

To keep these means within the town : to pave and keep in repair the streets, and to pass all regulations necessary for the same :

To establish and regulate necessary inspections within the town, to erect and regulate markets, to appoint a recorder and high constable, to provide for the licensing and regulating a fire company, the sweeping of chimneys, by the neglect of which the safety of the town may be endangered : to establish and regulate bye wards, and fire companies : to erect and regulate pumps on the public square, streets, lanes, and alleys, or convey water from the vicinity into the town : to impose and appropriate fines, penalties and forfeitures for the breach of their bye laws or ordinances : to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town : to regulate and restrain tipping houses, and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect : *Provided*, they are not incompatible with the constitution and laws of this State.

Sec. 3. Be it enacted, That the laws and ordinances of any town or corporation shall be in no wise obligatory upon the persons or property of non-residents of said town, being citizens of this State, unless in cases of intentional violation of by-laws or ordinances, previously promulgated.

Sec. 4. Be it enacted, That all fines, penalties, and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single magistrate ; and if exceeding that sum, then to be recovered by action of debt, in the county court of Davidson, in the name of the corporation, and for the use of the town.

Sec. 5. Be it enacted, That it shall be the duty of the Mayor and aldermen of Davidson county, to hold an election at the court house in said town, on the first day of October in each and every year, for the purpose of electing a mayor and six aldermen for said town, who shall continue as such for one year, and no longer, unless they be re-elected ; and no person shall be eligible to the appointment of mayor and aldermen, unless he be a citizen and free holder of said town ; nor shall any person be entitled to vote at said election, but the citizens of said town, and such as possess real property within the same.

Sec. 6. Be it enacted, That all laws and parts of laws appointing commissioners for the regulation of the town of Nashville, be, and the same are hereby repealed, and that this act shall commence and be in force from and after the passage thereof.

Speaker of the House of Representatives.

JOSEPH McMINN,

Speaker of the Senate.

September 11th, 1866.

AN ACT creating the Commissioners of the town of Kingman, in the county of Rowan, with more ample powers for the regulation of said town, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of the town of Kingman, aforesaid, shall have power to make such rules and regulations, as they may deem necessary for the good order of said town, and the preservation of the health of the citizens thereof : *Provided*, that the same be not inconsistent with the laws and constitution of this State.

Sec. 2. Be it enacted, That the commissioners shall have power, when any citizen or other person shall disobey any of the rules and regulations which they shall make as aforesaid, to levy and collect for such offence, a fine not exceeding fifty cents ; and if a slave shall disobey or break any of the rules and regulations which shall be made as aforesaid, such slave shall, by order of the commissioners, receive punishment at the public whipping post, not exceeding twenty lashes for one offence, at any one time.

Sec. 3. Be it enacted, That all fines and forfeitures collected by virtue of this act, shall be appropriated to the sole use of said town : *Provided*, that the rules and regulations to be adopted by said commissioners, shall not be binding, until the same shall have been advertised on the court house door in said town, for the space of one week.

Sec. 4. Be it enacted, That all fines levied, and taxes laid by said commissioners, shall be collected and accounted for, in such manner as said commissioners may deem most conducive to the benefit of said town ; and said commissioners shall have power to employ a fit person to inflict punishment, and to act as patrol for said town.

Sec. 5. Be it enacted, That the commissioners of said town shall have power to enlarge the same, by adding thereto any number of lots not exceeding thirty acres, from any lands adjoining the original plan of said town, the consent of the owner or owners of such land being first obtained ; and such lots, when laid out according to the plan of said town, shall be taken as a part thereof ; any law to the contrary notwithstanding.

Sec. 6. Be it enacted, That the said commissioners shall have power to employ a fit person to re-survey said town, and cause the several corners of the different quarters thereof, to be designated by fixing a stone at said corners, at least eighteen inches in the ground, and twelve inches above the ground, and to cause a new plat thereof to be made agreeably to such survey ; which plat, when made, shall be signed by the commissioners of said town, and deposited in the re-

To give notice for government of the town.

To collect fines for breaches &c.

Commissioners empowered to enlarge the town

gister's office of said county, for the benefit of such persons as may be interested in the same.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

September 11, 1806.

CHAP. XXXV.

AN ACT to appropriate a sum of Money heretofore appropriated, for opening the road from Roane's Creek Iron Works, in the upper end of Carter county, to the line of North Carolina, so as to meet a road from Ashe court house to the state of Tennessee.

WHEREAS it is represented to this general assembly, that a road has been opened from Ashe court house, in the state of North Carolina, to the line of this state, and that the country from the line of this state, to Roane's Creek Iron Works, is very mountainous, and cannot be opened by the general provision in the road laws; and that if a road was well opened, it would afford an easy communication between the two states; and greatly shorten the distance. Therefore:

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the court of pleas and quarter sessions of Carter county, at the next court of pleas, &c. to be held for said county, on the second Monday of November next, or at any subsequent session, shall appoint a suitable person to cut and open said road, in the manner pointed out by the law now in force and use on the subject of roads; whose duty it shall be, to enter into bond and approved security, in the sum of one thousand dollars, payable to the chairman of said court, and his successors in office, with condition to apply and dispose of the money appropriated by this act, in the most economical manner, and to make due return to the said court, of the manner in which the money has been expended on said road; and if the court shall be dissatisfied with the manner in which said money has been expended, they shall refuse to receive said return, and direct the attorney for the state to institute a suit on the said bond, and recover back the said sum of money in this act hereafter mentioned.

Sec. 2. *Be it enacted*, That the governor for the time being, shall be, and he is hereby authorized to issue a warrant in favor of the chairman of the court of said county of Carter, for the sum of two hundred dollars, as soon as the clerk of said court shall notify him that the court has made the appointment in this act contemplated; which said warrant on the treasury, shall be directed to the treasurer of Washington and Hamilton districts, whose duty it shall be to pay the same out of any money in the treasury not other-

wise appropriated; and the said warrant shall be sufficient for the treasurer in the settlement of his accounts.

Sec. 3. *Be it enacted*, That the court of said county of Carter, shall be, and they are hereby authorized to make an allowance of compensation to the undertaker of said road; a majority of the justices being present, which allowance shall be paid by the treasurer of Carter county, out of any funds of said county not otherwise appropriated.

Sec. 4. *Be it enacted*, That as soon as the chairman of the said court shall receive the draft on the treasury, he shall deliver it to the undertaker of said road, for the purpose of his receiving the money thereon.

Sec. 5. *Be it enacted*, That an act of the general assembly of the state of Tennessee, entitled, "An act authorising the court of pleas and quarter sessions of the county of Carter, to open a certain road, and fix a turnpike thereon," passed 29th October, 1801, be, and the same is hereby repealed.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

September 11, 1806.

CHAP. XXXVI.

AN ACT to form a new county south of the counties of Wilson, Smith, Jackson, and Overton.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That a new county be, and is hereby established on the south, and adjoining the aforesaid counties of Wilson, Smith, Jackson, and Overton; by the name of White; bounded as follows, viz: Beginning in the late Indian boundary line, at the south west corner of said Wilson county; thence eastwardly with the said counties of Wilson, Smith, Jackson, and Overton, to the west boundary of Roane county; thence southwardly with the line of said Roane county, to the south boundary line of this state; thence with the said south boundary line to the south east corner of Rutherford county; thence north with the east boundary line of Rutherford county, to the beginning aforesaid.

County established by the name of White.

Boundary.

Sec. 2. And for the due administration of justice, *Be it enacted*, That the first court, and all subsequent courts of said county of White, shall be held by the justices of the same, at the house of Joseph Terry, near Rock Island, until otherwise altered or provided by law; and all courts held in and for said county of White, 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

Courts to be held at Joseph Terry.

same powers and jurisdiction, as are or shall be prescribed for the courts of the several counties in this state.

Sheriff to hold an election, &c.

Sec. 3. *Be it enacted*, That it shall be the duty of the sheriff of the said county of White, to hold an election, at the place of holding courts in the same on the first Thursday in November next and the succeeding day, for the purpose of electing one colonel and two majors for the said county of White, under the same rules, regulations and restrictions as are prescribed by law in similar cases.

Sec. 4. *Be it enacted*, That the election for company officers for the county of White shall be held at such places as the commandant of said county may think proper to appoint, which said elections shall be held on the third Saturday in December next, under the same rules, regulations, and restrictions as are prescribed in like cases.

And elections of members of the general assembly, the governor and members of congress, shall be held at the place of holding court in said county of White, on the same days on which elections for the same purposes are authorized to be held; and the sheriff of said county of White, shall meet the sheriff of Jackson county on the succeeding Monday, at the place of holding court in said county of Jackson, and with him examine the respective polls of election for both counties, and declare the persons having the greatest number of votes duly elected, and give certificates accordingly.

Declared part of Winchester district.

Sec. 5. *Be it enacted*, That the county of White shall, in all cases be considered a part of the district of Winchester; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 12, 1806.

CHAP. XXXVII.

AN ACT to carry into effect a contract between the state of Tennessee and Eli Whitney and Phineas Miller.

Preamble,

WHEREAS it has been made to appear to the satisfaction of this general assembly, that Eli Whitney from who this state purchased the patent right of a machine for cleaning cotton, commonly called the Saw-Gin, is the true inventor of said machine:

Certain acts repealed, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the seventh section of an act passed at Knoxville, the fourth day of November, one thousand eight hundred and five, entitled, "An act to provide for the payment of the members, clerks and door keepers of the present general assembly, and for other purposes;" and also the second and third sections of an act

passed at Knoxville, the fourth day of August, one thousand eight hundred and four, entitled, "an act to amend an act passed at Knoxville, the twenty second day of October, one thousand eight hundred and three, 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," be, and the same are hereby repealed.

Sec. 2. *Be it enacted*, That it shall be the duty of the clerks of the courts in the different counties in this state, to deliver to the sheriffs of their respective counties, all bonds payable to the governor and his successors in office, conditioned for the payment of the tax due on the saw gins, which bonds were given by the owners of saw gins in pursuance of the act aforesaid; and the sheriffs in the different counties in this state, are hereby directed, immediately after the passing of this act, to collect the said bonds conditioned as aforesaid, and all the taxes now due on the saw gins and to account for the same with the treasurers, by the first day of March next, under the same regulations and penalties as are prescribed in the second, third and fourth sections of an act passed at Knoxville, on the twenty-second day of October, one thousand eight hundred and three, 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."

Clerks to deliver to the sheriffs all bonds, &c.

Sheriff to collect the taxes on saw gins.

Sec. 3. *Be it enacted*, That the model of the cotton gin delivered at Knoxville, by the said Whitney, is hereby received for the use of east Tennessee; and that the said Whitney is hereby indulged till the first day of January next, to deliver one other model at Nashville, for the use of west Tennessee.

Sec. 4. *Be it enacted*, That the contract made between this state and Miller and Whitney, in pursuance of the above recited act, be now carried into effect on the part of this state, according to the true intent and meaning thereof, any law to the contrary notwithstanding.

Contract made between this state and the proprietors confirmed.

Sec. 5. *Be it enacted*, That the model of the saw gin furnished for east Tennessee, be put in possession of John Bright, for safe keeping; and that the model to be furnished west Tennessee, shall be deposited with the treasurer of Mero district, for safe keeping; which models, when deposited as aforesaid, shall be for the benefit of the citizens of east & west Tennessee, respectively.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XXXVIII.

AN ACT to order the transcribing certain Entries or Documents therein mentioned.

Preamble.

WHEREAS it is represented to this general assembly, that the entry book formerly kept by Samuel Barton, elquire, wherein the pre-emptions and commissioners guard rights were entered, is in a very ruinous situation, and as it is essentially requisite that they should be preserved:

Andrew Ewing appointed to transcribe, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Andrew Ewing, elquire, be, and he is hereby authorised to proceed immediately to take a fair, legible, and accurate transcript of the book of entries formerly kept by Samuel Barton, wherein the pre-emptions and commissioners guard rights were entered; for the taking of which transcript, he, the said Andrew Ewing, shall be allowed the sum of sixty dollars, to be paid him by the treasurer of Mero district, upon a warrant signed by the governor.

To take an oath.

Sec. 2. *Be it enacted*, That the said Andrew Ewing, before commencing said transcript, shall take an oath before some justice of the peace, faithfully and accurately to transcribe the same.

Sec. 3. *Be it enacted*, That David McGavock be, and he is appointed a commissioner to collate the said transcript with the original, after the same may be so transcribed, with the said Andrew Ewing, which commissioner shall be allowed the sum of two dollars per day, to be paid him by the treasurer of Mero district, upon a warrant signed by the governor, who is hereby authorised to issue the same, upon the claim of the said commissioner being presented to him, certified by the said Andrew Ewing.

To make an index to the transcript, &c.

Sec. 4. *Be it enacted*, That the said Andrew Ewing shall make a complete index to said transcript, and that the said transcript & index thereto, when so completed, & collated with the original as aforesaid, shall be considered as legal & valid as the original, and any copy taken therefrom, shall be received as evidence in the same manner as a copy from the original might have been; any law to the contrary notwithstanding.

Sec. 5. *Be it enacted*, That the said transcript, after it is finished as contemplated by this act, it shall be and remain in the office of the said Andrew Ewing, as clerk of the county of Davidson, who is hereby required to preserve the same, and grant copies of any entries that may be therein, to any person demanding the same, upon the applicant's paying to him the sum of twenty five cents, for any such copy.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XXXIX.

AN ACT to authorise the inhabitants north of Tennessee, and west of White's creek, in Roane county, to hold separate elections and battalion musters.

Preamble.

WHEREAS the mountainous situation, and large bounds of the county of Roane, renders it inconvenient for the citizens north of Tennessee and west of White's creek, to attend the court house in Kingston. For remedy whereof:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, it shall and may be lawful for all the inhabitants of Roane county, lying north of Tennessee river, and west of White's creek, to meet and hold elections for governor, member of congress, members of the general assembly of this state, and an elector to elect president and vice president of the United States, which elections shall be held at the house of William Henry, on the days pointed out by the constitution and laws of this state for holding elections; and it shall and may be lawful for the coroner or deputy sheriff of the county of Roane to hold said elections, under the same rules and regulations as are prescribed by law for holding elections; the ballots so taken, shall be counted out and certified by the judges of said elections, and transmitted to the court house in Kingston on the succeeding day of said election, under the direction of the coroner or deputy sheriff; and such ballots so taken, are declared to be a part of the election of the county of Roane; any law to the contrary notwithstanding.

To hold elections at William Henry's, &c.

Sec. 2. *Be it enacted*, That no citizen living north of Tennessee, and west of White's creek, shall be entitled to vote at the court house in Kingston, under the penalty of ten dollars; nor shall any citizen living east of the before mentioned White's creek, be entitled to vote at any other place than at the court house in Kingston, under the like penalty.

Sec. 3. *Be it enacted*, That the inhabitants aforesaid, from and after the passing of this act, shall hold battalion musters at the place appointed for holding elections; and it shall be the duty of the commanding officer of said county, to appoint and notify one of the majors to attend said musters by this act directed.

To hold musters at same place.

Sec. 4. *Be it enacted*, That it shall and may be lawful for any five or more of the commissioned officers attending each and every battalion muster north of said river, and west of said creek, to hold a court martial on the day next succeeding the battalion muster, and the major attending them shall preside over the same: *Provided*, that the right of appeal to a regimental court martial of the county of Roane, shall be had by the person aggrieved, within six months after such sentence being passed; and the person so aggrieved shall make application to the major commanding the batta-

lion, for a transcript of the cause of the fine, which the judge advocate shall make out, attest, and deliver to the major commanding, who shall deliver it to the colonel commandant; whose duty it shall be, to have the appeal tried the first regimental court martial held for said county.

Sec. 5. *Be it enacted*, That battalion musters and courts martial, directed to be held by this act, shall be held under the same rules and restrictions as are by law directed for holding general musters and courts martial within the several counties in this state; and it shall be the duty of the major attending the same, to receive the company returns, and transmit them to the commanding officer of the county as soon as may be.

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

September 11, 1806.

CHAP. XL.

AN ACT in addition to an act, passed on the first day of November, 1805, entitled, "An act for the regulation of registers offices, &c." passed the present session of the general assembly.

Preamble.

WHEREAS it appears that sundry of the registers of this state, when an instrument was given them for registration, only registered the instrument, neglecting the probate or acknowledgment of the execution of the same, and as a copy from such records, without such probate or acknowledgment, cannot be received in evidence. Therefore:

Transcriber to leave a blank &c

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That any person who may have been appointed by any court for the purpose of transcribing the records of that county, it shall be their duty, when they may find any instrument which hath been registered on the original books, without the probate or acknowledgment, to leave in the transcript by them taken, sufficient room to record the probate or acknowledgment of such instrument.

Probate to be registered in the blank, &c.

Sec. 2. *Be it enacted*, That any person who may have any instrument registered, and the probate or acknowledgment has been neglected as aforesaid, may produce his said instrument to the transcriber when transcribing or to the register after the transcript is left in his office, and have the same entered of record; and it is hereby made the duty of said transcriber or register, to record the same.

