

elect one; the county of Hawkins shall be entitled to elect one; and the counties of Sullivan and Hawkins shall be entitled to, and elect one additional representative alternately, beginning with Hawkins; the county of Greene shall be entitled to elect one; the county of Grainger shall be entitled to elect one; the county of Claiborne shall be entitled to elect one; the county of Jefferson shall be entitled to elect one; the county of Cook shall be entitled to elect one; the county of Sevier shall be entitled to elect one; the county of Blount shall be entitled to elect one; the county of Knox shall be entitled to elect two; the counties of Anderson and Roane shall be entitled to elect one; the county of Jackson shall be entitled to elect two; the county of Smith shall be entitled to elect one; the county of Sumner shall be entitled to elect two; the county of Wilson shall be entitled to elect one; the county of Rutherford shall be entitled to elect one; the county of Williamson shall be entitled to elect one; the county of Davidson shall be entitled to elect one; the counties of Robertson and Dixon shall be entitled to elect one; the counties of Montgomery and Stewart shall be entitled to elect one. And where more than one county compose a district for the election of a representative, the returning officers of such counties, at the same time and place that such returning officers meet for the purpose of comparing the votes for senators, shall also compare the votes for such representatives; and the sheriff or returning officer of the county first named in such district, shall make the final return thereof according to law.

Sec. 5. *Be it enacted*, That the senators and representatives shall be chosen by the citizens of the several counties in this state duly qualified, at such time, in such manner, and at such places as are or may be prescribed by the constitution and laws of this state.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 4th, 1895.

CHAPTER LXV.

An ACT for opening a turnpike road from the Walnut Cove over Cumberland mountain, to the Kentucky line, where Whitley's old trace crosses the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sampson David, James Grant and Arthur Crozier, are hereby appointed commissioners for the purpose of viewing the most eligible way to open a public road from the Walnut Cove in Anderson county, over Cumberland mountain, to the Kentucky line, so as to intersect with the road to be opened by the state of Kentucky from Danville to South-West Point; and when said commissioners have designated the most eligible way to open said road, they shall be authorized to let the opening and repairing said road, to some fit person who will be authorized to erect a turnpike thereon, as soon as the said road is in fit and proper condition for the passage of waggons, carts and travellers, and receive toll at the rate of six and one fourth cents for each man and horse; fifty cents for each waggon and team; six and one fourth cents for all taxable slaves; twenty five cents for each cart, or two wheeled carriage and team; for each four wheeled pleasure carriage one dollar; for a term not exceeding ten years.

Sec. 2. *Be it enacted*, That on or before the first day of January next, said commissioners shall proceed to give public notice by advertising the same in some newspaper in Knoxville twenty days, that they will, at the town of Burdette, receive proposals for opening and keeping said road in repair, the shortest period of time not exceeding ten years; and the person proposing to open and keep said road in repair for the toll, the shortest period of time, shall immediately give bond with approved security, to be approved of by said commissioners, for the faithful discharge of the duty hereby imposed on him, in the sum of twenty thousand dollars, payable to the governor for the time being and his successors, to be lodged by said commissioners in the office of the secretary of state.

Sec. 3. *Be it enacted*, That the person receiving said road, shall immediately proceed to open said road, & to build bridges & causeways over swamps and creeks, when they may be necessary.

ry, to open the road at least twenty feet, and when the same is bridged and caufwayed, to be at least twelve feet in the centre, clear of stumps and rocks; and when the same shall be opened agreeably to the provision of this act, the said commissioners are hereby authorized to grant licence to said person to erect a turnpike thereon, at any place on said road most convenient, and receive for the time he shall have to hold said road, the toll herein before named.

Sec. 4. *Be it enacted*, That it shall be the duty of said commissioners to view said road twice in each year; & if at any time said keeper of the road and turnpike, shall suffer the same to be out of repair for the space of three months, said commissioners are hereby authorized to declare the licence of said person void; and may proceed to let the same to any other proper person who will comply with the provisions of this act: *Provided*, that whenever said commissioners may notify said person that the road is out of repair, if he will put the same in proper repair within six weeks, he shall not for said offence be subject to a forfeiture of said turnpike.

Sec. 5. *Be it enacted*, That said commissioners be entitled to receive for each day by them employed in viewing said road, the sum of two dollars per day, to be paid by the undertaker, and that they shall not be qualified to act without taking and subscribing before some one of the judges of the superior court or some justice of the peace in this state, the following oath. I, A. B. do swear or affirm, (as the case may be) that I will not ask or demand, directly or indirectly, from any person passing through said turnpike, any greater tollage than by law is directed. SO HELP ME GOD.

Sec. 6. *Be it enacted*, That said commissioners, before entering on the duties of their appointment, shall take and subscribe the following oath before some justice of Anderson county. I do swear or affirm, (as the case may be) that I will do equal and impartial justice to the public, to the best of my skill and knowledge. SO HELP ME GOD.

Sec. 7. *Be it enacted*, That if any person shall arbitrarily or clandestinely pass the said turnpike, within one half mile, in order to evade the payment of the toll prescribed by this act, he, she, or they, shall forfeit and pay the sum of five dollars for e-

very such offence, to the keeper of said turnpike, recoverable by an action of debt before any justice of the peace of this state.

ROBERT C. POST, Speaker of the House of Representatives

JOSEPH M. MINN, Speaker of the Senate

November 2d, 1805.

CHAPTER LXVI.

AN ACT to compel the Justices of the Peace in the different counties in this State to keep all the judgments they render in their possession, and for the regulation of the appointment of Constables.

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 be the duty of the justices of the peace in the different counties in this state, to keep all the judgments they render in civil cases, in their possession, unless there are appeals or certioraris granted, which will make it necessary for them to part with the possession thereof, to obey the rules of law; and when they grant an execution, it shall be on a different piece of paper, and the warrant and judgment shall not accompany the same.

Sec. 2. *Be it enacted*, That the courts of the different counties in this state, shall not be at liberty to appoint more than one constable in each captain's company, and one for the county town, which constables shall be persons of good character.

Sec. 3. *Be it enacted*, That if any constable shall go about the neighborhood in which he lives, or through the country, and endeavor to stir up the people to commence suits against each other, by telling of falsehoods, or in any manner propagating reports that may have a tendency to instigate the good people to sue and vex each other; every constable so offending, shall be liable to be indicted for every such offence, for a misdemeanor in office, and on conviction, fined in a sum not less than five nor more than fifty dollars.

Sec. 4. *Be it enacted*, That any execution that shall hereafter be issued by a justice of the peace against the body, or goods and chattels of any person, who may remove himself, or goods

and chattels to any other county in this State, before the same is satisfied, in every such case it shall and may be lawful for the person or persons having any such judgment and execution, to obtain the certificate of the clerk of the county, setting forth that the magistrate who granted the judgment and execution, was at the time an acting justice of the peace of his county, for which the clerk shall receive fifty cents, to be paid by the party applying for the same, and the fees shall be endorsed on the certificate; and on producing said execution and certificate to any justice of the peace of the county to which any debtor may have removed himself or property, it shall be sufficient to authorize any justice of the peace to issue an execution on the said judgment, for the amount of the judgment and costs, and the cost of the clerk's certificate.

Sec. 5. *Be it enacted*, That it shall not be lawful for any justice of the peace to issue a warrant in any civil case, unless on the personal application of the person wishing it to be done, or by his or her direction in writing, which direction the justice shall preserve; and if any person shall forge an order for the issuing a warrant, he shall be liable to be indicted for a misdemeanor, and fined in a sum not less than five, nor more than fifty dollars.

Sec. 6. *Be it enacted*, That where any justice of the peace hath issued an execution on a judgment, and the constable or other officer to whom it is directed, return the same not satisfied, then, and in that case, the justice shall, if requested, issue an alias or pluries writ for the same.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

October 28th, 1805.

CHAPTER LXVII.

AN ACT to reduce Smith county to Constitutional limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Smith shall be reduced to constitutional limits, viz. six hundred and twenty-five square miles, and bounded as follows: by Sumner

and Wilson counties on the west; by the northern boundary of the State on the north; by a parallel with the upper boundary of Sumner county, to Cumberland river, and from thence a parallel line with the upper boundary line of Wilson county, to the Indian boundary line, and with the same south, forty-five degrees west to the south east corner of Wilson county.

Sec. 2. *Be it enacted*, That Willis Jones, and Lee Sullivan, are hereby appointed with power, both or either of them, to ascertain by actual survey the eastern boundary of said county, to the Indian boundary, and that said surveyors shall have power to employ two chain-carriers, and two markers, and shall cause the upper boundary of Smith county to be well marked, and all that part of the county of Smith, after being reduced as aforesaid, lying east of the upper boundary of said county, ascertained as aforesaid, be, and the same is hereby annexed to the county of Jackson.

Sec. 3. *Be it enacted*, That it shall be lawful for the sheriff of Smith county to collect the taxes in all that part of the county of Smith now annexed to the county of Jackson, for the present year, together with all arrearages of taxes due the county of Smith, in the same manner, and under the same rules and restrictions as if this act had never been passed, and that all expences incurred in ascertaining and marking said lines, shall be paid by the said counties of Smith and Jackson, that is to say, each county to pay one half the expence: And that said surveyors shall each be allowed two dollars for each day they may be necessarily employed in running said lines as aforesaid; and each chain-carrier and marker shall be allowed one dollar for each day they may be employed as aforesaid; 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 LXVIII.

AN ACT to alter the time of holding court in Montgomery County.

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

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first day of January next, the court of Montgomery county shall commence on the fourth Mondays of March, June, September, and December, and all causes, matters and things, depending in the court of the aforesaid county, shall be adjourned over to the time stated in this act; and the said court shall have power to let as heretofore, six days in each term.

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

JOSEPH M. MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXIX.

AN ACT to release Nicodemus Hackworth from the penalties of a forfeited recognizance.

WHEREAS Nicodemus Hackworth entered into recognizance with Nicodemus Lestwick, for the prosecution of a suit at a superior court heretofore held for the district of Hamilton, and the said Nicodemus Lestwick failing to appear and prosecute said suit, whereby the said Nicodemus Hackworth is likely to be injured, by being compelled to pay the aforesaid forfeiture. For remedy whereof:

BE it enacted by the General Assembly of the State of Tennessee, That the said Nicodemus Hackworth is hereby released and forever set free from the penalties of said forfeited recognizance; any law, usage or custom to the contrary notwithstanding: *Provided* nevertheless, that nothing herein contained shall be so construed as to exonerate the said Nicodemus Hackworth from the payment of all costs and charges which have heretofore accrued in the before recited case.

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

JOSEPH M. MINN,
Speaker of the Senate.

November 1st, 1805.

CHAPTER LXX.

AN ACT to alier the place of holding General Musters and Elections in the Eastern end of Carter County.

WHEREAS frequent applications hath been made to this General Assembly, to establish the place of holding separate general musters and elections in the second battalion of the militia of Carter county. And whereas two places hath been recommended as fit and suitable places to hold the said elections and musters, to wit, the plantations of Thomas Johnson and of William Moreland. Wherefore, to prevent further applications on that head:

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee; That ~~it shall be lawful~~ for the lieutenant colonel commandant of Carter county, to issue a written notice to the commanding officer of each company within the said second battalion, that on a certain day (which he the said colonel may appoint) there will be an election held at the house of William Moreland; for the purpose of fixing on one of the above places, as the established place of holding general musters and elections in the said battalion.

Sec. 2. Be it enacted; That after said election, which ever of the above places may have the greatest number of votes, is hereby declared to be the place established by law for holding separate general musters and elections, in said battalion; and that all laws, and parts of laws, coming within the purview and 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 LXXI.

AN ACT supplementary to an act, entitled, "An act appointing commissioners to settle with the persons heretofore appointed in the county of Washington, to contract for the public buildings and regulation of the town of Jonesborough;

and to appoint certain persons in their stead for the purposes aforesaid," passed the sixth day of November, one thousand eight hundred and one.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Isaac Depew, Joseph Young, and Joseph Brown, be, and they are hereby appointed commissioners in the room of those appointed by the before recited act, and with as full and ample power as the commissioners had, who were appointed by said act; and said commissioners shall receive the sum of one dollar and twenty-five cents, for each day they may be necessarily employed in carrying said act into effect, to be paid out of any monies in the hands of the county trustee.

SEC. 2. *Be it enacted,* That so much of the said act as the same is hereby repealed, and meaning of this act, shall, and said act, is hereby declared to be in full force.

SEC. 3. *Be it enacted,* That as soon as they have performed the duties enjoined on them by virtue of this act, they shall make out a statement, and exhibit the same to the court of Washington county, whose duty it shall be, to examine the same, and allow it, and the clerk shall certify that said account has been allowed, and said county trustee shall pay the same, which account shall be a sufficient voucher in the settlement of the accounts of said trustee.

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

November 4th, 1805.

CHAPTER LXXII.

AN ACT directing the mode of ascertaining the bounds of improvement and occupant claims south of the rivers French Broad and Holston, between the rivers Big Pigeon and Tennessee, and authorising the plats of such improvement, when filed, to be evidence when the bounds of such improvement may come in question.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all holders of im-

provement claims, or claims of occupancy or pre-emption south of the rivers French Broad and Holston, between the rivers Big Pigeon and Tennessee, shall be at liberty, and are hereby authorised to survey their respective claims and to ascertain the bounds thereof according to their several conditional lines, if they think proper, and to cause a plat of such survey to be made, setting forth the courses and distances of the lines of said survey, and the quantity of land contained therein, certified to be a just plat of the claim surveyed, on oath of the surveyor making the same; which plats may be by the holder of such claim filed in the register's office of the county where such claims may lie, and when filed, a copy thereof shall be evidence of the lines and bounds of the claim to which it relates, in all cases where the bounds of said claim may come in question, but shall not bar any other person or persons having a right to such claim or any part thereof: *Provided,* that before any person shall proceed to survey his or their claim under the authority of this act, he or they shall give notice in writing, to all those who hold claims adjoining, of the time he or they intend to survey, if such claimants live within the bounds of the county, and if they are not known, or live out of the county where such claim lies, it shall be the duty of the person about to proceed to survey, to advertise his, her or their intention at the court house of the county where the land lies, and also at three other public places, at least sixty days before such survey shall be made.

SEC. 2. *Be it enacted,* That in case any dispute should arise between the holders of improvement, occupant, or pre-emption claims, concerning their conditional lines, in that case the contending parties shall each choose one man, which two when chosen, shall proceed to choose ten others to act with them as a jury to settle the disputed line or lines, the foreman of which jury shall be appointed by a majority of them, and when so appointed, is hereby authorised to swear all witnesses that may be adduced by the parties, and when said jury have examined and heard the evidence, they shall settle said conditional lines, and give judgment agreeably thereto, from which judgment there shall be no appeal, but shall be final: *Provided,* nothing herein contained shall prevent either party from filing his or their petition at the next court held for the county where the land may

File, for a certiorari, setting forth the special reason of wishing a re-examination, which petition shall be sworn to in open court, on hearing of which the said court may grant or reject said petition as to them may seem just and proper; and it shall be the duty of the foreman of such jury, to keep the whole of the proceedings of the jury he is foreman of, until the rise of the next county court, and in case a certiorari is granted, he is hereby required to return said proceedings to said court.

Sec. 3. *Be it enacted*, That all trials under authority of this act, shall be on the premises in the first instance; and the several justices of the peace of each county are hereby authorized to issue subpoenas to compel the attendance of witnesses to give evidence on the trial of all disputed conditions to the jury trying the same; which subpoena shall be directed to the sheriff of the county where such witness may reside, and be by him served, for which service he shall have the same fees as for serving other subpoenas; to be paid by the party against whom the jury give their verdict; and in case any witness fail or refuse to attend, they shall be subject to the same forfeitures and penalties as witnesses failing to attend the county courts.

Sec. 4. *Be it enacted*, That when any person shall deliver a plat, certified as by this act required, to any register, it shall be the duty of such register to file the same in his office, and safely to keep the same, for filing which he shall be entitled to a fee of twenty-five cents; and it shall be the duty of such register to deliver copies of said plats so filed, with the courses, distances, and surveyor's certificate, to any person applying for the same, and may demand and receive the sum of seventy-five cents for each copy so delivered.

Sec. 5. *Be it enacted*, That all bills of sale and other instruments in writing, transferring or conveying any right of improvement, occupancy, or pre-emption, from one settler to another, shall be proven and recorded in the same manner, and under the same regulations as is provided and required for proving and recording deeds of conveyance under grants; which bills of sale and other instruments aforesaid, when so proven and recorded, shall be as complete evidence of such transfer, as deeds of conveyance are, of the transfer of patent lands.

Sec. 6. *Be it enacted*, That it shall not hereafter be lawful for any person or persons whatever, to make any survey or sur-

veys on any warrant or warrants, that have issued, or may issue from the secretary's office of this state, or that have or may issue from the secretary's office of the state of North Carolina, or on any entry or entries made on the aforesaid warrants, or that may be made on them in any of the offices of the state, or that have been made in any of the offices of the state of North Carolina, for the purpose of obtaining a grant or grants on the said surveys or entries, on that tract of country aforesaid; and in case any grant or grants shall be issued, or title perfected for any of the aforesaid lands, such grant shall not be given or received in evidence in any court within this state.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

October 28th, 1805.

CHAPTER LXXIII.

AN ACT appointing additional commissioners for the town of Burrville, and for regulating the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hugh Barton, Benjamin C. Parker, John Leib, and John Lynch, be, and are hereby appointed commissioners of the town of Burrville, in addition to those who were previously appointed.

Sec. 2. *Be it enacted*, That the aforesaid commissioners, together with such of those heretofore appointed, who have not removed themselves out of the county, or any number of them not less than five, shall have full power and authority to exercise and discharge all the duties enjoined by law on the former commissioners of said town, and said commissioners shall have full power to regulate said town, and repair the streets: *Provided*, that no person shall be compelled to work on said streets, but those who reside within the limits of said town.

Sec. 3. *Be it enacted*, That the said commissioners, or a majority of them, shall have full power in case of death, removal, or refusal to serve of any of said commissioners, to nominate and appoint by instrument in writing under their hands, some other person being an inhabitant and freeholder of said

county; which commissioner or commissioners so appointed, shall have and exercise all the power and authority, as the person in whose room he was appointed, had and exercised.

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

CHAPTER LXXIV.

AN ACT to authorise the county court of Cocke to lay an additional county tax for the purpose of paying the grand jurors that have been appointed to attend the courts in said county, for two years last past.

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Cocke (if they think it expedient) be, and they are hereby authorized and empowered to lay an additional county tax not exceeding one year, for the purpose of paying the grand jurors who have attended the several courts which have been holden in and for said county, within two years last past, which tax 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; one dollar on each stud horse kept for mares; and twenty-five cents on each town lot, to be collected by the sheriff or collector, accounted for, and paid into the hands of the county trustee for the purpose aforesaid; and the certificates of said jurors shall be sufficient vouchers for him, in the settlement of his accounts.

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

CHAPTER LXXV.

AN ACT to provide for the payment of the Members, Clerks and Door-Keepers of the present General Assembly, and for other purposes.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That each member shall receive the sum of two dollars and fifty cents for each day he has attended this general assembly, and a like sum for every twenty-five miles travelling to and from the same.

Sec. 2. *Be it enacted,* That each principal clerk of the legislature shall receive the sum of four dollars & fifty cents for each day he may have attended the same; & each assistant clerk the sum of four dollars & fifty cents for each day he may have attended the same; and that Edward Scott, chief clerk of the house of representatives, be allowed the sum of eighty-five dollars for stationary, and John N. Gamble, chief clerk of the senate, the sum of sixty-one dollars and fifty-two cents for stationary.

Sec. 3. *Be it enacted;* That each door-keeper of this assembly be allowed the sum of two dollars and fifty cents for each day he may have attended the same; and that John Bright, door-keeper of the senate, be allowed a further sum of thirteen dollars and seventy-five cents, for fuel, &c. and that John Rhea, door-keeper of the house of representatives, be allowed a further sum of ten dollars and ninety-six cents for tables, &c.

Sec. 4. *Be it enacted;* That John Williams, Esquire, who is appointed to bear the memorial of this state to the government of North-Carolina, be allowed the sum of five dollars for every thirty miles travelling to and from the city of Raleigh, (in North-Carolina) and a like sum for each and every day he may necessarily be engaged in the said city, on the business of this state, to be paid out of either of the treasuries upon a warrant signed by the governor.

Sec. 5. *Be it enacted,* That Robert Weakley, James Robertson, and James Winchester, be, and they are hereby authorized to audit and settle the claim of Robert King, for marking the road leading from Hamilton to Mero district, and apportion the amount to each county in the district of Mero; and when the commissioners shall so have settled the accounts, they shall certify the same under their hands and seals to the said courts of the different counties, whose duty it shall be to make provision for the payment of their different quoto's, out of the taxes, to be levied and collected in the different counties for the year one thousand eight hundred and six.

Sec. 6. *Be it enacted,* That the fourth section of an act passed on the fourth day of August, one thousand eight hundred and four, entitled, "An act ascertaining the salaries of the several officers of government hereinafter named," be, and the

time is hereby revived, and shall continue in force until the end of the next general assembly.

Sec. 7. *Be it enacted*, That so much of the fourth section of an act, entitled, "An act to purchase for the state of Tennessee the patent right of Eli Whitney and Phineas Miller, of a machine or new invention for cleaning cotton, commonly called the Saw-Gin," passed at Knoxville, the twenty-second day of October, one thousand eight hundred and three, as compels sheriffs to collect and account for the tax imposed by the said act; also so much of the fifth section of the aforesaid act as authorizes the treasurer of the state to pay Miller and Whitney, their agents or attorneys, their executors or administrators, the amount of the tax laid by the before-recited act, is hereby suspended until the end of the next stated session of the general assembly.

Sec. 8. *Be it enacted*, That the governor be, and he is authorized to draw a draft on either of the treasurers of this state, in favor of John Williams, Esquire, for the sum of two hundred dollars, on account of services by him to be performed, as agent to the state of North Carolina, which sum shall be deducted out of his compensation, on the final settlement of his accounts.

Sec. 9. *Be it enacted*, That the governor be, and he is hereby authorized and required to draw a warrant on either of the public treasurers of this state, in favor of John B. Hood, Hugh Danlap, & John Lavender, public printers, for the sum of two hundred dollars, as a part of the amount of the sum which will be due them for printing the laws and journals of the present session.

Sec. 10. *Be it enacted*, That the governor shall be authorized, if necessary, to draw from either of the treasuries of this state, a sum not exceeding five hundred dollars, for the purpose of fulfilling any contract he may have made on behalf of this state, relative to opening and clearing the road from South-West Point and Tellico, to the state of Georgia, when said road shall be completed, and that he have power to appoint any number of commissioners, not exceeding three, for the purpose of viewing and reporting to him the state of said road, at such

time as he may think proper, who shall be allowed the sum of two dollars each, for every day they may be necessarily engaged in said business.

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

November 4th, 1805.

A COPY—ATTEST,
WILLIAM MACLIN, SECRETARY.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY.

RESOLVED, That the senators from this state in Congress be instructed, and the representatives thereof be requested to use their endeavors with the proper authorities at the seat of the general government in order that such regulations may be made on the road leading through the wilderness from Natchez to this state, as are most likely to afford relief to the afflicted travellers thereof, either by the establishment of houses thereon under the superintendence of a proper officer, or otherwise, as may appear best calculated to promote the mitigation of human misery.

Resolved, That the governor be requested to transmit to each senator and representative of this state in the congress of the United States, a copy of the foregoing resolution.

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

November 1st, 1805.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY.

RESOLVED, That our senators in congress be instructed, and our representatives be requested to use their endeavors

vors with the proper authorities at the seat of the general government, to carry into effect the opening of the Muscle Shoals as soon as practicable, so that the same may be navigated with such boats as commonly descend the Tennessee.

Resolved, That the governor is hereby requested to transmit a copy of the foregoing resolution to each of our senators and representatives in the congress of the United States.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 1st, 1805.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

November 4th, 1805.

RESOLVED, That our senators be instructed, and our representatives in congress are hereby requested to oppose the alteration in the federal constitution as proposed by the state of Massachusetts, in the third clause of the second section of the first article of the said federal constitution, and the governor is hereby requested to transmit to each senator and representative in the congress from this state, this expression of our opinion on the subject.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

ATTEST,

EDWARD SCOTT, C. H. R.

J. N. GAMBLE, Clerk Senate.

STATE OF TENNESSEE,

IN GENERAL ASSEMBLY,

November 4th, 1805.

RESOLVED, That our senators in the congress of the United States be instructed, and our representatives be requested, to take all legal and necessary steps, to use their utmost

exertions, as soon as the same is practicable, to obtain an amendment to the federal constitution, so as to authorize and empower the congress of the United States to pass a law, whenever they deem it expedient, to prevent the further importation of slaves from any of the West India Islands, from the coasts of Africa, or elsewhere, into the United States, or any part thereof.

Resolved further, That the governor be, and he is hereby requested to transmit copies of the foregoing resolution to our senators and representatives in congress; also to the executives of the different states, with a request that the same may be laid before their respective legislatures, for their consideration and adoption.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

ATTEST,

EDWARD SCOTT, Clerk H. Representatives.

J. N. GAMBLE, Clerk Senate.

H

AN ACT to accept a Cession of the Claims of the State of North-Carolina, to a certain district of Western Territory.

A DEED of Cession having been executed, and in the Senate offered for acceptance to the United States, of the Claims of the State of North-Carolina, to a district of territory therein described; which deed is in the words following viz.

To all who shall see these Presents.

WE the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North-Carolina, send greeting.

Whereas the general assembly of the State of North-Carolina, on the _____ day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled, "An act for the purpose of ceding to the United States of America, certain western lands therein described," in the words following, to wit:

WHEREAS the United States in Congress assembled, have repeatedly and earnestly recommended to the respective states in the union claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this state being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

I. BE it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That the senators of this state in the congress of the United States, or one of the senators and any two of the representatives of this state in the congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this state, conveying to

the United States of America, all right, title and claim which this state has to the sovereignty and territory of the lands situated within the chartered limits of this state, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain, to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain, to where Nolichucky River runs through the same; thence to the top of the Bald mountain; thence along the extreme height of the said mountain, to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoaky Mountain; thence along the extreme height of the said mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this state, upon the following express conditions, and subject thereto—that is to say:

First, That neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this state with the United States, in the common expence occasioned by the late war.

