him to be laid before the general assembly of this state at their next session, subject to their revision, or any regulation that the legislature may make relative thereto.

Sec. 3. *Be it enacted*, That the Governor be, and he is hereby authorized to issue to George Wilson, a warrant on either of the public treasuries of this state, for the sum of fifty-seven dollars, as full compensation for printing heretofore done for the use of the state; and that the sum of fifty dollars be allowed each of the public treasurers for services by them performed, which shall be allowed them in the settlement of their accounts.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LV.

AN ACT authorising the Court of Greene county, to lay and collect an additional tax, for the purpose of erecting a Jail in the town of Greeneville, and county of Greene.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for a majority of the acting justices when they think it expedient, to lay a tax for the purpose of building and erecting a stone jail in the county of Greene, and town of Greeneville, and the tax when laid, shall be collected and accounted for, as other county monies are; and after the said jail is erected, the surplus money, if any, shall be paid over to the county trustees, for other county purposes.

Sec. 2. *Be it enacted*, That the tax when laid, shall not exceed twelve and one half cents on each white poll; twenty-five cents on each black poll; twelve and one half cents on each hundred acres of land; twenty-five cents on each town lot; and one dollar on each stud horse kept for mares.

Sec. 3. *Be it enacted*, That the money arising by virtue of the aforesaid tax when levied and collected, shall be deposited in the hands of such person as may be chosen by the court of Greene, or into the hands of the commissioners for the regulation of the aforesaid town of Greeneville, for the express purpose contemplated by this act; and the tax so levied when collected and paid into the hands of either as above, he or they shall forthwith proceed to employ some fit and suitable person or persons to erect the jail aforesaid.

Sec. 4. *Be it enacted*, That the erection and building of the jail aforesaid, shall be under the particular direction and inspection of the board of commissioners for the regulation of the aforesaid town of Greeneville; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 4th, 1805.

CHAPTER LVI.

AN ACT appointing additional commissioners for regulating the town of Kingston, near South-West-Point, in the county of Roane, and for other purposes.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Thomas I. Vandike, Samuel Eskridge, Jacob Jones and John McCune, are hereby appointed to act with as many of the old commissioners as have not removed out of said county, and shall be considered as acting commissioners for the town of Kingston, within the county of Roane.

SEC. 2. *Be it enacted,* That the said commissioners shall, and may take upon themselves the regulation and management of the said town, having regard to the manner and form the same hath heretofore been laid out by the former commissioners by law appointed for that purpose.

SEC. 3. *Be it enacted,* That from and after the passing of this act, the commissioners aforesaid shall be, and they, and every of them are hereby constituted directors for the designing and improving the town aforesaid, and they, or a majority of them, shall have power to meet as often as they may think necessary for all purposes contemplated in this act.

SEC. 4. *Be it enacted,* That the said commissioners, or a majority of them, shall and may cause the streets of said town to be kept in good repair: *Provided,* they call on none but the inhabitants of said town for that purpose; and said commissioners shall have power to exercise their authority as regulators of said town, in all respects whatever.

SEC. 5. *Be it enacted,* That it shall be the duty of the said commissioners, as soon as may be, to procure a deed to themselves and their successors, for the public square laid out for the use of said town, and to act with the commissioners heretofore appointed by law, to agree with a suitable workman to build a court house, prison and stocks on said square.

SEC. 6. *Be it enacted,* That in case of death, refusal to act, or removal of any of the said commissioners, the survivors, or a majority of them, shall assemble, and are hereby authorized to nominate and appoint by instrument in writing, under their hands, some other person being an inhabitant and free holder of

said county, in the place & room of him so dead, refusing to act, or removing out of said county, which said commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed, had and exercised.

ROBERT C. FOSTER,

Speaker of the House of Representatives,

JOSEPH M. MINN,

Speaker of the Senate.

October 28th, 1805.

CHAPTER LVII.

AN ACT concerning James Robertson and others.