Sec. 3. *Be it enacted*, That where the original instrument may have been lost, and the party claiming under it may wish to have the probate or acknowledgment entered of record, it shall and may be lawful for such claimant or grantee to

apply to the clerk of the county wherein the probate was taken, (and after making oath that the said instrument was lost previous to the passage of this act, before the said clerk) and receive from such clerk a certificate of such probate or acknowledgment, for which said clerk shall receive twelve and one half cents, and present the said certificate to the transcriber or register (as the case may be) who is hereby required to record the same, in the blank left as by this act directed; and any such probate or acknowledgment, certified and entered of record as aforesaid, shall authorize a copy from said records to be received in evidence, in as complete and ample a manner, as if the same had been taken from the original.

Sec. 4. *Be it enacted*, That when the records of any register's office may be in the possession of any person appointed to transcribe, as contemplated by the above recited act, it shall and may be lawful for such transcriber, upon application to him made, to grant copies of any instrument that may be recorded in any book in his possession, and certify the same; which copy so taken and certified, shall be received in evidence, in as complete a manner as if the same had been given by the register; and the said transcriber shall be entitled to the same fees as registers for such copies; any law to the contrary notwithstanding.

Transcriber to give copies, &c.

ROBERT C. FOSTER,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.
September 11th, 1806.

CHAP. XL.

AN ACT providing for separate elections in the counties of Smith and White.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from the house of the passing of this act, it shall be lawful for the inhabitants of Smith county, living on Goose creek, Long creek, and Dixon's creek, north of the Fort Blount road, to meet and vote for governor, members to the congress of the United States, and elector to elect a president and vice president of the United States, at the house of John Brevard.

Sec. 2. *Be it enacted*, That it shall be lawful for the coroner or deputy sheriff of Smith county, to open and hold an election, at the house aforesaid, for the purposes aforesaid, on the days pointed out by the constitution and laws of the state, for the election of such officers, and shall be conducted under the same rules and restrictions therein prescribed, for holding general elections in this state; and a statement of the polls so taken, shall be sealed up and transmitted on the succeeding day, to the court house of said county, which shall be received by the sheriff of said county.

to, as part of the election for said county, who shall give certificates to the persons elected as members to the assembly.

One of the elections to be held at Wm. Chillum's.

One of the elections to be held at the house of John Allen.

Sec. 3. *Be it enacted*, That two separate elections shall be held in the county of White, one of which shall be held at the house of William Chillum, on the waters of Colin's river, and all the inhabitants living west of Colin's river, in the said county of White, who may be entitled to vote for governor, members to congress, and members to the general assembly, shall meet at the house of William Chillum, on the same days that elections for such purposes are authorized to be held. And one other election for the said county of White, at the house of John Allen, which shall be held under like circumstances; and all the inhabitants entitled to vote at said election, living north of the waters of the north fork of Caney fork, and east of the main Caney fork, to the lines of Jackson and Overton counties, shall meet at the house of John Allen, aforesaid, on the same days that elections for such purposes are authorized to be held, and vote as aforesaid.

Sec. 4. *Be it enacted*, That any justice of the peace for said county is hereby authorized to hold either of said elections, who shall in all cases whatever, be governed by the same rules and restrictions, as the sheriffs of the different counties are in like cases; and said justices shall be considered the true returning officers for said elections, and shall meet the sheriff of the said county of White, on the succeeding Monday after said election, at the place of holding court in said county, and with him compare the statement of the polls, and the persons having the highest number of votes shall be declared duly elected, and the said sheriff shall give a certificate to far as respects his county.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 12th, 1866.

CHAP. XLII.

An ACT for the appointment of commissioners to view, mark and survey certain roads therein mentioned.

Commissioners to view and mark certain roads, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse Bean, John Drake, and John Gowen, be, and they are hereby appointed commissioners to view, mark and survey the road proposed to intersect the Georgia road at the most suitable place, which shall lead from the most convenient place near the head of Stone's river, to the said point of intersection of the Georgia road, agreeably to the provisions of a treaty concluded with the Cherokee Indians at Tellico, the twenty-fifth day of October, one thousand eight hundred and five;

and that captain John Hawkins, James Neely, senior, and Joseph B. Porter, be, and they are hereby appointed commissioners to mark, lay off, and survey a road from the neighborhood of Franklin, to the settlement on the Tombigby, which shall cross the Tennessee at or near the Muscle Shoals, agreeably to the provisions of the before mentioned treaty.

Sec. 2. *Be it enacted*, That the commissioners aforesaid, shall view, lay out, and survey the above mentioned roads, in as direct a manner as the circumstances and situation of the ground will admit; and shall note the principal water courses, mountains, and other remarkable places, and make report thereupon to his excellency the governor, on or before the first day of April next, who is hereby authorized to advertise the same three several times in some paper at Knoxville and Nashville, and to receive proposals for opening the same; said proposals shall be sealed up and transmitted to the governor at Knoxville, which proposals shall be by him received up to the first day of June next, and then on examination and comparison of the different proposals made him in manner aforesaid, the persons offering to clear and open said roads agreeable to the requisitions of this act, upon the best terms for the state, shall be the persons employed; they first giving bonds payable to the governor for the time being, and his successors in office, for the use and benefit of the state, with two sufficient securities, to be approved by the governor, in the sum of two thousand dollars each bond, for the cutting and opening said roads as by this act required; said roads shall be opened at least sixteen feet wide, and cleared so as loaded waggons may travel them with convenience. The governor shall appoint two fit and proper persons, one of whom shall view and adjudge one of said roads, and the other, the other road; and as soon as practicable thereafter, they shall make report to him the manner and order in which said roads are cut and opened; and if said report or reports shall accord with the requisitions of this act, he shall issue a warrant in favor of such undertaker or undertakers, on the treasurer of Mero district, which shall be a sufficient voucher in the settlement of his accounts; *Provided*, that nothing in this act contained, shall authorize the opening of said roads beyond the limits of this state, until permission for that purpose be first obtained of the president of the United States.

The governor to receive proposals for opening the same &c.

Undertaker to give bond.

Governor to appoint persons to view said road, &c.

Sec. 3. *Be it enacted*, That John Strother, be appointed a commissioner on the part of this state, to ascertain the point at which the southern boundary of this state crosses Elk river, and to run a line therefrom, north to Duck river, and from the same point east, to the Indian boundary, who shall be attended by the surveyor of the second district; and the said commissioner be allowed four dollars for each day he may be necessarily engaged therein,

Surveyor appointed to run certain lines &c.

to be paid by the treasurer of Mero district, upon a warrant signed by the governor as aforesaid.

Sec. 4. *Be it enacted*, That his excellency the governor is hereby requested to communicate the provisions of this act to the proper departments at the seat of the general government, and request a co-operation on the part thereof.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XLIII.

AN ACT for erecting a court-house and prison in the town of Clarksville, for the district of Robertson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Elder, Hugh Bell, John Shelby, Henry Smail, and Charles Stuart, are hereby appointed commissioners, and are authorized to fix on the most eligible situation in the said town of Clarksville, for the purpose of erecting a court house and prison thereon, for the use and purposes aforesaid; which said commissioners, or a majority of them, after fixing on the situation as aforesaid, are hereby empowered and directed, as soon as may be thereafter, to let the erection of said buildings to the lowest bidder or bidders, first advertising the same sixty days previous thereto, at the court-house in said town of Clarksville, and also in one of the newspapers published in Nashville, setting forth the size and material which the said court house and prison are to be built; and the person or persons undertaking the same, shall give a bond or bonds, with sufficient security, for the faithful performance of the same, agreeable to contract.

Commissioners appointed to fix the court house &c.

And let the building there of, &c.

Sec. 2. *Be it enacted*, That the court of Montgomery county shall lay a tax for the year one thousand eight hundred and seven, and the two succeeding years, for the purpose of defraying the expence of erecting the aforesaid court house and prison, which tax shall not exceed twenty-five cents on each white poll; fifty cents on each slave liable to taxation; twenty-five cents on each hundred acres of land; ten dollars on each merchant; one dollar on each hundred dollars worth of town property, in said town; and two dollars on each stud horse kept for mares, in any one year; which tax shall be collected by the sheriff of said county, at the same time, and in the same manner he is bound to collect the public taxes, and shall pay the same to the said commissioners, or a majority of them, under the same restrictions as he is bound to account for public taxes, and shall be allowed therefor, the same commissions as in other cases of a similar nature.

Montgomery county to lay a tax, &c.

Sec. 3. *Be it enacted*, That the courts of the counties of Robertson, Dickson and Stuart, in the year one thousand eight hundred and seven, and the two succeeding years, shall lay a tax annually, not exceeding six and one fourth cents on each white poll; twelve and one half cents on each slave subject to taxation; six and one fourth cents on each hundred acres of land; five dollars on each merchant; six and one fourth cents on each town lot; and one dollar on each stud horse kept for mares; which shall be collected by the sheriffs of the aforesaid counties, at the same time, and in the same manner as public taxes are, and by them paid over into the hands of the aforesaid commissioners, or a majority of them, first deducting the same commissions as they are entitled to for collecting public taxes; and by the same commissioners be applied towards defraying the expences of building the aforesaid prison.

Robertson, Dickson and Stuart counties to lay a tax, &c.

Sec. 4. *Be it enacted*, That the said commissioners, before entering upon the duties of their appointment, shall give bond in the sum of six thousand dollars, payable to the chairman of the said court of Montgomery county, and his successors in office, for the faithful performance of the several duties enjoined on them by this act; and shall render a fair and regular account of all monies by them received and expended, and shall lay the same before the said court when required thereto; and shall be allowed a reasonable compensation for their services, to be paid them out of monies appropriated for that purpose: *Provided*, a majority of the acting justices of said county are present, when such allowance is made; any law to the contrary notwithstanding.

Commissioners to give bond &c.

And render an account of their expenditures &c.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. XLIV.

AN ACT appointing Commissioners for the regulation of Burroville, and for other purposes.

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

Commissioners appointed, &c.

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 com-

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 free holder 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.

Cocks county
authorized to lay
a tax, &c.

Sec. 4. *Be it enacted*, That the county court of Cocks, 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 held in and for the said county, within three 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.
JOSEPH M. MINN,
Speaker of the Senate.

September 13th, 1806.

CHAP. XLV.

AN ACT authorising the courts of Wilson and Robertson counties, to lay an additional county tax, for the purpose of building an office for the Clerks, Registers, and Rangers of said counties.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the court of Wilson county is hereby authorized to lay an additional county tax in the said county of Wilson, for the purpose of erecting a building in which the office of clerk, register, and ranger shall be kept; which said building shall be erected some where on the public square in the town of Lebanon, and shall always continue to be and remain the property of the said county of Wilson, for the uses aforesaid; which said court shall appoint any number of commissioners, not exceeding five, who shall contract with a suitable workman

for the erection of the same, which shall be let to the lowest bidder.

Sec. 2. *Be it enacted*, That said court shall at all times have power to call upon said commissioners, to lay before them a fair and regular account of all monies by them received and expended; and when said building is completed, shall allow them a reasonable compensation for their services: *Provided*, a majority of said court is present when said allowance is made.

Sec. 3. *Be it enacted*, That said tax shall not exceed the sum of six and four 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 on each stud horse kept for mares; and a tax not exceeding five dollars on each merchant, pedlar, or hawker, in any one year; which shall be collected and accounted for in the same manner, and by the same persons, as public taxes are, and may be drawn from the county trustee, by said commissioners, on a majority of them.

Sec. 4. *Be it enacted*, That the county court of Robertson, may, in their discretion, lay a similar tax, for the purposes herein mentioned, that the court of Wilson county are empowered to lay and collect; and the said tax shall be collected and accounted for, and disposed of in all respects as provided for in the foregoing part of this act.

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

September 13th, 1806.

CHAP. XLVI.

AN ACT to compel the attendance of Witnesses on references and other cases, and Jurors in particular cases.

WHEREAS it appears that great inconveniences arise to many of the good citizens of this state, for want of lawful means to compel the attendance of witnesses in cases referred to referees. Therefore:

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That in all cases that are now pending, or that may hereafter be pending in any court in this state, shall or may be referred by rule of said court to referees, it shall and may be lawful for the parties litigant, to apply to the clerk of the court in which such cause may be pending, or to the justice before whom it is returned, (as the case may be) for a subpoena for such witnesses as they may deem necessary, to compel their attendance; and the officer serving the same, shall be entitled to the same fees as for similar services; and the witnesses so attending shall receive the same pay, and be paid in the

In causes arbitrated, clerk to issue subpoenas.

Witnesses pay.

same manner as witnesses attending in like cases before a court or justice, and shall be subject to the same penalties for non-attendance.

Justices to issue
subpoenas in cer-
tain cases.

Sec. 2. *Be it enacted*, That when any persons who have or may have any matter in dispute, which they wish to refer or arbitrate, it shall and may be lawful for either party to apply to any justice of the peace in the county where such dispute may arise, for a subpoena for such witnesses as they may require; and it shall be the duty of any constable of the county where such witnesses may reside, to execute and make return thereof, and the witnesses shall receive the same pay, to be paid by the party against whom the award may be made; and they shall be subject to the same penalties for non-attendance as in similar cases; and the officer summoning such witness shall receive the same fees as for summoning witnesses to attend before a justice of the peace.

In case of a trial
by a jury on the
premises, justi-
ces to issue sub-
poenas.

Sec. 3. *Be it enacted*, That in all cases of a trial before a jury on the premises, or on an arbitration to be had under the provisions of an act, entitled, "*An act providing for the sale of lands south of Holston and French Broad, agreeable to the constitution of this state, and the provisions of an act of congress therein referred to*," that it shall be lawful for the contending parties to apply to any justice of the peace in the county where the land lies, to in dispute, for a subpoena for such witnesses as they may require, which summon shall be served by the same officers, paid in the same manner, and subject to the same penalties as herein before provided in other cases, under the authority of this act.

Jurors liable to a
forfeiture for non-
attendance.

Sec. 4. *Be it enacted*, That if any juror shall fail to attend at the time and place he shall be summoned, according to the provisions of the last recited act, the sheriff shall make return thereof to the next county court, and such juror shall be liable to the same forfeitures and penalties, and proceeded against in the same manner that jurors are in the county courts; and on failure to attend of jurors to complete a jury as by said act authorized, the sheriff may supply such deficiency of the by-standers, or he may continue the trial to a different day.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 13th, 1806.

CHAP. XLVII.

AN ACT to authorize part of the citizens of Claiborne county, to hold certain elections at the house of James Vanbibber.

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

may be lawful for the inhabitants of all that part of Claiborne county, below Old Town creek, and the path leading from James Gibbon's on Powell's river, to Joseph Powell's mill, and down the said mill creek to Clinch river, to hold elections at the house of James Vanbibber, in Powell's Valley, for governor, members to congress, members to the general assembly, elector to elect a president and vice president of the United States, and field officers of the militia of said county.

Sec. 2. *Be it enacted*, That it shall be lawful for the sheriff, deputy sheriff, or coroner of Claiborne county, to open and hold an election at the house aforesaid, for the purpose of electing a governor, representative 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 of said county of Claiborne, on the days pointed out by the laws and constitution of this state, and subject to the same rules and restrictions as therein prescribed, and receive the ballots of the persons entitled to vote in said bounds, under the rules prescribed by law, for holding said elections in this state; and the ballots so taken, shall immediately after the close of any of said elections for governor, representative to congress, members to the general assembly, and militia officers, be counted out by the officer holding the same, and a correct statement of the number of votes given to each candidate in the aforesaid bounds, certified by said officer, and the inspectors of said election, 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 of Claiborne county, which shall be received and considered a part of any of the said elections for Claiborne county.

Sec. 3. *Be it enacted*, That it shall be the further duty of said 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, at the court house in Rutledge, in Grainger county, on the day succeeding the close of the election, to the sheriff or other proper returning officer of Grainger county, which shall be received, and is hereby declared to be part of the election for the district composed of the counties of Grainger and Claiborne; 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. XLVIII.

AN ACT to regulate and fix the times of holding the courts of the different counties composing the districts of Winchester and Robertson, and for other purposes.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the courts of Sumner county, after the first day of December next, shall commence on the second Monday of December, March, June and September, and may continue twelve juridical days each term, until the end of the next general assembly. The courts of Smith county shall commence on the first Mondays of December, March, June and September annually. The courts of Jackson county shall commence on the fourth Mondays of November, February, May and August annually. The courts of Overton county shall commence on the first Mondays of October, January, April and July, annually. The courts of the county of White shall commence on the second Mondays in October, January, April and July annually. The courts of Robertson county shall commence on the first Monday of January, April, July and October annually. The courts of Montgomery county shall commence on the second Mondays of January, April, July and October annually. The courts of the county of Stewart shall commence on the third Mondays of January, April, July and October annually. And the courts of the county of Dickson shall commence on the fourth Mondays of January, April, July and October annually.

Sec. 2. *Be it enacted*, That the provisions contained in this act, shall not have effect until the first day of January next, except such parts as relate to the counties of Overton and White; and then all causes, matters, and things, depending in all of the courts of the counties aforesaid, shall be adjourned over to the times mentioned for holding courts, stated in the first section of this act, and may set six juridical days each term, except the county of Sumner, which may sit twelve days as herein before provided.