Secondly, That the lands laid off, or directed to be laid off by any act or acts of the general assembly of this state, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and endure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already preteribed for the officers and soldiers of the continental line of this state, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may

be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being, shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on, and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood, that if any person or persons shall have, by virtue of the act, entitled, "An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground, on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend, or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the general assembly of this state.

Thirdly, That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual pro-

portion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever.

Fourthly, That the territory so ceded, shall be laid out and formed into a state or states, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late congress, for the government of the Western Territory of the United States, that is to say: Whenever the congress of the United States shall cause to be officially transmitted to the executive authority of this state, an authenticated copy of the act to be passed by the congress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified; the said congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, That no regulations made or to be made by congress, shall tend to emancipate slaves.

Fifthly, That the inhabitants of the said ceded territory shall be liable to pay such sums of money, as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of congress on this state.

Sixthly, That all persons indebted to this state, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties, as if this act had never been passed.

Seventhly, That if the congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this state, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever.

Eighthly, That the laws in force and use in the state of North-Carolina, at the time of passing this act, shall be, and continue in full force within the territory hereby ceded, until the same shall be repealed, or otherwise altered by the legislative authority of the said territory.

Nintbly, That the lands of non-resident proprietors within the said ceded territory, shall not be taxed higher than the lands of residents.

Tentbly, That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present general assembly.

II. And be it further enacted by the authority aforesaid, That the sovereignty and jurisdiction of this state, in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects, until the congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*

S. CABARRUS, *Sp. H. C.*

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said state, do, by these presents convey, assign, transfer and set over unto the United States of America, for the benefit of the said states, North-Carolina inclusive, all right, title, and claim which the said state hath to the sovereignty and territory of the lands situated within the chartered limits of the said state, as bounded and described in the above recited act of the general assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the senate-chamber at New-York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM: JOHNSTON. (L. S.)
BENJAMIN HAWKINS. (L. S.)

Signed, sealed, and delivered }
in the presence of

SAM: A. OTIS.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice-President of the United States*
and President of the Senate

APPROVED, April the second, 1790.

GEORGE WASHINGTON,
President of the United States.

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E R R A T A.

Chapter ten, page twelve, twelfth line from the bottom, for: apportioning, read appointing.

Page 32, chapter 38, sixth line from the beginning, after the words forth in, read an.

Page 65, chapter 64, first line of the caption, for from, read form.

Page 67, same chapter, sixth line from the bottom, for, proportionably, read proportionally.

Page 84, 19th line from the top, for is, read in.

A C T S

PASSED AT THE

SECOND SESSION

OF THE

SIXTH GENERAL ASSEMBLY,

OF THE

STATE OF TENNESSEE,

BEGAN AND HELD AT KNOXVILLE, ON MONDAY THE TWENTY-

EIGHTH DAY OF JULY, ONE THOUSAND EIGHT HUNDRED

AND SIX.



KNOXVILLE.

PRINTED FOR

ELIZABETH ROULSTONE,

1806.

[J. B. HOOD, PRINTER.]

A C T S

OF THE

T A T E OF TENNESSEE.

CHAPTER I.

AN ACT directing the division of the State into convenient Districts, for the appointment of principal Surveyors thereof, and for ascertaining the bona fide claims against the same, agreeable to an Act of Congress passed the eighteenth day of April, one thousand eight hundred and six, entitled, "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

BE it enacted by the General Assembly of the State of Tennessee, That two registers of the land office shall be appointed by joint ballot of both houses of the general assembly; they shall hold their offices during good behaviour, and before they enter upon the execution thereof, shall severally, before some one of the judges of the superior courts of law and equity, take and subscribe the following oath: *I, A. B. do solemnly swear or affirm, that I will faithfully, impartially, and justly perform the duties of my office of register, according to law, and the best of my skill and judgment: And they shall also, before one of the judges aforelaid, enter into bond with ten sufficient securities, in the sum of fifty thousand dollars each, payable to the governor and his successors in office, conditioned for the faithful discharge of all the duties imposed on him by law; which bond the said judge shall lodge in the office of the secretary of state. One of said registers shall keep his office at the seat of government, who shall be denominated the register of the land office of East Tennessee; and one shall keep his office at Nashville, and shall be denominated the register of the land office of West Tennessee.*

Sec. 2. *Be it enacted, That the state shall be divided into six districts, exclusive of the district south of French Broad and Holston, in each of which one principal surveyor shall be appointed by joint ballot of both houses of the legislature, whose duty it shall be to engage a sufficient number of skillful surveyors as deputies, who shall be confined to the districts in which they are appointed, and for whose conduct, in all points touching his office, the principal surveyor shall be answerable; each principal shall have authority to frame*

Two registers of the land office to be appointed.

Their oath.

To give bond & security.

Where to keep their offices.

State to be divided into districts, Principal surveyors to be appointed. To appoint deputies

Land Office Tenn.

5431D1
15D44
Land Library Reg.

To remove de-
puties for mis-
conduct.

Principal sur-
veyors oath.

To give bond &
security.

Deputies oath.

Deputies to
give bond and
security.

Chain-carriers
to take an oath.

Bounds of the
districts.

First district.

Second district.

Third District.

regulations and instructions for the government of his deputies; to administer the necessary oaths, and to remove them for negligence or misconduct in office: each principal surveyor shall, before he enters upon the duties of his appointment, take and subscribe before one of the judges of the superior courts of law and equity, the following oath, to wit: *I, A. B. do solemnly swear or affirm, that I will faithfully, impartially, and justly perform the duties of my office as principal surveyor, according to law, and the best of my skill and judgment.* SO HELP ME GOD. And he shall also, before one of the said judges enter into bond with ten sufficient securities, in the sum of fifty thousand dollars, payable to the governor and his successors in office, conditioned for the faithful discharge of all the duties imposed on him by law; which bond the said judge shall lodge in the office of the secretary of state; and each deputy surveyor shall likewise, before he enters upon the duties of his appointment, take the oath prescribed by his principal, before some justice of the peace, in presence of such principal, and enter into bond, with such security as his principal shall deem sufficient, for the accurate and faithful discharge of his duty. And each chain-carrier shall, before the principal or deputy surveyor take an oath that he will truly and impartially measure every line, of which he is chain-carrier, and render a true account thereof to his surveyor.

Sec. 3. *Be it enacted*, That the several districts hereinbefore directed to be laid off, shall be bounded and distinguished in the following manner, to wit: One to be bounded by the lines described in the seventh section of an act of North-Carolina, passed on the seventeenth day of May, in the year one thousand seven hundred and eighty three, entitled, "an act to amend an act, entitled, an act for the relief of the officers and soldiers in the continental line, and for other purposes," which shall compose a district, and shall be known and distinguished by the name of the first district.

One other district to begin eighteen miles west of the south east corner of the last mentioned district, to run south according to the true meridian, to the southern boundary of the state, for its eastern boundary, and to be bounded on the west and south by the Congressional Reservation, and on the north and south, by the first district and the boundary of the state; which shall compose one other district, and shall be known and distinguished by the name of the second district.

One other district to begin on the northern boundary of the state at a point which shall divide by six without a fraction, and which shall be nearest to a point due north of the Flat rock on the turnpike road, leading from South-West-Point to Nashville, thence south according to the true meridian to the southern boundary of the state, which shall be its eastern boundary, thence west to be bounded by the two

first districts, inclusively, which shall compose one other district, and shall be known and distinguished by the name of the third district; and the three districts as above, shall be attached to the land office of West Tennessee.

One other district, to begin at the north east corner of the last mentioned district, to run east with the north boundary of the state, fifty four miles, thence south to the southern boundary of the state, or the district south of French Broad and Holston, (as the case may be) which inclusively, shall compose one other district, and shall be known and distinguished by the name of the fourth district.

One other district, to begin at the north east corner of the fourth district, to run east with the north boundary of the state forty eight miles, thence south according to the true meridian, to the district south of French Broad and Holston, which inclusively, shall compose one other district, and shall be known and distinguished by the name of the fifth district.

And one other district, to be bounded by the fifth district on the west, by the Virginia line on the north, and by the district south of French Broad and Holston, and the North-Carolina line on the east and south east, which shall compose one other district, and shall be known and distinguished by the name of the sixth district; and the three last mentioned districts, together with the district south of French Broad and Holston, shall be attached to the land office of East Tennessee.

Sec. 4. *Be it enacted*, That each of the surveyors by this act appointed and recognized, shall, without delay, cause the part of the land within his district, to which the Indian claim has been extinguished, to be divided by north and south lines, run according to the true meridian, and by others crossing them at right angles, so as to form sections as near six miles square, as the case will admit, unless where the line of the late Indian purchase, or any other exterior boundary may render it practicable, and then this rule shall be departed from no further, than such particular circumstances may require. The corners of the sections shall be marked with progressive numbers from the beginning—each distance of a mile between the said corners, shall also be distinctly marked, with marks differing from those of the corners—and the lines of the sections distinguished by marks differing from other lines; and it shall be the duty of the surveyors respectively, to cause to be marked on a tree near each corner made as aforesaid, and within the section, the number of such section; and the said deputies shall carefully note in their respective field books, the names of the corner trees marked, and the numbers so made.

Sec. 5. *Be it enacted*, That each principal surveyor shall cause to be connected with some line of a section, every survey within his district, upon which a grant has issued, as far as it is practicable; he shall also cause to be surveyed each

Surveyors to lay
off their districts
in sections of 6
miles square.

Corners of sec-
tions to be mar-
ked.

Surveys to be
connected with
some line of a
section.
Locations to be
surveyed.

location made by virtue of a *bona fide* land warrant, legally issued, and which has been located to any particular spot of ground so described as to be ascertained with certainty.

Rules to be observed by surveyors.

And the surveyor is hereby required to observe the following rules, If the warrant of survey designates any spot of notoriety as a beginning, the calls of which are special, the survey shall conform thereto, and all surveys shall be made agreeable to the laws in force and use in this state at the time, of passing the cession act: *Provided*, the person claiming right to the same, shall produce to such surveyor a duplicate of such warrant, as herein after directed; and the said surveys, when so made, together with the former surveys which may be ascertained as before required, shall be placed in their proper places in the general plan of the district by this act directed to be made,

640 acres in one or more tracts to be laid off in each section for schools.

Sec. 6. *Be it enacted*, That after ascertaining the claims as aforesaid, the principal surveyor shall cause to be laid off and surveyed with plain marked lines, six hundred and forty acres of land, in one or more tracts, which shall be fit for cultivation and improvement, and which shall be as near the centre of each section as existing claims and the quality of the land will admit, which shall be appropriated for the use of schools for the instruction of children forever, agreeably to the provisions of the before recited act of congress, which also shall be placed in their proper places in the general plan. And in any section where it may appear that there is not land sufficient fit for cultivation for the use aforesaid, the surveyor shall certify the truth of the case, to the next general assembly, in order that the legislature may make provision for every such section, which may be in the whole or in part deficient. All surveys shall be closed by lines plainly marked upon trees, and measured with chains containing two perches of sixteen feet and one half each, adjusted to a standard to be kept by the principal surveyor for that purpose. Every surveyor shall note in his field book all water-courses and public roads over which the line he runs shall pass, and the quality of the land, and mountains touched or crossed by a line or lines of the sections, and make return thereof to the principal surveyor, who shall therefrom, together with the division of his district, into sections, and the surveys of appropriated lands whether ancient or new, made as before required, and which may hereafter be made according to law, make out a correct plan or map of his district, to be platted by a scale of four hundred poles to the inch, placing thereon each section, appropriated survey, the public roads, water courses, and number of the sections, corresponding with the numbers directed to be marked on the trees, with a sufficient margin in which he shall distinctly mark the quality of the lands, and upon each line distinguishing the same by colors, descriptive of the quality; one fair plat of which shall always be open in his office,

Where there is not a sufficiency of land in one section for the purpose aforesaid, to be certified to next assembly. Lines of surveys to be marked, &c.

Notes to be kept by surveyor in his field book.

Principal surveyor to make a map or plan of his district.

for the inspection of any person who may have interest in obtaining a knowledge of the same; and one fair plat thereof he shall cause to be deposited in each of the offices of the registers of the land office, at the seat of government and at Nashville.

Sec. 7. *Be it enacted*, That it shall be the duty of each principal surveyor to enter into a book kept for that purpose, a list of all warrants, or such other legal evidences of claims to lands as shall be duly certified to be valid by the board of commissioners hereafter appointed by law, to investigate the same, with the names of the assignor or assignors, (if any) expressing also the number of the warrant, the number of acres contained in each warrant, in columns, opposite to the owners names, and leaving one blank column to be filled with the number of the location, which shall be drawn by lot in manner and form following:

Surveyors to keep a list of warrants, &c.

Number of warrant, and number of acres therein, to be expressed, &c.

Owners Names.	of whom Assignee.	No. of warrant.	No. acres.	No. of location drawn.	Precedent.

Sec. 8. *Be it enacted*, That the surveyor south of French Broad and Holston, shall keep his office at Sevierville. The surveyor of the first district shall keep his office at Nashville. The surveyor of the second district shall keep his office at Jefferson. The surveyor of the third district shall keep his office at Alexander's. The surveyor of the fourth district shall keep his office at Kingston. The surveyor of the fifth district shall keep his office at Knoxville. And the surveyor of the sixth district shall keep his office at Jonesborough. And the surveyors herein directed to be appointed, are hereby required and directed to give due attendance at their respective offices at all times, in order to perform the duties by this act imposed upon them.

The places of keeping the several surveyors offices.

Sec. 9. *Be it enacted*, That the drawing for the numbers of the locations, as in manner prescribed by the seventh section of this act, shall commence at the respective offices of the surveyors, in a public manner, on the first Monday of August next, at ten o'clock, ante meridian, the tickets shall be neatly cut, of clean paper, of equal size, and plainly numbered with progressive numbers, beginning at the number one, and equal to the whole number of warrants and other evidences of claims listed as required by the said seventh section; and the said tickets shall be separately and alike folded and promiscuously put into a box, and drawn by some disinterested person, and the numbers so drawn, shall be placed in the blank column against the names of the persons who have listed their claims as above, in the order they are and on the said books; and the surveyor shall proceed im-

Number of locations to be drawn for on first Monday of August next.

And to be entered

tered in a book
to be kept by the
surveyors.

mediately after the priority of the locations are determined by lot as aforesaid, to enter the same in a book kept for that purpose, in manner herein after directed: *Provided*, every person having right to a location shall render the same to the surveyor to be entered on his book agreeably to number; otherwise the surveyor shall enter it at the time so rendered.

The holder of a
valid warrant to
lodge the same
with the sur-
veyor.

Sec. 10. *Be it enacted*, That every person having a land warrant duly certified to be valid as by this act required, and being desirous of locating the same on any particular waste or unappropriated land, shall lodge such warrant with the principal surveyor of the district wherein the said lands may lie, who shall give a receipt for it if required, and shall enter a list of the same, in manner before directed: *Pro- vided*, the said warrant is lodged with him before the opening of his office for receiving of locations, or at the time of making such location; and the party shall direct the location thereof so specially and precisely beginning on one of the lines of the section, or some part of the existing claims within the same, and therein expressing the number of perches the first line shall extend, so that the surveyor may be enabled to lay the same down with precision, before the survey of the same is actually made, which the said surveyor is hereby required to place in its proper place, without delay, that the vacant residuum may appear, within each section in his district; and it shall be the duty of the surveyor aforesaid, upon application to him made by any person who has a legal warrant, and desirous to enter the same within his district, to give unto the person so applying, the true number of perches required in the first line so given, to include the quantity of acres called for in said warrant, proportioned as the said applicant may require: *Pro- vided*, that in no case the length of any tract of land shall exceed double its breadth unless the same shall be bounded and confined by existing claims; and the location aforesaid, shall bear date, the day on which it shall be made, and shall be entered by the surveyor in a book to be kept for that purpose, in which there shall be left no blank leaves or spaces between the different entries; and if several persons shall apply with their warrants at the office of any principal surveyor, at the same time, the surveyor shall settle the right of priority between such persons, by lot, and it shall not be lawful for any surveyor to admit an entry for land, without a warrant duly certified to be valid by the board of commissioners according to law.

Manner of lo-
cating &c.

The length of a
tract of land not
to exceed twice
its breadth, &c.

Priority of loca-
tion to be settled
by lot, where
several persons
apply at the
same time.

Surveyor to sur-
vey all entries
made in his office
To record the
plat and certifi-
cate, &c.

Sec. 11. *Be it enacted*, That every principal surveyor shall cause without delay, to be surveyed, all lands entered for in his office; and shall, within three months at furthest, after the survey is so made, record the plats and certificates thereof at full length, in a bound book to be kept for that purpose, and shall at any time thereafter, deliver to the per-

son having interest in the same, or his order, a fair and true plat and certificate of the same, the quantity contained, the county, district, and section in which it lies, the kind of war- rant and rights it is founded upon, the courses and descrip- tions of the several boundaries, natural and artificial, anti- ent and new, and also the name of every person whose former lines make a boundary.

Sec. 12. *Be it enacted*, That the said plats and certifi- cates of survey shall be examined and tried by the principal surveyor, whether truly made, and legally proportioned as to length and breadth, and if it be in any respects contrary to law, he shall cause the same to be corrected, free from expence to the owner of the same.

Plats and certifi-
cates of survey
to be examined
by the principal
surveyor, &c.

Sec. 13. *Be it enacted*, That any surveyor whether principal or deputy, failing in any of the duties required by this act, shall be liable to be indicted in the court of the district in which he shall reside, and punished by amerce- ment and deprivation of his office, and incapacity to take it again; and shall moreover, be liable to any party injured, for all damages he may sustain by such failure.

A surveyor fail-
ing to perform
his duty, is li-
able to be indict-
ed, &c.

To be liable for
damages.

Sec. 14. *Be it enacted*, That the governor for the time being, shall once in every year, and oftner if he see cause, ap- point two or more capable persons to examine the books of entries and surveys in possession of the several principal surveyors, and report in what order and condition they are kept, who shall deposit said report in the office of the secre- tary of state, for the information of the legislature; and on the death or removal of any one of them, shall have power to direct the safe keeping of such books, until a surveyor is appointed. And for preventing fraudulent grants,

Governor to ap-
point persons to
examine survey-
ors books, &c.

Sec. 15. *Be it enacted*, That the register shall in no case issue a grant to any assignee of a plat and certificate of sur- vey, unless such assignment is upon said plat and certificate of survey, certified by the principal surveyor to be a true copy, and that it is recorded in his office; which said assign- ment shall be proven in open court of the county where the land lies, by two credible witnesses, with the clerk's certifi- cate of probate annexed thereto.

Mode to be pur-
sued to prevent
fraudulent
grants.

Sec. 16. *Be it enacted*, That if any person shall obtain a survey of land to which another hath a claim, the person having such claim may enter a caveat to prevent his ob- taining a grant, until the claim can be determined; such caveat shall be entered within three months at furthest, af- ter the receipt of the plat and certificate of survey, at the principal surveyors office, expressing also the nature of the right on which the plaintiff therein claims the land, and the quantity and part of said survey claimed, and shall take from the principal surveyor a certified copy thereof, which, with- in thirty days thereafter, he shall deliver to the clerk of the court of the county, in which the land, or any part thereof lies, and shall moreover take from the principal surveyor,

Caveats allow-
ed in certain ca-
ses.
The mode of
obtaining them,

a certified copy of the survey and plat, which, within thirty days from entering such caveat, he shall in like manner deliver to the clerk of the court, where the suit shall be tried, and in case of failure in either instance the caveat shall be void.

Duty of clerks
in cases of cave-
ats.

Sec. 17. *Be it enacted*, That the clerk of such court, on receiving the same, shall enter such copy of the caveat in a book to be kept by him for that purpose, and shall thereupon issue a summons directed to the sheriff of any county where the defendant may reside, reciting the cause for which such caveat is entered, and requiring the defendant to appear on the first day of the next succeeding county court, and defend his right; and on such process being returned, executed on the defendant, his agent or attorney, the court shall proceed to determine the right of the cause in a summary way, without pleadings in writing, by impaneling and twearing a jury for the finding such facts as are material to the cause, and are not agreed by the parties, and shall thereupon give judgment; a copy of which judgment, if in favor of the defendant, being delivered into the office of the principal surveyor, within thirty days thereafter, shall vacate the said caveat; and if the said judgment be in favor of the plaintiff, upon delivering the same into the office of the principal surveyor, together with the plat and certificate of survey, within sixty days thereafter, he shall be entitled to a plat and certificate as in other cases; and in any caveat where judgment shall be given for the defendant, the court shall award him his costs, and may compel the plaintiff in any caveat, if they think fit, to give security for costs, or on failure thereof may dismiss the suit; and in case the plaintiff in any caveat shall recover, the court shall award costs against the defendant.

Directions for
register in issu-
ing grants.

Sec. 18. *Be it enacted*, That the register of the land office is hereby directed and required to leave a sufficient margin in the Record Books of his office, and whenever any warrant shall be finally carried into execution by a grant, to note the same in the margin opposite to such warrant, with folio references to the grant; and also to note in the margin opposite to each grant, the warrant and survey on which such grant is founded, with proper folio references to the books in which the same are recorded; and when any grant shall have been finally completed, the register shall cause the plat and certificate of survey, on which such grant is founded, to be exactly entered and recorded in well bound books, to be kept for that purpose. Due returns herein before required being made into the land office, the register shall make out a grant by way of deed poll, to the party having right, in the following form

THE STATE OF TENNESSEE.

TO ALL TO WHOM THESE PRESENTS SHALL COME, Form of a grant

GREETING:

KNOW YE, *that in consideration of* (reciting the ground of the claim) *there is granted by the said state of Tennessee unto C. D. a certain tract or parcel of land, containing* _____ *acres, lying in* _____ *county, in* _____ *district and* _____ *section of the same, (describing the bounds of the land, and date of the survey upon which the grant issued) with the appurtenances: TO HAVE AND TO HOLD, the said tract or parcel of land, with its appurtenances, to the said C. D. and his heirs forever.*

IN witness whereof, A. B. Governor of the State of Tennessee, hath bereunto set his hand, and caused the Great Seal of the State to be affixed, at
on the _____ *day of* _____ *in the Year of our*
Lord _____ *and of the Independence of the*
United States, the _____ *A. B.*
By the Governor,
C. D. Secretary,

Upon which grant the said register shall endorse that the party hath title to the same; which having been signed by the governor, countersigned by the secretary, sealed with the great seal of the state, shall then be entered of record at full length by the said register, in good and well bound books, to be provided by him for that purpose; and being so entered, shall be certified by said register, to have been registered, and then be delivered to the party or his order; and where a grant shall be made to the heir or assignee of any person, claiming under the before mentioned rights, the material circumstances of the title shall be recited in such grant.

Grant to be re-
corded by the
register.

Sec. 19. *Be it enacted*, That the governor for the time being may, once in every year, and oftner if he see cause, appoint two or more capable persons to examine the record books, and papers in the land office, and report in what condition and order they are kept; who shall compare all warrants of survey returned to the said office executed, with the list of those issued thereupon; an account of which shall be kept by the register, charging therein those issued, and giving credit for those cancelled as aforesaid; but no original warrant shall be burnt or destroyed, but shall be regularly filed in the land office with the title papers; and no original plat and certificate of survey, once received and carried into a grant, shall thereafter be delivered out of the land office, but shall remain amongst the other evidences of the title, and in every case, when a grant is finally completed, the register shall certify upon the face of the warrant, that the same is "executed."

Governor to ap-
point persons to
examine regis-
ters books, &c.

An account of
original war-
rants to be kept
by registers, &c.

Sec. 20. *Be it enacted*, That it shall be the duty of every principal surveyor and deputy, within this state, when or is informed

When a survey-
or is informed

or believes that any man holds more land than his grant calls for, he is directed to re-survey the same.

What shall be deemed an error upon such re-survey.

Directions for running such re-survey.

In case of error the original holder has preference of three months, to locate and enter such part as may be over his rightful quantity.

In case the original holder fails to locate & enter as aforesaid, the overplus declared vacant.

executing the duties by this act required for ascertaining the existing claims within the same, that if it shall appear to him or them, or if he or they are informed by any other person, that there is contained in any survey or grant, heretofore issued more land than the said survey or grant mentions, then and in that case such surveyor is authorized and required to re-survey such land, after giving notice of the same to the claimant; and if it shall appear that the latter survey does not exceed the former by more than ten acres in the hundred, such shall not be deemed an error; and in all cases, pursuant to the foregoing, where a re-survey shall be made, the surveyor shall proceed by the marked trees, if the same can be found, or by natural bounds if any mentioned; and if there be not marked trees, then he shall follow the courses mentioned in the plat or grant, so as the intention of the party first surveying the same, may be observed as near as may be; and if it shall happen that in any re-survey there shall be more land contained, above the quantity mentioned of ten acres in the hundred, it shall be in the choice of the owner or owners, or claimants, to locate the overplus by legal warrants, as in other cases of taking up vacant land, on paying the surveyor double fees. *Provided*, said overplus does not exceed one fourth part of the contents of the original tract; and in all cases where the overplus does exceed one fourth part of the grant as aforesaid, such residue shall be adjudged and declared vacant land: *And provided also*, the same shall be according to law entered with the principal surveyor within three months after the office may be opened for the receiving of entries, or within three months at farthest from the date of the re-survey so made, (as the case may be) otherwise the person or persons so claiming, may leave out the overplus in such part or place as he pleases, in one entire tract by straight lines run to the cardinal points, as near as circumstances will admit; and the overplus so thrown out, shall be considered as vacant land; and if such grantee, assignee, or person claiming such overplus, doth not, within the time specified aforesaid, make his election in the manner as above, either by entering and surveying the same, in the manner herein prescribed for taking up waste and unappropriated lands, or by causing the part he thinks proper to retain, not exceeding the quantity he may be legally entitled to by virtue of his former legal and *bona fide* grant or survey, to be laid off, and return the same to the principal surveyor to be recorded. It shall be lawful for the surveyor or the district or his deputy, and is hereby authorized and required to ascertain the bounds of said grant, beginning at the corner called for as the beginning corner of said grant or survey, and lay off the quantity therein specified, proportioning the lines of the same as nearly as may be, to those of the original survey; and the

overplus is hereby declared to be at the disposal of the legislature, and subject to be taken as other vacant and unappropriated lands within this state, by the person at whose instance the same was re-surveyed: *Provided*, he makes said entry within three months after the said surplus land is laid off, or within three months after the office may be opened for the receiving of entries, (as the case may be) or by any other person within this state, if said surplus land was laid off without the special application of any particular person, or if said person who shall give notice as aforesaid, shall fail to enter the same within the time aforesaid; and where any grant which heretofore have issued, which does not contain the quantity of acres called for in the warrant upon which it is founded; then and in that case, it shall be lawful for the person owning such grant, to produce the same to the commissioners, who shall, upon sufficient proof, that such error does exist, issue a warrant for such deficiency, which shall entitle the holder thereof to such quantity as said certificate may demand, under the rules of law in similar cases: *Provided*, such deficiency shall amount to ten acres in the hundred at least.