BE it enacted by the General Assembly of the State of Tennessee, That the Governor of this State shall, and he is hereby authorized and directed to issue a warrant on either of the public treasuries of this State, in favor of James Robertson, for the sum of ninety dollars; also, a warrant on either of the treasuries aforesaid, in favor of his Excellency John Sevier, for the sum of forty-five dollars, as compensation for their services as commissioners appointed on the part of this State, to attend with the commissioners of the United States, at a Cherokee treaty in the month of October last; and likewise a warrant on either of the aforesaid treasuries, in favor of William Dixon, for the sum of twenty dollars, money by the said William Dixon advanced, in procuring a copy of the entries made in the entry-taker's office of Sullivan and Washington counties.

ROBERT C. FOSTER,

Speaker of the House of Representatives,

JOSEPH M. MINN,

Speaker of the Senate.

October 28th, 1805.

CHAPTER LVIII.

AN ACT to prevent the obstruction of the navigation of Smith's Fork, of Cane Fork of Cumberland River.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the navigation of

Smith's fork, of Caney fork of Cumberland river, from the mouth thereof to Stump's mills, shall remain open and free.

Sec. 2. *Be it enacted*, That if any person or persons have heretofore erected, or shall hereafter erect any fishdams or belg-es on said creek, they shall remove all such obstructions; and the said creek is hereby declared a public highway.

Sec. 3. *Be it enacted*, That any person or persons who shall fail to comply with the above, shall forfeit and pay for every such offence twenty-five dollars, for every twenty-four hours such obstruction may remain, recoverable before any jurisdiction having cognizance thereof, one half to the person suing for the same, and the other half to the county of Smith.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate,

October 23rd, 1805.

CHAPTER LIX.

AN ACT directing the mode of reporting lands and other property, which have not been given in agreeable to Law.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the several justices of the peace, who hereafter may be appointed to take in the taxable property in the different districts, or captains companies in which they may respectively reside, after they have made out a list of all the taxable property which may have been returned to them; to make diligent enquiry, and use all means that may be in their power to gain information of any land or other property within their respective districts or captains company, which now is, or hereafter may be declared taxable, that may not have been returned to them as is required by law; and if any justice upon such enquiry, finds that there is any land or other property, which may not have been returned to him as heretofore contemplated by law; then and in that case, it shall be his duty, if it be land, to ascertain as nearly as possible, from his own knowledge or good information, the number of acres that the same may contain, and to whom it is supposed or known to belong; if other property, he shall

ascertain of what species the same may be, and enter the said land and property on his said list of taxable property, and return the same to the clerk of their respective counties.

Sec. 2. *Be it enacted*, That said clerks, upon receiving all the lists of taxable property within their respective counties, shall carefully examine said lists, and if they, upon such examination, find that any land or other property as aforesaid, may have been returned by more than one justice in the same year, they shall, in making out a copy of said lists to give to the sheriff for collection, make a particular note of such land or other property as may appear to be twice returned, or returned by two or three several justices in the same year.

Sec. 3. *Be it enacted*, That it shall be the duty of the respective sheriffs, on receiving such lists, upon which any such notes may be made, to ascertain in which of the said justices districts or captain's company, the said land or other property may truly lie or be, (to the end that the said land or property may not be twice taxed in the same year, as the property of the same person) and proceed thereupon to collect the tax which may be due upon the same, in the same manner as heretofore directed by law.

Sec. 4. *Be it enacted*, That it shall be the further duty of said sheriffs, to use all the means they have in their power to ascertain if there is any land in their county which has not been returned by the different justices; and if they find any such land, they shall make a return thereof to the clerk of the county, stating therein the number of acres, and to whom the same may belong; and after making such return, they shall proceed to collect the taxes thereon due as in other cases; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 4th, 1805.

CHAPTER LX.

AN ACT to repeal an act, entitled, "An act for the better security of the Trial by Jury in the Superior Courts."

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That an act, entitled, "an act for the better security of the trial by jury in the superior court," passed November the first, one thousand eight hundred and three, be, and the same is hereby repealed and made void, and the law which heretofore governed in that case, be, and the same is hereby revived, and shall be in full force and virtue; any thing to the contrary notwithstanding: *Provided,* that the several county courts shall not appoint any person as a juror to any of the superior courts of this state, that has a cause depending in said court he is appointed to attend: *Provided also,* that either party may peremptorily challenge two jurors in any cause to be tried in any of the courts aforesaid.