Sec. 3. *Be it enacted*, That the house of Benjamin Blackburn shall be considered the legal place of holding the succeeding court of Jackson county; and hereafter the court of said county shall have power to adjourn the succeeding court to such place in said county as they may think proper, until the court house of said county shall be in a situation for the reception of the said court, & then all matters and things depending in said court, shall be adjourned over to the said court house; any law to the contrary notwithstanding.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 12, 1806.

CHAP. XLIX.

AN ACT to compel subscribing witnesses to deeds of conveyance and other instruments of writing, to attend court and prove the execution thereof, and for other purposes.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That all persons now holding, or that may hereafter hold any deed or deeds of conveyance, mortgage, deed of trust, bill of sale, letter of attorney, release, or any other instrument of writing, that now are, or hereafter may be required by law to be registered, shall and may, at his, her or their own expence, on application to the clerk of the county court where such instrument by law ought to be registered, obtain a summon for any number of subscribing witnesses thereto, competent to authenticate any of said instruments for registration; which shall be signed by the clerk, and directed to the sheriff of the county wherein such witness or witnesses may reside, commanding him to summon such witnesses to appear at the next county court, and give his, her, or their evidence concerning the execution of such deed or other instrument of writing, under the penalty of two hundred dollars, to be recovered in the same manner that forfeitures are directed to be recovered against witnesses who have been summoned to attend in other cases, but who fail to attend.

Sec. 2. *Be it enacted*, That witnesses attending under the authority of this act, shall be entitled to, and receive the sum of seventy-five cents per day, for each day's attendance, and the like sum for every thirty miles travelling to & from the place at which they are required to attend: *Provided*, that no mileage be allowed to any person who lives within the county where said instrument is to be proven.

Sec. 3. *Be it enacted*, That any deed of conveyance made or executed hereafter, the execution of which is established by the acknowledgment of the party executing the same, shall take effect only from the date of such acknowledgment, for the purpose of admission to registration.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

September 12, 1806.

CHAP. L.

AN ACT directing certain county lines to be run and extended.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That James Chisum of Overton county, is hereby authorized to run the true line between the counties of Overton and Jackson, and Jackson and White, agreeable to an act of the present session.

James Chisum
to run the line
between Over-
ton and Jackson
and Jackson and
White.

employ two chain carriers, & two markers, shall cause the lines to be truly measured, and well marked where it is necessary; for which service the said commissioner shall be allowed the sum of two dollars for each day he may be necessarily employed in running said lines; and each chain carrier and marker shall be allowed the sum of one dollar for each day they may be necessarily employed as aforesaid; the whole expence of which shall be defrayed in equal moieties by the counties of Overton and Jackson.

Limited time for
running the line

Sec. 2. *Be it enacted*, That said commissioner shall perform the several duties enjoined by this act, on or before the first Monday in January next, and make report thereof to the clerks of the courts of the counties of Jackson, Overton and White, which report shall designate the true lines between said counties.

The lines of
Rutherford, &c.
to be extended.

Sec. 3. *Be it enacted*, That the principal surveyors of the first and second districts, shall cause to be extended the county lines of Rutherford, Williamson, Dickson and Stewart, and describe them by some line of a section, which shall be the nearest to any corner of the aforesaid counties; and thence south to the Indian boundary, or the southern boundary of the state, as the case may be, & make return thereof to the clerks of the respective counties aforesaid, on or before the first day of January next.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 18th, 1806.

CHAP. LL

AN ACT appointing commissioners to run the dividing lines between the counties of Anderson and Roane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse Roydsen and Jacob Jones, be, and are hereby appointed commissioners to run the line between the aforesaid counties of Anderson and Roane, agreeable to an act of assembly passed at Knoxville, November the sixth, 1801.

Sec. 2. *Be it enacted*, That the said commissioners are hereby authorized to employ a fit person to mark said line; and the said commissioners shall be allowed the sum of two dollars each, per day, for each day they may be necessarily employed in running said line; and the marker one dollar per day, which expence shall be paid in equal parts by the counties aforesaid.

Sec. 3. *Be it enacted*, That the commissioners aforesaid shall make out a just statement of the number of days they have been necessarily employed in running said line, and present it to the chairman of the county courts of Anderson and Roane, within three months after the passage of

direct the trustee of each county to pay the part allotted to them, and their receipts shall be good in the settlement of their accounts; 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. LII.

AN ACT to authorize the attorney general for the state to continue the suit now pending against the late treasurer of Mero district and his securities, for a certain time therein specified.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the attorney general for the state, be, and hereby is directed to continue the suit against said treasurer and his securities, until March term, eighteen hundred and seven.

Sec. 2. *Be it enacted*, That it shall & may be lawful for the said defendants to take the deposition of any witness or witnesses who may reside more than 50 miles from the place of holding court, which may be read in evidence in said cause, on condition that the attorney general for the state shall have had personal notice of the time of taking said deposition, which shall be in the town of Nashville, during the recess of the courts, more than twenty days before the same is taken; which shall be read in evidence under the same rules and restrictions, as depositions taken in other cases, de bene esse, or where the witnesses reside out of the government.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

September 11th, 1806.

CHAP. LIII.

AN ACT to confirm the line between the counties of Greene and Hawkins, as established by an Ordinance of the Governor and Judge of the Territory of the United States of America, south of the river Ohio, passed at Knoxville, 11th June, 1792; and to repeal all laws and parts of laws coming within the purview and meaning thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the ordinance aforesaid, as respects the line beginning on Nolichucky river, at the place where the ridge which divides the waters of Bent and Lick creek strikes the same, thence with that ridge to Bull's Gap of Bay's Mountain, &c.

(108) Greene; thence eastwardly along the main height of Bays Mountain, to the Chimney Top Mountain, be, and the same is hereby declared to be the line between the counties of Greene and Hawkins, so far as leads from William Cross's, in Bull's Gap, to the top of Chimney Top Mountain.

Sec. 2. *Be it enacted*, That all laws and parts of laws coming within the purview of this act, whether published by the authority of this state, or the state of North-Carolina, are declared null and void.

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

September 11th, 1806.

CHAP. LIV.

AN ACT respecting the resignation of Justices of the Peace.

WHEREAS by the existing laws of this state, it is made the duty of the several clerks of the county courts upon certain papers being presented to them, signed by any justice of the peace in their respective counties, to certify that the said justice, was at the time of signing the same, an acting justice, &c: & from the custom or practice heretofore, of justices sending their resignations to the legislature or executive, without the knowledge of the clerk, he, in many instances, might commit himself by such certificate. For remedy whereof:

BE it enacted by the General Assembly of the State of Tennessee, That from and after the first day of October next, any justice of the peace within this state, who may wish to resign, shall make such resignation to the court of the county of which he may be a justice; which court, shall upon such resignation being made to them, order their clerk to make a record thereof, and afterwards to transmit a certified copy of such order to the next session of the legislature; 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 11th, 1806.

CHAP. LV.

AN ACT supplementary to an act for the inspection of Tobacco, passed October 26th, 1799; also, supplementary to an act to prevent the exportation of unmerchantable commodities, passed November the fourteenth, eighteen hundred and four.

(109) **SECTION 1.** **BE** the State of Tennessee, That public inspections for the several commodities mentioned in the two before recited acts, be, and are hereby established at or in the town of Garthage, in Smith county; at Hendrick's ferry, in Wilton county; and at Abfalom Tribble's ferry in Montgomery county; which said inspections shall be conducted in the same manner, and under the same rules and restrictions, as all public inspections established in the two before recited acts.

Sec. 2. *Be it enacted*, That in future all casks and hog-heads made for the purpose of packing and prizing tobacco in, shall not exceed fifty two inches in length, and thirty four inches diameter in the head; any thing to the contrary notwithstanding.

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

September 11th, 1806.

CHAP. LVI.

AN ACT to repeal part of an act, entitled, "an act for the relief of insolvent debtors," with respect to the imprisonment of their persons, passed by the legislature of the state of North-Carolina, 1773.

BE it enacted by the General Assembly of the State of Tennessee, That so much of the above recited act as forever discharges the insolvent debtor, of, and from the payment of the debt and costs for which he was sued and imprisoned, be, and the same is hereby repealed; and that from and after the passage of this act, the estate of the said insolvent debtor, which he shall acquire thereafter, shall be, and at all times remain liable to the payment of the plaintiff's demand: *Provided nevertheless*, that the body of said insolvent debtor shall not be taken in execution a second time for the same debt.

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

September 11th, 1806.

CHAP. LVII.

AN ACT to repeal the second section of an act, supplementary to an act, "to amend the law now in force for selling land under execution," passed October the 26th, 1799.

BE it enacted by the General Assembly of the State of Tennessee, That so much of the second section of the before recited act, as compells a plaintiff to levy his execution and sell within twelve months from

See Routledge's
edition p. 191.

(1110)
over barred, is hereby repealed, so far as respects lands that then laid within the Indian boundary; any thing to the contrary notwithstanding.

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

September 12th, 1806.

CHAP. LVIII.

AN ACT to repeal an act, entitled, "An act to establish a town by the name of Leesburg, on the lands of Michael Fraker, Abraham Campbell, and John Campbell, in the county of Washington," passed January 1st, 1799.

BE it enacted by the General Assembly of the State of Tennessee, That the above recited act shall be, and the same is hereby repealed; any thing to the contrary notwithstanding: *Provided always,* that nothing herein contained, shall be so construed as to divest any person of any title which they may have derived to any part of the lands lying within the limits of said town.

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

September 11th, 1806.

CHAP. LIX.

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

SECTION 1. BE 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.

Allowance
members.

To the clerks.

For Stationary.

To the door-keepers.

Fourth section
of a certain act
continued
last.

Sec. 2. Be it enacted, That the clerks of this legislature, both principal and assistants, shall each receive the sum of four dollars and 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 sixty-six dollars for stationary; and John N. Gamble, chief clerk of the senate, the sum of eighty seven dollars for stationary.

Sec. 3. Be it enacted, That each door-keeper of this general assembly be allowed the sum of two dollars and fifty cents, for each day he may have attended the same.

Sec. 4. 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 state officers of government herein after mentioned,"

(111)

be, and the same is hereby revived, and shall continue in force until altered by the legislature.

Sec. 5. Be it enacted, That James Heard, be allowed the sum of six dollars, for riding as express from the Militia James Heard. Spring to Knoxville.

Sec. 6. Be it enacted, That Simpson, Triggs, & Co. be allowed the sum of sixty six dollars and twenty-five cents, for supplies furnished the agents on the part of this state, attending a treaty with the Indians in one thousand eight hundred and four.

That George Wilson be allowed ninety five dollars and seventy-five cents, for sundry printing done for the use of the state, up to the present date.

That John B. Hood, & Co. be allowed eleven dollars and twenty-five cents, for printing done for the legislature.

That Elizabeth Roulstone be allowed the sum of fifteen dollars thirty three and one third cents, for printing, &c.

That William Maclin, secretary of state, be allowed eighty two dollars and fifty one cents, for postage, &c. paid for and on public papers.

That John Rhea, door-keeper to the house of representatives, be allowed one dollar and fifty cents, for sundries furnished that house.

That John Bright, door-keeper to the senate, be allowed two dollars twenty-five cents, for sundries furnished for the legislature; and the further sum of twelve dollars, for taking care of the tables, ink-stands, &c. belonging to the general assembly, since the last session, agreeably to resolution.

Sec. 7. Be it enacted, That the public printer shall be elected by joint ballot of both houses of the legislature, & shall be bound in a bond as heretofore, to execute the printing according to law; and shall be entitled to receive at the rate of four cents and one half of a cent, for every sheet of twelve pages of the laws, in octavo size, of royal paper, with Small Pica Type, with marginal notes; and three cents for every sixteen pages of the journals, printed in a duodecimo size of royal paper, with Small Pica Type; that the number of copies of laws shall be one thousand and twenty-five; one thousand of which shall be distributed as by the last session, and the remaining twenty-five to be lodged with the secretary for the legislature. That the number of copies of the journals shall be six hundred and twenty-five, six hundred of which shall be distributed in proportion to the distribution of the laws, and the remaining twenty-five to be lodged with the secretary for the legislature. And that for all additional printing that may be done by said printer, by virtue of any resolution, shall be done on the same terms. That he shall be bound to deliver to the clerks of the respective counties, within four months from the rising of the legislature, their quantum of laws respectively; and the journals within six months.

Allowance to
James Heard.

To Simpson,
Triggs, & Co.

To G. Wilson.

To J. B. Hood,
and Co.

Elizabeth Roul-
stone.

To secretary of
state.

To John Rhea.

To John Bright

Public printers
be elected, &c.

Rate of printing

Number of copies
of laws.

Number of jour-
nals.

Time of delivery
of laws.

Allowance to public printers of last session. Sec. 8. *Be it enacted*, That John B. Hood, Hugh Dunlap, and John Lavender, the public printers of last session, be allowed the sum of one hundred and fifty eight dollars and eleven cents, the balance due them as public printers.

Governor to issue warrants &c. Sec. 9. *Be it enacted*, That the governor is hereby authorized to issue warrants for the above claims, which warrant shall be good in the settlement with the treasurers.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

September 13, 1806.

CHAP. LX.

AN ACT appointing commissioners to contract for building a court house in the town of Franklin.

Preamble:

WHEREAS it would greatly conduce to the expedition of business in the court of Williamson county, to have a good and complete brick court house erected in the town of Franklin :

Commissioners appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Hardeman, Daniel Perkins, Henry Cook, David M'Ewen, and James Hicks, be, and are hereby appointed commissioners to superintend the building said court house ; and that they, or a majority of them, are hereby empowered and directed to proceed as soon as may be, to let said building to the lowest bidder, having first advertised the same sixty days at the court house in Franklin, and in one of the news papers of Nashville, setting forth the size and materials of which said house is to be built ; and when so let, to take bond with sufficient security for the faithful performance thereof.

To let the building.

To take bond & security.

Williamson county to lay a tax, &c.

Sec. 2. *Be it enacted*, That the county court of Williamson, next ensuing, after the first day of January next, shall lay a tax not exceeding twelve and one half cents on each white poll ; nor twenty-five cents on each black poll ; nor twenty-five cents on each hundred acres of land ; nor twenty-five cents on each town lot ; nor one dollar on each stud horse kept for mares ; nor five dollars on each merchant, hawker or pedlar ; which said tax is to be continued from time to time, until said building is completed, for the purpose aforesaid ; and the sheriff is hereby authorized and directed to collect and account with said commissioners, or a majority of them, for the same, under such restrictions, and with such emoluments as he collects other taxes.

And sheriff to collect, &c.

Commissioners to give bond, &c.

Sec. 3. *Be it enacted*, That the commissioners before entering upon the duties of their appointment, shall give bond in the sum of ten thousand dollars, payable to the

Chairman of the court, for the faithful appropriation and accounting for all monies by them received, and that they be allowed a moderate compensation for their services.

Sec. 4. *Be it enacted*, That the commissioners are hereby authorized and empowered to sell the old court house in Franklin, as soon as they may think proper, and the monies arising from said sale, be converted to the use of building a new one.

ROBERT C. FOSTER,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

September 11th, 1806.

A COPY—ATTEST,

WILLIAM MACLIN, SECRETARY.

E R R A T A.

Page five, chapter one, 4th section, ninth line, for "practicable," read "impracticable."

Chapter eight, page fifty, ninth line from the top, for "Hutchins Barton," read "Hutchins Burton."

Chapter fourteen, page 57, first line of the preamble, for "has been," read "is."

Same chapter, page 58, section 2, third line, after the word "the," read "said."

Page 61, chapter 19, fourth section, fifth line, after the word, "Mero," read "to make out a full and complete copy of the original papers."

Same chapter, same page, same section, eighth line, after the word "Winchester," read " ; and."

Same chapter, same page, same section, fourteenth line, after the word in, for "the," read "their."

Page 62, chapter 20, last line of the first section, before the word proprietor, for "or" read "and."

Same chapter, page 63, section 8, 4th line, after the word "necessarily" read "arising."

Page 72, chapter 27, section 7, tenth line, after the word certificate, for "of," read "for."

Page 101, chapter 45, section 3, second line, after the word "and," read "one."

Page 104, chapter 48, section 3, third line, for "hereafter," read "thereafter."

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ACTS

PASSED AT THE
FIRST SESSION

OF THE
SEVENTH GENERAL ASSEMBLY,

OF THE
STATE OF TENNESSEE.

BEGAN AT KINGSTON, ON MONDAY THE TWENTY-
FIRST DAY OF SEPTEMBER, AND CONTINUED BY
ADJOURNMENT TO KNOXVILLE, ON WED-
NESDAY THE TWENTY-THIRD, ONE THOU-
SAND EIGHT HUNDRED AND SEVEN.

KNOXVILLE.

PRINTED FOR
WILLIAM MOORE,
STATE PRINTER.

1808.

ACTS

OF THE

STATE OF TENNESSEE.

CHAPTER I.