Sec. 21. *Be it enacted*, That it shall and may be lawful for any person or persons who may be desirous of establishing the bounds of any lands he, she, or they may claim by virtue of any title derived under a grant from North-Carolina, or which may hereafter be derived from this state, which said title is good and valid in law, to cause the same to be processioned, in the following manner, viz: Such person or persons shall cause notice to be given at several of the most public places within the county, wherein said lines are to be processioned, at least twenty days before the same is to be performed, of the time appointed for processioning, and the corner at which he intends to begin; and he shall also notify the holders or their agents in writing, of such intention as aforesaid, if such holders or their agents reside within said county; and it shall be the duty of any surveyor appointed under the authority of this act, upon application to him made, to run, mark, and describe such tract of land agreeably to the former lines, or natural boundaries, (if any) described in such grant or deed, founded upon a grant; or if such lines have not been marked, to mark new lines agreeably to the calls of said grant or deed: (*Provided*, such deed or grant may have been recorded in the county where such land lies) and make a correct plat and certificate of the same, as required in other cases, and return the same to the register of said county, to be recorded at the expence of such applicant; and in any case where the lines are contested by adverse claimants, the sheriff of said county shall, upon application of either of the parties, forthwith summon a jury to try the matter in dispute, whose decision shall be a guide to the surveyor in mak-

The person who gives information to the surveyor or has also a preference of three months to locate and enter such overplus.

Any person who holds a grant that contains less than the quantity called for, if it exceeds ten acres in the hundred, he is to receive a grant for such quantity

Mode of processioning.

ing his return as aforesaid; and the surveyor shall be entitled to the same fees, and be subject to the same penalties as prescribed in other cases; which fees shall be paid by the person or persons at whose instance such processioning shall be made.

Where an entry hath been made under the laws of North-Carolina, in this state, except south & west of a line described in the act of congress, &c. the claimant thereof shall receive a grant, &c.

Sec. 22. *Be it enacted*, That every person or persons, or the legal representatives of every person or persons, or the rightful assignee of any of said persons, for whom, or for whose use, an entry was made for any lands within this state, in any office legally established by the laws of North-Carolina, which were not actually located west and south of the line as described in the first section of the act of the Congress of the United States, herein before referred to, on or before the twenty fifth day of February, one thousand seven hundred and ninety, and which said entries, by the laws of North-Carolina, were good and valid, and on which a warrant issued on said entry, or which said entry or entries were founded on a good and valid warrant (as the case may be) and on which no grant or grants ever issued by the state of North-Carolina, shall be entitled to receive a grant from this state for such quantity of land as is called for in each of such entries respectively. And if the calls in such entry or entries are not designated in such manner that the same may be identified, such claimant or claimants, or their legal representatives, may be at liberty to remove and enter the same in any office by this act established for receiving of entries: *Provided*, such evidences of unsatisfied claims shall, in all cases, be adjudged good and valid by the board of commissioners hereinafter appointed.

Holders of military warrants upon which no grants have issued, shall receive a grant.

Sec. 23. *Be it enacted*, That every person or persons, their legal representatives, or the rightful assignee of such person or persons, who may have fairly and *bona fide*, obtained from the secretary of North Carolina, any warrant for military services which, by the laws of North-Carolina was good and valid, and on which warrant no grant ever issued to such person or persons, or his or their legal representatives or rightful assignees, by the state of North-Carolina, shall be entitled to receive a grant from this state for the quantity of land called for in such warrant or warrants respectively.

Holders of warrants for commissioner and guard rights upon which no grants have issued, shall receive a grant.

Sec. 24. *Be it enacted*, That any person or persons, or the legal representatives of any person or persons, or the rightful assignee of such person or persons, who may have procured a warrant or warrants for services performed as a commissioner, or guard, &c. under an act of the state of North Carolina, entitled, "*An act for raising troops for the protection of Davidson county*," or who may have obtained warrants for pre-emption rights, which warrants were good & valid by the laws of North-Carolina, & on which no grants have issued, shall be entitled to a grant from this state, for the quantity of land called for in said warrants respectively.

Holders of grants or war-

Sec. 25. *Be it enacted*, That every person or persons,

or the legal representatives of such person or persons, or the rightful assignee of such person or persons, to whom a grant may have issued from the state of North-Carolina on a warrant, which by the laws of North-Carolina was good and valid, and which is taken by the interference of a grant of better title, issued from the state of North-Carolina for the same land, or for any part thereof, shall be entitled to obtain a grant from this state for the same quantity of land called for in such grant of younger title: *Provided*, the whole of the land in said grant be covered by such grant of better title; and if only a part thereof be covered, he shall be entitled to a grant for whatever quantity of acres which may be deficient, after deducting from the whole quantity called for in said younger title, the number of acres which may remain uncovered by such grant of better title.

grants for land which are taken by a better title, shall receive a grant for the whole or part of the land called for in such grant or warrant as the interference may be.

Sec. 26. *Be it enacted*, That any person or persons, or the legal representatives of any person or persons, or the rightful assignee of such person or persons, to whom a grant or grants may have issued from the state of North-Carolina, on a good and valid warrant, the locality of which said grant cannot be ascertained, either on account of the vagueness of the calls by the surveyor, or from the calls and corners of said survey becoming lost or destroyed, or on account of the surveyors and chain carriers being deceased, so that the marks and corners cannot be established, shall be entitled to obtain a grant for the same quantity of land called for in said grant.

Holders of grants for land, the locality of which cannot be ascertained, &c. shall receive a grant for the same quantity of land called for in such grant.

Sec. 27. *Be it enacted*, That it shall be lawful for any person or persons, or the legal representative of such person or persons, or their rightful assignees, who may have obtained a grant from the state of North-Carolina, for any land south of French Broad & Holston, & west of Big Pigeon rivers, on any good and valid warrant, for which a *bona fide* consideration was actually paid, and never refunded, and on which no other grant ever issued upon the same warrant, to obtain a grant from this state, for the quantity of land called for in the warrant on which said grant issued, in any part of this state, except within the tract of country south of French Broad and Holston aforesaid, or within the military reservation; and when any person is desirous of procuring title to any vacant land, in consequence of a grant having issued for lands in that tract herein before named, it shall be his duty to exhibit his said grant within eight months, to the board of commissioners for East Tennessee, and shall therewith adduce such evidence as is required in similar cases, that said warrant is good and valid, and that the consideration thereof was actually paid and never refunded, and that no other grant hath issued on the same warrant; and if said commissioners adjudge his claim to

Holders of grants or warrants for lands located south of French Broad & Holston, shall receive a grant for the same quantity of land in other parts of the state, &c.

be valid, he shall be entitled to a certificate in such form as the commissioners may deem proper.

Preamble relative to warrants in secretary's office North-Carolina, upon which grants have not issued.

Holders or owners of warrants stated in the preamble, shall receive grants therefor, &c.

Commissioners to settle the legality of claims to lands, to be appointed, &c.

Whereas it appears there is deposited in the secretary's office of North-Carolina, a file of military warrants, &c., accompanied with plats and certificates of survey marked No. 29, on which plats and certificates it is believed no grants have issued, which said file was examined and copied by John Overton, Esquire, late agent from this state to North-Carolina. Therefore :

Sec. 28. *Be it enacted*, That it shall be lawful for each person for whom any of said surveys were made, on producing a transcript of the copy taken from said file by the agent to the state of North-Carolina, or other copies of said warrants and plats, and certificates of survey, to obtain a grant from this state for the same land called for in said surveys : *Provided however*, that no grant shall have previously issued on said warrants, and that said warrants be good and valid, the validity of which shall be ascertained by the commissioners as in other cases.

Sec. 29. *Be it enacted*, That there shall be appointed by joint ballot of both houses of the general assembly, two persons, who, together with the register of the land office, for East Tennessee, shall be a board of commissioners in East Tennessee ; and that there shall be appointed, in manner aforesaid, two persons, who, together with the register of the land office of West Tennessee, shall be a board of commissioners in West Tennessee, for the purpose of judging and ascertaining the validity of warrants, and other legal evidences of unsatisfied claims to lands within this state, which by this act are to be perfected into grants, under the provisions of an act of the state of North-Carolina, entitled, "*An act for the purpose of ceding to the United States of America, certain western lands therein described*," and of an act of the congress of the United States, entitled, "*An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same*." The said commissioners shall, previous

Their oath.

Places & times of meeting.

centering on the duties of their office, before one of the judges of the superior courts of law and equity, take and subscribe the following oath or affirmation, to wit : *I, A. B. do solemnly swear or affirm, that I will faithfully, impartially and justly perform the duty of my office, as commissioner for Tennessee, according to law, and to the best of my skill and judgment. SO HELP ME GOD.* It shall be the duty of the commissioners for East Tennessee, to meet at Knoxville, on the first Monday of December next ; and at Jonesborough on the first Monday of January next ; and for the board of commissioners for West Tennessee, to meet at Nashville on the first Monday of December next, and after taking the oath aforesaid, each board

shall appoint a clerk, who shall be a man of probity, and of competent abilities to discharge the duties enjoined on him, and who shall, previous to his entering on the duties of his office, give bond with approved security, to the governor and his successors in office, in the sum of ten thousand dollars, conditioned for the faithful and accurate discharge of all the duties imposed on him as clerk of the board of commissioners, for examining claims to lands, to which he may be appointed clerk, and shall, previous to his making any entries on the books of the board, take and subscribe the following oath, to wit : *I, A. B. do solemnly swear or affirm, that I will faithfully, impartially, and justly perform the duty of my office as clerk for the board of commissioners, for Tennessee, according to the best of my skill and judgment. SO HELP ME GOD.* And the commissioners aforesaid, shall meet on their own adjournments, those of West Tennessee at Nashville, and those of East Tennessee, at Knoxville and Jonesborough, alternately.

To appoint a clerk.

Who is to give bond & security.

His oath.

Sec. 30. *Be it enacted*, That it shall be the duty of each of the clerks aforesaid, to file in his office, in regular files, all warrants and other evidences of claims to lands which may be exhibited by any person desiring a decision on the same, either during the time said board of commissioners are in session, or during the recess, and shall number the same in the order in which they were presented ; and he shall enter in a book to be kept by him for that purpose, full and correct minutes of the proceedings and decisions of the said commissioners, in determining on any claim, and whether such claim be good and valid, or otherwise ; and he shall preserve said record until the provisions of this act be complied with, and he shall then deliver the same to the register of the land office, for the district in which he may act.

Clerk to file all evidences of claims.

Sec. 31. *Be it enacted*, That said board of commissioners shall choose one of their own body to act as president, and in case of death, resignation, or refusal to act, during the recess of the legislature, the governor for the time being shall fill such vacancy, until the next meeting of the general assembly.

Commissioners to appoint one of their body as president.

Sec. 32. *Be it enacted*, That when said commissioners determine that the claim of any person founded on an entry or a warrant, which was not perfected into a grant, is a *bona fide* and valid claim, it shall be the duty of the clerk to record the same in a book to be kept for that purpose, and the warrant on which such claim is founded, shall be filed in the office of the clerk of the board of commissioners, together with the evidences thereof ; and the person entitled to the benefit thereof, shall be furnished with a duplicate, which shall be signed by the president, and attested by the clerk ; and it shall be the duty of said commissioners to examine that said evidences of claims are correctly recorded, and sign their names to said book of records.

When any claim is adjudged to be good, the clerk shall record the same.

Commissioners to examine and sign said records.

The president to endorse all rejected claims, of which the clerk shall also keep a record, &c.

Sec. 33. *Be it enacted*, That it shall be the duty of said president to endorse on each warrant or evidence of claim, which may be rejected, that the same is "invalid," which shall be signed by the president, and attested by the clerk, and of which a record shall also be kept in a separate book;

Clerk to copy the records, &c.

Where any person holds land that is taken by the interference of a better title, he may present his title papers, &c.

And a certified copy of the interfering title.

Together with a plat showing the interference &c. to the commissioners.

Claimant to produce certain proof of the validity of his claim

Commissioners to issue a certificate for such interference.

Certificate.

Sec. 33. *Be it enacted*, That it shall be the duty of said president to endorse on each warrant or evidence of claim, which may be rejected, that the same is "invalid," which shall be signed by the president, and attested by the clerk, and of which a record shall also be kept in a separate book; a copy of which books shall be taken by said clerk, and deposited with the register of the land office, and the originals shall be deposited in the office of the secretary of state.

Sec. 34. *Be it enacted*, That it shall be the duty of each person who may hereafter be desirous of obtaining a title to any land in consequence of a grant of better title covering the land called for in his patent, or any part of said land, to exhibit to said board of commissioners, for the district in which such land may lie, the said grant under which he claims title, together with the mesne conveyances vesting the title in himself, (if he be not the grantee) together with a certified copy of such better title, which may interfere with the lines of the survey of his grant or title, which shall be accompanied by a connected plat of the said tracts, shewing the interference, which shall have been actually surveyed and platted by some sworn surveyor. And the said commissioners shall have power to call upon said claimants if they think it necessary, to prove by the oath of said surveyor, the said facts respecting said interference, and the quantity of land which will be deficient of that called for in said grant under which he claims in consequence of said interference of said better title; and the said claimant shall produce to said commissioners such other evidence and documents as is hereafter provided, to prove to said commissioners, and establish the validity of said grants or titles, and of the warrants on which they were issued; and if the claim of such be considered valid by said board of commissioners, and sufficient to entitle him to a claim for as much land as is called for in his grant, or any lesser quantity, it shall be the duty of said commissioners to issue to said claimant a certificate in the following form, and signed by the president of said board, and attested by the clerk, to wit:

This is to certify, that A. B. is entitled to enter and obtain a grant for _____ acres of land, (within this state) in consequence of so much of a tract granted to _____ by grant number _____ dated _____ day of _____ which issued for _____ acres, from the state of North-Carolina, being taken by the interference of grant, number _____ dated _____ day of _____ from said state, for _____ acres, to

Given under the hand and seal of the president of the board of commissioners, for (East Tennessee, or West Tennessee, as the case may be) this _____ day of _____ in the year _____ G. H. President
Attest, _____ of the Board of Commissioners.
J. J. Clerk.

Sec. 35. *Be it enacted*, That it shall be the duty of the clerk to record in a book to be kept for that purpose, each certificate issued as aforesaid, and the said grant shall thereupon become void and of no effect, for whatever part said certificate shall issue; and if said certificate does not issue for as much land as is called for in said grant, said grant shall not be available in law, to enable the claimant to hold more land than shall be sufficient, together with the quantity called for in said certificate to complete the quantity originally called for in said grant.

Sec. 36. *Be it enacted*, That if any person or persons shall hereafter be desirous of obtaining a title to any land, in consequence of a grant having been issued for land, the locality of which cannot be identified, for any of the reasons herein before named, it shall be the duty of said person or persons to exhibit to the board of commissioners in that district, in which said land may lie, his said grant, with such evidence as is necessary in similar cases to establish the validity of said grant, and of the warrant on which the same issued, and to produce therewith, to said commissioners, the affidavit of the surveyor, whose duty it is to survey such claim, that the land called for in said grant cannot be sufficiently identified, to enable the claimant to hold the same, either through the vagueness of the original survey, or on account of the original corners being destroyed or lost, or on account of the surveyor and chain carriers being dead, (as the case may be) and to adduce such other evidence as the said commissioners may require, of the truth of said facts: Whereupon, if said commissioners are satisfied that said grant is good and valid, and issued on a good and valid warrant, and that the matters of fact to be proved by said affidavit and other testimony, as before stated, are true; they shall issue to said claimant a certificate in the form following, to wit:

This is to certify that A. B. is entitled to _____ acres of land, in consequence of a grant, number _____ for _____ acres, dated the _____ day of _____ issued by North-Carolina, to _____ which grant cannot be identified so as to enable the said _____ to hold said land.
Witness C. D. president of the board of commissioners for _____ Tennessee, this _____ day of _____
C. D. President, &c.

Test,
E. F. Clerk.

Which shall be recorded by the clerk, in books to be kept for that purpose, and the said grant shall thereupon become void, and the said books shall be examined and signed by said commissioners; and it shall be the duty of each of the clerks of said boards of commissioners, to transcribe said books of certificates, and deposit with the register of the land office,

Any person who may wish to receive a grant under the provisions of the 26th section of this act, shall exhibit his claim, with certain evidences of its validity, to the commissioners.

Who shall issue a certificate therefor.

Which shall also be recorded by the clerk &c.

in his district, a copy of the same, and deposit the original in the office of the secretary of state.

Two acts passed
last year repealed

Sec. 37. *Be it enacted*, That an act of the general assembly of this state, passed the fourteenth day of November, one thousand eight hundred and one, 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 authorise the secretary and governor of the same, to perfect titles on all the lawful entries made, and warrants, that are not yet perfected*," and also an act of the general assembly of this state, passed the fourteenth day of November, one thousand eight hundred and one, entitled, "*An act appointing surveyors and entry takers, and directing their duties in office*," be, and the same are hereby repealed; and it

Entry takers to
deposit their
books of entries
with the prin-
cipal surveyor,
&c.

Grants upon
which warrants
may have issued
by virtue of the
first recited act,
to be examined
by the commis-
sioners as in o-
ther cases, &c.

shall be the duty of the several entry takers appointed under the last recited act, to deposit in the office of the principal surveyor of the district, in which their respective counties may lie, their respective books of entries, on or before the third Monday of November next; and it shall and may be lawful for any person or persons, or the legal representative of such person or persons, or their assignees, who may have obtained from the office of the secretary of state, any warrant or warrants under the provisions of the first recited act, to demand and receive from the secretary of state, such grant on which said warrant or warrants may have issued, and exhibit the same before the said board of commissioners for examination, and it shall be the duty of said commissioners to examine the validity of said grant, and of the warrant on which the same issued, and the validity of the claim of said claimants, in the same manner as is provided by this act for examining other claims founded on interfering grants; and it shall be the duty of said claimant to produce the same kind of testimony, as in said cases of conflicting titles: and if said commissioners shall be of opinion said claim is valid, it shall be the duty of the president of said board, to endorse the same on said warrant or warrants, in the same manner as is ordered to be done in other cases, and in case said claim is adjudged valid as to part of said warrant, issued as aforesaid, it shall be the duty of said president and board to make a similar endorsement on as many of said warrants (in case they have been divided) as will include the quantity of acres adjudged valid; and in case said warrant shall have been issued entire, or be for more land than that part of said claim which shall be adjudged good and valid, then said president shall endorse specially on said warrant, the quantity of land which said claimant may hold by virtue of his warrant, and how much of the same is rejected; and endorse on the balance of said warrants that they are rejected, or that part of the same is rejected: All of which said warrants shall be recorded, toge-

To be endorsed
as in other cases
&c.

To be recorded,
&c.

ther with said certificates, by the clerks, in bound books, kept for that purpose, and said valid warrants shall be filed by said clerks, and duplicates thereof issued to the owners, which books shall be examined, and be signed by the commissioners, and one copy thereof be deposited in the office of the register of the land office, for the district where the same may be examined, and the other in the office of the principal surveyor of the district in which their respective counties may lie.

Sec. 38. *Be it enacted*, That it shall and may be lawful for any person or persons who may have made an entry in the office of the entry taker of any county, in pursuance of said last recited act, and who may have filed his warrant with said entry taker, to demand and receive the same; and said warrant shall be subject to be examined by said commissioners, under the same rules and restrictions as other warrants and grants; and the said person who may have made an entry for any special piece of ground, shall be entitled to a preference for the term of six months from the time of opening the land office for receiving entries, to enter the same warrant, on the same piece of ground, provided said warrant be adjudged valid by the commissioners: And if the said warrant shall be adjudged invalid by the said commissioners, such person shall be entitled to a preference for the term aforesaid, to enter the same piece of ground upon any good and valid warrant, or the same warrant of survey: *Provided*, the said warrant be adjudged valid by the commissioners: And if the said warrant be adjudged invalid by the said commissioners, the said person shall be entitled to a preference for the term of six months after the opening of an office, to enter the same piece of ground on any good & valid warrant.

Sec. 39. *Be it enacted*, That any person or persons, who may have made an entry or entries, in the office of Martin Armstrong, by virtue of a service right, and who shall have entered the same as assignee of the said Martin Armstrong, such person or persons shall be entitled to a preference for the term of six months, after the opening of an office, to enter the same piece of ground upon a good and valid warrant.

Sec. 40. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives, or rightful assignees of such person or persons, holding a warrant or part of a warrant heretofore divided, or other evidence of claim to lands within this state, which shall be adjudged to be good and valid, as by this act required, to enter, by virtue of the same, for one or more tracts of vacant and unappropriated lands in any one of the offices of principal surveyor by this act established for receiving of entries. And it shall be the duty of such principal surveyor, in such case, to cause to be recited in each entry so made, that the same is on part of said warrant, expressing the number thereof, the quantity of acres it calls for, and the part thereof

When any person has made an entry in an entry taker's office, he may demand & receive the warrant upon which such entry was made, & present the same for examination.

The person claiming said entry, if the warrant be adjudged valid, shall be entitled to a preference, &c.

If the warrant be adjudged invalid, a preference is given to enter the same piece of ground upon any other valid warrant.

Persons who may have made entries as assignee of Martin Armstrong, entitled to a preference of entry.

Persons holding warrants heretofore divided, which shall be adjudged valid, may enter the same in one or more tracts.

Duty of surveyors in such cases.

which remains to be satisfied; he shall also make an abstract of each entry so made on the warrant, which warrant may accompany the first plat and certificate of survey, made by virtue thereof, to the register's office, and there remain as a check upon such claims as are founded thereupon.

Any person who may have made an entry in any entry taker's office, established by N. Carolina, &c. to demand his warrant, and present the same for investigation; and in case it be adjudged valid, he shall receive a grant for the land situated in his entry.

Sec. 41. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives of such person or persons, or the rightful assignee of such person or persons, who may have made an entry for any vacant and unappropriated lands within this state, in the office of any entry taker, in pursuance of, and under the authority of the laws of North-Carolina, and who may have filed his warrant with said entry taker, or who may have lodged his warrant with any surveyor for the purpose of having the same surveyed, to demand and receive the same of such surveyor or entry taker; and said warrants shall be subject to be examined by said commissioners, under the same rules and restrictions as other warrants, and the said person who may have made an entry for any special piece of ground, shall be entitled to receive a grant from this state, for the same piece of ground, by virtue of the same entry.

Clerk to file all evidences of claims in lieu of which, any certificates may have issued, &c.

Sec. 42. *Be it enacted*, That it shall be the duty of the clerks of the said boards of commissioners, to file in their offices, all grants and other evidences of claims, adduced to the said boards, on which shall issue any certificates for lands on account of conflicting claims, or on account of the locality of said land not being properly identified, as well as the grants which have heretofore been filed in the office of the secretary of state, on which warrants have heretofore issued, and by the commissioners adjudged "*valid*;" and the president of said board shall endorse on each grant that a certificate has issued for _____ acres of land, and the said grant is vacated; and the said grants shall, by the said clerks, after the completion of said business, be filed in the office of the register of the land office, there safely to be kept.

All grants to be registered previous to their being received as evidence of claim by the commissioners.

Sec. 43. *Be it enacted*, That no grant or copy thereof, shall be received by said commissioners as evidence of the claim of any person, unless the same shall have been previously recorded in the register's office of the county where the land lies.

Commissioners to require certain evidence when they are deciding on the validity of claims

Sec. 44. *Be it enacted*, That said commissioners, when deciding on the legality and validity of warrants, which have not been perfected into grants, and when deciding on the validity and legality of grants, which are exhibited to them for the purpose of procuring a certificate, on account of a grant of better title covering any part of said land, or on account of the claimant not being able to establish the identity and locality of said grant, shall have full power and authority, and are hereby required and directed, to demand of each person exhibiting a claim, the best evidence the nature of each case will admit, to establish such parts as are necessary to be proved, according to the rules of law and

evidence, and they shall have a right to call for, and cause to be procured, copies of any records or documents of any kind within this state, and to cause witnesses to be brought before them, by compulsory process, to give evidence concerning such facts as may be necessary, and to answer such questions as may be put to them.

Commissioners authorized to cause to be procured, copies of any records, &c. To cause witnesses to appear before them &c.

Sec. 45. *Be it enacted*, That said commissioners are hereby authorized to procure from the secretary's office of North-Carolina, the books transcribed by John Overton, Esquire, the late agent to said state, which books shall be received as evidence and proper checks while examining the evidence of claims to which they apply; and if the said books cannot be procured by the said commissioners, they are hereby authorized to procure similar transcripts, which may be the next best evidence: *Provided*, said commissioners are satisfied that they are true transcripts from the original, and also of their safe transmission.