Sec. 2. *Be it enacted,* That the second, third, fourth and sixth sections of an act passed at Knoxville, November the fifth, one thousand eight hundred and three, entitled, "an act, supplementary to an act, entitled, an act, to amend an act establishing courts of law, and for regulating proceedings therein," so far as respects the county courts, be, and the same are hereby repealed, and the law heretofore in force and use, the same is hereby revived and shall be in full force; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

CHAPTER LXI.

AN ACT to alter the Fees of Registers and Rangers, and for other purposes.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of August, next each register shall be entitled to receive as a compensation for his services—For each deed of conveyance or grant, where but one tract of land is conveyed, or but one warrant contained in a grant, sixty-two and one half cents; for registering each certificate and order of registration, twelve and one half cents; for such certificate, six and one fourth cents; for each tract of land contained in the same deed more than one,

twenty-five cents; for each warrant contained in a grant where there is more than one, twelve and one half cents. For each search of the register's books, twelve and one half cents; for each copy of each deed, sixty-two and one half cents; for each copy of each grant, sixty-two and one half cents; for each certificate of the same, twelve and one half cents; for all other certificates, ten cents; for certificates thereof, twelve and one half cents. And each ranger may receive the following fees for his rangering services—For each horse, mare, gelding or stallion, taken with him as a stray, sixty-two and one half cents; for each head of cattle, thirty-seven and one half cents; for each sheep or hog, twelve and one half cents; for each search, twelve and one half cents.

Sec. 2. *Be it enacted,* That if any person or persons have obtained, or may hereafter obtain, several deeds or other conveyances, to one and the same tract or parcel of land, by compulsion with an adverse claimant or otherwise, such person or persons after having paid the public tax on the registration of any one of said deeds or conveyances, shall be entitled, from and after the passing of this act, to have the other or others registered without being obliged to pay any public tax thereon, by first paying the legal fees of office to the register; any law to the contrary notwithstanding.

Sec. 3. *Be it enacted,* That in future it shall and may be lawful for the rangers in the several counties in this state, to administer oaths to any persons who may wish to prove their property taken up and entered as a stray or strays, and the same shall be as valid in law, as if proven before any justice of the peace.

Sec. 4. *Be it enacted,* That the sixth section of an act, entitled, "an act to prevent abuses in taking up stray horses, sheep, and hogs," passed the twenty-sixth day of October, one thousand seven hundred and ninety-nine, be, and the same is hereby repealed; and in future the taker up of any strays shall not be compelled to pay the county trustee more than one half the appraised value thereof.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1805.

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CHAPTER LXII.

An Act for the better regulation of Registers Offices, &c.

WHEREAS considerable loss is likely to be sustained by many of the citizens of this state, by reason of the loose and irregular manner in which many of the Registers offices have heretofore been kept. For remedy whereof:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the registers of the different counties in this state, at the first court held in their respective counties, after the first day of January next, or any succeeding term, to lay before the court of said county or three of their body appointed for that purpose, all the records of their office, for the purpose of examination.

Sec. 2. Be it enacted, That if said courts upon examination of said records, find that they have not been kept as contemplated by this act, in a well bound book or books, and wrote in a fair legible hand writing, they shall, if they deem it expedient, immediately proceed to select from among said records such books thereof, as may appear to be in such loose and irregular situation, and appoint the register or some other person, for the purpose of transcribing the same, who shall, previous to his commencing said transcript, take the following oath before some justice of the peace of his county, to wit: I, A. B. do swear, that I will well and truly transcribe all the books that have been delivered to me, for that purpose, by the court of the county of _____ as the records, or part of the records, as the case may be, of the registers office of said county, without any alteration or deviation from the said original records, to the best of my ability and understanding. **SO HELP ME GOD.**

Sec. 3. Be it enacted, That it shall be the duty of the said transcriber immediately upon taking the above oath, to proceed to copy or take a fair and legible transcript of said records in a book or books to be procured by the said court for that purpose, leaving a margin in the same, for the purpose of inserting therein the page that the different instruments may have been recorded in, in the original books, to the end, that no variation may appear between the pages of the transcript so taken,

and those that may have been entered in the certificates on the different instruments registered in the original books aforesaid.