AN ACT to suspend certain sections of an act, entitled, "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," passed at Knoxville, the twelfth day of September, one thousand eight hundred and six.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the twentieth, twenty-fifth, twenty-sixth, thirty-fourth, thirty-sixth, forty-eighth, and fifty-third sections, of the before recited act, and all proceedings under them, or either of them, shall be, and hereby are suspended, until the expiration of the present session of the General Assembly. Certain sections suspended

SEC. 2. *Be it enacted*, That it shall not be lawful for any person or persons whatever, until the expiration of the time aforesaid, to make an entry of, or obtain a survey or grant for any piece or parcel of land for which any other person or persons hath heretofore obtained a grant from the State of North-Carolina, which appears on the face thereof, to be fair and honest, whether such grant shall have been registered within the time aforesaid, to make an entry of, obtain a survey or grant for any piece or parcel of land to which any other person or persons, had a preference given him or them, by any act or acts of the General Assembly of this State, although such time of preference may have elapsed. And if any such entry, survey or grant, shall be made, or obtained, until the expiration of the time aforesaid, by any person or persons whatever, the same shall be null and void to all intents and purposes both at law and equity.

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

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'INN,

Speaker of the Senate.

September 26th, 1807.

CHAPTER II.

AN ACT to amend an act, entitled, "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 & unappropriated lands within the same," and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and in perfecting titles on the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, there shall be one Commissioner in East-Tennessee, and one in West-Tennessee, who shall be appointed by joint ballot of both Houses of this General Assembly, 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." It shall be the duty of the Commissioner for East-Tennessee, to sit at Knoxville, on the second Monday of December; and of the Commissioner for West-Tennessee, to sit at Nashville, on the first Monday of January next: Each Commissioner shall appoint his own clerk, who, and each succeeding clerk, shall take the same oath, give the same bond and security, and be liable to the same penalties heretofore prescribed by law.

Two commissioners to be appointed.

Their duty.

When & where to sit.

To appoint their own clerks.

Upon the death, resignation or removal of either of said clerks, the Commissioner shall have power to appoint a clerk in the place of the one deceased, resigned or removed.

SEC. 2. *Be it enacted*, That each of said Commissioners shall sit once in every three months.—The Commissioner for East-Tennessee at Knoxville; and the Commissioner for West-Tennessee at Nashville; and at each session, each Commissioner shall continue to sit until he has determined on every claim before him which is ready for adjudication. *Commissioners how often to sit and where.*

SEC. 3. *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 evidence of claims to lands, which may be exhibited by any persons desiring a decision on the same, during the time said Commissioner is in session; and shall number the same in the order in which they were presented. And he shall enter in a book, to be by him kept for that purpose, full and correct minutes of the proceedings and decisions of the said Commissioner 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 are complied with, and then deliver the same to the register of the Land-Office for the district in which he may act. *The duty of the clerks.*

SEC. 4. *Be it enacted*, That any person or persons, or the legal representatives of any 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 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, or which said entry or entries were founded on a good & 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 of such entry or entries are not designated in such manner, that the same can be identified, or if the land called for in any such entry, hath been taken by any prior entry, covering the same land or any part thereof, such claimant or claimants, or their legal representatives, may be at liberty to remove and enter the said warrant or such part thereof, as may have been taken by such prior entry, in any office by this act established for receiving entries. *Claimants authorized to remove and enter in some other office warrants for entries taken by prior entries.*

SEC. 5. *Be it enacted*, That any person or persons, their legal representatives or the rightful assignees of such per-

Persons who have obtained from the State of N. Carolina warrants for military services, entitled to grants from this State.

son or persons, who may have fairly and *bona-fide* obtained from the secretary's office of North-Carolina, any warrant for military services, which by the laws of North-Carolina, was good and valid, or who may have procured a warrant or warrants for services performed as a commissioner, surveyor, or other person, who accompanied the commissioners appointed to lay off the lands for the continental officers and soldiers, or who may have procured a warrant or warrants, 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 a warrant or warrants for pre-emption rights, which warrants were good and valid by the laws of North-Carolina, such person or persons shall be entitled to a grant or grants from this State for the quantity of land called for in said warrants respectively: *Provided*, no grant shall have been heretofore issued on such warrant or warrants, or a duplicate thereof, by the State of North-Carolina.

Proviso.

How younger titles are provided for.

Proviso.

Grants, the locality of which cannot be identified, provided for.

SEC. 6. *Be it enacted*, That any person or persons, or the legal representatives 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 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 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.

SEC. 7. *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, 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 surveyor 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.

SEC. 8. *Be it enacted*, That it shall be lawful for any person or persons, or the legal representatives 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 and Holston or Tennessee

and west of Big Pigeon rivers, or east and north of the congressional reservation, 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, to obtain a grant from this State for the quantity 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 or Tennessee and west of Big Pigeon aforesaid. And when any person is desirous of procuring a 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 grant to the Commissioner of East-Tennessee, within the time prescribed by this act, 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 or any duplicate thereof; and if said Commissioner adjudge his claim to be valid, he shall be entitled to a certificate in such form as said Commissioner may deem proper.

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 been issued, which said file was examined and copied by John Overton, Esq. late agent from this State to North-Carolina;—Therefore,

SEC. 9. *Be it enacted*, That it shall be lawful for each person for whom any of said surveys was made, *Provided*, said surveys were made east or north of the line described in the act of Congress before referred to, on producing a transcript of the copy taken from the said file by the agent aforesaid, 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; but should it appear that said land or any part thereof, hath been taken by any prior claim, in that case it shall be lawful for such person to remove his said warrant, or such part thereof as hath been so taken—have the same located on, & obtain a grant therefor, on any vacant and unappropriated land within this State, which by this act is intended to be granted: *Provided*, however, that no grant shall have been previously issued on said warrants or any duplicates thereof and that said warrants be good and valid, the validity of which shall be ascertained by the Commissioner as in other cases.

SEC. 10. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives of any person or persons, or the rightful assignees of such

Grants obtained from the State of North Carolina for lands south of F. Broad, Holston, &c. provided for.

Preamble

Proviso. The Commissioner to ascertain the validity of warrants.

Warrants not heretofore adjudged, to be filed for adjudication.

Commissioner to examine the same.

To sign his name thereto.

Clerk to attest and record the same.

To be delivered to the person.

Clerk to make a duplicate.

To deliver such duplicate.

person or persons, who may have obtained from the office of Secretary of this State, any warrant or warrants, which have not been heretofore adjudged by the Board of Commissioners for East or West Tennessee, (as the case may be) to file the same for adjudication; and it shall be the duty of said Commissioner to examine the validity of said grant on which such warrant issued, and of the warrant on which said grant issued, and of the interfering grant, in the same manner, and under the same rules and restrictions as is provided by this act for examining other claims founded on interfering grants; and if said Commissioner is of opinion said claim is valid, he shall endorse the same on said warrant; and in case said claimant is entitled to a part of said warrant and not the full amount thereof, said Commissioner shall endorse on said warrant the quantity of acres for which the same is invalid, and the quantity for which the same is invalid, and shall sign his name thereto as Commissioner, and cause his clerk to attest the same; and shall cause his clerk to record such warrant with the endorsement put thereon by the Commissioner; and shall then deliver the said warrant to the person or his representatives, who may have filed the same, which shall entitle the party rightfully claiming the same to a grant for as many acres of land, as the said warrant is adjudged valid for; and in cases said warrant is adjudged invalid, the said Commissioner shall so endorse thereon; and the said valid warrant shall be filed with the clerk of the said Commissioner, and said clerk shall record the same, together with the said certificates in bound books, to be by him kept for that purpose, and shall make a duplicate of said warrant, and shall insert on said duplicate a copy of every endorsement, transfer or other writing, which appeared on the original, and then deliver such duplicate to the person or his representatives who filed the warrant for adjudication, which duplicate shall entitle the rightful owner thereof to a grant from this State, for the same quantity of land specified in said duplicate.

Sec. 11. *Be it enacted*, That from and after the passing of this act, the preference given in the thirty-eighth section of the act which this act is intended to amend, shall not extend to any case where any other person was settled on, and in actual possession of the land entered, before and at the time of making the entry, in the county entry taker's office. And each and every person or persons, their heirs or assigns, who may have made an entry or entries in any county entry takers office, under the authority of an act entitled, "*An act appointing surveyors and entry takers, and directing their duties in office*," passed at Knoxville, November 14th, one thousand eight hundred and one, on any warrant that hath been, or hereafter may be, adjudged valid by the Commissioners, shall be allowed the further

Two years al-

time of two years to make his, her or their entry or entries for the same piece of ground in the office of the Surveyor of the District where the land lies; or in the event, that the warrant on which any entry hath been made in the county entry takers office as aforesaid, shall be adjudged invalid, such enterer shall have the preference of two years to enter the same agreeable to the provisions of this act, and obtain a grant for the same as in other cases, except in the case named in the foregoing part of this section; and that all persons, their heirs or assigns, who may have made an entry or entries by virtue of a service right as assignee of Martin Armstrong or either of his deputies, in the military land office; & all & every person, their heirs or assigns, who have made an entry or entries in said military land office, on a warrant or warrants which may have been or may hereafter be adjudged invalid by the proper authority, shall have a preference of two years to enter the same piece of ground by virtue of any good and valid warrant.

lowed to make entries for certain lands.

Sec. 12. *Be it enacted*, That for the sake of enabling said Commissioners to examine and ascertain the validity of said claims, to land, and whether any grant or grants hath been heretofore obtained upon the same claim or claims, the said Commissioner shall use as evidence the following books, to wit: A copy of John Armstrong's entry book, as transcribed by John Overton, Esq. late agent to North-Carolina, with the account and abstract and all contained in the appendix made in said copy of said entry book by said agent—The books made by said agent, which contain copies of Carter's warrants on which grants have issued—The book procured from the office of the secretary of State of the United States, which contains reports of the lands entered in Sullivan and Washington counties—The book which contains copies of the entries made in Hardin's office, which was transcribed by Samuel Love—The book which contains a copy of the entries made in the entry takers office of Sullivan county; also, a book heretofore furnished the Commissioners of East-Tennessee, by John Adair, the correctness of which he has sworn to before Josiah Nichol, Esq.—The books transcribed by said agent to North-Carolina, which contain copies of the military warrants issued by said State of North-Carolina.—The entry book of the entry taker of Davidson county, formerly put into the hands of Nathan Ewing, and now in the hands of the Commissioners for West-Tennessee—The abstracts formed by the late agent to North-Carolina, relative to the claims of the troops raised for the protection of Davidson county, or a copy taken from them or either of them in case the same should become necessary, and all other transcripts, documents and records taken by our said agent or copies thereof if necessary: *Provided*, that said books shall not by said Commissioners be viewed as conclusive e-

Commissioners to make use of certain books as evidence.

Provided

vidence, but may be explained by testimony derived from other documents procured from the secretary's office of North-Carolina, which furnish convincing evidence of their incorrectness.

Reports of Gaither, &c. to be a record of this State.
Commissioners to use the same where they apply.
Provis.

SEC. 13. *Be it enacted*, That the transcript of the reports of Messrs. Gaither, Graham and Locke, taken from the Journals of the Senate of North-Carolina, by our said late agent John Overton, Esq. shall remain in the office of the secretary of this, as a record of the State, and that the copies thereof, heretofore taken by the Commissioners of East and West-Tennessee, shall hereafter be used by each of the Commissioners named in this act, as evidence in cases to which it apply. *Provided however*, that the same be not conclusive, in case any person exhibiting a claim, to which said reports, or either of them has allusion—can procure satisfactory proof that the same is a good and valid warrant, or claim, and obtained on a *bona-fide*, consideration to the state; and that the said Commissioners shall in no case decide between two or more claimants of a warrant, which has the right, but shall in cases where the warrant is adjudged good against the state, deliver the same to the person or his legal representatives, who shall or may have filed the same for adjudication.

Persons having grants for lands taken by grants of better title, provided for.
to be surveyed by some surveyor to make oath.
oath.

SEC. 14. *Be it enacted*, That from and after the passing of this act, it shall be the duty of each person who may 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 thereof, to exhibit to the Commissioner for the district in which such land may be, the said grant or a certified copy thereof, under which he claims title, together with the mesne conveyances vesting the title in himself, (if he be not the grantee), and also a copy of the entry on which the said grant issued, if it did issue for the land specially entered, together with the grant evidencing such better title, and a copy of the entry on which such grant issued, if it issued for the land specially entered, or if the original grant cannot be had, a certified copy thereof, and also a connected plat of said tract, shewing the interference, which plat shall be made from an actual survey of said interfering titles, made by some sworn surveyor; and said Commissioner shall require the oath of said surveyor to prove the 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, which oath shall be administered by said Commissioner or some justice of the peace, and shall be endorsed on the back of said plat, and be in the following form, (viz.) *I, A. B. do swear, that I have faithfully surveyed and measured every line of this grant of inferior title, and so much of the lines of the grant of better title, as has enabled me to ascertain with accuracy*

the interference; and that the plat by me returned, contains a true representation of the interference between the respective claims. And the said surveyor shall not be entitled to any other fees than fees for running the inferior title, and for the part taken by the better title, agreeably to the quantity, as in other cases by law prescribed in running new lands; and the said claimant shall also produce to said Commissioners, such other documents and evidence as is provided to prove to said Commissioners, and establish the said grant of younger title, and the warrant on which the same issued, and to prove that no other grant issued on the same warrant or a duplicate thereof, and to establish the validity of said grant of better title, and of the warrant on which the same issued, and that no other grant had ever issued on said warrant or a duplicate thereof, previous to the issuance of said grant of better title; and if said claim be considered valid by said Commissioners (after taking into view the entries aforesaid, where they exist, and all the other proof adduced) and sufficient to entitle such claimant, 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 Commissioner to issue to said claimant a certificate in the following form, which shall be signed by said Commissioner, 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 No. dated the day of which issued for acres, from the state of North-Carolina, being taken by the interference of grant No. dated of from said state, for acres, to Given under the hand of C. D. Commissioner for East or West-Tennessee, (as the case may be) this day of in the year*

Commissioner to issue a certificate.
Form of the certificate.

Attest—G. H. clerk.
Provided, that the Commissioner shall not in any case give any certificate where the quantity of land called for in the grant of inferior title, is contained within its bounds, after deducting the quantity taken by the better interfering title from the whole quantity contained within the bounds of the grant of inferior title.

SEC. 15. *Be it enacted*, That it shall be the duty of the clerk to record in a book to be by him kept for that purpose, each certificate issued as aforesaid, and the said grant shall thereupon become void and of no effect, for whatsoever 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 called for in said grant. In all cases where the claimant obtains a certificate to the full quantity of acres called for in

said grant, it shall be a duty of said Commissioners to have a complete copy of said certificate endorsed on said grant, and to detain and file the said grant in the register's office; and in all cases where a certificate issues for only a part of the quantity of acres called for in said grant, to have a complete copy of said certificate endorsed on some part of said grant, and if required, deliver the grant with said endorsement to the person who presented the same.

Persons wanting titles by virtue of grants, the locality of which can't be identified, to advertise the same in a newspaper.

Commissioner to be satisfied.

Claimant to produce the affidavit of the surveyor.

To produce sufficient evidence

Applicant to make oath.

Affidavit of the grantee to be produced if alive.

SEC. 16. *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 such person or persons, to advertise in some one of the newspapers published in this state, 4 different times at least, when, and to which Commissioner he intends to apply for a certificate, and on account of what grant he intends making such application, and therein shall specify the number and date of such grant—to whom granted, and for what number of acres, and how such person or persons derives his or their claim to said grant; of which publications, said Commissioner must be satisfied before he proceeds to examine said claim, and the said person or persons shall produce to the Commissioner of that district in which said land appears to lie, his said grant, together 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 Commissioner, the affidavit of the surveyor, whose duty it is to survey such claim, that the land called for in said grant cannot be identified or found, and that he has made diligent search and enquiry for the same, and also produce satisfactory evidence, that the surveyor and chain-carriers, who originally surveyed the land, and every one of them, are dead or cannot be found, after diligent search and enquiry has been made for them and each of them, or produce the evidence of said surveyor and chain-carriers, if they are alive and to be found, or the evidence of as many of them as are alive and to be found, proving that the land called for in said patent cannot be identified or found; and also, said applicant shall swear that he doth not know where the said land called for in said patent lies, nor is he able to identify the same, although he has used all the means in his power to identify the same, nor does he know of any person claiming title by virtue of, or under said grant, and that the affidavit of the grantee shall in every case be produced, if he is alive and to be found, stating that he doth not know where the land called for in said grant does lie, nor of any mode by which the same can be identified; whereupon, if said Commissioner, is satisfied that said grant is good and valid, and that the claimant at that time had the interest in the same, and the

warrant on which the same, if issued, is good and valid, Commissioner and that no other grant issued on said warrant or any duplicate thereof, and that the land called for therein cannot be found or identified, he 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 No. 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. Commissioner for Tennessee, this day of C. D. Commissioner,

Test—J. K. clerk.

Which shall be recorded by the clerk, in books to be kept for that purpose, and said grant shall thereupon become void; and the said books shall be examined and signed by said Commissioner, and it shall be the duty of each of the clerks of said Commissioners to transcribe said books of certificates, and deposit with the register of the land office, in his district, a copy of the same, and deposit the original in the office of the Secretary of State.