To procure the copies taken by John Overton, agent to N. Carolina, which, when received, they are to use as evidence, &c.

The evidence of the validity of claims, founded on warrants issued from John Armstrong's office, shall be copies from the books of said office, taken as aforesaid, if procured; otherwise the next best evidence: *Provided*, that no warrant issued from said office shall be considered valid, if it may appear to said commissioners that the consideration has not been paid, or that a grant ever issued on said warrant, or a duplicate of the same: *And provided also*,

Evidence of warrants from J. Armstrong's office.

that in all cases when proof is offered of the loss of the original warrant, and a duplicate is produced as evidence of claim, said duplicate shall not be adjudged as evidence of a valid claim, unless proof be adduced that no grant ever issued on a warrant of the same number. The evidence of Adair's and Hardin's warrants may be the entry books deposited in the office of the secretary of this state.

Provido.

And a copy procured from a transcript of the entry books of Carter's office, which is deposited in the office of the secretary of state of the United States, and which is now in possession of the legislature, shall, and is hereby declared to be evidence of claims founded on entries in said office. Which said copies of Carter's Adair's and Hardin's entry books, shall be in possession of the board of commissioners for East Tennessee district, whilst they are sitting: *Provided*, that it shall be the duty of said commissioners to examine and ascertain that no other grant issued on the same warrant. The evidence of pre-emption, commissioner and guard rights, may be the entry book in the hands of Nathan Ewing, which the commissioners are authorized to require whilst they are sitting: but in this, as in all other cases, it shall be the duty of the commissioners to examine and ascertain that no grant hath issued on the same claim, when the said entry book and copies from North-Carolina (if procured) or any other document in their power, will ascertain the same. The evidence of claims of Evans's battalion, may be the abstract

Evidence of Adair's and Hardin's warrants.

Evidence of Carter's warrants.

Provido.

Evidence of pre-emption, commissioner & guard rights.

Evidence of claims of Evans's battalion.

formed by the late agent to North-Carolina, if it can be procured, otherwise such other evidence as the commissioners may judge best in each case. The evidence of the validity of claims founded on military warrants, may be the transcript taken by the late agent as aforesaid, if procured, otherwise such testimony as the said commissioners shall judge sufficient to detect frauds, and prevent grants from issuing on invalid warrants, formerly perfected into grants.

Evidence of military warrants.
A transcript of Gaither, Grayham & Locke's report, admitted as evidence.

Proviso.

Commissioners to administer an oath to certain persons, &c.

First proviso.

Second proviso.

Third proviso.

Holders of grants to have them registered before 1st June next.

Sec. 46. *Be it enacted*, That a transcript of the report of Messrs. Gaither, Graham and Locke, taken from the records in North-Carolina, by our late agent, touching frauds, committed in said office, be considered as a record of the state, and remain in the secretary's office, and that a copy of the same be taken and used by each board of commissioners while in session, as evidence applicable to cases therein referred to: *Provided however*, that the same be not conclusive in case any person exhibiting a claim, to which said report has allusion, can produce satisfactory proof that the same is a good or valid warrant or claim, and obtained on a *bona fide* consideration.

Sec. 47. *Be it enacted*, That the said commissioners shall have power to administer an oath to any person exhibiting a warrant or claim for lands before said commissioners, to ascertain whether the said claim is intended for his own proper use, or in trust for any other person, and enter the same on the records of their proceedings; the object of which is to enable the commissioners to judge what kind of testimony ought to be adduced by said claimant: *Provided*, that nothing in this act contained, shall be so construed as to authorise the removal of any claim whatever, which was actually located west & south of a line as described in the first section of the act of the congress of the United States herein before referred to, to as to enter the same in any office by this act established: *And provided also*, that nothing herein contained shall authorise the entering for any land south of Holston & French Broad, & between Big Pigeon & Tennessee rivers: *And provided also*, that nothing herein contained shall be so construed as to authorise any person who may have obtained a grant by virtue of a removed warrant, or removed entry, as the case may be, to claim the lands from which the same was so removed.

Sec. 48. *Be it enacted*, That every person claiming lands in this state, by virtue of any grant derived from the state of North-Carolina, which has not heretofore been recorded in this state, shall, before the first day of June, in the year one thousand eight hundred and seven, deliver to the register of the county in which such land may lie, his grant, or a certified duplicate thereof, for the purpose of being recorded, and on failure thereof, the same shall become void, and the grantee or assignee, forever thereafter be barred; nor shall any grant, which shall not be recorded as above

directed, ever after be considered or admitted as evidence in any court within this state, against any grant derived from this state: *Provided*, that no grant, or duplicate thereof, which has been previously registered in this state according to law, shall be subject to any tax on being registered according to any of the requisitions of this act.

Sec. 49. *Be it enacted*, That every person claiming lands in this state, by virtue of entries of lands, rights of locations, and warrants of surveys, and all interfering locations, which might be removed by the act of cession of the state of North-Carolina, and which are good and valid in law, and which were not actually located within the limits of the tract reserved by the congress of the United States, before 25th day of February, one thousand seven hundred ninety; and all interfering grants which are good and valid in law, and which have been located within the territory ceded to the state of Tennessee, by the act of congress aforesaid, shall, on or before the first day of June, in the year one thousand eight hundred and seven, file the said evidence of their claims with the clerk of the board of commissioners for East or West Tennessee, (as the case may require) for the adjudication of the said board; and on failure thereof, such claimant or claimants shall be forever thereafter barred.

Sec. 50. *Be it enacted*, That the registers of each county in East Tennessee, shall, on or before the first day of March next, deposit with the board of commissioners in East Tennessee, a correct transcript of all the grants that may have been recorded in his office, for lands within the district of East Tennessee; and it shall be the duty of the registers aforesaid, on or before the day aforesaid, to deposit with the board of commissioners in West Tennessee, a correct transcript of all grants that may be recorded in his office, for lands within the district of West Tennessee. And it shall be the duty of the registers of each county in West Tennessee, to deposit, on or before the day aforesaid, with the commissioners of West Tennessee, a correct transcript of all the grants that may have been recorded in his office, for lands within the district of West Tennessee. And the said registers are moreover required, as far as it is in their power, to attach to said transcripts the number of the warrant, and nature of the claim on which each grant issued, the date of the survey, and the names of the surveyors, chain carriers and markers; and all the good citizens of this state are hereby directed to render unto the said registers their grants, with the plats and certificates annexed, in order that the said certificates may be transcribed, and deposited with the said board of commissioners in due time, that they may be thereby enabled to identify the lands called for in each grant, to detect frauds, and render justice to the state and each individual thereof. And the commissioners

Certain claimants to present their claims for adjudication &c.

Registers of respective counties to transcribe the grants registered in their office, &c.

And to lodge them with the commissioners, &c.

aforelaid, after completing the duties assigned them, shall cause the transcript aforelaid to be deposited in the office of the register for the district in which such lands may lie.

Sec. 51. *Be it enacted*, That it shall hereafter be the duty of the registers of each county within this state, to record with the grant the certificate of survey, together with the names of the surveyor & chain carriers, for which he may demand & receive twelve & one half cents for each certificate, over & above the present legal fees, to be paid by the party at whose instance the grant is recorded.

And the said registers shall be entitled to receive from either of the treasurers of this state, for each transcript of a grant in a well bound book, twelve and one half cents, and where the certificate of survey is attached to said transcript, four and one half cents, over and above the same. And the said register shall moreover, from time to time, transmit to the respective boards, a transcript of all grants and certificates of survey, by them recorded after the date aforelaid, and before they may have completed the duties assigned them, for which they shall be entitled to the same fees as aforelaid.

Sec. 52. *Be it enacted*, That it shall be the duty of the principal surveyor in each district, on or before the twenty-fifth day of December next, to transmit to the register of each county within his district, a list of the claims that may have come to his knowledge within his county, stating the owners names, of whom assignee, if within his knowledge, and whether it be held by entry, survey, grant or deed, and also the number of the section and range it may be in; and in the month of December, in every year hereafter, it shall be the duty of said surveyor, in like manner, to transmit to the register of each county as aforelaid, a similar list of such lands as may be entered in his office, or otherwise come to his knowledge: *Provided*, such tract or tracts may not have been stated to such register in any former list. And the said surveyors shall be entitled to demand and receive from either of the treasurers of this state, four cents, for each tract furnished such register, upon a statement of his account; which account shall be duly liquidated and certified by the register of such county.

And it shall be the duty of each county register, in the month of January in every year, to furnish the commissioners for taking a list of taxable property, a list of all lands within the section or sections of which said commissioners may be appointed to take the taxable property.

Sec. 53. *Be it enacted*, That the principal surveyor shall be allowed the following fees for the several services he is by this act required to perform, and for which no provision is made: For running and marking the lines of the sections as by this act required, two dollars for each mile to run and marked; for each six hundred and forty acres of land laid off for the use of schools, as by this act required, six dollars; which

Hereafter county registers to register the certificate of survey, &c.

Registers fees for copying grants

Registers from time to time to transmit copies, &c.

Principal surveyor to transmit to the county registers, a list of such claims as may come to his knowledge, &c.

Proviso.

Surveyors fees for such services

County registers yearly to furnish lists of lands &c.

Certain fees to principal surveyors.

said sums shall be considered as full compensation for the services rendered by the surveyor, and his chain carriers and markers: For each tract of land accurately connected with a line of some section, and laid down in the general plan, as by this act directed, twelve and one half cents; which said several sums the principal surveyor may state and claim, subject to be liquidated by the register, who is hereby authorized and required to liquidate the same; which said statement and settlement, the register shall record in his office, and issue a warrant or warrants to the full amount of the said account, which shall authorize the said surveyor to lay off, or cause to be laid off for his use, on any vacant land, a quantity equal to the amount of the sum due him, at the rate of two dollars per acre, for which he shall be entitled to receive a grant or grants from this state, in the same manner as prescribed in other cases.

The manner in which such fees shall be paid.

Sec. 54. *Be it enacted*, That it shall be lawful for the clerks of the boards of commissioners, the register of the land office, and the surveyors respectively, to demand and receive the several fees herein after mentioned and allowed, for any business by them respectively done by virtue of their several offices, and no other fees whatever, that is to say:

TO THE CLERKS,

For each day he attends the commissioners, three dollars per day, and for copying the records of said commissioners, at the rate of three dollars per day for each day he may be engaged therein, to be paid in the manner pointed out by this act for paying the commissioners, and all other services rendered by said clerk, as such, shall be done by virtue of his office.

To the clerk of the commissioners.

TO THE REGISTER,

For receiving a plat and certificate, and giving a receipt for the same, fifty cents.

To the register of the land office.

For issuing and recording a grant, one dollar.

For recording a plat and certificate of survey, fifty cents.

For a copy of any grant of land, twenty-five cents.

For every search for any thing, or for reading the same, if a copy be not required, twelve and one half cents.

TO THE SURVEYOR,

For every survey by him plainly bounded, as this act directs, where the survey shall not exceed three hundred acres, two dollars.

To the surveyor.

For every hundred acres exceeding that quantity in the same tract, fifty cents.

For every re-survey of lands, upon which a grant has issued, the beginning whereof can be established, and the lines thereof not closed, or more than two corners made, the same fees as for an original survey.

For recording a plat and certificate, as by this act directed, fifty cents.

For a copy thereof, duly certified to be recorded according to law, fifty cents.

For information to any applicant, as required by the tenth section of this act, twelve and one half cents.

For running a dividing line between any counties, to be paid by such respective counties equally, if ten miles or under, twenty dollars.

For every mile above ten, two dollars.

For receiving and listing a warrant, as by the seventh section of this act required, and giving a receipt for the same, twelve and one half cents.

For making an entry for land, fifty cents; or for a copy thereof, twenty-five cents.

Compensation to commissioners.

Sec. 55. *Be it enacted*, That each of the commissioners to be appointed by this act, for the purpose of judging and ascertaining the validity of warrants, and other legal evidences of unsatisfied claims within this state, shall be entitled to receive the sum of four dollars for each day they may be necessarily employed therein, and the same sum for every thirty miles he shall travel going to, and returning from the places appointed for the board to meet, to be paid by either of the treasurers of the state, upon a warrant from the governor, who is hereby authorized to issue the same upon the application of the said commissioners, accompanied by a statement of their accounts.

Appropriations to meet the expenses incurred by this act.

Sec. 56. *Be it enacted*, That the proceeds of the sales of the occupant claims, south of French broad and Holston, other than those that may be within the lands to be located for the "use of Colleges, Academies and Schools," or as much of the first collection thereon, as may be necessary to meet the expenses by this act incurred, be, and the same is hereby appropriated for the same.

Persons obtaining certain warrants to pay a tax.

Sec. 57. *Be it enacted*, That every person obtaining a warrant, or certificate under any interfering grant, or any grant on account of the locality thereof, not being ascertainable, shall pay to the clerk of the board of commissioners, a tax at the rate of twenty-five cents for each hundred acres contained in such warrant or certificate, which tax shall be accounted for, and paid into the public treasury of the district where such warrant or certificate is obtained, under the same rules and regulations, that the clerks of the several counties are obliged by law to pay and account for public taxes.

Commissioners of East and West Tennessee to meet at Knoxville for certain purposes.

Sec. 58. *Be it enacted*, That it shall be the duty of the commissioners for East and West Tennessee, or a majority of them, to meet at Knoxville on the third Monday of October next, for the purpose of consulting on the manner of investigating the evidences of claims which may be exhibited to them for adjudication, pursuant to this act, in order that uniformity may be preserved in their decisions; and when so convened, it shall be their duty to take such mea-

asures as they may judge advisable to procure the transcripts and documents from North-Carolina, taken by John Overton, esquire, late agent to said state, or similar transcripts, if those cannot be obtained, provided said commissioners are satisfied of their safe transmission.

Sec. 59. *Be it enacted*, That it shall be lawful for each register and principal surveyor, or surveyor general, to employ at his own expence, such clerks or assistants as may be necessary in his office, for whose conduct he shall be accountable, & each of such clerks or assistants, before he shall be permitted to do any business for or in behalf of such register or surveyor, relative to the duties of his office, shall, before some justice of the peace, take an oath or affirmation, well, who must take truly and faithfully to perform the duties enjoined on him as such, so far as he shall be entrusted by said register or surveyor, to the best of his skill and abilities, according to law.

Registers and principal surveyors to employ a clerk.

Sec. 60. *Be it enacted*, That the several fines and forfeitures herein laid, given or inflicted, and not otherwise provided for in this act, shall be recoverable before any jurisdiction having cognizance thereof, by action of debt, one half to the use of the informer, or person who will sue for the same, and the other for the use of the county where such recovery shall be had. And the bonds directed to be given by the registers and surveyors, by virtue of this act, shall not be void on the first recovery, but shall be liable to be sued upon by any person or persons, who may or shall sustain injury by the misconduct of any of said registers or surveyors forever.

Directions for recovery of fines and forfeitures.

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

JOSEPH M'MINN,
Speaker of the Senate.

September 12, 1806.

CHAPTER II.

AN ACT for the appointment of a Register of the Land Office, and providing for the sale of the lands south of Holston and French Broad, agreeably to the Constitution of this State, and the provisions of the Act of Congress therein referred to.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a register of the land office shall be appointed by joint ballot of both houses of the general assembly, who shall hold his office during good behaviour, and before he enters upon the execution thereof, shall, before one of the judges of the superior courts of law and equity, 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, truly, and justly perform the*

A register of the land office to be appointed.

His oath.

Preamble.

duties of my office, as register of the land office, according to the best of my skill and ability. SO HELP ME GOD. And whereas, it is provided by an act of the congress of the United States, entitled, "*An act to authorise the state of Tennessee to issue grants to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same,*" that the people residing in the state of Tennessee, south of French Broad and Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred and forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre. In pursuance whereof:

Claimants to receive grants for their lands, at the rate of one dollar per acre, &c.

Time of first payment.

Residue to be paid in nine annual instalments

On first payment being made, a grant to issue, &c.

Sec. 2. *Be it enacted,* That the respective claimants of lands within the limits aforesaid, shall be entitled to grants for their respective claims of land, at the rate of one dollar for each acre contained within the bounds of such claim, agreeable to their conditional lines, and not exceeding six hundred and forty acres under each occupant claim, one tenth part of the whole purchase of which, shall be paid on or before the first day of March, in the year of our Lord one thousand eight hundred and eight, and before the obtaining of a grant therefor; and the residue in nine equal annual instalments, the first of which shall become due and be paid on the first day of March, in the year one thousand eight hundred and nine.

Sec. 3. *Be it enacted,* That on payment of the one tenth part of the purchase money as aforesaid, into the treasury of the state, by the party rightfully claiming, such claimant may demand of the treasurer aforesaid, a receipt for the same, which receipt, the party claiming the land aforesaid, may present to the register of the land office, and if the amount specified therein shall be equal to one tenth part of the purchase money as aforesaid, the register shall file the same in his office as a check upon the treasurer, and render to such applicant a receipt for the same; and the applicant aforesaid, shall be entitled to, and receive a patent for such lands agreeably to the form herein after prescribed; and in filling up the blanks in said patent, the said register is hereby required to specify the amount so paid, and the sum chargeable on the land held under such grant or patent; and such grant or patent shall not enable the party obtaining the same, to grant, convey, or mortgage the lands or estate therein mentioned, otherwise than by subjecting the same to the whole amount of principal remaining unpaid, with the interest that may accrue thereon.

Certificate of

Sec. 4. *Be it enacted,* That when any grant shall have

been finally completed, the register shall cause the plat and certificate of survey, (together with the assignments, if any) on which such grant is founded, to be exactly entered and recorded in well bound books to be provided by him for that purpose.

Sec. 5. *Be it enacted,* That upon the receipt of the plat and certificate as aforesaid, and upon the receipt of the treasurer's receipt, for the one tenth part of the purchase money as aforesaid, the register shall make out a grant by way of deed poll to the party having right, in the following form:

Directions for register in issuing grants.

THE STATE OF TENNESSEE.

Form of a grant.

TO ALL TO WHOM THESE PRESENTS SHALL COME,
GREETING:

KNOW YE, that in consideration of the sum of *paid by C. D. into the public treasury of this state,* [then reciting the circumstances whether in full or in part, as in this act required] *there is granted unto the said C. D. a certain tract of land containing* *acres,* [describing the bounds and courses of the land; and the date of the survey upon which the grant issues] *with its appurtenances: TO HAVE AND TO HOLD the said tract or parcel of land, with its appurtenances, to the said C. D. and his heirs and assigns forever.*

IN witness whereof, A. B. Governor of the State of Tennessee, *hath bereunto set his hand, and caused the Great Seal of the said State to be affixed, at*
on the *day of* *in the*
year of our Lord *and of American Independence*

A. B.

By the Governor,

C. D. Secretary.

Upon which grant the said register shall endorse that the party hath title to the same; and it shall be signed by the governor, countersigned by the secretary, sealed with the great seal of the state, and then entered on record at full length, by the said register, in well bound books to be provided by him for that purpose, with sufficient margin to enter the payments when due, and when made, opposite the said record, and kept by the register; and being so entered, shall be certified to have been registered, and then be delivered to the party or his order; and where a grant shall be made to the heir or assignee of any person claiming under any of the before mentioned rights, the material circumstances of the title shall be recited in such grant. It shall also be the duty of the register to enter in a well bound book, to be kept by him for that purpose, an exact account of all monies paid to the treasurer by virtue of this act, and

Grant to be recorded by the register.

Grant to recite material circumstances.

Register to keep an account of all monies paid to the treasurer &c.

note therein distinctly the different sums, when paid, and by whom. The register shall, at all times, on receiving the treasurer's receipt required by virtue of this act, enter the amount thereof to the credit of the party obtaining the same, on the margin opposite the register of his grant, in the manner as above, and shall moreover certify the same if required, upon the grant in possession of the said grantee or his assignee, corresponding with the credit entered as aforesaid.

Surveyor general to be appointed.

Shall take an oath and give bond and security.

To appoint deputies, &c.

Provide.

Surveyor general to lay off his district into townships.

Corners of townships to be marked, &c.

Sec. 6. *Be it enacted*, That a surveyor general shall be appointed for the district of country south of French Broad and Holston, and between Big Pigeon and Tennessee rivers, who shall be chosen by joint ballot of both houses of the general assembly; he shall hold his office during good behaviour, and before he shall enter on the duties of his appointment, shall, before one of the judges of the superior courts of law and equity, take an oath, and give bond with ten sufficient securities, in the sum of fifty thousand dollars, for the faithful execution thereof, payable to the governor for the time being; which bond shall be lodged in the office of the secretary, and shall not be void upon the first or any subsequent recovery, but be liable to be sued upon by any person who may or shall have sustained damage, by occasion of the misconduct of said surveyor, or his deputy or deputies.

It shall be his duty to engage a sufficient number of skillful surveyors as his deputies, for whose conduct in every respect, touching his office, the surveyor general shall be answerable; he shall also assign them such divisions in which they shall act, that the surveys may be completed on or before the first day of September, in the year one thousand eight hundred and seven; and all deputies so appointed, shall have power and authority to act and to do in all things, and to every intent and purpose as the surveyor general, except in cases otherwise provided in this act: *Provided always*, that any deputy surveyor shall be removable from office at the discretion of the surveyor general.

Sec. 7. *Be it enacted*, That the surveyor hereby directed to be appointed, shall, without delay, cause his district to be divided by north and south lines, run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square each, unless when the boundaries of his district may render it impracticable, and then this rule shall be departed from no further than such particular circumstances may require.

The corners of the townships shall be marked with progressive numbers from the beginning; each distance of a mile between the said corners, shall also be distinctly marked, with marks differing from those of the corners, and the lines of the townships distinguished by marks differing from those of appropriated surveys; and it shall be the duty of the

surveyors respectively, to cause to be marked on a tree near each corner made as aforesaid, and within the township, the number of such township; and the surveyors shall carefully note in their respective field books, the names of the corner trees marked, and the numbers so made; and the said surveyor general shall cause to be connected with the several lines of each township, every survey by this act directed to be made within his division, which is claimed by right of occupancy and pre-emption; and shall, immediately after ascertaining the claims aforesaid, cause to be laid off and surveyed, with plain marked lines, six hundred and forty acres of land, in one or more tracts, so that the same may be fit for cultivation, which said tract or tracts shall be described in the general plan, & shall be appropriated (agreeably to the provisions of the before recited act of congress) for the use of schools, for the instruction of children forever; and in any township, where it may appear that all the lands fit for cultivation, are claimed by rights of occupancy and pre-emption, the surveyor general shall certify the same to the next general assembly, in order that the legislature may appropriate the proceeds of the sales of six hundred and forty acres for the use as aforesaid, in each township, or so many thereof as may be deficient.

Sec. 8. *Be it enacted*, That the surveyor general aforesaid, shall cause without delay, to be surveyed, the part of the lands within the district aforesaid, which are claimed by right of occupancy or pre-emption, agreeably to the provisions of the constitution of this state, and the act of the congress of the United States, herein before referred to: Observing the following method in the prosecution thereof, to wit:

Sec. 9. *Be it enacted*, That the surveyor general shall divide the district aforesaid into proper and convenient divisions, in such manner as he may think expedient, so that the boundaries of each division, either natural or artificial, may be known; and appoint one deputy surveyor for each division, within sixty days after his appointment, who shall give such bond and security to the surveyor general as he may deem sufficient; which bond, when so taken, the surveyor general shall enter at large on record, as well as the oath of said deputy, the form of which is hereafter given. And every such deputy surveyor shall, within sixty days at farthest, next after his appointment, proceed to survey the lands claimed by right of occupancy, agreeably to the constitution of this state, and the act of congress aforesaid, at the proper cost and charges of the said occupant, their assignees, legal representatives, or guardians of such as are minors; it shall be his duty to give at least ten days previous notice, by advertising the same at three of the most public places within his division, of the day, and the particular part of the division at which he will begin his survey, and

Townships to be numbered, &c.

640 acres of land in one or more tracts, to be laid off in each township for the use of schools.

When there is not a sufficiency of land in one section, for the purpose of schools to be certified to next assembly &c.

Surveyor general to cause to be surveyed occupant and pre-emption claims, &c.

In which he shall observe certain rules

District to be divided into divisions.

One deputy surveyor to be appointed for each division. Who is to give bond and security. And take oath.

And is to proceed to survey within 60 days after his appointment.

Occupant to pay costs of surveying.

Surveyor to give 10 days notice of the time and place he intends to begin,

thereby requiring the attendance of all persons interested, their guardians or agents, and he shall proceed without unnecessary intermission to survey in regular order, until he has perfected the surveying of all the claims within his division; all lines shall be plainly marked upon trees, and measured with chains containing two perches of sixteen feet and one half each, and the chain shall be adjusted to a standard kept for that purpose; every surveyor shall note in his field book all water courses and public roads over which the line he runs shall pass; and shall, as soon as it can conveniently be done, or within sixty days at farthest after making the survey, deliver to the surveyor general a fair and true plat and certificate of every such survey, the quantity contained, the county wherein it lies, the courses & descriptions of the several boundaries, natural and artificial, expressing the names of such natural boundaries where they have any, and the names of every person whose lines makes a boundary. And the surveyor general shall examine the returns of the deputies as aforesaid, and correct them when necessary and practicable; and were it shall not be practicable from the return itself, he shall direct a re-survey without any additional costs to the claimant; and in every case, upon the survey being completed, shall, within three months, record the plat and certificate of such survey in a well bound book, by him to be kept for that purpose.

Sec. 10. *Be it enacted*, That any surveyor, whether surveyor general or deputy, failing in any of the duties by this act required, shall be liable to be indicted in the court of the district in which he shall reside, and punished by amercement and deprivation of his office, and incapacity to take it again by such failure. And when any deputy surveyor is performing the duties in manner directed in the ninth section of this act, it shall be the duty of each occupant, his, her or their legal representative, or guardian of any infant, to give due attendance, and shew their lines, (if any) or other evidence of boundary or claims, in order to facilitate the surveying of the same; and on failure thereof, shall forfeit & pay to the use of the said deputy surveyor, five dollars, to be recovered by action of debt, before any jurisdiction having cognizance thereof.