Sec. 4. Be it enacted, That it shall be the further duty of said transcriber in taking said transcript, to pay particular attention to the dates of the registration of every instrument in said original books, and transcribe them in order thereby, and when he may fill a book in transcribing as aforesaid, he shall make a fair and legible alphabetical list of all the instruments contained in said book, from whom and to whom granted or conveyed.

Sec. 5. Be it enacted, That when said transcriber finishes said transcript, and after the same may be colated with the originals by the said transcriber, and one other suitable person to be appointed by the court for that purpose, who shall be upon oath, and shall receive the sum of one dollar and fifty cents for each day he may be necessarily engaged therein, to be paid out of the funds of the county; he shall deposit the same in the register's office of his county, and a copy of any instrument taken from said transcript and certified by the register, shall be received as evidence in any court of law, or equity in this state, in as full and ample a manner, as a copy from the original books, might or could have been, and the original records, from which the said transcript may have been so taken as aforesaid, shall be deposited in the clerk's office of the county; and in case any person should not be satisfied with the transcript, and wish to have access to the original, the clerks are hereby authorized to grant such person a transcript, after demanding and receiving therefor, the sum of fifty cents to be paid by the party applying.

Sec. 6. Be it enacted, That the different county courts in this state, shall allow the person by them respectively employed for the purposes contemplated by this act, a reasonable compensation for his services, to be paid by the trustee of the county upon a certificate signed by the chairman of the court, out of any money not otherwise appropriated.

Sec. 7. Be it enacted, That for the future, the registers of the different counties are hereby authorized to call on their respective courts, and demand of them a well bound book or books, for the purpose of registering therein such instruments of writing as may be by law required to be registered, wherein shall be entered by such register, all such instruments in a fair legible hand writing, and in said book or books shall be a margin.

For the purpose of inserting the name of the grantee, claimant, or such person as any such instrument may be given to, as well as the name of the grantor, or person giving such deed or other instrument, together with the name of any creek or particular place where any lands therein mentioned may lie; and it shall be the duty of the court upon such application, to procure such a book or books, the price of which shall be discharged by the trustee of the county upon a certificate signed by the chairman of the court of his county, out of any county money in his hands.

Sec. 8. *Be it enacted*, That in any case, when it may be found upon examination, the transcript aforesaid varies in any manner in wording from the original record, so as to alter the meaning and substance thereof, in any deed or title which may be in litigation, a copy of the original record certified by the clerk of the county, shall be admitted as evidence, and in no other case whatever; any law to the contrary notwithstanding.

Sec. 9. *Be it enacted*, That from and after the first day of August next, it shall be the duty of the clerks of the different counties in this State, to receive the tax due to the State, on any deeds and mesne coveyances; and it shall be the duty of any person wishing a deed or grant, that has been proven before a judge and admitted to record, to be registered before he offers the same to the register, to pay the tax to the clerk of the county, who shall indorse a receipt on the same; and no register shall be at liberty to register any deed acknowledged before a judge, or register any grant unless a receipt is indorsed; and it shall be the duty of the clerks to account with the public treasurer for the amount of all money received, so as aforesaid, in the same manner as other public taxes are accounted for; and if any person shall forge a receipt as aforesaid, for every such offence, shall be liable to be indicted for forgery.

Sec. 10. *Be it enacted*, That so much of the law heretofore in force, as authorises and requires registers to collect the tax on grants and deeds, is hereby repealed.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 30th, 1865.

CHAPTER LXIII.

AN ACT supplementary to an act for the regulation of Registers offices, &c. passed the present Session of the General Assembly.

BE it enacted by the General Assembly of the State of Tennessee, That when any county court in this State, shall deem it expedient to proceed to have any of the records of the registers offices of their respective counties transcribed as contemplated by the aforesaid act, it shall and may be lawful for the said court to lay an additional county tax in their respective counties for that express purpose, not to exceed one-half of the amount of the general county tax on the different species of property subject to county taxation; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 1st, 1865.