SEC. 17. *Be it enacted*, That if any person or persons shall have heretofore obtained from the Board of Commissioners, or shall hereafter obtain from the Commissioner herein before mentioned, any certificate or certificates for land taken by a grant of better title covering the same, or any certificate or certificates for lands the locality of which could not be ascertained, by reason of any of the causes herein before mentioned, and shall not be at the time of obtaining the same, the real owner or proprietor of the title on which said certificate or certificates issued; in that case, the person or persons who may have the better title to the said certificate, is hereby authorised to sue for and recover, in any court of record having jurisdiction thereof, the value of the said certificate or certificates, of the person or persons who may have so obtained the same.

SEC. 18. *Be it enacted*, That when either of said Commissioners determine that the claim of any person founded on an entry or 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 by him kept for that purpose, and the warrant on which such claim is founded, shall be filed in the office of the clerk of the said Commissioner, together with the evidences thereof, and the said clerk shall make out a duplicate hereof (on which shall be endorsed a copy of every assignment, endorsement, transfer or other writing which appears on the original claim) which said duplicate shall be signed by the said Commissioner, and attested by the clerk, and then delivered to the person who filed the same for adjudication, or his legal representatives; 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.

Commissioners duty. SEC. 19. *Be it enacted,* That it shall be the duty of each of said Commissioners to write in the face of each warrant or evidence of claim which he may reject, that the same is "Invalid," and sign his name thereto as Commissioner, and cause the same to be attested by his clerk; and shall also cause his clerk to record said warrant or evidence of claim, with the writing put on the face thereof, in a separate book, to be by him kept for that purpose, and then, if required, deliver said invalid warrant, or other evidence of an invalid claim, to the person, or his legal representatives, who filed the same for adjudication; a copy of which books shall be taken by said clerk and deposited with the register of the land office of the proper district, and the originals shall be deposited in the Secretary's office.

Preamble. Whereas justice to individuals who hold valid claims for lands against this state, requires that sufficient time should be allowed such persons to enable them to file their claims; and whereas it is equally just that some period should be established, after which no claim should be admitted—Therefore,

Claimants to file their claims SEC. 20. *Be it enacted,* That every person who holds a claim, upon which he wishes to obtain a grant for land from this state, shall file the same for adjudication before the first day of January, one thousand eight hundred and nine, otherwise the same shall be forever barred.

Claimants entitled to appeals. SEC. 21. *Be it enacted,* That when any person or persons, who may have filed a claim, with either of said Commissioners, for adjudication, shall be dissatisfied with the determination of said Commissioner, on his claim, such person or persons shall be entitled to an appeal to the superior court of the district in which such Commissioner may sit: *Provided,* he demands an appeal from said Commissioner, within three months after the determination on his claim.

Commissioners to grant appeals. SEC. 22. *Be it enacted,* That it shall be the duty of each of said commissioners, upon an appeal being demanded by any person as aforesaid, to allow the same, and cause his clerk to make an entry to that effect, in a book to be by him kept for that purpose; and it shall be a duty of each of said commissioners, on the first day of the next superior court of the district in which said commissioner may sit, to furnish the judges of said superior court, with a list of all the claims by him determined, from which appeals may have been granted; and upon receiving such list, it shall be a duty of said judges, to re-examine the validity of said claims and determine thereupon; and the said judges when examining the validity of said claims, shall have in their

possession all the books and other evidences of said claims which were allowed to be used by said Commissioners in their examinations, and all such evidences as (consistent with the rules of law) ought to be admitted in such cases, & shall be attended by the clerks of the respective Commissioners, who shall act as their clerks when examining and adjudging the validity of claims; and upon such examinations said judges shall not allow any counsel or attorney on either side; and if said judges upon such examination should be of opinion that the determination of the Commissioner was correct, they shall cause the clerk to enter in said book, to be by him kept, that the judgment of the said Commissioners is affirmed; and shall also cause said clerk to write in the face of said warrant, that the judgment of said Commissioners is affirmed, and to sign his name thereto as clerk. And if, upon such examination, said judges should be of opinion, that the determination of said Commissioner was incorrect, they shall direct said clerk so to enter in his said book, and that the said claim is a valid claim; and if such claim is for land taken by a better interfering title, they shall direct said clerk to enter in said book, for what number of acres the claimant is entitled to a certificate, and the said judges shall examine said book kept by said clerk, see that the same is correct, and sign their names thereto, so soon as they have determined all the appeals taken to any one court, and shall then cause said clerk to return said book and all the other papers brought before them, to said Commissioners, who, upon receiving the same, shall proceed with each claim which shall have been determined by said judges, in the same manner that it would have been his duty to proceed, provided he had made the same determination thereupon, which the said judges have made.

Duty of clerks. SEC. 23. *Be it enacted,* That it shall be the duty of the clerk of each Commissioner, to make out and keep in his office, for the inspection of all persons, an alphabetical list of all warrants which have been adjudged by the Commissioners, and which may hereafter be adjudged by said Commissioners, expressing also, the number of acres and number of said warrant, & also, of all certificates which have issued, or which shall issue, shewing the number of the grant from which the same issued, and the names of the grantees and to whom conveyed, if not issued to the grantee; and it shall be the duty of each of said clerks to transmit to the other Commissioner's office, a copy of said list when made out, together with a supplemental list, once in every three months, by some safe conveyance.

SEC. 24. *Be it enacted,* That no grant or a copy thereof, shall be received as evidence, by either of said Commissioners, of the claim of any person, unless the same or a regular certified copy thereof, shall have been previously recorded.

Recorded in the register's office of the county where the land lies or did lie, at the time of its registration.

Entries made, on which no warrants have issued, or if issued, lost or mislaid, provided for.

SEC. 25. *Be it enacted*, That in case it shall appear to either of the Commissioners appointed by this act, for the adjudication of claims, that any entry has been made in the office of John Armstrong, Carter or Adair, and the consideration of said entry paid, in case no warrant has been issued on said entry, or in case a warrant has been issued on said entry, and said warrant has by any means been lost or so mislaid, that the same cannot be found, that in either case, it shall & may be lawful for said Commissioner to issue a duplicate warrant to said person making said entry, or his representative, or his or their assignee, or the person rightfully entitled to the same, and shall put thereon, all the assignments which shall be proved to said Commissioner to have been made on said warrant, so lost or destroyed, which said warrant shall be signed by the said Commissioner and be attested by his clerk, and be recorded together with said assignments, if any there are, in his record book with other warrants issued from said office, and adjudged valid: *Provided*, that in each case evidence shall be adduced, to shew that no grant ever issued on said entry or on a warrant issued from said entry: *And provided also*, that it shall be the duty of every person who may desire to obtain a duplicate, on account of the original warrant being lost or destroyed, to exhibit his claim in writing, to either of the Commissioners, therein expressing the manner in which such person or persons claim said warrant, the number of acres and number of said warrant, which claim shall be accompanied by the affidavit of such claimant or claimants, or their agent or some other person deposing to such facts as may be sufficient to shew that said warrant has been lost; and upon said claim being filed, the clerk of said Commissioner shall give to such person a certificate that said claim is filed, therein reciting the warrant claimed and the ground of the claim; which said certificate shall, by said person, be filed with the other Commissioner: whose duty it shall be to examine whether any warrant of the same number issued on the same entry, shall have been issued from said office, either before or after the passing of this act, or whether any such warrant shall have been filed in said office for adjudication: and if it shall appear that no such warrant has been issued from or filed in said office, a certificate to that effect shall be given by said Commissioner, attested by his clerk, to said person: on the receipt of which, the Commissioner with whom said claim is filed, shall be authorised to proceed to examine the validity of said warrant as herein before directed: and upon issuing the same, shall, when required, deliver such warrant to the person or his representatives who may apply for the same: *Pro-*

Provided.

vided, that such delivery, or any thing herein contained, shall not be so construed as to affect any person or persons who may have a better right to said warrant or duplicate than the person to whom the same is so delivered. *Provided.*

SEC. 26. *Be it enacted*, That if any good and valid warrant or warrants shall have been heretofore issued by the secretary of the state of North-Carolina, in consideration of military service, which warrant has been lost or destroyed by time or accident, the proprietor of said warrant, his heirs or assignees, shall not be prejudiced thereby, but it shall be the duty of the Commissioner of West-Tennessee, upon satisfactory proof being adduced to him that such was originally issued, that it was good and valid, that it hath been lost or destroyed by time or accident, so that it was not in the power of the claimant to lay the same before the Commissioners for adjudication, and that no grant hath issued on said warrant, or on a warrant of the same number, for the same service, and for the same quantity of land, to issue a duplicate of said warrant, placing thereon, all the endorsements or assignments which are proven to him to have been on, or annexed to the original warrant, and deliver the said duplicate to the said claimant who adduces the proof aforesaid: *Provided*, that such delivery, nor any thing herein contained, shall be construed to affect any person or persons who may have a better right to said duplicate warrant than the person to whom the same is so delivered. *Provided.*

Warrants issued for military service, lost or destroyed, provided for.

Whereas by a resolution of the General Assembly of the state of North-Carolina, sundry warrants were directed to be issued by John Armstrong, to the Commissioners, surveyors, chain-carriers, guards and others, accompanying said Commissioners appointed to run and mark the bounds of the lands allotted to the officers and soldiers of the continental line, as at present marked: And whereas, for want of provision being made by any act or acts of Assembly of this state, for the claim of said persons, sundry of said warrants have been adjudged invalid by the Board of Commissioners; for relief of such claimants as are rightfully entitled to said warrants,

Preamble

SEC. 27. *Be it enacted*, That the person or persons, or their legal representatives, or the rightful assignee of such person or persons, to whom a warrant shall have issued by John Armstrong, entry-taker for western lands, for their services as a commissioner, surveyor, or guard, or for other services in accompanying said commissioners in running and marking the bounds of the land reserved for the continental line, shall be at liberty to file the same with the Commissioner of West-Tennessee for adjudication, *Warrants obtained for certain services, to be perfected in to grants.*

notwithstanding the same may have heretofore been declared invalid for the reasons aforesaid; and on adducing proof to said Commissioner, of the actual service of said person, to whom said warrant issued, and that the signature to said warrant is in the proper hand writing of said John Armstrong, and that no grant or grants ever issued on said warrant or any other warrant for the same service, it shall be the duty of said Commissioner to file said warrant in his office, and issue a duplicate thereof to the person filing the same, which shall entitle the rightful owner thereof to enter and obtain a title for the quantity of land called for in said warrant, on any vacant and unappropriated land, subject by this act to be entered.

Preamble.

Whereas it appears that many entries have been made in the office of John Armstrong, on which the consideration money appears to have been paid, and on which it appears from the copy of John Armstrong's entry book, that warrants have issued: And whereas it appears on the production of said warrants, by the persons to whom they were issued, that the entry taker has omitted to sign his name to said warrants; which said warrants appear in every respect fair and regular, except said omission in signing his name; for relief of such persons,

Certain entries entitled to warrants.

SEC. 28. *Be it enacted,* That whenever it shall appear that any entry has been made in John Armstrong's office, on which entry the consideration money was failing and bona-fide paid, and on which a warrant purports to have issued, and which said warrant when exhibited for adjudication, shall appear in all other respects fair and regular, except wanting the signature of said entry taker, it shall and may be lawful for said Commissioner, before whom the said entry shall be exhibited for adjudication, notwithstanding the same may have been adjudged invalid for said omission, to issue to the person or persons making said entry, or the legal representatives of such person or persons, or the rightful assignee of such person or persons, a duplicate warrant corresponding with said entry and location, which shall be signed by said Commissioner, attested by his clerk, and recorded as in other cases of warrants issued from said office: *Provided,* that before a warrant shall be issued in any such case, proof shall be adduced, that no warrant or grant ever issued on said entry, or on any warrant issued thereon.

Proviso.

SEC. 29. *Be it enacted,* That where any entry has been made by any person or persons, in the office of John Armstrong, and on which entry no warrant has issued, on account of the whole of the consideration money of said entry not being paid, it shall and may be lawful for said per-

son or persons, or his, or her, or their legal representatives, to obtain from either of the Commissioners, a warrant for so much land as shall have been paid for, at the rate of ten pounds, North-Carolina currency, for each hundred acres; which said warrant shall be signed by the Commissioner, attested by his clerk, and recorded as in other cases: *Pro- Proviso.* *vided,* that in no case shall any such warrant issue, unless it shall appear that no warrant or warrants, or grant ever issued on said entry. And unless the person or persons exhibiting such claim, shall produce a certificate, properly certified from the Comptroller of North-Carolina, shewing what sum was paid on said entry, and how much remains unpaid.

SEC. 30. *Be it enacted,* That the books containing the entries made by Samuel Barton, late entry taker of the pre- *Certain entry- books, how dis-* *posed of.* *emption claims and guard rights, in the county of Davidson,* be deposited in the hands of the Commissioner of West-Tennessee, to be by him kept a record of the state; and all copies of entries taken from the said books and certified by the Commissioner aforesaid, while said record is in his possession to be true copies of the original, shall be received as evidence in any court of record within this state, and in all cases in which said evidence may be necessary; and it shall be the duty of the Commissioner of West-Tennessee, in every case where an entry appears on said books to have been made fairly and bona-fide, and on which no warrant has been issued or grant obtained, to issue a warrant of survey directed to the principal sur- *Surveyors duty* *veyor of the district in which the land designated in the said entry may lie, whose duty it shall be to survey the same in manner prescribed by this act, and the person entitled to the benefit of said entry, his heirs or assigns, shall be entitled to a grant thereon as in other cases. And when said Commissioner shall have completed the duties imposed on him by this act, it shall be his duty to deliver said entry book to the register of the land office for West-Tennessee, whose duty it shall be to receive and safely keep the same; and all copies taken from said book and certified by said register, after the same shall have been delivered to him, shall be received as evidence in any court of record or elsewhere.*

SEC. 31. *Be it enacted,* That in all cases where surveys have been made on genuine warrants, plats and certificates of such surveys made out, and with the warrants sent to, and filed in the secretary's office of North-Carolina, for the purpose of obtaining grants thereon, and where no grants have issued, and where the secretary will not deliver the warrant to the party, it shall and may be lawful for such person or persons to procure certified copies of said warrants from said secretary's office, and produce said copies, so certified, to either of the Commissioners

*Commissioners
duty.*

by this act to be appointed, whose duty it shall be to examine the same, in the same manner, and by the same rules prescribed for ascertaining the validity of original warrants, if produced; and if said Commissioner is satisfied that said warrant is in the said secretary's office, and that the same is a good and valid warrant, and that no grant ever issued thereon, or on any duplicate thereof, that then and in that case said Commissioner may determine that said copy is a valid claim against the state, and shall file the said copy in his office, and issue a duplicate in the same manner as if the original had been filed, which shall entitle the rightful owner to obtain a grant, either for the same land originally surveyed, or any vacant and unappropriated land permitted by this act to be granted, in the same manner as by this act prescribed for obtaining grants, upon other claims adjudged to be valid.

*Commissioners
duty.*

SEC. 32. *Be it enacted* That in all cases where either of the boards of Commissioners heretofore established, have determined a claim to be valid and have not delivered the same, to the person entitled thereto, it shall be their duty to deliver the same, together with all the other records, books and papers in their possession as Commissioners, to the respective Commissioners by this act to be appointed, who shall (if it has not already been done) cause the said warrants to be recorded by their clerk, together with all the assignments, transfers, endorsements and other instruments of writing on any part of said warrant or attached thereto, and shall (if the same has not already been made out) cause a duplicate of said warrant to be made out as by this act directed, and shall cause a copy of every assignment, transfer, endorsement and other instrument of writing which appeared on or was annexed to the original, to be placed on said duplicate, and shall then deliver said duplicate, if demanded, to the same person or his legal representatives, who filed the same, for adjudication; and in all cases where claims have been heretofore filed for adjudication, and where no decision has been made, it shall be the duty of the Commissioner by this act appointed, to proceed to examine and adjudge said claims in the same manner, by the same kind of evidence, make the same decisions and dispositions of such claims, as are by this act required with respect to claims hereafter to be filed: And it shall be a duty of the Commissioners by this act appointed, in all cases where such papers may come to their hands, to deliver to the persons or their representatives who filed the same, any grant or other papers filed with the former Commissioners to obtain certificates, where such person or persons have not been able to obtain any certificate thereon; and in all cases where grants have been heretofore filed with the Commissioners for the purpose of obtaining certificates

on account of the land therein mentioned, or any part thereof being taken by some other grant of better title, and where said Commissioners have issued to such claimant a certificate for a plat of the land mentioned in such grant, it shall be a duty of the Commissioners by this act to be appointed, to cause their respective clerks to endorse on each of such grants, a correct copy of the certificate which has issued thereon; and then if required, deliver said grant, so endorsed, to the persons or their legal representatives, who filed the same. And in all cases where either of the boards of Commissioners hath heretofore adjudged any warrants invalid, it shall be the duty of each of the Commissioners to be appointed under this act, upon such invalid warrant being delivered to them to cause their respective clerks to record such invalid warrants, and to record that the same hath been adjudged invalid (if such records have not already been made) and cause their respective clerks to write the word INVALID, in large legible characters, in the face of each of said warrants, and subscribe his name as Commissioner thereto, and cause his clerk to attest the same, and then when required, deliver such invalid warrants to the same persons or their representatives, who filed the same for adjudication.