Sec. 11. *Be it enacted*, That every surveyor shall, under the penalty of twenty dollars, express and declare, in or on the plat and certificate of each survey by him or them taken or made, the true quantity or degree of the magnetic needle, from the true meridian, and whether it be east or west.

Sec. 12. *Be it enacted*, That every deputy surveyor shall, before he enters upon the duties to be performed under this act, take, before the surveyor general, (who is hereby authorized to administer the same) the following oath, to wit: *I, A. B. do solemnly swear or affirm (as the case*

All lines to be marked & measured.

And water courses and public roads to be noted in his field book. And shall within 60 days return to the surveyor general a fair and true plat, &c.

Surveyor general to examine the returns of deputies, &c. & order a re-survey if necessary. To record plat & certificate.

Any surveyor failing in the duties by this act required, may be indicted and punished, &c.

Duty of occupants to attend and shew their lines, &c.

And on failure to pay five dollars.

Surveyor shall on each plat express the magnetic variation under the penalty: twenty dollars.

To take an oath

Form of his oath

may be) that I will well, truly, and justly lay off and survey the claim of each person, which I am bound by law to survey, agreeably to the constitution and laws of this state; and that I will in all things do and perform the office of deputy surveyor, to the best of my skill and abilities. And every person appointed by the deputy surveyor to carry the chain, shall, before he enters upon the duties thereof, take the following oath: *I, A. B. do solemnly swear or affirm, that I will truly, justly, and impartially measure every line of which I may be chain carrier, and render a true account of the number of chains contained in each, to the surveyor thereof*: Which said oath or affirmation shall be taken before the deputy surveyor, or the surveyor general, who is hereby authorized and required to administer the same.

Sec. 13. *Be it enacted*, That every deputy surveyor to be appointed by virtue of this act, shall, on or before the first day of August next, make and return into the office of the surveyor general, plats of every survey which he shall have made in pursuance of this act, connected together in one general draft, so far as they may be contiguous to each other, with the courses and distances of each line; the water courses and public roads, the mountains and the quality of lands, on the lines of the townships truly laid down; the quantity of land contained in each survey, and the name of the person for whom the same was surveyed, numbering the same in numerical order. And every succeeding year he shall make a like return of the surveys made in the year preceeding; and the surveyor general shall, without delay, by virtue of his office, proceed to make a correct map of the district of which he is surveyor, presenting at one view the residuum of the vacant lands therein; two fair plans of which shall be deposited in the office of the secretary of this state, for the use of the legislature thereof.

Sec. 14. *Be it enacted*, That every person for whom any survey shall have been made, and recorded in the office of the surveyor general, agreeably to the provisions of this act, shall, on or before the day on which the first instalment becomes due, pursuant to this act, return the plat and certificate of survey, duly certified by the surveyor general, into the office of the register, and on failure thereof, shall forever forfeit to the state, all right, interest and claim that he has, in and to the same, except such failure shall appear to have arisen through the default of the surveyor or other officer, or detained on account of a caveat entered against the same, or other legal impediment, and saving the rights of infants and lunatics.

Sec. 15. For preventing surreptitious grants: *Be it enacted*, That the register shall in no case issue a grant to any assignee of a plat and certificate of survey, unless such assignment is upon said plat and certificate of survey, certifi-

Chain carriers to take an oath.

Form of their oath.

Deputy or surveyor general authorized to administer the oath.

Deputy surveyor shall, on or before the 20th of August next, return into the office of the surveyor general, plats, &c. connected.

And every succeeding year to make a return. Surveyor general shall make a map of his district presenting at one view the vacant land, &c.

Plats and certificates to be returned to the register in a limited time.

And on failure to forfeit the same. *Provido*.

Saving to infants, &c.

Rules to be observed by the register to prevent surreptitious grants.

ed by the surveyor general to be a true copy, and that it is examined and recorded in his office ; which said assignment shall be proven in open court of the county where the land lies, by two credible witnesses, with the clerk's certificate of probate annexed thereto.

Rules to be observed in entering caveats.

Time limited for entering &c.

Sec. 16. *Be it enacted*, That if any person shall obtain a survey of land to which another hath a claim, the person having such claim, may enter a caveat to prevent his obtaining a grant, until the claim can be determined. Such caveat shall be entered within six months at farthest, after the receipt of the plat and certificate of survey at the surveyor general's office, expressing also, the nature of the right on which the plaintiff therein claims the land, and the quantity and part of said survey claimed, and shall take from the surveyor general a certified copy thereof, which, within thirty days thereafter, he shall deliver to the clerk of the court of the county in which the land or any part thereof lies ; and shall moreover take from the surveyor general a certified copy of the survey and plat, which, within thirty days, from the entering such caveat, he shall, in like manner, deliver to the clerk of the court where the suit shall be tried, and in case of failure in either instance, the caveat shall be void.

Rules to be observed by clerks of courts concerning caveats.

Right to be tried in a summary way.

Judgment to be returned to the surveyor general's office within 30 days.

The court to award costs, &c.

Rules to be observed by the

Sec. 17. *Be it enacted*, That the clerk of such court, on receiving the same, shall enter such copy of the caveat in a book, to be kept by him for that purpose, and shall thereupon issue a summons, directed to the sheriff of any county where the defendant may reside, reciting the cause for which such caveat is entered, and requiring the defendant to appear on the first day of the next succeeding county court, and defend his right ; and on such process being returned executed on the defendant, his agent or attorney, the court shall proceed to determine the right of the cause in a summary way, without pleadings in writing, by impaneling and swearing a jury, for the finding of such facts as are material to the cause, and are not agreed by the parties, and shall thereupon give judgment ; a copy of such judgment, if in favor of the defendant, being delivered into the office of the surveyor general, within thirty days thereafter, shall vacate the said caveat. And if the said judgment be in favor of the plaintiff, upon delivering the same into the office of the surveyor general, together with a plat and certificate of survey, within sixty days thereafter, he shall be entitled to a plat and certificate as in other cases ; and in any caveat where judgment shall be given for the defendant, the court shall award him his costs, and may compel the plaintiff in any caveat if they think fit, to give security for costs, or on failure thereof, may dismiss the suit ; and in case the plaintiff in any caveat shall recover, the court shall award costs against the defendant.

Sec. 18. *Be it enacted*, That when any dispute shall take

place concerning the right or boundary lines of any tract or tracts of land to be surveyed, the surveyor shall not proceed to survey the same, without the consent of both parties claiming ; and if the claimants make any agreement, or compromise respecting the manner of running said interfering lines, the surveyor shall proceed to survey in pursuance of said agreement, and the same shall be forever binding on said parties ; and if no agreement can take place in one day, it shall be the duty of the sheriff of the county, or his deputy, on being notified of the same, by either of the parties, to summon a jury who are unconnected with either party by affinity or consanguinity, who shall attend forthwith to decide the right of claim, and the manner in which said interfering lines shall be run ; and it shall be the duty of the sheriff to summon such witnesses as either party may require, in the bounds of his county, to attend and give evidence to the jury touching the said dispute ; and the decision of said jury shall be the guide for the surveyor in surveying said lines, and making plats and certificates of survey for the same ; but nothing herein contained shall prevent the party losing any part of what he claimed from entering with the surveyor general a caveat for so much of his claim, as has been included in the survey of the other party, under the same rules and restrictions as are herein provided for caveats in other cases.

Sec. 19. *Be it enacted*, That the said sheriff or his deputy (as the case may be) is hereby authorized and required to attend during the time said jury are deciding said dispute, and is hereby authorized and required to qualify the witnesses who are called upon to give evidence to said jury, and to administer to said jury the following oath : *You do swear or affirm (as the case may be) that as jurors in this dispute between A. and B. you will decide justly and impartially, according to evidence, to the best of your knowledge.* Which sheriff shall keep an accurate memorandum of such jury, and their proceedings thereon, and return the same to the deputy surveyor, who is hereby required to forward the same, together with the plat and certificate, to the surveyor general.

Sec. 20. *Be it enacted*, That if the party to whom any grant shall have issued, shall fail for the space of six months, to pay any installments which may become due, it shall be the duty of the register to make out a warrant, directed to the sheriff of the county where the land may lie, directing him to collect the same, (with the interest computed thereon from the time it became due) from the personal property of the person from whom the same is due ; and in case he has not sufficient personal property to satisfy the same, to proceed to sell the said land, for which the said money became due, or such part thereof as may be sufficient to pay the same ; and the purchaser shall take said land, subject to

surveyor where lines are disputed, &c.

Agreement between the parties binding

If no agreement made in one day sheriff to summon jury & witnesses, &c.

Caveat may be entered, &c.

Sheriff to attend the jury, and qualify witnesses, &c.

Form of juror's oath.

Sheriff to keep a memorandum of each jury, &c.

Persons failing for 6 months to pay installments, how proceeded against, &c.

The land liable in possession of purchaser

whatever sum may remain unpaid of the price of said land, and the sale shall be sufficient and available in law, notwithstanding the person against whom said warrant issued, may have sold and assigned his right.

Concerning fees of certain officers

Sec. 21. *Be it enacted*, That it shall and may be lawful for the clerks of the different counties, register of the land office, sheriffs, or coroners, the surveyor general, and his deputies respectively, to demand, and receive, and take, the several fees herein after mentioned and allowed, for any business by them respectively done by virtue of their several offices under this act, and no other fees whatsoever, that is to say :

To the REGISTER,

Register's fees.

For receiving a plat and certificate, and giving a receipt for the same, fifty cents.

For issuing and recording a grant thereupon, one dollar.

For recording a plat and certificate of survey, fifty cents.

For a copy of any grant of land, twenty-five cents.

For every search for any thing, or for reading the same, if a copy be not required, twelve and an half cents.

To the CLERKS of the COUNTY COURTS,

Clerks fees.

For docketing a caveat or appeal, twenty-five cents.

For a copy of the judgment thereupon, fifty cents.

For issuing a summons for defendant, twenty-five cents.

And for all other services done as required by this act, the same fees as in similar cases.

And to the SHERIFF,

Sheriff's fees.

For summoning a jury, two dollars.

For each day's attendance during the trial, one dollar. *

And for other services by this act required, the same fees as in similar cases.

To the SURVEYOR GENERAL,

Surveyor general's fees.

For examining and recording a plat and certificate of survey, and certifying the same, one dollar.

For each copy duly certified as by this act required, one dollar.

For entering caveat, and filing the same, one dollar.

For copy and certificate thereof, fifty cents.

For filing judgment of court, on decision of caveat, twenty-five cents. For every search, twelve and one half cents.

And to the DEPUTY SURVEYOR,

Deputy surveyor's fees.

For every survey by him plainly bounded as this act directs, and for a plat of such survey, where the survey shall not exceed one hundred and fifty acres, one dollar and fifty cents; and for each acre over one hundred and fifty, and not exceeding two hundred and fifty, in the same tract, three fourths of a cent; and for each acre over two hundred and fifty, and not exceeding four hundred acres, one half of a cent; and for each acre over four hundred, one fourth of a cent: *Provided*, no survey shall exceed six hundred and forty acres.

Proviso.

For every line over eight, in the same tract, in one survey, occasioned by the meandering of water courses, each five cents; for every line over eight, not occasioned by the meandering of water courses, in the same tract, ten cents each; for every experimental line, twenty-five cents; and where a surveyor shall be stopped or hindered from finishing a survey by him begun, he shall be paid half fees by the party requiring the same to be surveyed: *Provided*, that if said hindrance shall at any time be occasioned by the demand of an adverse claimant, that in that case, it shall subject the person against whom the right is determined, to the payment thereof.

Proviso.

Sec. 22. *Be it enacted*, That two persons be appointed by joint ballot of both houses of the general assembly, who, together with the surveyor general of the lands south of French Broad & Holston, are hereby appointed commissioners, whose whole duty it shall be, to proceed without delay, as soon as the lines of the occupant claims are ascertained, to locate and describe by marked lines or natural boundaries, within the county of Blount, and in parts of the counties adjoining the same, (if necessary) in one entire tract, one hundred thousand acres of land, to be disposed of for the use of two colleges to be established by the legislature, in pursuance of the provisions of an act of congress, entitled, "*An act to authorize the state of Tennessee to issue grants & perfect titles to certain lands therein described, & to settle the claims to the vacant and unappropriated lands within the same.*" And also to locate and describe by marked lines, or natural boundaries as aforesaid, within the county of Sevier, and in the parts of any counties adjoining the same, (if necessary) in one entire tract, one hundred thousand acres of land, to be disposed of for the use of academies, one to be established in each county in the state, by the legislature, in pursuance of the provisions of the before recited act.

Their duty.

It shall be the duty of said commissioners to locate and describe said tracts of land in such manner, and in such places, that the same may contain at least the quantities aforesaid, (with the additional quantity of six hundred and forty acres, to each six miles square) of land actually claimed by occupancy, or fit for cultivation and improvement; and the said commissioners shall make out fair plats or drafts of said several surveys, and file the same in the office of the surveyor general, for the guide and direction of the surveyors who may be appointed by the surveyor general, to survey the lands within said tracts, who shall in all respects observe the same regulations as are prescribed for surveying other occupant claims.

Sec. 23. *Be it enacted*, That it shall be the duty of the surveyor general, to record in two separate books to be kept for that purpose, all surveys made in either of said tracts, keeping one book for the surveys in each tract; and

Duty of survey or general with respect to lands surveyed for colleges and academies.

he shall number in each book, the surveys in the order in which they are recorded, and shall endorse on each plat and certificate of survey, before he delivers the same to the person who is entitled to obtain a grant, that the said survey was made within the tract of land located for the use of colleges or academies (as the case may be) and the person entitled to the interest of said plat and certificate, may obtain from the office of the register a grant, on the same conditions, limitations and restrictions, as grants are obtained for other lands south of French Broad and Holston, and in the same form, with this addition, that the register shall insert in said grant, that it was issued for lands lying within the tract located for the use of colleges or academies (as the case may be;) and it shall be the duty of the treasurer, to enter in a book to be kept for that purpose, all monies paid on account of lands within the tract located for colleges, and the amount of the monies arising from the sale of the two tracts aforesaid, (except so much thereof as shall be included in said bounds for the use of schools) shall be subject to the future disposal of the legislature of this state, in such manner, that the interest and profits of the first mentioned one hundred thousand acres, shall go to, and be vested in equal moieties, in the trustees of said two colleges; and the interest and profits of the other hundred thousand acres, shall equally vest in, and enure to the use equally of the several academies to be established as aforesaid, in the several counties heretofore, or that may hereafter be established in this state.

Register shall endorse on each grant, &c.

Duty of the treasurer,

Fees of surveyor general.

For running and marking townships.
Land for the use of schools.

For the use of colleges, &c.

For a draft of his district.

To receive from the register a warrant for the amount.

Sec. 24. *Be it enacted*, That the surveyor general shall be allowed the following fees for the several services he is by this act required to perform, and for which no provision is made. For running and marking the lines of the townships as by this act required, one dollar and fifty cents, for each mile so run and marked; for each six hundred and forty acres of land, for the use of schools, six dollars; which said sums shall be considered as full compensation for the services rendered by the surveyor, and his chain carriers and markers; for locating and describing the two tracts of one hundred thousand acres each, for the use of the colleges and academies, fifty dollars; for making a complete draft and connected plan of his district, and depositing two copies thereof with the secretary as by this act required, fifty dollars; which said several sums, the said surveyor general may state and claim, subject to be liquidated by the register, who is hereby authorized and required to liquidate the same; which said statement and settlement the register shall record in his office, and issue a warrant or warrants (to the full amount of said account) which shall authorize the said surveyor to lay off for himself within the bounds of his district, a quantity of land equal to the amount of the sum due him, at the rate of two dollars per acre, for which he shall

be entitled to receive a grant or grants from this state, in the same manner as prescribed in other cases within his district.

Sec. 25. *Be it enacted*, That the treasurer of the districts of Washington and Hamilton, before receiving any monies by virtue of this act, shall enter into an additional bond, payable to the governor for the time being, in the sum of one hundred thousand dollars, with security to be approved of by the said governor, for the faithful accounting for all such monies, and shall be allowed one per cent. for receiving and safe keeping all monies by him received under this act, until otherwise provided for by law.

Treasurer to enter into an additional bond &c.

Sec. 26. *Be it enacted*, That the several fines and forfeitures herein laid, given, or inflicted, and not otherwise provided for in this act, shall be recoverable before any jurisdiction having cognizance of the same, by action of debt, one half to the use of the informer, or person who will sue for the same, and the other for the use of the county where such recovery shall be had.

Fines and forfeitures how recoverable, and for whose use.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 6th, 1806.

CHAP. III.

AN ACT granting to John Gordon, the benefit of a pre-emption right in and to a certain tract of land of six hundred and forty acres, and for other purposes.

W AEREAS John Gordon hath represented to this general assembly by memorial, that under the sanction of the United States, he did make an establishment at the crossing of Duck river, for the purpose of affording the necessary convenience to travellers on the route from Nashville to the Natchez, &c. And whereas it appears that the said John Gordon is entitled to a peculiar privilege in the tract of land aforesaid:

SECTION I. *BE it enacted by the General Assembly of the State of Tennessee*, That the said John Gordon, is hereby possessed of an exclusive right of entry in said tract of land, of six hundred and forty acres, including his said improvement, if the same shall be vacant: *Provided*, he enters the same as in other cases according to law, within one month after an office is declared to be opened for entering said land; any law, custom or usage to the contrary notwithstanding.

Gives John Gordon a pre-emptive right of 640 acres of land.

Sec. 2. *Be it enacted*, That any person or persons who may have seated him, her, or themselves, on any vacant and unappropriated land within the jurisdiction of this state, and

Preference of entry given to occupants, &c.

who were in actual possession of the same at and before the first day of May in the present year, or any person who may be in possession of the same as assignee as aforesaid, such person or persons shall be entitled to a preference of entering the same, for three months after the first Monday in June next, upon any good and valid warrant: *Provided*, such occupant shall include his improvement in the centre of a square, the contents of which shall not exceed two hundred acres, or which shall be agreeable to conditional lines heretofore established. And if it shall appear that any person or persons hath destroyed, or may have been privy to the destroying, or may hereafter destroy any marked trees that were corners or lines of any antient boundary, such person or persons shall forfeit all right and preference by this act given.

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

September 13, 1806.

CHAP. IV.

AN ACT to amend an act, entitled, "An act making provision for mistakes in surveys of land," passed April the 23d, 1796.

Preamble.

WHEREAS doubts have arisen on the construction of the above recited act; whether any person, other than the grantee or patentee, can have the relief extended by said act. Wherefore, to do away doubts in future:

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That not only the patentee or grantee shall have the benefit of the aforesaid act, but all persons claiming under them by deed, devise, or otherwise, shall have and enjoy all the benefit and advantages arising from the aforesaid act.

Claimants under a grant has the same privilege that the grantee or assignee heretofore had.

Part of the first section of a certain act repealed

Courts to certify mistakes to the secretary of this state.

Sec. 2. *Be it enacted*, That so much of the first section of the aforesaid act, as requires the respective courts to direct their clerk to certify such facts as appears to their satisfaction, to the secretary of the state of North-Carolina, be, and the same hereby is repealed; and in future it shall be the duty of the respective county courts in this state, to direct their clerk to certify such facts as appear to their satisfaction, to the secretary of this state, who shall have and exercise all the power and authority heretofore used and exercised by the secretary of the state of North-Carolina, in such cases.

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

September 12, 1806.

CHAP. V.

AN ACT to fix the salaries of the Judges and Attorney General.

SECTION 1. **B**E it enacted by the General assembly of the State of Tennessee, That from and after the fourth Monday of September, in the present year, the several judges of the superior courts of law and equity, shall each be entitled to, and receive at the rate of one thousand dollars by the year, to be paid quarterly, out of either of the public treasuries, during continuance in office; and the attorney general shall be entitled to, and receive at the rate of three hundred and fifty dollars by the year, to be paid as aforesaid, in full compensation for their official services respectively: *Provided*, there shall be a proportional deduction of salary for non-attendance: *And provided also*, such non-attendance be not occasioned by sickness or unavoidable accident.

Judges allowed 1000 dollars each yearly.

To be paid quarterly. Attorney general allowed 350 dollars yearly.

Sec. 2. *Be it enacted*, That all laws and parts of laws coming within the meaning of this act, shall be, and hereby repealed.

Sec. 3. *Be it enacted*, That this act shall be in force from and after the passage thereof.

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

September 13th, 1806.

CHAP. VI.

AN ACT allowing and regulating certain officers fees in particular cases.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the several county courts are hereby authorized and empowered to make an allowance to their county solicitor, of any sum not exceeding fifty dollars, for *ex officio* services, out of any money in the treasury of their county not otherwise appropriated.

Allowance to county solicitors

Sec. 2. *Be it enacted*, That the several justices of the peace in this state, shall be allowed the following fees for the following services, viz. For issuing a warrant in behalf of the state, twelve and one half cents; For taking recognizance, and returning the same, twenty-five cents; For a warrant or summon for debt, twelve and one half cents; For a subpoena, six and one fourth cents; For entering judgment, six and one fourth cents; For filing and keeping each judgment, twelve and one half cents; For issuing execution, twelve and one half cents; For an appeal bond, and returning the same, twelve and one half cents.

Justices fees:

Constables col-
lection fees, &c.

Sec. 3. *Be it enacted*, That no constable shall take or receive more than at the rate of five per cent. on the amount of any execution by him collected; nor shall any sheriff or constable take or receive the fees on executions usually called the levying fees, unless such levy has actually been made.

Sheriffs fees for
collecting taxes
&c.

Sec. 4. *Be it enacted*, That the several sheriffs shall be entitled to the levying fee of fifty cents in collecting taxes, where such sheriff shall have to go to the house, or may have levied on the property of the person liable to pay taxes, after the time shall have elapsed for payment as heretofore established by law.

Sheriffs collec-
tion fees.

Sec. 5. *Be it enacted*, That the several sheriffs shall be entitled to, and may receive for collecting money on executions, at the rate of four dollars for every hundred, where the amount of the principal by the judgment, does not exceed one hundred dollars; at the rate of three dollars for every hundred dollars over one hundred dollars, and not exceeding three hundred dollars; and at the rate of two dollars for every hundred dollars over three hundred dollars.

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

September 11th, 1806.

CHAP. VII.

AN ACT to establish a College in West Tennessee.

Preamble.

WHEREAS provision has been made for the application of funds to the benefit of two colleges, one in East and one in West Tennessee, by an act of the congress of the United States, passed the eighteenth day of April, in the present year, entitled, "*An act to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.*" And whereas the trustees of the Davidson academy have petitioned this general assembly that the funds and property, both real and personal, of said academy, may be united with, and merge in those of the said college. Therefore:

College esta-
blished by the
name of Cum-
berland.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a college be established on the square reserved for the Davidson Academy, by the trustees thereof, which shall be known and distinguished by the name of *Cumberland College*.

Trustees ap-
pointed and in-
corporated.

Sec. 2. *Be it enacted*, That Thomas B. Craighead, James Winchester, Samuel P. Black, Moses Fisk, Robert C. Foster, David McGavock, Robert Whyte, Joseph Colo-

man, Robert Searcy, William Dickson, David Hume, John Dickson, Joel Lewis, Abrahm Maury, senior, William P. Anderson, Duncan Stuart, Thomas Johnston, John K. Wynne and Nicholas T. Perkins, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Cumberland College, as aforesaid, and by that name shall have perpetual succession and a common seal.

Sec. 3. *Be it enacted*, That the said trustees and their successors, by the name aforesaid, shall, and may be capable in law, to have, receive, and enjoy, to them and their successors, lands, tenements, and hereditaments, of any kind or value, in fee, or for life, or years; and personal property of every kind whatsoever, and also all sums of money of any amount whatsoever, which may be granted or bequeathed to them for the purpose of building, erecting, endowing and supporting the said college.

Trustees to hold
for the use of
the college all
property, &c.

Sec. 4. *Be it enacted*, That the president of the said college, and three of the said trustees, shall have full power to call occasional meetings of the board, whenever it shall appear to them necessary; and that at all stated meetings, the president of the board of trustees aforesaid, and eleven of the trustees, shall be the number to constitute a quorum, and to fill up by ballot any vacancies that may occur in the said trustees, during the recess of the general assembly; which said appointment may be confirmed or otherwise, by any succeeding legislature; and the president and nine of the trustees shall be the number to constitute an occasional meeting for the transaction of all ordinary business; and the said trustees, or two thirds of them, being regularly convened, shall be capable of doing or transacting all the business and concerns of the said college, but more particularly of electing all the customary and necessary officers of the said institution, of fixing their several salaries, of removing any of them for neglect or misconduct in office; of prescribing the course of studies to be pursued by the students, and in general, of framing and enacting all such ordinances and bye laws as shall appear to them necessary for the good government of the said college: *Provided*, the same be not repugnant to the laws of this state, nor of the United States.

Manner in which
occasional meet-
ings shall be call-
ed.

Number to con-
stitute a quorum
To fill up vacan-
cies, &c.

Number to con-
stitute an occa-
sional meeting,
&c. to do ordi-
nary business.

Provide.

Sec. 5. *Be it enacted*, That the head of the said college shall be styled "The President," and the masters there- of shall be styled "The Professors," but professors, while they remain such, shall never be capable of holding the office of trustee; and the president and professors, or a majority of them, shall be styled "The Faculty of the College," which faculty shall have the power of conferring degrees of bachelor and master of arts; of enforcing the ordinances and bye laws adopted by the trustees for the government of the pupils, by rewarding or censuring them, and finally, by

President,
Professors,

The faculty and
their power.

Trustees may sue or be sued, &c.

suspending such of them, as after repeated admonitions, shall continue disobedient or refractory, until a determination of a quorum of trustees can be had; and the said trustees, by the name aforesaid, may sue or be sued, plead and be impleaded, in any court of law or equity; and may grant, bargain, sell, or assign any lands, tenements, hereditaments, goods or chattels, and to act and do all things, whatsoever, for the benefit of the said college, in as ample a manner as any person or body politic or corporate can or may by law.