CHAPTER LXIV.

AN ACT to fix the number of Senators from the State, from Election Districts, and determine the portion to be allotted each, as well as to fix the number of Representatives for the several Counties in the State, in pursuance of the provisions of the Constitution.

WHEREAS the returns of the enumeration that have been made to the Secretary's Office from the several counties in this State, have not been in conformity with an act, entitled, "An act to provide for taking the enumeration of free taxable inhabitants," passed at Knoxville, the fourth day of August, Anno Domini, one thousand eight hundred and four. For remedy whereof:

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That for the second septennial term of the apportionment of the representation of this

State in the legislature thereof, according to the essential provisions of the constitution, the senators shall be allotted and apportioned amongst the several election districts; and the representatives shall be allotted and distributed amongst the several counties in the state, according to the number of free taxable inhabitants which they have respectively returned on the tax lists for the year Anno Domini, one thousand eight hundred and four, as nearly as may be, consistently with expedience and justice.

Sec. 2. *Be it enacted by the General Assembly of the State of Tennessee,* That until the next enumeration of free taxable inhabitants, and an apportionment thereon shall be made, the senate shall consist of thirteen senators. The counties of Washington and Carter shall compose a district, and elect one senator; the counties of Sullivan and Hawkins shall compose a district, and elect one senator; the county of Greene shall compose a district, and elect one senator; the counties of Grainger and Claiborne shall compose a district, and elect one senator; the counties of Jefferson and Cocke shall compose a district and elect one senator; the counties of Sevier and Blount shall compose a district, and elect one senator; the county of Knox shall compose a district and elect one senator; the counties of Anderson and Roane shall compose a district and elect one senator; the counties of Jackson and Smith shall compose a district and elect one senator; the counties of Sumner and Wilson shall compose a district, and elect one senator; the counties of Robertson, Dixon, Montgomery and Stewart shall compose a district, and elect one senator; the counties of Williamson and Rutherford shall compose a district, and elect one senator; and the county of Davidson shall elect one senator.

Sec. 3. *Be it enacted by the General Assembly of the State of Tennessee,* That in those districts which are composed of more than one county, the sheriff or coroner, as the case may be, within each county composing an election district, after having counted out the votes in such manner as is directed by law, shall meet on the Monday succeeding the election, at such places as are hereinafter mentioned, within the district of which such county is a part, to compare the votes received by them in each county; and the person or persons voted for in all or either of the counties composing an election district, having the

highest number of votes in such district, shall be declared duly elected; and the said sheriffs or returning officers, shall make out and execute under their hands and seals, a true return for such election district. The sheriffs or returning officers composed of the district of the counties of Washington and Carter, shall meet at the court-house in Jonesborough for the purpose aforesaid; the sheriff or returning officer of the district composed of the counties of Sullivan and Hawkins, shall meet at Roanokeville, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Grainger and Claiborne, shall meet at the court-house in the town of Rutledge, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Jefferson and Cocke, shall meet at the house of Parmenas Taylor, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Sevier and Blount, shall meet at the house of Joseph Vance, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Anderson and Roane, shall meet at the court-house in Murfreesboro, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Jackson and Smith, shall meet at Fort Blount, for the purpose aforesaid; the sheriffs or returning officers for the district composed of the counties of Sumner and Wilson, shall meet at the court-house in Gallatin, for the purpose aforesaid; the sheriffs or returning officers of the district composed of the counties of Robertson, Dixon, Montgomery and Stewart, shall meet at the court-house in the town of Clarksville, for the purpose aforesaid; the sheriffs or returning officers for the district composed of the counties of Williamson and Rutherford, shall meet at the court-house in the town of Franklin, for the purpose aforesaid.

Sec. 4. *Be it enacted,* That until the next enumeration of free taxable inhabitants, and an apportionment thereon shall be made, the house of representatives shall consist of twenty-six members, to be proportionably distributed amongst the several counties according to the number of free taxable inhabitants which they have respectively returned on the tax lists for the year eighteen hundred and four: The county of Washington shall be entitled to elect one; the county of Carter shall be entitled to elect one; the county of Sullivan shall be entitled to