SEC. 33. *Be it enacted*, That it shall be the duty of *Clerks duty.* each clerk of the Commissioners to be appointed in pursuance of this act, upon the application of any person or persons who may wish information respecting his, her or their title, to examine any of the records or books by this act directed to be in possession of such Commissioner, and give the information required; and if any person or persons may wish a copy of any record contained in either of said books while they are in possession of such Commissioner, it shall be the duty of such clerk upon application to him made, to make and certify under his hand such copy, which copy so certified, shall be received as evidence in any court of record or elsewhere; and whenever said books shall pass out of the hands of said Commissioners into the hands of any other officer, it shall be the duty of such officer upon similar applications to make similar searches, give similar information, to make and certify copies of said records, which shall be received in evidence in the same manner as those certified by such clerk; and the said clerk or other person shall demand and receive for each search, and giving the information without copy, the sum of twelve and one half cents; and for each copy and certificate, the sum of fifty cents; which different sums, such clerks shall each account for, and pay to the treasurer of the proper district, at the same times, in the same manner, and under the same penalties prescribed by law for clerks of the superior

...; except such sums as he may receive for searches or copies while the Commissioner is not in session, or he is not engaged in making up his records, which he shall retain for his own use.

SEC. 34. *Be it enacted*, That in all cases where any person or persons shall have made an entry in any one of the entry taker's offices established by the laws of North-Carolina, or shall have purchased such an entry or entries from the rightful owners thereof, and where such person or persons have been or hereafter may be prevented from obtaining grants for said lands on the warrants issued upon such entries or on the warrants upon which such entries have been founded, through the fraudulent practices of others, that in every such case, such person or persons shall be allowed the term of two years, within which to procure a valid warrant or certificate, cause an entry thereof to be made and procure a grant from this state for the same land mentioned in such special entry or entries; within which time it shall not be lawful for any other person or persons to make an entry on, or obtain a grant for any such lands.

WHEREAS it is represented to this General Assembly, that sundry persons have made entries of land in the office of the surveyor of the second district, and upon the late extension of the Cherokee boundary line, such entries are upon lands to which the Indian title was not extinguished at the time of making such entries, but is now extinguished thereto—Therefore,

Entries made to certain lands provided for. SEC. 35. *Be it enacted*, That it shall and may be lawful for all and every person or persons who hath made an entry or entries in said surveyor's office, upon his, her or their occupant claim or claims, and for all and every other person or persons who hath made an entry or entries in said surveyor's office, on any piece or parcel of land, on which no other person was, at the time of making entry or entries, actually settled, to which lands the Indian title was not extinguished at the time of making such entry or entries, but is now extinguished thereto, to have said lands surveyed and obtain grants upon such entries in the same manner they would have been authorised to obtain grants if the Indian title had been extinguished at the time of making such entries; and in all cases where it has happened that any person or persons hath made an entry or entries of land on which some other person was at that time settled, and to which the Indian claim was not at the time of making such entry or entries extinguished, but which is now extinguished thereto, or where any person or persons have by mistake made an entry or entries in any surveyor's office established by the act which

this act is intended to amend, on any lands to which the Indian title hath not been yet extinguished, it shall & may be lawful for such person or persons or their legal representatives, to withdraw such entry or entries, and to make an entry or entries upon the same claim or claims, and obtain a grant or grants for any lands authorised by this act to be granted, in the same manner as if such entry or entries had never been made.

SEC. 36. *Be it enacted*, That it shall and may be lawful for each and every person or persons, who shall have made an actual settlement, and shall have seated him, her or themselves on any vacant & ungranted land, which by this act is intended to be entered and granted, and shall have been in possession of the same on the twelfth day of September, in the year one thousand eight hundred and seven, to have a preference for the term of two years from and after the passing of this act, to enter the same, not exceeding three hundred acres, nor less than one hundred unless prevented by interfering claims, to include his, her or their improvement; and it shall be the duty of such occupant or occupants to cause to be surveyed, where it has not been done, the quantity he, she or they intend entering agreeably to this act, within nine months after the passing hereof, by the surveyor within whose district the same lies, or his deputy, whose duty it shall be to make such surveys upon application; and the surveyor in making such surveys shall make the same in the shape that other surveys are by this act required to be made; and said surveyor shall record the plats and certificates of such surveys in his office, as he is required to record other surveys: and the occupant or occupants their heirs or assigns, shall be bound when they afterwards procure warrants to cover such surveys, to obtain their grants in conformity with said surveys; & each occupant failing to make application to have his claim surveyed within the time herein prescribed, shall forfeit all claim to any preference; and every surveyor failing to make such surveys, upon application, shall be guilty of a misdemeanor in office, and the principal and his securities shall be further liable upon their bond, to all damages which any person may sustain by such failure; and the surveyor shall be entitled to the same fees for such surveys as he is allowed by this act for similar services. And upon such occupant or occupants procuring a good and valid warrant or certificate and delivering the same to the principal surveyor who, or whose deputy shall have made his her or their surveys, it shall be the duty of such principal surveyor to enter in his book, the warrant or certificate to be applied to each of such surveys, and then deliver to the party, the plats and certificates of such surveys and the warrants or certificates applied thereto;

Occupants to have a preference of 2 years to make entries

To have the same surveyed. Surveyors duty.

upon the return of which, to the proper register's office, the party or parties shall be entitled to obtain grants thereon as in other cases: *Provided always*, that the said lands shall be liable to taxation from the time of making such surveys, in the same manner they would be if such lands were held by grant.

Proviso.

Not lawful to obtain grants on certain lands

Proviso.

SEC. 37. *Be it enacted*, That it shall not be lawful for any person or persons to make an entry of, or obtain a survey or grant for any land of which any other person or persons may have actual possession, claiming title thereto under a grant or grants from the state of North-Carolina, which, upon the face thereof, appears to be fair, or to which any other person or persons claim title under a grant or grants from the state of North-Carolina, which, upon the face thereof, appears to be fair, altho' such person may not have actual possession, unless it can be proved that such person or persons were guilty of some frauds in procuring such grant or grants to be issued; & if any such entry, survey or grant, shall be made or obtained, the same shall be null and void: *Provided*, that nothing herein contained shall be construed to prohibit any person or persons who may be the rightful owner of any good and valid warrant or warrants, from surveying the same and obtaining a grant for the land specially called for in said entry or warrant, provided the said entry was made and warrant issued under the authority of North-Carolina.

Persons having duplicate warrants, how to proceed.

SEC. 38. *Be it enacted*, That any person having a duplicate warrant, issued as by this act directed, where the land called for in the entry on which the original warrant issued, hath not been taken by any prior entry, or where the land on which such original warrant may have been specially located, has not been taken by any prior location, may put the same into the hands of the principal surveyor of the district in which such lands lie, or where the land may lie in two different districts, in the hands of the principal surveyor of the district where the beginning corner of such land may lie, who shall, upon request, be bound to give a receipt therefor, & it shall be the duty of the said surveyor, as soon as may be after receiving such warrants, to proceed to survey for such claimant the land called for in such entry or location, as the case may be, and the surveyor in making such surveys, is hereby directed to make the same agreeable to the requisitions of the laws in force and use at the time of passing the cession act.

Surveyors duty

SEC. 39. *Be it enacted*, That the surveyors of the different districts in this state, in whose offices entries may have been made under the act which this act is intended to amend, shall proceed to survey the lands called for in such entries, according to the different calls of the respective entries, without regard to the sections or sectional lines, and an omission to call for a section or a sectional

line, or a mistake in calling for a wrong section or sectional line, shall not viciate such entries: *Provided*, the other calls of said entries are such as will give reasonable notice of the land intended to be entered. *Proviso.*

SEC. 40. *Be it enacted*, That every person having a duplicate warrant issued as by this act directed, or as directed by the act, which this is intended to amend, or a certificate issued as directed by either of said acts, and being desirous of obtaining a grant or grants thereon, for any vacant and unappropriated land within this state, shall produce said warrant or certificate to the surveyor of the district in which he intends obtaining any grant, and at the same time shall produce and deliver to said surveyor a location of the lands he wishes to obtain a grant for, and said location shall set forth where the land shall be situated, the nearest water-courses, mountains and remarkable places, and such water-courses and remarkable places as may be therein, the natural boundaries and the lines of the lands of any other person or persons, if any, which divide it from other lands; which location shall be on not less than a quarter of a sheet of paper and shall be signed by the person making the same: and the said surveyor shall receive said warrant or certificate and location, and if required, shall give to such person a receipt for the same, and shall immediately enter said location in a book to be by him kept for that purpose; and should two or more persons at the same time, offer to any surveyor, locations of the same land, he shall immediately have it determined by lot, which shall have priority of entry, and make their entry accordingly; and said surveyor shall as soon as may be, after receiving said location, cause to be surveyed the lands described therein, paying due regard to the calls of said location and running said survey to the cardinal points, and no survey shall be more than twice as long as wide, except where the same cannot be done on account of natural boundaries or prior adjoining claims, and shall within three months at farthest, after said survey is so made, record the plats and certificates thereof, at full length, in a bound book to be kept for that purpose, in which plats and certificates shall be contained a correct account of the number of acres (which correctness the principal surveyor shall ascertain from calculations made by himself) the county and district in which the land lies, the kind of warrant or certificate, it is founded upon, the courses and distances of the several boundaries, natural and artificial, ancient and new; and also the name of every person whose former lines make a boundary, and shall at any time thereafter when required, deliver to the person for whom said survey was made, the said plats and certificates of survey: *Provided always*, that in all cases where

Duplicate warrants how to obtain grants on

any person or persons shall wish to make two or more entries on one warrant or certificate, that the whole of said entries shall be made with the same surveyor, and in no case shall a part of a warrant or certificate be satisfied in one surveyor's district and a part in another; 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 a part of said warrant or certificate, expressing the number thereof, the quantity of acres it calls for, and the part thereof which remains to be satisfied, a memorandum of which entries so made, shall be endorsed on said warrant or annexed thereto, which warrant shall 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 thereon. And that all entries and surveys made under the act which this act is intended to amend, and all surveys to be made in pursuance of said act, and all entries and surveys to be made under the authority of this act, shall be made for lands within the bounds of the first, second, third fourth, fifth, and sixth surveyors' districts, as described in the third section of the act which this act is intended to amend, and that it shall not be lawful for any person or persons to enter or obtain a survey, or obtain a grant for any land under the provisions of this act, within this state, except within the bounds of said districts; and that hereafter in making entries and surveys in the respective districts, and appointing deputy surveyors, the eastern line of the fifth district, dividing said district from the sixth district, shall be the line of Jefferson county, dividing the same from Greene and Hawkins, and the line of Grainger county, dividing the same from Hawkins county, and the line of Claiborne county, dividing the same from Hawkins, so as to include all the county of Jefferson, Grainger and Claiborne in said fifth district, and all of the county of Hawkins in the sixth district.

Not lawful to obtain grants for lands marked for schools. SEC. 41. *Be it enacted,* That it shall not be lawful for any person or persons to enter, survey or obtain a grant for any tract or part of a tract of land hertofore surveyed or marked for the use of schools, by either of the surveyors appointed in pursuance of the act which this act is intended to amend, and if any entry shall have been made or shall hereafter be made, the same shall be null and void, & it shall not be lawful for either of the registers to issue a grant for the same, & if such grant should be issued the same shall be null and void; and that it shall be lawful for such persons when such entries have been made, to re-nice said warrant or certificate, and enter the same on any other vacant land in this state, intended by this act, to be granted.

Surveyors to mark the lines. SEC. 42. *Be it enacted,* That it shall be the duty of each and every surveyor in making any survey of land up-

on which a grant is to be obtained from this state, to run and cause each and every line thereof to be plainly and distinctly marked the whole length thereof, and it shall be the duty of the person for whom any such survey is to be made, to attend such surveyor in person, or cause some other to attend him at the time of making such survey, and mark the lines as above directed; and in case such person should fail to attend, or cause some other person to attend and mark, it shall be a duty of such surveyor to procure some person to attend him and mark the lines of the survey, in the manner hereby directed, who shall be paid by the person for whom the survey is made, at the rate of one dollar per day.

Some person to attend the surveyor.

SEC. 43. *Be it enacted,* That in all cases where any person hath heretofore made, or may hereafter make an entry on any piece of land, the whole or a part of which is taken by some prior claim, that it shall and may be lawful for such person to make an entry on and obtain a grant for any vacant and unappropriated land within this state, which by this act is intended to be granted, for the whole amount of his warrant or certificate, or for such part as is taken away by such prior claim, and in all cases where any person or persons shall have made or may hereafter make an entry on any piece of land, and upon surveying the same it is found that in consequence of prior claims or natural boundaries, or from the boundaries or calls of the location, there is not as much vacant land as will satisfy the quantity called for in said entry, it shall and may be lawful for such person or persons to obtain a grant for such quantity as is vacant and included within the boundaries and calls of location, and to make another entry in the same surveyor's office on other vacant land to the amount of the deficiency, which second entry shall be founded on the same warrant or certificate with the first entry, and shall be so stated by said surveyor in his certificate of survey.

Entries taken by prior claim provided for.

SEC. 44. *Be it enacted,* That it shall be the duty of every surveyor by himself, or deputy, to make the surveys in the different districts assigned to each deputy, within any surveyor's district, as near as may be, according to priority of entry, when said entries join each other, or are for the same land, except such person for whom such prior entry was made, shall fail or refuse within the term of twelve days after the time at which said survey shall be authorised to be made, to call upon said surveyor and require said prior entry to be surveyed; and any surveyor, whether principal or deputy, failing in any of the duties enjoined by this act, shall be liable to be indicted in the court of the district in which his office may be kept, and upon conviction, to be punished by fine and deprivation of his office, and incapacity to hold or take it again, and the

Surveyors duty

On neglect of duty, liable to indictment.

principal surveyor and his securities shall moreover be liable to any party injured for all damages he may sustain by such failure; and that in all cases in making original surveys, the surveyor shall not make any allowance, but shall make each survey on each entry or location, as nearly as practicable for the quantity called for in such entry or location, provided there is land sufficient to fill the same, and should it hereafter appear that any tract of land, which has or may be surveyed by and under the authority of this act, or the act which this act is intended to amend, which shall contain within the lines and corners of said survey one fourth more than the quantity called for in the entry on which such survey has or shall be made, the said addition of one fourth shall be deemed a fraud, practised on the state, by the surveyor, and it shall be deemed and declared a misdemeanor in the said surveyor, who shall or may have made such survey, and it shall be the duty of the attorney general for the district, in which the same may be done, upon information being given to him thereof, to prefer an indictment against and prosecute such surveyor in the superior court of such district, and on conviction thereof, he shall be removed, from office, and be fined and imprisoned at the discretion of the court; and if any survey contains more land within the lines than one tenth more than the quantity called for in said survey, the quantity exceeding said addition of one tenth shall be deemed vacant land, and shall be thrown off on some one line by the owner, and in one tract; nor shall any surveyor make any entry or survey for more than five thousand acres in any one tract, nor shall the register, secretary and governor issue any grant which calls for a larger quantity than five thousand acres; and if it should so appear that any survey or grant should be made which calls for a larger quantity than five thousand acres, the same shall be null and void, and said grant shall not be admitted as evidence in any court of record within this state.

Grants not to exceed 5000 acres.

Register's duty.

SEC. 45. *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, which said assignment shall be proven in open court of the county where the land lies, by two credible witnesses, or acknowledged by the person making such assignment, with the clerk's certificate of such probate, or acknowledgement; and in no case shall any entry be transferred in the surveyor's entry book, but the surveyor shall in all cases make the survey in the name of the person or his legal representatives for whom the entry shall have been made.

Surveyor's duty.

SEC. 46. *Be it enacted*, That each principal surveyor shall subdivide his district in such manner as to him shall seem most convenient, and shall so apportion

his deputies to said inferior districts, that only one shall be at liberty to make surveys in each inferior district, and it shall be his duty to appoint at least, one deputy surveyor, who shall reside in each county within his district.

SEC. 47. *Be it enacted*, That if any person shall obtain a survey by virtue of an entry made in any of the offices established by the laws of North-Carolina, or by virtue of an entry made under this act, or under the act this is intended to amend, to which land any other person hath a claim, the person having such claim may enter a caveat to prevent such person from obtaining a grant, till said claim can be determined; such caveat shall be entered within three months at farthest, after the receipt of the plat and certificate of survey, at the principal surveyor'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 principal surveyor 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 principal surveyor 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.

Persons to enter caveats.