One moiety of 100,000 acres of land appropriated for the use of said college.

All the property of Davidson Academy appropriated for said college, &c.

Acts granting a charter to said academy repealed.

Sec. 6. *Be it enacted*, That one moiety of the proceeds of the sales of one hundred thousand acres of land, as described in the twenty third section of an act, entitled, "*An act for the appointment of a register of the land office, and providing for the sale of the lands south of French Broad and Holston, agreeably to the constitution of this state, and the provisions of the act of congress therein referred to,*" together with all the property real and personal of what kind soever of Davidson Academy, (agreeably to the petition of the trustees of said academy herin before referred to) be, and they are hereby vested in the board of trustees created by this act, in trust for the sole use, benefit and support of said Cumberland College forever. And all acts establishing or granting a charter to said Davidson Academy, and constituting said board of trustees thereof, are hereby repealed, except so far as will authorize the collection of the debts due to said academy.

In absence of the president, trustees to appoint a body to preside.

Sec. 7. *Be it enacted*, That until a president of the said college shall be elected, and shall have entered upon the duties of his office, and also, in all cases of a vacancy, or the absence of the president, the said trustees shall appoint one of their members to preside in their meetings, and all the acts of the trustees, while acting under such circumstances, shall be considered in law as the acts of the board, as fully and completely as when the president of the college shall be in office and preside.

First named trustee to call first meeting &c.

Sec. 8. *Be it enacted*, That it shall be the duty of the first person named as trustee in this act, to fix the time for holding the first meeting of the said board, which shall be in the town of Nashville, of which he shall give notice in writing to each member, at least ten days previous to such meeting; and all subsequent meetings of the said board shall be in the said town of Nashville.

Property of the college exempt from taxation.

Sec. 9. *Be it enacted*, That all property real and personal, by this act appropriated and made over for the use and benefit of said college, and all property of what kind soever, that may hereafter be given to said college by donation, bequest, or otherwise, is hereby declared free and clear of any taxation whatever.

Trustees of Davidson Academy

Sec. 10. *Be it enacted*, That it shall be the duty of the present board of trustees of the Davidson Academy, to ex-

ecute deeds of conveyance for lots, by them sold, adjoining to make deeds, the town of Nashville, agreeably to the existing laws which were in force at the time of such sale; any thing in this act to the contrary notwithstanding.

Faculty of the college exempted from militia duty.

Sec. 11. *Be it enacted*, That the president, professors, and teachers of the different colleges and academies in this state, shall be, and are hereby exempted from militia duty.

Students to do militia duty unless officers choose by themselves.

Sec. 12. *Be it enacted*, That all students, after arriving to the years of eighteen, shall be enrolled as a militia company, and be governed by the militia laws in this state, under the command of officers to be chosen by themselves; and no person or persons shall be appointed officers, nor enrolled in said company, but students at said college; nor shall they be compelled to attend militia musters at any other place than at said college.

Sec. 13. *Be it enacted*, That this act shall be deemed a public act, and as such shall be judicially taken notice of, without special pleading, in all the courts of law and equity within this state.

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

September 11th, 1806.

CHAP. VIII.

AN ACT to establish Academies in the several Counties in this State, and for the appointment of Trustees thereof.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Perkins, John Sappington, Nicholas T. Perkins, Chapman White, and Abraham Maury, senior, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Harpeth Academy, in the county of Williamson.

That Thomas A. Claiborne, Joel Lewis, Robert Weakley, Joseph Phillips, and Robert C. Foster, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Robertson Academy, in the county of Davidson.

That Joseph Dixon, John R. Bedford, John Thompson, senior, William P. Anderson, and Robert Smith, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Bradley Academy, in the county of Rutherford.

That James Winchester, David Shelby, Edward Douglas, Henry Bradford, and William Montgomery, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Trans-Montana Academy, in the county of Sumner.

- Wilson county.** That Henry Bois, John Allcorn, Matthew Figures, Samuel Hogg, and John K. Wynne, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Campbell Academy, in the county of Wilson.
- Smith county.** That William Martin, Grant Allen, Henry Tooty, Richard Banks, and William Cage, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees, of the Geneva Academy, in the county of Smith.
- Jackson county.** That Thomas Draper, Nathaniel Ridley, John H. Bowen, Sampson Williams, and Ferdinand Hamilton, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Montpelier Academy, in the county of Jackson.
- Robertson county.** That John Baker, senior, Thomas Johnston, Josiah Fort, James Norflet, and John Coleman, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Liberty Academy, in the county of Robertson.
- Montgomery county.** That Duncan Stuart, Asahel Brunson, James Elder, Willie Blount, and Pary W. Humphreys, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of the Rural Academy, in the county of Montgomery.
- Dixon county.** That Michael Dickson, Jeremiah Pershal, Richard Napier, David Dixon, and Sterling Brewer, be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Tracy Academy, in the county of Dixon.
- Overton county.** That Moses Fisk, John Overton, James Chissum, John B. Cross, and Henry Ragen, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Overton Academy, in the county of Overton.
- Stuart county.** That Joseph Gray, Thomas Clinton, Robert Cooper, Joseph B. Nevell, and William Allen, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Dover Academy, in the county of Stuart.
- Carter county.** That George Duffield, Nathaniel Taylor, George Williams, Alexander Doran, and John Greer, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Duffield Academy, in the county of Carter.
- Washington county.** That John Kennedy, Andrew Steele, William Mitchel, John Nelson, and David Deaderick, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Martin Academy, in the county of Washington.
- Sullivan county.** That William Snodgrafs, John Punch, Elkanah R. Dulaney,

Abraham Looney, and William Bond, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Jefferson Academy, in the county of Sullivan.

That Benjamin M'Nutt, Valentine Sevier, James Galbreath, William Rankin, and William Dixon, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Rhea Academy, in the county of Greene.

That George Maxwell, William Armstrong, Richard Mitchell, Andrew Galbreath, and Thomas Jackson, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of M'Minn Academy, in the county of Hawkins.

That John Cocke, Samuel Bunch, Thomas Henderson, Noah Jarnagin, and Major Lea, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Madison Academy, in the county of Grainger.

That William Nowell, John Vanbebber, James Renfro, William Robertson, and James Roddy, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Speedwell Academy, in the county of Claiborne.

That George Doherty, Adam Peck, Thomas Galbreath, Thomas Snoddy, and Parmenas Taylor, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Maury Academy in the county of Jefferson.

That Isaac Leonard, Abraham M'Coy, Peter Fine, Daniel M'Pherson, and William Lillard, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Anderson Academy, in the county of Cocke.

That James Ragen, Hopkins Lacey, Thomas Hill, Allen Bryant, and Isaac Love, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Nancy Academy, in the county of Sevier.

That Nathaniel Cowan, John Crozier, Thomas Humes, John Adair, and George M'Nutt, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Hampden Sidney Academy, in the county of Knox.

That Arthur Crozier, Benjamin C. Parker, Jesse Royden, Hugh Barton, and Samuel Frost, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Union Academy, in the county of Anderson.

That Thomas I. Vandyke, Samuel Eskridge, Jacob Jones, Zacheus Ayer, and Jesse Bird, shall be, and they are hereby

by constituted a body politic and corporate, to be known by the name of the trustees of Rittenhouse Academy, in the county of Roane.

Blount county.

That Gideon Blackburn, John Montgomery, John Lowry, (merchant) Joseph B. Lapsley, and Andrew Kennedy, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Porter Academy, in the county of Blount.

Campbell county.

That James Grant, Hugh Montgomery, Hutchins Barton, Michael Huffacre, and Sampson David, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Franklin Academy, in the county of Campbell. And by the names aforesaid, shall have perpetual succession and a common seal.

Trustees to hold property for the use of the academies, &c.

Sec. 2. *Be it enacted*, That the trustees of each of said academies, and their successors, by the names aforesaid, shall be capable in law, to purchase, receive, and hold to them and their successors forever, any lands, tenements, rents, goods, or chattels, which shall be given or devised to, or purchased by them for the use of the said academies; and to sell and dispose of the same in such manner as to them shall seem most advantageous for the said academies.

Trustees may sue and be sued.

Trustees to make bye laws for the government &c.

The said trustees by the names aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity: They shall have power from time to time to establish such bye laws, rules and ordinances, not contrary to the laws and constitution of this state, as they shall judge necessary for the good government of the said academies, and to appoint a president, secretary, tutors, treasurer, and other persons necessary for conducting the business of the institution: A majority of said trustees shall constitute a board to determine upon any matter relative to the establishment, government, or support of their respective academies; but no real estate belonging to either of the said academies shall be disposed of, unless two thirds of the trustees thereof concur in opinion thereon. Upon the death, resignation, or other legal disability of any of the said trustees, hereby, or which may hereafter be appointed, the vacancy thereby occasioned shall be supplied by the next, or any succeeding general assembly after such vacancy may occur; but may, nevertheless, be supplied by the remaining trustees, or a majority of them, until such vacancy or vacancies shall be supplied by the legislature as aforesaid.

No real estate to be disposed of, only by 2 thirds of the trustees.

To elect a treasurer.

The several boards of trustees shall each elect a treasurer, who shall receive all monies accruing to the said academies, and property delivered to his care, and pay and deliver the same to the order of the said trustees; and before he enters on the execution of the duties of his office, shall give bond and security for such sum as the board of trustees by whom he is appointed shall direct, payable to them and their successors, and conditioned for the faithful discharge

of the trust reposed in him, and that he will, when required by the said trustees, render to them a true account of all monies, goods and chattels received by him on account of, and for the use of the said academy; and the treasurer shall receive such salary as may be allowed and fixed by the trustees.

Sec. 3. *Be it enacted*, That the said trustees shall have power to fix on and purchase a site for their respective academies, and to take and receive subscriptions for paying for the same, as well as for the purpose of erecting and building the academy, and any other building which they may think necessary thereto; 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 where the delinquent subscriber resides: *Provided*, the party has ten days previous notice of such motion: And if the treasurer shall fail to render, when thereunto required, a just and true account of all monies, goods and chattels, which have come to his hands by virtue of his office, and also all expenditures relative to the said academy, he shall on such failure, be subject to a judgment on motion, in any court of record in this state, and execution may thereupon be awarded in like manner as against sheriffs for the non-payment of public taxes.

Sec. 4. *Be it enacted*, That the legislature may, from time to time, at periods not less than two years distant from each other, appoint two additional trustees to each board: *Provided*, the number of trustees for any of the aforesaid academies, shall never exceed thirteen.

Sec. 5. *Be it enacted*, That until a president shall be elected for each of the said academies, and shall have entered upon the duties of his office; and also, in all cases of a vacancy, or the absence of the president, the said trustees shall appoint one of their members to preside in their meetings, and all the doings and acts of the trustees, while acting under such circumstances, shall be considered in law as the doings and acts of the board, as fully and completely as when the president of the academy shall be in office and preside.

Sec. 6. *Be it enacted*, That it shall be the duty of the first person named as trustee for each academy by this act established, to fix the time for holding the first meeting of said board, which shall be at the court house of the county where such academy is established, or at the place of holding court for said county, of which he shall give notice in writing to each member, at least ten days previous to such meeting.

Sec. 7. *Be it enacted*, That this act shall be deemed a public act, and as such shall be judicially taken notice of

without special pleading, in all the courts of law and equity within this state.

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

September 13, 1806.

CHAP. IX.

AN ACT to authorise James Armstrong to complete the Mills he is building on Obeds River, and for other purposes.

Jas. Armstrong
authorised to
complete his mill
on Obed's river
&c.

SECTION I. **B**E it enacted by the General Assembly of the State of Tennessee, That James Armstrong is hereby authorised to complete the mills he hath begun to build on Obeds river, in Jackson county, and to raise and complete a dam on said river: *Provided*, the said James Armstrong or his assigns, doth, within twelve months after he or they may start said mills to running, make, or cause to be made a good and sufficient slope in said dam, for the passage of fish up said river, and shall at all times keep the same in good and sufficient repair, at his own expence; any law to the contrary notwithstanding.

Any person here
after wishing to
erect water
works, to apply
to the county
courts, &c.

Sec. 2. *Be it enacted*, That from and after the passage of this act, when any person wishes to build a mill or other water works, over any stream that is navigable for boats, to apply to the court of the county, (two thirds of the justices being present) wherein it is contemplated to build such mill or other water works, by petition, therein stating the object of the petitioner, and the height of the dam contemplated to be built; and if the said court are of opinion the prayer shall seem reasonable, the court may authorise the petitioner to build such dam; and it shall be the duty of said petitioner to enter into bond and security, payable to the chairman of the court, and his successors in office, in the sum of two thousand dollars, conditioned for the building the dam in the manner contemplated in the said petition, so as not to impede the navigation of said river; and if any person shall hereafter build a dam contrary to this act, the same shall be deemed a nuisance, and the person erecting the same shall be liable to pay the amount of the penalty to any person who will sue for the same, one half to the use of the informer, the other to the use of the county wherein the pond was executed.

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

September 11th, 1806.

CHAP. X.

AN ACT to ratify and confirm an act of the Congress of the United States of America, entitled, "An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

WHEREAS the United States in Congress assembled, on the eighteenth day of April, in the year of our Lord one thousand eight hundred and six, passed an act, entitled, "An act to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same." In the words following to wit: Preamble.

AN ACT to authorise the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same.

BE it enacted by the Senate and House of Representatives of the United States Act of congress. of America, in Congress Assembled, That for the purpose of defining the limits of the vacant and unappropriated lands in the state of Tennessee, hereafter to be subject to the sole and entire disposition of the United States, the following line be, and hereby is established, to wit: Beginning at the place where the eastern or main branch of Elk river shall intersect the boundary line of the state of Tennessee; from thence running due north, until said line shall intersect the northern or main branch of Duck river; thence down the waters of Duck river, to the military boundary line, as established by the seventh section of an act of the state of North-Carolina, entitled, "An act for the relief of the officers and soldiers of the continental line, and for other purposes," (passed in the year one thousand seven hundred and eighty three) thence with the military boundary line, west, to the place where it intersects the Tennessee river; thence down the waters of the river Tennessee, to the place where the same intersects the northern boundary line of the state of Tennessee.

Sec. 2. *And be it further enacted*, That upon the senators and representatives from the state of Tennessee, by an instrument signed and sealed by them respectively, making known, that in pursuance of the power in them vested by an act of the general assembly of the state of Tennessee, entitled, "An act to appoint agents to settle the dispute between this state and the United States, relative to the vacant and unappropriated lands within this state, and to procure the relinquishment of the claim of the United States to the same;" and by a resolution of the senate and house of re-

representatives of the said state of Tennessee, passed in the year one thousand eight hundred and two, as instructions therein, they do, for, and in behalf of the state of Tennessee, and in consideration of the provisions made in this act, agree and declare, that all right, title and claim, which the state of Tennessee hath to the lands lying west and south of the lines herein before established, within the limits of the state of Tennessee, shall thereafter forever cease, and that the lands aforesaid shall be and remain at the sole and entire disposition of the United States, and shall be exempted from every disposition or tax made by order, or under the authority of the state of Tennessee, while the same shall remain the property of the United States, and for the term of five years after the same shall be sold; which said instrument shall be approved by the senate of the United States, and entered at large in their journal, and deposited in the office of the secretary of state. The United States do thereupon cede and convey to the state of Tennessee, all right, title and claim which the United States have to the territory of the lands lying east and north of the line herein before established, within the limits of the state of Tennessee, subject to the same conditions as are contained in the act of the general assembly of the state of North Carolina, entitled, "*An act for the purpose of ceding to the United States of America, certain western lands therein described,*" and the said state of Tennessee shall thereupon have as full power and authority to issue grants and perfect titles to all lands lying east and north of the before described line, within the limits of the said state, as congress now have, or the state of Tennessee might have by virtue of an act of the state of North Carolina, entitled, "*An act to authorise the state of Tennessee to perfect titles to lands reserved to this state by the cession act,*" to which said act the assent of congress is hereby given, so far as is necessary to carry into effect the object of this compact; subject nevertheless, to the following express conditions, that is to say:

FIRST. That all entries for land, rights of location, & warrants of surveys, & all interfering locations which might be removed by the aforesaid act of cession of the state of North Carolina, & which are good and valid in law, and which were not actually located west and south of the herein before described line, before the twenty-fifth day of February, one thousand seven hundred and ninety; and all interfering grants which are good and valid in law, and which have been located east and north of the said line, shall be located, and the titles thereto perfected within the territory hereby ceded to the state of Tennessee.

SECONDLY. That the state of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract within the limits of the lands reserved to the Cherokee Indians, by an act of the state of North Carolina,

entitled, "*An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army,*" passed in the year one thousand seven hundred and eighty-three, and shall be for the use of two colleges, one in East, and one in West Tennessee, to be established by the legislature thereof; and one hundred thousand acres in one tract, within the limits last aforesaid, for the use of academies, one in each county in said state, to be established by the legislature thereof; which said several tracts shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the legislature of the state, but shall not be granted or sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid, shall be vested in funds for the respective uses aforesaid, forever; and the state of Tennessee shall moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children forever: *Provided*, that nothing contained in this act shall be construed as to affect the Indian title, or to subject the United States to the expence of extinguishing the same: *And provided also*, that the lowest price of lands granted or sold within the ceded territory, shall be the same as shall be established by congress for the lands of the United States: *And provided nevertheless*, that the people residing in said state, south of French Broad & Holston, and west of Big Pigeon rivers, provided for by the constitution of the state of Tennessee, shall be secured in their respective rights of occupancy and pre-emption, and shall receive titles for such quantities as they may respectively claim, including their improvements, not exceeding six hundred & forty acres each, nor exceeding the quantities they have heretofore claimed respectively, according to their conditional lines, where such have been established, at a price not less than one dollar per acre: *And provided further*, that nothing herein contained shall be construed to enable any person or persons until authorised by the legislature of the state of Tennessee to locate any warrant issued under the authority of the state of North Carolina, within the limits of the lands reserved to the Cherokee Indians, by the fifth section of the act of said state, entitled, "*An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army,*" passed in the year one thousand seven hundred and eighty-three.

Sec. 3. *And be it further enacted*, That if the territory hereinfore ceded to the state of Tennessee, shall not contain a sufficient quantity of land fit for cultivation, according to the true intent and meaning of the original act of cession, including the lands within the limits reserved by

the state of North-Carolina to the Cherokee Indians, to perfect all existing legal claims charged thereon, by the conditions contained in this act of cession, congress will hereafter provide by law for perfecting such as cannot be located in the territory aforesaid, out of the lands lying west or south of the before described line.

NATHL. MACON, *Speaker*
of the House of Representatives.
S. SMITH, *President*
of the Senate, pro tem.

APPROVED—April 18th, 1806.

TH: JEFFERSON.

Ratification on
behalf of Ten-
nessee.

THEREFORE, BE it enacted by the General Assembly of the State of Tennessee, That the same herein before recited act, be, and the same is hereby accepted, ratified, and confirmed to all intents and purposes, by and on the part of the state of Tennessee, and that the provisions thereof be carried into effect.

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

September 6th, 1806.

CHAP. XI.

AN ACT concerning Jurors in White and Overton Counties.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, 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 White and Overton, 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.

September 11th, 1806.

CHAP. XII.

AN ACT appointing a Commissioner to run and mark the dividing line between Montgomery and Stuart Counties.

SECTION I. BE it enacted by the General Assembly of the State of Tennessee, That James Lagert; be, and he is hereby appointed a commissioner whose duty it shall be to run and mark the line between Montgomery and Stuart counties, agreeably to an act of the general assembly of the state of Tennessee, passed on the thirty-first day of July, in the year one thousand eight hundred and four.

Sec. 2. Be it enacted, That said commissioner shall be allowed for each day he may be necessarily engaged in said service, (for himself, his marker, &c.) the sum of three dollars, to be drawn from the funds of Stuart county.

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

September 12, 1806.

CHAP. XIII.

AN ACT to authorize the Sheriff of Greene County to collect the State and County Taxes, due from the inhabitants of a certain section of Country therein referred to.

WHEREAS an act hath passed at the present session of the general assembly of this state, entitled, "An act to confirm the line between the Counties of Greene and Hawkins, &c."

BE it enacted by the General Assembly of the State of Tennessee, That all the inhabitants west of Bays Mountain, who have listed their taxable property as if in Greene county, for the year one thousand eight hundred and six, shall pay the same to the sheriff or collector of the said county of Greene, and upon failure thereof, subject themselves to the same penalties as are prescribed by law in similar cases; any thing to the contrary notwithstanding.

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

September 11, 1806.

CHAP. XIV.

AN ACT to establish a Female Academy at Hilham.

WHEREAS it has been represented to this general assembly, that Moses Fisk and Sampson Williams, are willing to contribute one thousand acres of land each, toward the endowment of a Female Academy, to be established at a place called Hilham, on the eastern part of Magnolia Ridge, in the county of Overton:

SECTION I. BE it enacted by the General Assembly of the State of Tennessee, That an academy for the education of females exclusively, shall be established at Hilham, as aforesaid, by the name of Fisk's Female Academy, and that Moses Fisk, William Chandler, William Ballard, James Chisholm and Sampson Williams, shall be a body politic and corporate, to be known by the name of the trustees of Fisk's Female Academy, to have perpetual succession and a common seal, with all powers usually vested in corporations of that nature; in particular, when a vacancy occurs, to be filled by trustees.

Academy established by the name of Fisk's Female Academy.

Trustees appointed and incorporated.

Vacancies to be filled by trustees.

To choose officers, &c.

ties shall happen in the board by death, resignation, or otherwise, the remaining members shall have power to elect suitable persons to fill all such vacancies. And the board, or a majority of them, shall have power to choose a president, secretary, treasurer, and such other officers as they may conceive expedient, and at any time to supercede them by the appointment of others; also to dismiss any member of the board, and elect another in his room; also to appoint and employ teachers, inspectors, and other assistants in the academy, and to dismiss them at pleasure; also to make any bye laws and regulations, not inconsistent with the laws of the state, for the organization and good government of the seminary; and for the promotion of learning, virtue and religion, among the pupils.

To receive and hold property for the use of the institution, &c.

Sec. 2. *Be it enacted*, That the said corporation shall have power to receive any donations which may be made to the academy, in money, lands, or other property, and the same to hold, manage and apply, according to the intent of the donors respectively; also to purchase property real or personal, for the benefit of the institution, and the same to hold, manage, appropriate or sell, as they may judge shall be most conducive to its essential interest; also to appear, by their attorney, before any court of record, or court of equity, as a party in any cause or process which may in any manner concern the academy, and the same to pursue to final judgment and execution; also to convey any lands or other hereditaments which they may have sold by virtue of the authority vested in them by this act. But all such conveyances shall be signed by the president of the board, in the presence of at least two of the other members; and the said board shall cause a fair record at large of all their proceedings to be made and preserved, & a fair & regular account to be kept of all the debts & credits of the corporation.

To keep record of their proceedings.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XV.

An ACT authorizing the taxing of certain lands to which the Indian title has been lately extinguished.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of January next, and each succeeding year, all lands to which the Indian title has been extinguished, either by the late treaty concluded with the Cherokees near Tellico, or the treaty concluded with the Chickasaws, in the Chickasaw nation, held by grant, deed, or entry, legacy, descent, lease, or right of dower, shall be liable to taxation

in the same manner as all other lands within this state to which the Indian title has heretofore been extinguished, and shall be returned annually for taxation, and the tax collected and accounted for, under the same rules and restrictions as all other public taxes are; and the same rules of taxation shall apply to every species of taxable property and polls that may be found on either of the said purchases; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XVI.

An ACT establishing a separate election in the county of Hawkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it hereafter shall be lawful for the inhabitants of the county aforesaid, living north of Clinch mountain, to meet at the house of David Garrigon, on the same days appointed for holding elections for governor, members to congress, members to the general assembly of this state, and an elector to elect a president and vice president of the United States, and then and there, the inhabitants entitled to vote, residing north of Clinch mountain as aforesaid, shall be authorized to vote for any of the appointments aforesaid, in the same manner, and under the same rules and regulations as they were formerly governed by, when they composed a part of the election district of the county of Hawkins.

Inhabitants N. of Clinch mountain to meet at David Garrigon's &c.

Sec. 2. *Be it enacted*, That it shall be the duty of the sheriff of Hawkins county, by himself, coroner, or deputy, to open and hold an election at the house of David Garrigon aforesaid, to elect a governor, representative to congress, members to the general assembly, and an elector to elect a president and vice president of the United States, and the votes, taken at the election aforesaid, shall be transmitted, under the hand and seal of the inspectors, and forwarded by the sheriff or his deputy, to the court house in Rogersville, at or before twelve o'clock on the day next succeeding the last day of the election; which ballots shall be counted out by the sheriff or returning officer, in the presence of a justice of the peace, and the same shall compose a part of the votes taken in the county of Hawkins; any law to the contrary notwithstanding.

Sheriff, his deputy, or coroner to hold said election.

Votes taken to be transmitted to Rogersville, &c.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XVII.

AN ACT to prevent citizens of other states from driving stock on the lands of the citizens of this state.

Preamble.

WHEREAS it is represented to this general assembly that divers persons, inhabitants of Kentucky, who have no lands in this state, make a practice of driving horses, cattle, and hogs, to winter and range on the lands of the citizens of this state:

Inhabitants of other states not to drive stock to range in this state, &c.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That hereafter no person or persons whatsoever, inhabitants of any other state, having no land in this state, shall presume to drive, lead, transport, or in any manner convey any horses, cattle or hogs, to winter or range on the lands of any citizen of this state, under the penalty of two dollars for each head so driven, to be recovered by warrant before any jurisdiction having cognizance thereof, by any person who will sue for the same, to be applied to his own use.

Inhabitants of this state not to give leave to foreigners to range their stock in this state, &c.