SEC. 48. *Be it enacted*, That the clerk of such court upon receiving the same, shall enter such copy of the caveat, in a book to be by him kept for that purpose, and shall thereupon issue a summons directed to the sheriff of any county wherein 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 such 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 impenalling and swearing a jury for finding such facts as are material to the cause, and are not agreed upon by the parties, and shall thereupon give judgment; and if either party shall be dissatisfied with the judgment of the county court, they shall be entitled to an appeal to the superior court of the district in which the county court may be, under the same rules, regulations and restrictions, and upon the same conditions that appeals are allowed in other cases; and upon a transcript of said cause being filed in the said superior court, within the time prescribed by law, the said superior court shall cause a new trial of the said suit to be had before them, by swearing a jury as directed in the county court, and upon their finding, shall give judgment; a copy of which said

Mode of proceeding on caveats.

judgment, or a copy of the judgment of the county court if in case no appeal has been taken, if in favor of the defendant, being delivered into the office of the principal surveyor, shall vacate the said caveat; and if the said judgment be in favor of said plaintiff, upon delivering a copy of the same into the office of the principal surveyor, he shall be entitled to obtain a grant for the land mentioned and described in said caveat and judgment, in the same manner as if such person caveated had never obtained any survey therefor; and in all caveat cases, the costs shall go with the cause, and the courts shall have power to compel caveators to give security for the costs in all cases where they judge it proper so to do,

Register to issue grants.

SEC. 49. *Be it enacted* That when due returns of plats and certificates of survey and warrants are made to the register, in manner as by this act directed, 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,

Form of a grant.

To all to whom these presents shall come, GREETING;
KNOW YE, That in consideration of (reciting the ground of the claim, the number and date of the entry, or location, and the number and date of the warrant or certificate) there is granted by the said State of Tennessee unto C. D. and his heirs, a certain tract or parcel of land, containing _____ acres, lying in the county of _____ in the district of _____ (describing the bounds of the land and date of the survey upon which the grant issues) with the hereditaments and 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 hereunto 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.

E. F. Secretary.

Manner of proceeding with grants.

Upon which grant the said register shall endorse that the party hath title to the same, and subscribe his name as register thereto, which having been signed by the governor, counter signed by the secretary, sealed with the great seal of the state, shall be entered of record at full length by the said register in 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 cir-

umstances to shew the right of the party to the grant, shall be recited in the grant.

SEC. 50. *Be it enacted,* That all plats and certificates of survey, and warrants and certificates returned to the register's office upon which grants issue, shall by said register be carefully numbered with the same number of the grant issued thereon, filed away in numerical order, and preserved in said office, and shall on no account be suffered to be taken out of said register's office, and in every case where a warrant or certificate has a grant or grants issued thereon to its full amount, it shall be the duty of the register to write in plain legible characters in the face of such warrant or certificate, the word 'GRANTED,' and sign his name thereto.

Register's duty

SEC. 51. *Be it enacted,* That it shall be lawful for the clerks of the 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:

Fees.

To the Clerks,—For each day he necessarily attends the Commissioners, two dollars and fifty cents per day; and for copying the records of said Commissioners, at the rate of two dollars and fifty cents per day, for each day he may be necessarily engaged, therein, to be paid in the manner pointed out by this act.

To the clerks of the Commissioners.

To the surveyors,—Who shall be paid by those for whom he performs the service, for every survey by him plainly bounded, as by this act directed, where the survey shall not exceed three hundred acres, two dollars—For every hundred acres exceeding that quantity, in the same tract, fifty cents, provided it does not exceed one thousand acres—For every hundred acres contained in said tract above one thousand and under two thousand acres, thirty-seven and one half cents, and for each hundred acres above two thousand in each tract, twenty-five cents—For every resurvey of land upon which a grant has issued, and the lines thereof not closed, or more than two corners made, the same as on an original survey—For recording a plat and certificate, as by this act directed, in well bound books, to be procured by said surveyor at his own expence, fifty cents—For receiving warrant and location and giving a receipt for the same (if required) and making an entry thereof, in a well bound book, to be procured at his own proper cost, fifty cents, and for a copy thereof, twelve and one half cents. And it shall be the duty of each principal surveyor, upon application of any person, to search for any record in his office, and read the same to such person without fee.

To the Surveyors.

To the Commissioners—To each Commissioner for e- *To the Com-*

missioners.

very day he may be necessarily engaged as a Commissioner, the sum of three dollars; which sum shall be paid to the Commissioners, and their clerks respectively, by either treasurer, out of any public monies not otherwise appropriated upon a warrant or warrants, drawn by the governor, who is hereby authorised to issue the same, upon application from the Commissioners or clerks, accompanied by a statement of their accounts, signed by the Commissioners respectively.

To the Register.

To the Register—For receiving and filing a plat and certificate of survey, and warrant or certificate (as the case may be) making out grant and recording the same, one dollar—For a regular certified copy thereof, fifty cents and for every search of, and reading a record (if no copy be required) twelve and one half cents.

Secretary's duty.

It shall be the duty of the secretary to enter down in a bound book, by him to be kept for that purpose, the number and date of each grant he affixes the seal of the state to, also the quantity of acres, and the grantee's name, for which he shall be entitled to twelve and one half cents.—To the Secretary of State for every grant altered, in pursuance of a certificate from any county or superior court, the sum of seventy-five cents.

His fees,

Preamble.

Whereas it is doubted whether the treasurers are authorised to defray the expences incurred by the act which this act is intended to amend, out of any monies in the treasury, except the money arising from the sale of occupant claims, south of French-Broad and Holston, for explanation thereof,

SEC. 52. *Be it enacted*, That it shall be lawful, and it is hereby declared to be the duty of either of the treasurers to discharge said expences out of any money in either of their offices, after the first day of January next, not otherwise appropriated.

Surveyor of 4th dist. compensated.

SEC. 53. *Be it enacted*, That it shall be the duty of the register of the land office, for East Tennessee, to liquidate and settle the claim of the surveyor of the fourth district, for sectioning said district, laying down the prior claims within the same, and for laying off the lands for the use of schools, at the same rates heretofore prescribed, and to issue warrants to the full amount of said account, after deducting the amount for which warrants may have already issued, which shall entitle said surveyor to make an entry or entries, obtain a survey or surveys and a grant or grants to the amount of such warrant or warrants, upon any vacant and unappropriated land which is intended by this act to be granted.

SEC. 54. *Be it enacted*, That from and after the passing of this act, all those parts of the act which this act is

intended to amend, which relates to the appointment of two Boards of Commissioners, prescribing their duties, the mode of their doing business, and every part of said act relating thereto, so far as respects any thing hereafter to be done; and all those parts of said act which prescribes to the surveyors, or any or either of them, duties different from those pointed out in this act; and all those parts which directs a mode of proceeding by said surveyors, or any or either of them, different from that pointed out by this act, so far as respects any thing hereafter to be done; and that all those parts of said act which prescribes different duties to the registers, or either of them, from those prescribed in this act; and all those parts which directs a different mode of proceeding by said registers or either of them than those pointed out by this act, so far as respects any proceedings hereafter to be had; and all those parts of said act which prescribe different duties, or a different mode of proceeding for the clerks of the Commissioners, or either of them, so far as respects any proceedings hereafter to be had, shall be and the same hereby are repealed; and that the fourteenth, nineteenth, twentieth, forty-eighth, fifty-second and fifty-seventh sections of the said act, shall be and hereby are repealed. And that all sections and clauses in said act which are in any wise inconsistent with any of the provisions in this act, shall be and the same are hereby repealed, so far as may respect any thing hereafter to be done.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3rd, 1807.

CHAPTER III.

AN ACT for the relief of Harriet Walker.

WHEREAS it is represented to this General Preamble: Assembly, that Doctor James Walker, has for the space of four years abandoned the said Harriet his wife, and has left her in a forlorn and destitute condition, refusing to live with her, and give her that support which as a husband it is his duty to do; and as it appears that the said James Walker is a resident of the State of Tennessee, and has been for the whole time aforesaid, whereby the said Harriet has been prevented from making an application to the Superior Court of Law and Equity, for the purpose of obtaining a divorce from the said James, at

though the absence and desertion aforesaid, has been as wilful as if the said James had been without the limits of the State of Tennessee—Therefore,

Harriet Walker divorced.

BE it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony existing between the said James Walker and his wife Harriet, be, and they are hereby declared to be dissolved to all intents and purposes; and the said Harriet be restored to all the rights, privileges and immunities, which she as a feme-sole has by the laws of the land a right to enjoy.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro-tem.

October 26th, 1807.

CHAPTER IV.

AN ACT to authoris a separate election in the County of Stewart.

When to hold a separate election in Stewart County, and where.

Who to be voted for.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That on the first Thursday and Friday in August, in the year one thousand eight hundred and nine, and on the same days in every second year thereafter, the sheriff of Stewart county; shall by himself or deputy, cause an election to be holden at a place called Roslin, in said county, adjacent to Welle's creek meeting-house, at which time and place votes shall be received for Governor, a member or members of Congress, and members of the Senate and House of Representatives in the State Legislature, and also for Colonel and Majors of militia, and electors to elect a President and Vice-President of the United States of America, whenever said elections may be necessary or required by law; and said elections shall be conducted under the same laws, rules and regulations, and in the same manner as elections for the aforesaid officers and members at the respective court-houses.

Sheriff and deputy's duty.

SEC. 2. *Be it enacted,* That on the next day after the Friday of the election aforesaid, the deputy aforesaid and the sheriff, shall meet at the place of holding court in and for said county of Stewart, and compare the votes taken at Roslin, with those taken at the place of holding court in said county, and ascertain the full number, which being done, the said sheriff shall as is required by law, proceed to Clarksville on the Monday following each of said elections, in order to compare the polls of Stewart and Montgomery counties, for Governor of the State, members of Congress, and members of the State Legislature.

SEC. 3. *Be it enacted,* That the judges of the election at Roslin aforesaid, and also at the place of holding court for said county, shall, and they are hereby authorised to tender an oath to any person offering to vote, who may be suspected by them or any of them, to have voted at any other place of election in said district; and if said person to whom the oath is so tendered shall refuse to swear, or after having sworn, answer that he has voted elsewhere in said election district, his vote at Roslin aforesaid, shall be by said judges rejected; and if said person shall on such swearing, swear falsely, and in consequence thereof, vote at the election at Roslin, after having during said election, voted elsewhere in said district, such person so voting, shall and is hereby declared to be liable to all the pains and penalties to be inflicted on persons convicted of wilful and corrupt perjury.

Judges of the election to swear persons suspected of voting elsewhere, &c.

SEC. 4. *Be it enacted,* That all persons residing on the Cross creeks and above, shall be permitted to vote at Roslin; and all persons residing on the said creeks above, should they attempt to vote at the place of holding court for said county, they shall be strictly examined by the judges of election, as herein before directed; and if on such examination it be found that they have not during said election voted at Roslin, they or any of them, so offering, shall be permitted to vote at said court-house; and such persons entitled to vote as reside below said creeks, shall give their votes at the court-house of said county, and should they attempt or offer to vote at Roslin, they and each of them so offering, shall be examined by the judges of election at Roslin, in manner aforesaid, and should they on such examination, be found not to have voted at the court-house, such person is permitted to give his vote at Roslin.

Where to reside and where to vote.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro. tem.

October 26th, 1807.

CHAPTER V.

AN ACT augmenting the sum, and increasing the number and sufficiency of the securities, of the Treasurer, of the Districts of Washington and Hamilton, and the Trasurer of the Districts of Mero, Winchester, and Robertson.

WHEREAS the revenue of the state has greatly increased, and in all probability will continue to increase, and the bonds and securities heretofore required by law to be taken of the respective Trea-

Preamble.

surers of the state department, being considered insufficient to secure the Revenue in its present progressive state—Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing hereof, the Treasurer of Hamilton and Washington Districts, and the Treasurer of Mero, Winchester and Robertson Districts, shall each, enter into bond with ten sufficient securities in the sum of fifty thousand dollars, under the same provisions, rules and regulations as hertofore directed and required by law.

SEC. 2. *Be it enacted,* That if the Treasurer elected for the Districts of Mero, Winchester and Robertson, shall at the time required by law, for him to give security, fail or refuse to give such security as shall be adjudged sufficient by the Judges of the Superior Court, when authorised to take such security, that it shall be lawful for said Judges, to certify said fact to the Governor, for the time being under their hands, and it shall thereupon become the duty of the Governor, to proceed to appoint some other fit and proper person to fill such vacancy, who shall give bond and security in the same manner as is provided by this act for the Treasurer of the Districts of Mero, Winchester and Robertson.

SEC. 3. *Be it enacted,* That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

October 16th, 1807.

CHAPTER VI.

AN ACT providing for a separate election to be held at the town of Palmyra, in the county of Montgomery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the coroner of Montgomery county, or the sheriff by himself or deputy, shall & he is hereby required to hold an election at the town of Palmyra, in the county aforesaid, on the first Thursday and Friday in the month of August, in the year one thousand eight hundred and nine, and on the same days in every second year thereafter, for the purpose of electing a Governor for the State, member or members of Congress, members of the State Legislature, electors to elect a President, and Vice-President, of the United States,

Separate elections to be held in Palmyra. When held.

whenever the same may be necessary or required by law, and such officers of the militia, as are to be elected by the people at large, when ever a vacancy amongst any of the said officers may make such election necessary, which said elections, are to be conducted under the same laws, rules, restrictions & regulations, as elections for the above persons and officers, are usually conducted & regulated by.

SEC. 2. *Be it enacted,* That no person shall be permitted to give his vote at Palmyra, who shall have during the same election, previously voted at Clarksville, in the said county, nor shall any person who has previously voted at Palmyra, be suffered to vote at Clarksville; and it shall be the duty of the judges of election at both of said places, in all cases where they deem it necessary, to tender an oath, to any person offering to vote at any of said elections, therein requiring, such person to swear, he hath not previously voted at the other place of election in said county; and if such person shall refuse to take such oath, or having sworn, answers that he has previously voted during said election at the other place of voting, he shall be rejected and not admitted to vote; and if such person so swearing, shall swear to a falsehood, he shall be held, deemed and taken to be guilty of perjury, and shall be subject to the pains, and penalties to be inflicted by law, on persons guilty of that offence.

Who to vote at Palmyra.

SEC. 3. *Be it enacted,* That those who reside on the upper side of Bud's creek on the south side of Cumberland river, who are entitled to vote at elections, may vote at Clarksville, and those who reside on the lower side of said creek, on the south side of said river, who are entitled to vote at elections, to vote at Palmyra; and on the north side of Cumberland river, the voters may be permitted to attend at either Palmyra, or Clarksville, and vote at said elections at their option, so that they vote only at one of the places aforesaid.

Where to reside and where to vote.

SEC. 4. *Be it enacted,* That the sheriff and his deputy, or Coroner, as the case may be, shall meet at Clarksville, on Saturday following the election, and compare the votes, add the same together, and ascertain the full amount thereof.

To compare the votes at Clarksville.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro. tem.

October 26th, 1807.

CHAPTER VII.

AN ACT making provision for the payment of Jurors to the County Courts.

Jurors to be paid.
SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from and after the first day of January next, the several County Courts in this State, shall at their first Court to be holden in each County, in each and every year, proceed to lay a County Tax, on the taxable property and polls in their County, sufficient to meet the expence of paying Jurors to the County Court.

SEC. 2. *Be it enacted,* That from and after the first day of January next, each Juror attending the County Court, as well Petit as Grand Jurors, shall be entitled to, and receive fifty cents for each day they may necessarily attend, which shall be paid by the County Treasurer, on a certificate from the Clerk of said Court whose duty it shall be, to give the same, and for which certificate said Clerk shall be entitled to six and one fourth cents, to be paid in like manner,

JOHN TIPTON,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

December 4th, 1807.

CHAPTER VIII.

AN ACT declaring what fences shall be deemed sufficient, and for other purposes.

Preamble.
WHEREAS the peace and harmony of neighborhoods much depends on good and sufficient fences—*Therefore,*

What fences lawful, &c.
SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That every planter shall make a sufficient fence about his cleared land in cultivation, at least five feet high, and shall make such fence sufficiently close to prevent hogs from passing through the same, for at least three feet high from the surface of the earth.

How to proceed on trespasses.
SEC. 2. *Be it enacted,* That when any trespass shall have been done by any cattle, horses or hogs, on the cleared and cultivated ground of any person, it shall be lawful for such person to complain thereof to any justice of the peace, for the county where such trespass shall have been done: and such justice is hereby authorised and required, to cause two discreet and impartial freeholders to be summoned, who, with such justice, shall view and examine on oath, whether the complainant's fence be sufficient or

not, and what damage he hath sustained by such trespass, and certify the same under their hands and seals; and if it shall so appear, that the said fence be sufficient, then the owner of such cattle, horses or hogs shall make full satisfaction for the trespass, to the party injured, to be recovered before any tribunal having cognizance thereof; but if it shall appear, that the said fence be deemed insufficient, then the owner of such cattle, horses or hogs, shall not be liable to make satisfaction for such damages.

SEC. 3. *Be it enacted,* That if any person whose fence shall be adjudged insufficient; shall, with guns, dogs or otherwise maim, wound or kill any horses, cattle or hogs, or cause or procure the same to be done, such person so offending, shall make full satisfaction to the person injured, for all damages by such person sustained, to be recovered before any tribunal having cognizance thereof.