Sec. 2. *Be it enacted*, That no person or persons whatsoever, inhabitants of this state, shall give leave under any pretence, to an inhabitant of any other state, to drive stock of any description to winter or range on their land, unless he, she, or they keep such stock within the bounds of their own land; and in all cases of a breach of the above recited act, the person complaining may have his remedy by attachment as in other cases: *Provided*, that nothing herein contained shall be so construed as to authorize one inhabitant to attach the property of another; any thing to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XVIII.

AN ACT making compensation to Hezekiah Washington Balch.

BE it enacted by the General Assembly of the State of Tennessee, That Hezekiah Washington Balch, be allowed the sum of twenty dollars, as a compensation for his trouble and expence for conveying a certain John Copeland from Greeneville, to the jail of Hamilton district, and that the treasurer of Hamilton and Washington districts, pay the same, and said Balch's receipt shall be a sufficient voucher in the settlement of his accounts.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XIX.

AN ACT to divide the district of Mero into three separate and distinct juridical districts.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the counties of Robertson, Dickson, Montgomery, and Stuart, shall constitute a separate and distinct district, to be distinguished and known by the name of Robertson, in which shall be held in the town of Clarkville, two superior courts of law and courts of equity in each year, to commence on the first Monday of June and December, and may be continued twelve juridical days each term, the first court to commence on the first Monday of December next.

Robertson district.

Place and time of holding courts.

Sec. 2. *Be it enacted*, That the counties of Jackson, Smith, and Wilson, shall constitute another separate and distinct juridical district, to be distinguished and known by the name of Winchester, in which shall be held, in the town of Carthage, two superior courts of law and courts of equity in every year, to commence on the third Mondays of October and April, and may be continued twelve juridical days each term, the first court to commence on the third Monday of October next.

Winchester district.

Place & time of holding courts.

Sec. 3. *Be it enacted*, That the judges of the superior courts of law and courts of equity, shall possess and exercise as full power and authority in all cases, matters and things whatsoever, in the said districts of Robertson and Winchester, as they now do lawfully possess in any other district in this state.

Sec. 4. *Be it enacted*, That from and after the next term of the superior court of law and equity for the district of Mero, it shall be the duty of the clerk of the court of law, and also the clerk of the court of equity for said district of Mero, in all suits depending in said district, as well of a civil as criminal nature, where the defendant or defendants reside in either of the said districts of Robertson & Winchester within one month after the first court shall be held for said districts, cause the same to be deposited, properly certified, with the clerks of the said districts; those for the district of Robertson with the clerks of that district, and those for the district of Winchester with the clerks of that district; and the clerks of the said district of Mero, shall moreover send all papers that have been filed in the offices as evidence in the several suits transferred as aforesaid, to the respective clerks of said districts of Robertson and Winchester, which said papers and transcripts shall be filed by the said clerks in their respective offices, and all suits depending, docketed, & all & every of the said suits, of whatsoever nature, shall be held and deemed as completely valid and binding, both in law and equity, and the same proceedings, trial and judgment, shall be thereupon had, as if the same had originated

Clerk of Mero district to transmit a transcript, &c.

in either of the said districts of Robertson and Winchester; and the said clerks of the district of Mero, shall be entitled to all costs which may have accrued, together with the cost of such transcripts of suits transferred as aforesaid, which said costs shall be collected and accounted for, in the same manner, and under the same rules and restrictions, as if the same had been determined in the said district of Mero.

Mero district.

Sec. 5. *Be it enacted*, That the counties of Davidson, Sumner, Williamson, and Rutherford, shall continue to be and remain the district of Mero.

Sec. 6. *Be it enacted*, That the courts of the district of Winchester, shall continue to be held in the town of Carthage for four years hereafter, or until otherwise directed by the general assembly.

ROBERT C. FOSTER,

Speaker of the House of Representatives,

JOSEPH M. MINN,

Speaker of the Senate.

September 11, 1806.

CHAP. XX.

AN ACT for the regulation of the Town of Franklin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Sheriff of Williamson county, or his deputy, to open an election at the court house in Franklin, at twelve o'clock on the first Monday in November next, and close the same at four o'clock on the same day, having previously advertised the same at least ten days, on said court house door, for the purpose of electing by ballot five suitable persons to act as commissioners for said town, in which election every person possessing a lot, or part of a lot in the same, shall be entitled to vote; and no person shall be eligible to the office of commissioner, unless he then be an inhabitant or proprietor of a lot, or part of a lot in said town.

Sheriff to open and hold an election for commissioners, &c.

Persons eligible to vote.

Commissioners oath.

Sec. 2. *Be it enacted*, That the said commissioners, before they enter upon the duties of their office, shall take the following oath, *I, A. B. do swear or affirm (as the case may be) that I will faithfully execute and discharge the office of commissioner of the town of Franklin, to the best of my knowledge and abilities. SO HELP ME GOD.*

A quorum, &c.

Sec. 3. *Be it enacted*, That a majority of said commissioners shall constitute a quorum, and whenever vacancies shall happen by death, removal from town, or otherwise, a notice thereof, signed by the chairman and clerk, shall be delivered to the Sheriff, who, or his deputy, shall proceed, as soon as may be required, to hold an election to supply such vacancy, in the manner in this act directed.

To choose a chairman, treasurer, clerk, &c.

Sec. 4. *Be it enacted*, That said commissioners shall choose from their own body a suitable person to preside at

their meetings, who shall be known by the appellation of Chairman; they shall also appoint a treasurer and clerk, and said treasurer shall keep a regular and just account of all monies received and paid out by him, in a bound book kept for that purpose, which said book, with the monies then in the treasury, and other papers appertaining to said office, he shall deliver up to his successor; and the clerk shall keep in a bound book, kept for that purpose, a true and regular account of the proceeding of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary.

Sec. 5. *Be it enacted*, That said commissioners shall have power to call on all the inhabitants in said town, who would be liable to work on roads, to work on and keep in repair the streets, to appoint an overseer thereof, who shall collect such fines from those who refuse or neglect to work, as are directed in similar cases respecting roads; to prevent encroachments on the streets, or burials in the public square, and to abate or remove all nuisances whatsoever, at the expence of the party occasioning them; to procure a surveyor to re-survey said town agreeably to the original plan, and designate the lots by fixing a stone at the corners of each; and to enable the said commissioners to carry into effect the provisions of this act.

To call the inhabitants to work on the streets.

Sec. 6. *Be it enacted*, That they shall have power, and are hereby directed to lay a tax annually, not exceeding on each hundred dollars worth of town property, which they are to estimate, twelve and an half cents; on each white poll, not exceeding twelve and an half cents; on each black poll, not exceeding twenty-five cents; on each stud horse, not exceeding seventy-five cents; which said tax shall be collected by warrant, under the hands and seals of the chairman and clerk, and directed to the collector whom they may appoint, who is to be governed by the rules and regulations established by law for collecting and accounting for the state tax.

To levy a tax.

Sec. 7. *Be it enacted*, That the said commissioners shall annually appoint one of their own body to receive lists of taxable property and polls for said town, at the time and place, when and where the inhabitants shall give in for the state tax, and any person failing or neglecting to give in to said commissioners, upon his reporting the same, shall be liable to the fines and penalties directed by law in similar cases for the collection of the state tax.

How collected.

Sec. 8. *Be it enacted*, That no appropriation of money shall be made by said commissioners, except for the benefit or improvement of said town, agreeably to the directions of this act, or for defraying expences necessarily, from the carrying the same into execution; and it is not to be understood, that said commissioners are to receive any compensation for their services.

To appoint one of their body to take in taxable property, &c.

Sec. 9. *Be it enacted*, That where recoveries are not provided for by this act, it shall be lawful for said commissioners to sue for the same, before any authority having cognizance thereof.

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

September 11th, 1806.

CHAP. XXI.

AN ACT for erecting part of the county of Anderson, and part of the county of Claiborne, into a separate and distinct county.

Preamble.

WHEREAS the large extent of the counties of Anderson and Claiborne, renders it grievous and burthenome to many of the inhabitants thereof to attend courts, general musters, elections, and other public meetings therein. For remedy whereof:

Lines of Campbell county.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That the following described bounds be, and the same are hereby erected into a new and distinct county by the name of Campbell, to wit: Beginning at a point to be ascertained by running a direct line from the town of Burrville, in Anderson county, north, forty-five degrees east eleven miles, and running from thence, north, forty-five degrees west, to the Kentucky state line, or the northern boundary line of the state of Tennessee, from thence east, with the said boundary line, to a point on the same, from whence a line to be run at the angle of forty-five degrees, south east, shall cross Powell's Valley, at or near the house where James Davis formerly lived in said Valley, leaving said house in Campbell county not more than fifty poles, thence the same course continued, to the line of Grainger county, on the right bank of Clinch, thence down the said river of Clinch, agreeably to its various meanders, to a certain point that shall intersect the lines of Anderson and Claiborne counties, immediately on the said right bank of Clinch river, thence crossing said river, and running southwardly with the line that divides the counties of Anderson and Grainger, to the Chestnut Ridge, thence along the extreme height thereof, to a point from whence a line shall be run at the angle of north, forty-five degrees west, to the point the place of beginning.

Commissioners appointed to fix the court house.

Sec. 2. *Be it enacted*, That James Grant, William Hancock, Jacob Cloud, Robert Glen, Richard Linville, Sampson David, and John English, or a majority of them, be, and they are hereby appointed commissioners, and authorized to fix on and lay out a place the most suitable and convenient in said county, for the purpose of erecting a court house, prison and stocks.

Sec. 3. *Be it enacted*, That the aforesaid commissioners are hereby authorized and required, as soon as may be, after agreeing on the place whereon the said court house, prison, and stocks are to be erected in said county, they shall proceed to purchase any quantity of land, not exceeding forty acres, for which they shall cause a deed or deeds to be made to themselves, or successors in office, on which they shall cause a town to be laid off, with necessary streets and allies, reserving one acre as near the centre as may be, on which the court house, prison and stocks shall be erected, which shall be known by the name of Jacksborough; and when the town shall be thus laid off, the aforesaid commissioners are further requested to advertise for sale to the highest bidder, at a credit not exceeding twelve months, the lots of said town, giving sixty days previous notice thereof in the public papers printed at Knoxville, and shall take bonds with sufficient securities, to themselves or successors in office, and shall make titles to the purchasers, and the proceeds of the sales of said lots, shall go towards defraying the expence of the public buildings in the same, & contract & agree with suitable workmen for erecting and building at the place aforesaid, a court house, prison and stocks, for the use and benefit of said county, and shall, after advertising the same at least sixty days in the public papers, and at six of the most public places in the county, shall proceed to let the building of the same to the lowest bidder, and take bond and security from such undertaker, in the sum of five thousand dollars, for the fulfillment of his or their contract.

To lay off a town.

Lots to be sold to the highest bidder, &c.

Erecting public buildings to be let to the lowest bidder.

Contractor to give bond &c.

Sec. 4. And the better to enable the commissioners aforesaid to carry this act into effect, *Be it enacted*, That a tax of twelve and an half cents on each hundred acres of land; a tax of twenty five cents on each town lot; a tax of twenty-five cents on each slave between the age of twelve and fifty years; and a tax of twenty-five cents on each white male, between the age of twenty-one and fifty years, shall be collected in the said county for two years, by the sheriff or collector of the same, and accounted for and paid to the said commissioners, at the same time, and in the same manner, and under like penalties and restrictions; as is or may be directed for collecting, accounting for, and paying public taxes.

Tax to be laid

Sec. 5. *Be it enacted*, That before the said commissioners shall take into their hands any of the monies directed to be collected by this act, they shall enter into bond in the sum of five thousand dollars, payable to the governor and commander in chief, for the time being; conditioned for the faithful discharge of the trust reposed in them.

Commissioners to enter into bond.

Sec. 6. And for the due administration of justice in said county, *Be it enacted*, That the court of the said county of Campbell shall be held regularly by the justices of said county, on the first Mondays in December, March, June, and

Time and place of holding court &c.

September, in every year; and the justices for said county of Campbell, are hereby authorized and empowered to hold the first court for the same, at the house of Richard Linville, and all subsequent courts for said county, on the days above mentioned for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for said county of Campbell; and then all causes, matters and things, depending in said court, and all process returnable to the same, shall be adjourned to such court house, and all courts held in and for said county of Campbell, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for the courts for the several counties in this state.

Campbell county to be a part of Hamilton district.

Sec. 7. *Be it enacted*, That the aforesaid county of Campbell, shall be, and is hereby declared to compose a part of the district of Hamilton, in the same manner, and for all purposes civil and military, as the said counties of Anderson and Claiborne did previously to this county being taken off of them; and the said county of Campbell shall furnish two jurors to the superior courts of law and equity, for the district of Hamilton aforesaid.

Commissioners to run and mark the lines of the county.

Sec. 8. *Be it enacted*, That Jesse Roydsen, and Walter Evans, be appointed commissioners, who are authorized to run the dividing lines, and boundary lines, of and between the said counties of Campbell, Anderson and Claiborne, and designate the boundaries of said Campbell county, as herein before directed and described; that is, where the said line or lines are not already run or particularly pointed out by natural boundaries; for which services the said commissioners shall be allowed the sum of two dollars each per day, and the marker one dollar per day, the expence to be paid by the said county of Campbell.

Sheriff of Claiborne and Anderson to collect arrearages of taxes, &c.

Sec. 9. *Be it enacted*, That the present sheriffs and collectors of the counties of Anderson and Claiborne, be authorized to collect all arrearages of public taxes, which by law they were authorized to collect, in the same manner that he might or could do, before the said sectional parts, that now compose the county of Campbell, was taken off of said counties of Anderson and Claiborne.

Times of holding courts in Claiborne county, &c.

Sec. 10. *Be it enacted*, That in future the courts of Claiborne county shall be held on the fourth Mondays of November, February, May, and August, in each and every year, and all suits, causes, indictments, matters, and things, of what nature and kind soever, now pending in said court, shall, after the rise of the present term of said court, be adjourned over, and continued till the fourth Monday of November next, to all intents, constructions, and purposes; and in case the clerk of said court shall issue any writ or writs of *habeas corpus* ad *respondendum*, writ of *capias* ad *satisfac-*

endum, writ of *habeas corpus*, or any other writ or process whatsoever, returnable to any other day than the fourth Monday of November next, the same shall be returned on the said fourth Monday of November, and shall be as good and as valid in law, as if the same had been made returnable on the said fourth Monday of November; 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.

September 11, 1806.

CHAP. XXII.

AN ACT to amend an act, entitled, "An act to appoint a commissioner to run the line between the counties of Williamson, Davidson and Dickson."

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum due Henry Rutherford, for services rendered in running and marking the lines between Williamson, Davidson, and Dickson, pursuant to an act, entitled, "An act to appoint a commissioner to run the line between the counties of Williamson, Davidson, and Dickson," be apportioned between the said counties in the following manner, to wit: Williamson shall pay two fifths; the county of Davidson two fifths; and the county of Dickson one fifth, to be paid by their respective treasurers accordingly, to the said Henry Rutherford, whose receipts shall be sufficient vouchers in the settlement in said treasurers accounts.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11, 1806.

CHAP. XXIII.

AN ACT to authorize the inhabitants of Claiborne county living above the line which formerly divided the counties of Grainger and Hawkins, to hold separate elections.

WHEREAS the mountainous situation of the upper part of Claiborne county, renders it extremely inconvenient for the people inhabiting those parts, to attend elections holden at the court house of said county. For remedy whereof in future:

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That from & after the passing of this act, it shall and may be lawful for the inhabitants of Claiborne county, living above the line which formerly divided the counties of Grainger and Hawkins, to meet at the house where Henry Sumpter now lives, and

hold elections for governor, members to congress, members to the general assembly, and elector to elect a president and vice president of the United, and field officers of the militia for said county.

Sec. 2. *Be it enacted*, That it shall be the duty of the coroner, or deputy sheriff of Claiborne county, to open and hold an election at the house aforesaid, for the purpose of electing a governor, representatives to congress, members to the general assembly of this state, and an elector to elect a president and vice president of the United States, and field officers of the militia for the said county of Claiborne, on the days pointed out by the constitution and laws of this state, and subject to the rules and restrictions therein prescribed, and receive the ballots of the persons entitled to vote in the said bounds, under the rules and directions that are prescribed for holding elections in this state; and the ballots so taken, shall immediately after the close of any of said elections for governor, representatives to congress, members to the general assembly, elector to elect a president and vice president of the United States, and militia officers, be counted out by the officer holding the same, and a correct statement of the votes given to each candidate in the aforesaid bounds, certified by the said officer and inspectors of the election, enclosed and sealed, shall be returned by him to the court house in Tazewell, on the day succeeding the close of the election, to the sheriff or other proper returning officer for Claiborne county, which shall be received, and is hereby declared to be a part of any of the said elections for Claiborne county; and it shall be the further duty of the officer holding said elections, to enclose, seal, and return a correct statement of the number of votes given in the aforesaid bounds, certified as aforesaid, for each candidate offering to represent the counties of Grainger and Claiborne, in the senate of said state, to the court house in Rutledge, in Grainger county, on the day succeeding the close of any of said elections, to the sheriff or other proper returning officer for Grainger county, which shall be received, and is hereby declared to be a part of the election for the district composed of the counties of Grainger and Claiborne, so far as respects the election for senator to represent said counties; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XXIV.

AN ACT to re-annex the county of Wilson to Mero district, and to apportion the jurors of the different counties to the district of which they belong.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Wilson is hereby re-annexed to the district of Mero, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That after the first day of January next, and each succeeding year, the county of Davidson shall send twelve jurors; the county of Sumner eight; the county of Wilson six; the county of Williamson eight; and Rutherford five, to the district of Mero. And for the district of Winchester, the county of Smith shall send sixteen jurors; the county of Jackson twelve; the county of Overton seven; the county of White four. And for the district of Robertson, the county of Robertson shall send eleven jurors; Montgomery twelve; Dickson nine; and Stuart seven, to the respective courts of the district for which they are appointed.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XXV.

AN ACT supplementary to an act, entitled, An act appointing additional commissioners for the town of Blountsville, in the county of Sullivan, for the regulation thereof, passed 4th August, 1806.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall and may be lawful for the commissioners for the town of Blountsville, from time to time, when they may think it expedient, to pass such bye laws, and adopt such rules and regulations as they may deem proper, for the peace, safety, and welfare of the inhabitants of said town: *Provided*, they be not repugnant to the laws of this state.

Sec. 2. *Be it enacted*, That when the commissioners aforesaid, shall pass any bye laws, or adopt rules, &c. by which they inflict fines, or where forfeitures may accrue; and when any person or persons incurs such fines, or becomes liable to such forfeiture, by disobedience of laws, or regulations aforesaid, it shall and may be lawful for said commissioners to issue a warrant to enforce the payment, signed by the chairman of said commissioners, and attested by the clerk, directed to any constable of the county of Sullivan, who is hereby required to proceed in the same manner thereon, as if issued from a justice of the peace; any law to the contrary notwithstanding: *Provided*, no bye law shall be considered in force, until it shall be advertised on

Provide.

the court house door in Blountsville, ten days previous to its operation, by the chairman of said board of commissioners.

Any justice, &c.
to give judgment
&c.

Sec. 3. *Be it enacted*, That it shall be the duty of any justice of the peace before whom such warrant shall be returned, to proceed thereon as in other cases, observing the right of appeal to either party to the next county court, who are hereby authorized to take cognizance of the same.

Commissioners
to appoint a
clerk.

Sec. 4. *Be it enacted*, That said commissioners shall elect a suitable person as clerk, whose duty it shall be to keep a fair and regular statement of all the proceedings of said commissioners, in a well bound book to be kept for that purpose, for which he shall be allowed a reasonable compensation for his services, out of any money not otherwise appropriated.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 12th, 1806.

CHAP. XXVI.

An ACT concerning Edward Mitchell.

Preamble.

WHEREAS it has been represented to this general assembly, that Edward Mitchell the undertaker of the court house for Wilson county, has been greatly injured by his contract in erecting the same. For remedy whereof:

Court of Wilson
county to lay a
tax, &c.

Be it enacted by the General Assembly of the State of Tennessee, That the court of Wilson county are hereby authorized to lay an additional county tax, a majority of the justices being present, not exceeding six and one fourth cents on each white poll; not exceeding twelve and one half cents on each slave liable to taxation; not exceeding six and one fourth cents on each hundred acres of land; not exceeding one dollar for each stud horse kept for mares; not exceeding five dollars on each merchant, pedlar, or hawker, in any one year, for the purpose of making to the said Edward Mitchell, such further compensation as the said court may think just; and the sheriff of the said county of Wilson, is hereby authorized and required to collect and account for said taxes, under the same rules and restrictions, and for the same emoluments he is bound to collect public taxes, which shall be paid to the said Edward Mitchell, by the county trustee, by an order from the clerk of said court.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11, 1806.

CHAP. XXVII.

An ACT to reduce Jackson county to constitutional limits, & to form a new county east of the Military Reservation.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county of Jackson shall be reduced to constitutional limits, to wit: Beginning at the north east corner of Smith county, running thence east with the northern boundary of the state, to the south bank of Cumberland river, being the north east corner of the military reservation; thence south with the military line, twenty-one miles; thence south, twenty-three degrees east, so far as is necessary to leave six hundred and twenty-five square miles in the county of Jackson; thence west to the eastern boundary of Smith county, and with the same to the beginning.

Commissioners
to fix on a place
for the court
house, &c.

Sec. 2. *Be it enacted*, That Thomas Draper, Henry M. Kinney, Ferdinand Hamilton, William Sullivan, and John Dillingham, be, and are hereby appointed commissioners, who, or a majority of them, shall have full power and authority to purchase or procure sixty acres of land, as near the centre of said county, as water and other conveniences will admit or is practicable, on some part of which shall be erected the court house, prison and stocks, for the said county, upon the best terms it can be obtained, either by donation, or otherwise, and to take a deed or deeds of conveyance for the same, in their own names, as commissioners in trust for the county, which shall be good and valid in law or equity, and shall vest in them and their successors in office, a complete title for the uses in this act expressed; and the said commissioners shall, by a majority, have full power to elect any person or persons to fill any vacancies that may happen in their own body.

Sec. 3. *Be it enacted*, That the said commissioners, or a majority of them, shall, within one month after obtaining a title to sixty acres of land, as aforesaid, cause a town to be laid off thereon, to be called and known by the name of Williamsburg, for county purposes, reserving two acres as near the centre thereof, as may be convenient, on which shall be erected the court house, prison and stocks for said county, which two acres in the plan of said town, shall be denominated the public square.

To cause a town
to be laid off &c.

Sec. 4. *Be it enacted*, That the said commissioners, be, and are hereby authorized to sell the lots of said town at public sale, on a credit of twelve months, giving sixty days previous notice in the Tennessee Gazette, and by advertisement at six of the most public places in said county, and shall take bond and security for the payment of the purchase money, to themselves and successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute in due form of law, deeds of conveyance in fee simple for the same, to each purchaser, which shall be

To sell the lots

To execute deeds
thereof.

good and valid in law to all intents and purposes, and the money arising from the sale of the aforesaid lots, shall be applied by the said commissioners to the building of the court-house, prison and stocks, and they are authorized to contract with a suitable person or persons to erect the same, and the court house to contain convenient rooms for juries, and the prison to consist of two rooms at least.

To keep an account, &c.

The court authorized to lay a tax.

Sec. 5. *Be it enacted*, That the said commissioners shall keep a fair and regular account of all monies by them received and expended, which shall be laid before the court of the said county, when demanded; and if the monies arising from the sale of said lots, shall not be sufficient to defray the expences of sixty acres of land, and erecting the court-house, prison and stocks thereon, the court shall have full power by a county tax to make up the deficiency: *Provided*, that two thirds of the acting justices are present when the taxes are laid: *And provided also*, that the said tax shall not exceed twelve and one half cents on each white poll; not exceeding twenty-five cents on each black poll; not exceeding one dollar upon each stud horse kept for mares; not exceeding twelve and one half cents on every hundred acres of land; not exceeding five dollars on each merchant, pedlar or hawker, in any one year; which tax shall be collected in the same manner, and by the same persons, as public taxes are; and monies arising from the taxes shall be paid by the collector thereof, first deducting the same per cent. as is by law allowed for the collection of public taxes, into the hands of the aforesaid commissioners, or a majority of them, to be applied to the purposes aforesaid.

Commissioners to give bond and security.

Sec. 6. *Be it enacted*, That the aforesaid commissioners shall give bond with sufficient security, in the sum of five thousand dollars, payable to the chairman of the court of said county, and his successors in office, conditioned for the faithful performance of the duties enjoined on them by this act.

Court empowered to compel the commissioners to give an account of their expences, &c.

Sec. 7. *Be it enacted*, That the courts of pleas and quarter sessions for the county of Jackson, shall have power to compel the said commissioners to lay before them, as soon as said buildings are finished, a fair and regular statement of the costs and expences of the said purchase and buildings, together with their receipts for disbursements, and shall allow them a reasonable compensation for their services: *Provided*, a majority of said court be present when said allowance is made, and shall give them a certificate of the same, signed by the clerk thereof, which shall be paid by the county as aforesaid.

New county laid off called Overton.

Sec. 8. *Be it enacted*, That a new county be, and is hereby established by the name of Overton, on the east of Jackson county, bounded as follows: Beginning at the north east corner thereof, where Cumberland river enters the State; thence south twenty-one miles; thence south, twen-

ty-three degrees east, parallel with the upper boundary of Jackson county, about four miles to the wilderness road leading from Walton's Ferry; thence along the said road to the western boundary of Roane county; thence northwardly along the same, to the north boundary of this state; thence along the same west, to the beginning, including the territory within the bounds specified in the petition of the inhabitants resident therein, exhibited to the general assembly at this session, which bounds so specified in said petition, begins as above, and runs south twenty-one miles; thence south, twenty-three degrees east, four miles; thence east, twenty-five miles; thence north, twenty-three degrees west, four miles; thence due north twenty one miles, to the north boundary line of this state; then west with the same to the beginning.

Sec. 9. *Be it enacted*, That the first court to be held for the county of Overton, shall be held at the house of Benjamin Totton, and all subsequent courts until altered by law, shall have and exercise similar powers with any other county court in this state.

Place of holding court.

Sec. 10. *Be it enacted*, That all elections for members of the general assembly, the governor, and members of congress, shall be held at the court house, or place of holding court in said county, on the days on which elections for such purposes are authorized to be held; and the sheriff of the county of Overton, shall meet the sheriff of Jackson county, at the court house of said county of Jackson, on the succeeding Monday, and with him examine the respective polls of election for both counties, and declare the person who may have the greatest number of votes duly elected to the general assembly, and give certificates accordingly; and it shall be the duty of said sheriff, to transmit a statement of said polls of election for governor and members of congress, to the speaker of the senate, in the same manner as directed by law.

Elections to be held at the court house.

Sec. 11. *Be it enacted*, That it shall be the duty of the sheriff of the county of Overton, to hold an election at the place of holding court, on the first Thursday and succeeding day in February next, for the purpose of electing one colonel and two majors for said county, under the rules, regulations and restrictions, as are prescribed by law for the elections of such officers.

Sheriff to hold an election for militia officers.

Sec. 12. *Be it enacted*, That the election for company officers for said county, shall be held at their respective muster grounds, on the third Thursday in February next, in the same manner and form as is appointed by law for electing company militia officers.

Sec. 13. *Be it enacted*, That it shall be lawful for the sheriff of Jackson county to collect the taxes for the year eighteen hundred and six, and all arrearages of taxes for any preceeding year, and in the same manner, and with full authority, as if this law had never been passed.

Sheriff of Jackson county to collect taxes for 1806.

Section 14. *Be it enacted*, That the county of Overton shall be in all cases whatsoever, considered as part of the district of Winchester.

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

September 11th, 1806.

CHAP. XXVIII.

An ACT providing for the election of Commissioners in the towns of Denardridge, Gallatin, and Rogersville, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That five commissioners shall be chosen on such day as the court of the counties of Jefferson, Sumner and Hawkins shall appoint; and the courts respectively of each county shall direct their sheriff to advertise the said election at three of the most public places in each town, at least ten days previous thereto, and each sheriff, by himself or deputy, shall attend at the court house of his county, on the day appointed, at the hour of ten o'clock, A. M. and in the presence of two inspectors of the election, by him chosen for that purpose, shall open the poll, and receive the tickets of each person entitled to vote; and the said election shall be closed at four o'clock, P. M. of the same day, at which time the sheriff or his deputy, shall examine and count out the votes given for each candidate, and the five highest in number of votes, shall be declared duly elected; and in like manner, the sheriff of each of the counties aforesaid, shall once in every two years, calculating from the date of the first election, open and hold a similar election, under the penalty of one hundred dollars for every neglect or refusal, to be recovered by action of debt, in the court of the county where such neglect or refusal took place, one half to the treasury of the town, the other to the person who may sue for the same. And the commissioners chosen by virtue of this act, shall, before they enter upon the duties of their appointment, take the following oath, namely: *I, A. B. do solemnly swear or affirm, (as the case may be) that I will faithfully discharge the duties imposed on me as commissioner of the town of* ; *and that I will not in any case give my vote or assent to any rule or regulation relative to said town of* , *unless it does appear consistent with the true interest and dignity thereof, and agreeable to law.* SO HELP ME GOD.

Sec. 2. *Be it enacted*, That the commissioners appointed in virtue of this act, shall choose a suitable person as clerk, who shall hold his appointment during good behavior, who shall be allowed such salary as the commissioners

shall adjudge reasonable and just; and in the mean time enter into bond with approved security, in the sum of five hundred dollars, conditioned for the due and faithful performance of the duties of his office; whose books and papers every person may have access to, by paying twenty-five cents for each search, and the like sum for each copy of any order or rule entered on his book; and on neglect or refusal of any clerk to permit such search, or to give a copy as aforesaid, he shall forfeit ten dollars, to be recovered before any competent authority, and applied to the use of the party aggrieved.

Sec. 3. *Be it enacted*, That the commissioners shall appoint a treasurer, who shall hold his appointment for the space of two years, and whose duty it shall be to receive and account for all monies committed to him in virtue of this act; and at all times make prompt and regular disbursements, under the directions of the commissioners, who shall cause said treasurer to enter into bond, with approved security, in the sum of five hundred dollars, payable to the chairman or presiding commissioner, for the time being, and his successor in office, conditioned for the faithful discharge of his duties as treasurer, for the town of which he may be chosen treasurer as aforesaid.

Sec. 4. *Be it enacted*, That the commissioners shall annually levy a tax on each town lot not exceeding fifty cents; on each taxable white poll, not exceeding twelve and an half cents; on each taxable slave, not exceeding twenty-five cents; which tax shall be collected by a warrant under the hand and seal of the chairman of the committee, directed to the sheriff, or such other person as the commissioners may appoint; and said collector shall have power to make distress, when it may be necessary, under the same rules and regulations, as are prescribed for collecting public taxes, and pay all monies by him collected, into the hands of the town treasurer, first deducting six per cent. as commissions; and all monies so collected, shall be appropriated to the express use of improving the town, and paying officers for transacting the business thereof, under the directions of the commissioners.

Sec. 5. *Be it enacted*, That the inhabitants of each town enumerated in this act, be notified by an advertisement, under the hand of the chairman, requesting each citizen to attend at the court house, upon such day as may be appointed, for the purpose of returning taxable property; observing therein, the same rules as directed for taking lists of public taxes; and on failure to attend by themselves or agents, and return lists of property as aforesaid, shall be liable to similar penalties, as in like cases heretofore directed by law.

Sec. 6. *Be it enacted*, That where any encroachment hereafter may be made on any of the streets, which the

commissioners may apprehend to be injurious, they shall order the same to be removed by the owner or person in possession of such lot; and if the same is not done within sixty days after such order, the commissioners may impose such fine as they may judge proper, not exceeding twenty dollars, and continue to give notice as aforesaid, and on failure as aforesaid, impose and collect fines as aforesaid, until the nuisance or impediment is removed: *Provided*, that no cellar-door shall be considered as an encroachment, unless it extend more than six feet into the street; and all fines and forfeitures imposed by virtue of this act, shall be collected by warrant, under the hand and seal of the chairman, and applied to the use and benefit of the towns respectively, as contemplated by this act.

Persons entitled to vote.

Sec. 7. *Be it enacted*, That no person shall be entitled to vote for the commissioners aforesaid, unless they be inhabitants of the town, or owners of lots, and in all other respects qualified to vote for governor, members of the assembly, &c.; nor shall any person be eligible to act as commissioner, unless he is the owner of one lot at least, in the town of which he may be an inhabitant; and when any vacancy shall happen in the board of commissioners, either by death or otherwise, the same shall be filled; if the chairman, by advertisement under the hands of a majority of the commissioners; and if any other of the board, by advertisement under the hand of the chairman.

Commissioners to cause a plan of the town to be made.

Sec. 8. *Be it enacted*, That it shall be the duty of the commissioners, within twelve months after entering upon the duties of their appointment, to cause an accurate plan of the towns aforesaid, respectively, to be made under their hand and seal, and recorded in the court of the county wherein such town is situate, and registered in the register's office of the same, and to designate the four corners of the public lot, by placing at each corner a stone, at least eighteen inches in the ground, and twelve inches above the surface, and to use their utmost care that the same be not removed or effaced; the expence of which shall be defrayed out of any monies in the town treasury: *And it is further provided*, that if the commissioners think it expedient, they may designate each lot in like manner, the cost whereof shall be defrayed as aforesaid.

Commissioners of Rogersville to receive additional lots, &c.

Sec. 9. *Be it enacted*, That the commissioners, or a majority of them, hereafter to be appointed for the town of Rogersville, in virtue of this act, be, and they are hereby vested with full power to receive additional lots for enlarging the town aforesaid, from any person owning lands adjoining thereto, which lots shall be laid out and divided by proper streets and allies, agreeable to the original plan of said town, and shall compose a part thereof, giving to the inhabitants and owners of lots, equal privileges in all rel-

pects whatever, with those now resident in the town of Rogersville.

Sec. 10. *Be it enacted*, That the commissioners chosen for each of the towns aforesaid, respectively, or a majority of them, shall have power to make all necessary bye laws, rules, and regulations, which may be consistent with the interest of the towns aforesaid, and which are not repugnant to the constitution and laws of this state.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XXIX.

An ACT to amend an act, entitled, "An act appointing commissioners for the regulation of the town of Tazewell, in the county of Claiborne," passed October the 18th, 1805.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners appointed by the above recited act, shall have power to choose annually by ballot, a chairman, treasurer and clerk, and to make such other rules and bye laws, as to them may appear best, for the good order and regulation of said town, and which shall not be inconsistent with the constitution and laws of this state. The treasurer, so appointed, shall keep a regular account of all monies by him received and paid out, in a book kept by him for that purpose; and the clerk, in a bound book, shall keep a true and regular account of the proceedings of said commissioners, and shall advertise at the court house in said town, the rules and regulations of the same, whenever the commissioners may deem it proper. The clerk may qualify the members, and others when in session, and may be allowed one dollar per day that he attends said commissioners; and when a new clerk or treasurer is chosen, the former shall deliver up to their successor all monies, books, papers, &c. belonging to their respective offices, under the penalty of three hundred dollars.

To appoint a chairman, treasurer & clerk.

And make bye laws, &c.

Duties of the treasurer.

Of the clerk.

Clerk to qualify members.

Sec. 2. *Be it enacted*, That the said commissioners may employ a suitable person to survey and designate the lots of said town, by fixing a stone at the corner of each lot; he shall also make a plan or map of said town, on a large scale, on which shall be marked the number of each lot, and the name of the original purchaser, which plan shall be entered at large by the commissioners clerk, and shall thence forward be the plat by which every proprietor of a lot or lots, shall be regulated in ascertaining their rights; and the clerk shall grant a copy of the same to any applicant, on his first paying to the clerk fifty cents.

Commissioners to have the lots designated, and a plan made, &c.

To lay off addi-
tional lots, &c.

Sec. 3. *Be it enacted*, That the said commissioners of a majority of them, shall have power to lay off on any vacant ground belonging to said town, any number of quarter acre lots, not exceeding ten, which lots shall be sold at public sale, first giving thirty days previous notice, giving such credits as they may think proper, and to take bond and security from the respective purchasers, payable to the treasurer for the time being, and his successor in office, whose duty it shall be to sue for and collect the same.

Tax to be laid on
certain condi-
tions.

Sec. 4. *Be it enacted*, That if the sales of said lots is not sufficient to defray the expense of surveying, marking, and other expenses of said town, the commissioners shall have power to lay a tax annually, (on the inhabitants living in said town, and subject to pay state and county tax) not exceeding fifty cents on each town lot; twenty-five cents on each white poll; fifty cents on each black poll; one dollar on each merchant that sells goods in said town; one dollar on each tavern keeper, which tax shall be collected by warrant under hand and seal of the chairman and clerk, directed to the collector of the county tax, whose duty it shall be to collect and pay the same to the treasurer of said board, and shall be allowed the same as for collecting county tax.

To appoint one
to take in taxa-
ble property.

Sec. 5. *Be it enacted*, That the said commissioners shall appoint one of their own body annually, to take in a list of taxable polls and property subject to taxation in said town, at such time and place as he may think proper, within the vicinity of the same.

Appropriation of
money.

Sec. 6. *Be it enacted*, That no appropriation of money shall be made by said commissioners, only for the benefit and improvement of said town, or for defraying the expenses of carrying the same into effect; and no money shall be drawn from the treasurer except by warrant under hand and seal of the chairman and clerk, and the treasurer shall be allowed the same compensation for receiving, paying, and accounting for all monies that may come into his hands by virtue of this act, as county trustees have for similar services.

To appoint an
overseer who
may call on, &c.

Sec. 7. *Be it enacted*, That the commissioners shall appoint a suitable person living in said town, to act as overseer, whose duty it shall be to serve for one year, under the penalty of ten dollars; he shall call on all the hands living in the vicinity of said town, and subject to work on roads, to aid and assist in clearing the streets and allies of said town, and to remove such nuisances as to the commissioners may seem necessary; and any person failing or refusing to work and assist as above, when called on, first having three days previous notice, shall be fined as in cases of roads and highways, to be collected by the overseer, and by him laid out in hiring other hands to work on said streets and allies.

Sec. 8. *Be it enacted*, That the commissioners shall, be-

fore they enter upon the duties of their appointment, take an oath faithfully to execute the office of commissioner for the town of Tazewell, in the county of Claiborne, according to law, and the best of their understanding. The clerk shall take an oath to perform the duties of his appointment as clerk of said board of commissioners; and the treasurer shall give bond and security to the chairman, for the receiving, safe keeping, and accounting for all money which may come into his hands by virtue of this act.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1866.

CHAP. XXX.

AN ACT for the regulation of Rutledge, in the county of Grainger.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Cocke, William McNeil, Frederick Myers, William Keith, and Ambrose Yancey, be, and they are hereby appointed commissioners for the town of Rutledge, in the county of Grainger, and they shall, previous to performing any duties by this act required, severally take the following oath, before some justice of the peace for the county aforesaid, to wit: *I, A. B. do swear, that I will well, truly, and impartially perform the duties imposed on me as commissioner for the town of Rutledge, according to the best of my understanding.*

Sec. 2. *Be it enacted*, That a majority of said commissioners shall be capable of proceeding to business; they shall appoint one of their own body as treasurer, who shall enter into bond with such security as the commissioners may deem necessary, in the sum of five hundred dollars, conditioned for the faithful accounting for all monies that may come into his hands, for the use of said town, by taxation or otherwise. They shall also appoint a clerk who shall take an oath to record all the proceedings of said board and in all respects to do the duties of clerk to said board, according to the best of his understanding; and it shall be the duty of said clerk, to keep a regular and accurate record of all the proceedings of said board, and farther to do and perform all the business that is incumbent on a clerk of such a board to perform. And the said commissioners shall make to such clerk a reasonable allowance for his services; they shall also appoint a collector who shall enter into bond and security in the sum of five hundred dollars for the faithful execution of his office; and he is hereby vested with the same power within the bounds of said town, as the county collectors are vested with in collecting public taxes, and shall receive at

A majority of
whom may pro-
ceed to business
and appoint a
treasurer, &c.

And appoint a
clerk, &c.

the rate of six per cent, upon all monies by him collected as by this act directed; they shall also appoint one of their board to preside at their meetings as chairman.

To lay a tax &c. Sec. 3. *Be it enacted*, That said commissioners, are hereby vested with full power and authority to lay a tax yearly; on each town lot, not exceeding fifty cents; on each white poll, not exceeding twenty-five cents; on each black poll, not exceeding fifty cents; and they shall appoint one of their board to attend at any place they may think proper within the bounds of said town, at the usual time for taking in taxable property, to take in the taxable property of said town, whose duty it shall be, to give fifteen days previous notice of the time and place he will attend for that purpose, by advertising the same at three of the most public places in said town, who shall make his return to the board, and the clerk shall enter the same on record; and in case any owner of a lot or lots in said town, shall fail to give in said lot or lots as contemplated by this act, and maketh default for the space of twenty days, he, she, or they so failing, shall forfeit and pay the sum of three dollars, for the use of said town, and the said commissioners shall issue an execution for the same, directed to their collector, signed by the chairman, and attested by the clerk; and it shall be the duty of said collector, upon receiving said execution, to proceed to distrain for the same, and if no personal property be found in said town, he shall levy on such lot or lots, and expose the same to sale, under the same rules and regulations that are prescribed for the sale of other lands; and it shall be the duty of said commissioners to make out a true and accurate copy of the taxable property taken as aforesaid, and annex thereto the sums due from each individual, on the different species of taxable property as aforesaid, which shall be signed by the chairman and attested by the clerk; which copy so made out, shall be delivered to the collector, who is hereby required to collect the same, and is vested with the same power to collect and distress (if necessary) as the collectors of public taxes are.

To pass byelaws &c. Sec. 4. *Be it enacted*, That the commissioners aforesaid shall have power and authority to pass such bye laws, and adopt such regulations as they may deem necessary for the good government of said town, and for the peace, health, and safety of the inhabitants of the same, and their property, and for the preservation and improvement of the springs from which said inhabitants procure their water; and further, to annex penalties and forfeitures for the breach of said bye laws and regulations: *Provided always*, that none of the bye laws or regulations made by said commissioners, shall take effect, until a copy thereof, signed by the chairman of said board, and attested by the clerk, shall first have been advertised at least twenty days on the court house door in said town.

Sec. 5. *Be it enacted*, That all taxes laid, and penalties and forfeitures inflicted by virtue of this act, shall be applied by said commissioners to the repairing and keeping in order the streets of said town, and such other things as they shall deem requisite for the good order thereof.

Sec. 6. *Be it enacted*, That in case of any vacancy happening in said board, by death, resignation or otherwise, it shall be the duty of said commissioners, or a majority of them, to fill such vacancy until the next general assembly; and the commissioners so appointed, shall take the same oath, and have the same power and authority that is vested in the commissioners appointed by this act.

Sec. 7. *Be it enacted*, That the inhabitants of said town are hereby exempted from working on roads without the bounds of said town.

Sec. 8. *Be it enacted*, That this act shall be in force from and after the first day of January next.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XXXI.

An ACT for opening a turnpike road from the waters of Poplar creek, (Roane county) through the wilderness, between the head of Wolf and Obeds rivers, as far in towards Jackson county as the commissioners thereof may think proper.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Hawkins Windle, Thomas Paris, and William Evans, are hereby appointed commissioners for the purpose of viewing the most eligible way to open a public road from the waters of Poplar creek, (Roane county) over Cumberland mountain, between the head of Wolf and Obeds rivers, as far as said commissioners may think proper towards Jackson county. And when said commissioners have designated the most eligible way to open said road, they shall be authorized to let the opening and repairing said road to some fit person, who will be authorized to erect a turnpike thereon, as soon as the said road is in fit & proper condition for the passage of waggons, carts, and travellers; and receive toll at the rate of twelve and one half cents for each man and horse; one dollar for each waggon and team; six and one fourth cents for all taxable slaves; fifty cents for each cart, or two wheeled carriage and team; and one dollar for each pleasure carriage, for a term not exceeding ten years.

Sec. 2. *Be it enacted*, That on or before the first day of November next, the said commissioners shall proceed to give notice, by advertising the same in two newspapers, one at

Moreville, and one at Nashville, that they will receive the poles at the place of holding court in Overton county, for opening and keeping in repair said road, the shortest period of time, not exceeding ten years; and the person proposing to open and keep said road in repair for the toll, for the shortest period of time, shall immediately give bond with approved security, to be approved of by said commissioners, for the faithful discharge of the duties hereby imposed on him or them, in the sum of five thousand dollars, payable to the governor for the time being, and his successors in office to be lodged by said commissioners in the office of the secretary of state.

Sec. 3. *Be it enacted*, That the person undertaking said road, shall immediately proceed to open said road, and to build bridges and causeways over swamps and creeks where they may be necessary; to open the road at least twenty feet, and where the same is bridged and causewayed, to be at least twelve feet in the centre, clear of stumps and rocks; and when the same shall be opened agreeably to the provisions of this act, the said commissioners are hereby authorized to grant licence to said person to erect a turnpike thereon, at any place on said road most convenient, and to receive for the time he shall have so hold said road, the toll herein before named.

Sec. 4. *Be it enacted*, That it shall be the duty of said commissioners to give said road once in every three months; and if at any time said keeper of the road and turnpike shall suffer the same to be out of repair for the space of one month, said commissioners are hereby authorized to declare the licence of such person void, and may proceed to let the same to any other proper person, who will comply with the provisions of this act; *Provided*, that whenever said commissioners may notify said person that the road is out of repair, if he will put the same in proper repair within four weeks, he shall not for said offence be subject to a forfeiture of said turnpike.

Sec. 5. *Be it enacted*, That said commissioners be entitled to receive for each day by them employed in viewing said road, the sum of two dollars per day, to be paid by the undertaker; and the said undertaker shall not be entitled to receive any toll as aforesaid, until he or they takes and subscribes before some one of the judges of the superior court, or some justice of the peace in this state, the following oath. *I, A. B. do swear or affirm (as the case may be) that I will not aid or demand directly or indirectly, from any person passing through said turnpike, any greater toll, age than by law is directed.* SO HELP ME GOD.

Sec. 6. *Be it enacted*, That said commissioners, before entering on the duties of their appointment, shall take and subscribe the following oath before some justice of Overton county. *I do swear or affirm (as the case may be) that I*

will do equal and impartial justice to the public, to the best of my skill and knowledge. SO HELP ME GOD.

Sec. 7. *Be it enacted*, That if any person shall attempt, by or clandestinely pass the said turnpike, within two miles in order to evade payment of the toll prescribed by this act, he, she, or they, shall forfeit and pay the sum of two dollars for every such offence, to the keeper of said turnpike, recoverable by action of debt, before any justice of this state.

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

September 11th, 1866.

CHAP. XXXII.

AN ACT to amend the law in force and now concerning free negroes, mulattoes and slaves.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, every free negro or mulatto, who resides in any county in this state, shall be registered and numbered in a book to be kept for that purpose, by the clerk of the court of said county, which register shall specify the age, name, colour, and stature of each free negro or mulatto, together with any apparent mark or scar, on his or her face, head, or hands, and in what court, or by what authority he or she was emancipated, or that such negro or mulatto was born free; a copy of such register, certified by the clerk, and attested by a justice of the peace of the county wherein such register shall be made, shall be delivered to the said negro or mulatto, on application, for which copy the clerk may demand and receive the sum of twenty-five cents.

Sec. 2. *Be it enacted*, That it shall be lawful for any free negro or mulatto, to apprehend and carry before a justice of the peace, any free negro or mulatto, who may be found at travelling out of the county of his residence, without a copy of the register of his emancipation, as required in the first section of this act; and it shall be the duty of such justice to commit said free negro or mulatto to the jail of his county, there to remain until such copy is produced, and the jailor's fees paid.

Sec. 3. *Be it enacted*, That riots, riots, unlawful assemblages, trespasses, and seditious speeches by a slave or slave, or any insulting or provoking language used by such slave or slaves to any white person, shall be punished by stripes at the discretion of a justice of the peace, and he or they who will, may apprehend and carry him, her, or them, before such justice.

Sec. 4. *Be it enacted*, That if any white person, free negro or mulatto, shall at any time be found in company

Any person who, with slaves at any unlawful meeting or shall harbor or entertain any slave, without the consent of his or her owner, such person being thereof convicted, shall forfeit and pay a sum not exceeding twenty dollars, nor less than ten dollars for every such offence, to be applied to the use of the poor in the county where such conviction shall take place.

Militia captains to appoint patrols.
 Sec. 5. *Be it enacted*, That it shall be the duty of each captain of every militia company in this state, as often as they may deem it necessary, to appoint patrols to act within the bounds of their respective companies; and such patrols when appointed, shall have power to search all negro houses and suspected places within the bounds of their company, and every negro slave found at any such place, or off his owners plantation in the night time, without a pass in writing, from his or her master, mistress, or owner, shall receive on his or her bare back, fifteen stripes well laid on, under the direction of such patrol; and every free negro or mulatto, so as aforesaid taken up at unlawful hours, or in company of any slave or slaves, shall receive the like punishment: The captains of their respective companies shall so lay off to each patrol by them appointed, such bounds as he may deem proper, so that a patrol may be on duty as often as circumstances may require.

Commissioners of towns to appoint patrols.
 Sec. 6. *Be it enacted*, That it shall be the duty of the commissioners of every town in this state, to appoint patrols of their respective towns, for the purpose of searching all negro houses and other suspected places, where they may have reason to believe there may be any negro or mulatto concealed in the night time, or on a visit to such place, contrary to the true intent and meaning of this act; and such patrols when appointed, shall have power to search all negro houses and suspected places within two miles of said town, and every negro or slave found at any such place, or off his owners plantation in the night time, shall receive on his or her bare back not more than fifteen stripes, well laid on, under the direction of such patrol; and every free negro and mulatto, so as aforesaid taken up at unlawful hours, or in company of any slave or slaves, shall receive the like punishment.

Sec. 7. *Be it enacted*, That the commissioners of each town shall so lay off their respective towns, that a patrol may be on duty every night; and where from the fewness of the citizens of any town, it shall be impracticable, they shall so order that a patrol may be on duty as often as circumstances will require.

Every person appointed a patrol and not attending, to pay a fine.
 Sec. 8. *Be it enacted*, That every person appointed a patrol by virtue of this act, whether the same be within a town or in the country, and not being notified thereof in writing by the board of commissioners, or captain of a company as the case may be, and shall fail, refuse, or neglect to perform strictly the duties of such appointment, shall for

every such offence, forfeit and pay the sum of five dollars, to be applied, if in the country, towards lessening the county tax, and if in the town towards repairing the streets thereof, and to be recovered by warrant in the name of the chairman of the board of commissioners for said town, or in the name of the captain of such militia company, as the case may be.

Sec. 9. *Be it enacted*, That all forfeitures and penalties mentioned in this act, where no specific remedy is pointed out for the recovery thereof, shall be sued for, by any person whatever, and before any jurisdiction having cognizance thereof, one half to the use of such person, and the other to the county, and applied to the lessening of the county tax.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 18th, 1826.

CHAP. XXXIII.

An Act to incorporate the inhabitants of the town of Nashville, in the county of Davidson.

WHEREAS it is found by experience, that the good order, health, peace, and safety of growing towns cannot be preserved, nor the evils and accidents to which they are subject, avoided or remedied, without an internal power commensurate to establish a police and regulation fitted to their particular circumstances, wants, and exigencies. - Therefore:

Incorporated.
 Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Nashville, in the county of Davidson, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Nashville, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal.

To pass laws, &c.
 Sec. 2. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of the town, prevent and remove nuisances, to establish night watches or patrols, to ascertain, when necessary, the boundary and location of streets, lots, and allies, to establish new streets, lanes and allies, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and allies; to provide for licensing and regulating auctions; to restrain and prohibit gaming, and to provide for licensing, regulating, or restraining theatrical or other public amuse-