JOHN TIPTON,
Speaker of the House of Representatives.
JOSEPH M. MINN,
Speaker of the Senate.

November 26, 1807.

CHAPTER IX.

AN ACT to reduce Roane county to constitutional limits, and to form two new and distinct counties south-west of the same.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, Roane county shall be bound-reduced to constitutional limits on the south-west by the following line, viz. Beginning on the north bank of Tennessee, at the end of the ridge that divides the waters of White's creek from those of Piney river; thence along said ridge, to Wallen's ridge; thence north forty five west to Overton county line.

SEC. 2. *Be it enacted,* That all that tract of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county, by the name of *Rhea*; Beginning at a point on the above described line of Roane county, on the extreme high of the mountain dividing the waters of Sequachy, from those of Tennessee; thence along the top of said mountain, leaving all the waters running through said mountain in the county of *Rhea*, to the river Tennessee; thence up the meanders of said river to the beginning.

SEC. 3. *Be it enacted,* That all that tract of country lying within the following described bounds shall be, and is hereby made and constituted a new and distinct county, by the name of *Bledsoe*, viz. Beginning on the north-west

end or corner of Rhea county, where it strikes the road leading to West Tennessee; thence north forty five west, to Overton county line; thence southwardly with said line, to White county line, and with that line to the southern boundary of this state; thence eastwardly with said line to the corner of Rhea county line; thence with said line to the beginning.

Commissioners
for Rhea.

SEC. 4. *Be it enacted*, That Thomas Moore, Joseph Brooks and John Henry, are hereby appointed commissioners to fix on the most suitable place for holding courts in said county of Rhea, until further provision is made by law.

Courts, when to
be held.

SEC. 5. *Be it enacted*, That for the due administration of justice, that the court of pleas and quarter sessions, shall be held in and for the county of Rhea, on the fourth Mondays of March, June, September and December; and that the first court shall be holden on the first Monday of December; and the justices for said county shall hold their respective courts at the place that shall be fixed upon by the commissioners, until otherwise provided for by law, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed by and for the courts of the several counties in this state.

Annexed to
Hamilton dis.

SEC. 6. *Be it enacted*, That the said county of Rhea, be, and the same is hereby declared a part of the district of Hamilton, in the same manner and for all purposes, civil, criminal and military, in as full & ample a manner as any county in this state, and shall send two jurors to the superior court of said district.

SEC. 7. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the collector of public taxes of Roane county to collect the taxes for the year of one thousand eight hundred and seven, and all arrearages of taxes.

Commissioners
for Bledsoe.

SEC. 8. *Be it enacted*, That John Tollet, Joseph Hoge and James Standefer, are hereby appointed commissioners to fix on the most suitable place for holding courts for Bledsoe county, until otherwise provided for by law.

Courts, when
held.

SEC. 9. *Be it enacted*, That for the due administration of justice, that the court of pleas and quarter sessions shall be held in and for the county of Bledsoe, on the first Mondays of April, July, October and January; and the justices for said county, shall hold their respective courts at the place that shall be fixed upon by said commissioners, until otherwise provided for by law, and shall have and exercise the power and jurisdiction as are or shall be prescribed by and for the courts of the several counties in this state.

Annexed to
Hamilton dist.

SEC. 10. *Be it enacted*, That said county of Bledsoe be, and the same is hereby declared a part of the district of Hamilton, in the same manner and for all purposes, civil,

criminal and military, in as full and ample a manner as any county in this state, and shall send two jurors to the superior court of said district.

SEC. 11. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the collector of public taxes of Roane county from collecting the taxes for the year eighteen hundred and seven, and all arrearages of taxes.

SEC. 12. *Be it enacted*, That a majority of the acting justices of the counties of Rhea and Bledsoe, when in session, shall have power, and are hereby authorized and required, to lay a county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; fifty cents on each stud horse, kept for covering mares; said tax to be laid from year to year, until otherwise provided for by law.

SEC. 13. *Be it enacted*, That the election for governor, representatives to congress and members to the general assembly, shall be held at their respective places of holding courts, in the counties of Rhea and Bledsoe, by the sheriffs or their deputies, under the same rules and regulations as are prescribed by law, and on the same days which elections for such purposes, are authorized to be held; and those citizens of Rhea and Bledsoe counties, formerly citizens of Roane county, shall be entitled to vote in their respective counties.

SEC. 14. *Be it enacted*, That it shall be the duty of the returning officers for the counties of Rhea and Bledsoe, to meet the returning officer of Roane county, in Kingston, on the succeeding Monday, with the number of their respective polls, and with him compare the same; and the returning officer of Roane, those duly elected members of the general assembly, and give certificates accordingly; and it shall be the duty, of said sheriff to transmit a just statement of the polls of election for governor and representatives to congress, to the speaker of the senate, in the same manner as by law directed.

SEC. 15. *Be it enacted*, That the sheriff of the county of Rhea, shall open and hold an election at the place of holding court in said county, on the second Friday and Saturday in January next, for the purpose of electing field officers of the militia in said county; and the militia of said county shall compose the thirtieth regiment of the militia of this state, and be attached to the third brigade.

SEC. 16. *Be it enacted*, That the sheriff of Bledsoe county shall open and hold an election at the place of holding court in said county, on the third Friday and Saturday in February next, for the purpose of electing field officers of the militia of said county; and the militia of said county shall compose the thirty first regiment of the

militia of this state, and shall be attached to the third brigade.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER X.

AN ACT supplementary to an act entitled, "An act to reduce Roane county to its constitutional limits, and to form two new and distinct counties south-west of the same," passed this session of the present general assembly.

BE it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for sheriff of Roane county, to execute all lawful process which were issued, and came to the hands of said sheriff, before the passage of the above recited act, to which this is a supplement, in the same manner as if said act had not been passed, and the execution of such process shall be as good and available in law, although done within the limits of Rhea county, or the limits of Bledsoe county, as if the same were done within the limits of Roane county, any thing in the above recited act to the contrary notwithstanding.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 3rd, 1807.

CHAPTER XI.

AN ACT authorising a separate general muster in Smith county.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the citizens in Smith county, living west of Dickson's creek & north of the Fort-Blount road, to hold a separate general muster at the house of John Brevard Smith county. Where, when, on the second Thursday in October next, which muster and how conducted, shall be conducted under the direction of the commanding officer of the regiment, or senior officer present, under the same rules and regulations of other general musters; and it shall be the duty of the officers belonging to said muster to make returns of all their delinquents to the general court martial of the regiment, and attend said court martial, and the drill musters as heretofore.

SEC. 2. *Be it enacted,* That the field officers in said regiment, shall fix the place for holding all subsequent g

neral musters within the bounds aforesaid, which musters shall be holden annually, on the second Thursday in October, any law, usage or custom to the contrary notwithstanding.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 26th, 1807.

CHAPTER XII.

AN ACT to provide for the appointment of a Public Printer.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That at each stated session of the General Assembly a Public Printer shall be appointed by joint-ballot of both Houses of the Legislature. He shall give bond with such security, as the Speaker shall deem sufficient, to execute the printing according to law, and shall be entitled to receive at the rate of five cents for every sheet of twelve pages of the laws, in Octavo Polio of Royal paper, printed on Small Pica Type, with marginal notes; and at the rate of three cents per sheet, of sixteen pages of the Journals in a Duodecimo Folio of royal paper, on Small Pica Type. He shall be bound to deliver to the Clerks of the respective Counties, within four months after the rise of the Legislature, their quantum of Laws respectively, and Journals within six months.

SEC. 2. *Be it enacted,* That the number of copies of Laws to be printed, shall be eleven hundred and twenty-five, of which number thirty-nine shall be lodged with the Secretary of State, for the use of the Legislature, and the residue shall be distributed as may be directed by the Legislature.

SEC. 3. *Be it enacted,* That the numbers of copies of the Journal to be printed, shall be eight hundred and forty, of which number, thirty-nine, shall be lodged with the Secretary of State, for the use of the Legislature, and the residue shall be distributed as may be directed by the Legislature.

SEC. 4. *Be it enacted,* That the person who may be elected Public Printer, under the provisions of this act, shall continue to exercise the duties of that appointment, for, and, during two years, and no longer.

SEC. 5. *Be it enacted,* That it shall be the duty of said printer, to make out a complete alphabetical table of principal matters contained in the Laws, print, and annex the same to the pamphlets containing said Laws, with referen-

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ges to the respective pages in which each principal matter may be found.

JOHN TIPTON,
Speaker of the House of Representatives.
EDWARD DOUGLASS,
Speaker of the Senate, pro tem.

October 26th, 1807.

CHAPTER XIII.

AN AGT to authorize the appointment of two Attornies General, for this State, and to ascertain their salaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be appointed in manner as directed by the Constitution of this State, one fit and proper person, whose duty it shall be to attend the several Superior Courts, for the Disticts of Mero, Winchester and Robertson, and discharge the duties of Attorney for the State; Also, one other person in like manner, whose duty it shall be to attend the several Superior Courts for the districts of Washington and Hamilton, for the purpose aforesaid.

Two Attornies General appoin
ted.

SEC. 2. *Be it enacted,* That it shall be the duty of each of said Attornies General, punctually to attend each and every of the Superior Courts within the district for which he may be appointed, and to attend the prosecution of every case in which the State may be a party; and also, to attend to every question which may occur in any of said courts, in which this State is in any wise interested; and at all times, when called upon by the Governor, Secretary of State, or either of the Treasurers, for an opinion on any question of law, relating to the duties of their office, to give the same without fee.

SEC. 3. *Be it enacted,* That each of the Attornies General appointed by this act, shall be entitled to receive from either of the public Treasurers of this State, the sum of forty-five dollars for each and every Superior Court they may attend, in compliance with this act, and in full compensation for all further services, as required by the second section of this act, in compliance with this act.

JOHN TIPTON,
Speaker of the House of Representatives.
JOSEPH M-MINN,
Speaker of the Senate.

November 16th, 1807.

CHAPTER XIV.

AN ACT supplemental to "An act appointing commissioners to contract for the building and

erecting a new district and county jail, in the town of Nashville, on the bluff of Cumberland river, near to water," and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That George M. Deadrick, Felix Robertson, John Dickinson, Robert B. Carry and Thomas Talbot, be, and are hereby appointed additional commissioners to act in conjunction with the acting commissioners appointed under the provisions of the before recited act, for the purpose of contracting for a suitable place in the town of Nashville, on which to build a county and district jail, and for the purpose of building said jail, and carrying into effect a contract for the same, made by said acting commissioners, with John M. Goodloe.

SEC. 2. *Be it enacted,* That said commissioners or a majority of them, are hereby authorised and required, as soon as may be, to purchase a lot or piece of ground on the bluff of Cumberland river, or in some other suitable place within the town of Nashville, having due regard to convenience of water, on which to erect said jail, and shall take and receive a deed in fee simple, to themselves and their successors in office, in trust, for the use of the county of Davidson, for the said lot or piece of ground so purchased; on which lot or piece of ground, shall be erected a district and county jail, which the commissioners heretofore acting, have contracted with John M. Goodloe to build: *Provided,* that said jail shall not be erected on the public square in said town.

SEC. 3. *Be it enacted,* That in case the monies heretofore collected by a tax laid in the county of Davidson, shall not be sufficient to defray the expence of purchasing said lot or piece of ground, and completing the building of said jail, it shall and may be lawful for the court of Davidson county, from time to time, when they may think it necessary, (a majority of the acting justices of said county being present) to proceed to levy a tax, on the taxable property and polls in said county, for the purpose aforesaid; which tax shall be laid, collected and accounted for, in the same way, and under the same rules, restrictions and regulations, as is observed in collecting and accounting for public taxes.

SEC. 4. *Be it enacted,* That so soon as said jail shall be completed and received by the court of Davidson county, all the persons in the old jail shall be transferred to said new jail; and it shall, from thence forward be the public jail for the county of Davidson, and the district of Mero; and it shall be the duty of said commissioners, as soon as said new jail is completed and received, to cause to be pulled down, the old jail in said town of Nashville, and the materials thereof, shall be sold to the best advantage;

and the money arising from said sale, shall be deposited in the hands of the county trustee, for the use of said county.

Commissioners
power.

SEC. 5. *Be it enacted*, That if said John M. Goodloe, shall, hereafter fail or refuse to comply with his contract, heretofore made, for building said jail, said commissioners, or a majority of them, shall have full power and authority to contract with some fit and proper person for building said jail.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 16th, 1807.

CHAPTER XV.

AN ACT making further provision to carry into effect a contract between the State of Tennessee, and Eli Whitney and Phineas Miller.

Preamble.

WHEREAS it has been represented to this General Assembly, that the holders or possessors of gins, used for cleaning cotton, in some of the counties in this state, in the years 1805, 1806 and 1807, have failed to make returns of the number of saws or circular rows of teeth, contained in each and every such gin, according to the directions of an act, passed at Knoxville, on the 22d day of October, 1803, 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," and that the Sheriffs, or Collectors, of said counties have failed to report the same according to law, and have also failed to collect the taxes laid on said gins, or to take bonds with security for the payment of said taxes according to the directions of an act passed at Knoxville, the 4th day of August 1804, entitled, "An act to amend an act passed at Knoxville, the 22d day of October, 1803, 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.'"

SECTION 1. *BE* it therefore enacted by the General Assembly of the State of Tennessee, That every holder or possessor of a gin, which was erected on

or before the first day of January in each and every year, used for cleaning cotton, in any county in this state, for said years or either of them, which has not been returned or reported, or the said taxes paid or secured by bond, in conformity to the provisions of the above named acts, shall, at or before the first term of the court of pleas, &c. in their respective counties, after the first day of January next, make return on oath, to said court, for the respective years, of the number of saws or circular rows of teeth, contained in each such gin, and that the clerks of said courts of pleas, &c. shall, immediately after the end of said terms, make a correct list of the gins and number of saws or circular rows of teeth contained in each gin so returned, and also, the amount of tax on each, for the year 1804, where lists have not been delivered to the sheriffs or collector for that year, and each succeeding year, and said clerks shall, within twenty days from the end of said terms, respectively, furnish the sheriffs or collectors with correct copies of said lists, and within one month from the end of such term transmit a copy to the secretary's office, and also an abstract of the amount of said tax to the treasurer of the district in which his county may lie, and said sheriffs or collectors shall immediately proceed to collect said taxes in the same manner as the State taxes are collected, and shall pay the same to the treasurer of his district on or before the first day of June, 1808, after deducting the commissions allowed for collecting said taxes.

SEC. 2. *Be it further enacted*, That any holder or possessor of such gin, coming within the provisions of this act, who shall fail or refuse to make return in the manner, and within the time herein before specified, shall be liable to a double tax for each year, for which such return has not been made, and it shall be the duty of the sheriff or collector in each county, and he is hereby required to ascertain by every means in his power, the number of saws, &c. contained in any gin, not returned as aforesaid, and make report of the same to the next term of the court after the time given for the holder or possessor to make such returns, and said clerks shall within twenty days after the end of the term, at which said report may be made, make out lists of said double tax and furnish copies of the same to said sheriffs or collectors, and shall also transmit copies to the Secretary's office and an abstract to the treasurer of the district, or in cases of voluntary returns, and in any case where the sheriff or collector cannot collect the said taxes, by the voluntary payment of the owner or possessor of such gin, or by distress on personal property, he is hereby authorised and required to levy on and sell such gin, after giving fifteen days previous notice of the time and place, at three or more public place, near said gin, and said sheriffs or collectors shall pay over all taxes col-

holders of cotton gins to return the same on oath. When.

Mode of collecting taxes.

lected after making report as aforesaid, to the treasurers of their respective districts, on or before the first day of September, 1808; and if any sheriff or collector fail to pay over said taxes, or any part of them, judgment shall be rendered against them and their securities, in the same manner as in cases of failure to pay over the state taxes.

Clerks and sheriffs duty.

SEC. 3. And the better to enable the said sheriffs and collectors to ascertain the number of saws in each gin, for which payment hath not been made, *Be it enacted* That it shall be the duty of the several clerks of county courts after the first court to be held in their respective counties after the first day of January, 1808, at the time when they deliver to the respective sheriffs or collectors the lists of saws, &c. herein before required, shall at the same time furnish to said sheriffs or collectors a list of the gin holders or inspectors in their respective counties, for any or each of the before mentioned years, for which return should have been made, who have failed to pay or make return as above directed, which lists, certified by said clerks, shall be a sufficient authority to said sheriffs or collectors to proceed to the house or outhouse of any such gin holder, wherein his gin may be contained, and examine and ascertain the number of saws in said gin, and if such gin holder or gin holders shall refuse to suffer said sheriffs or collectors to ascertain the number of saws contained in his, her or their gin, or refuse to give a true and satisfactory account to such sheriffs or collectors, of the number of saws contained in any gin by him, her or them possessed for any of said years, it shall be the duty of said sheriffs or collectors, to return such person, so refusing as aforesaid, as possessing or having possessed, in any of the before mentioned years, a gin, or gins, with a number of saws not less than the number contained in the largest saw gin in said county, upon which return said clerks shall proceed as above directed.

SEC. 4. *Be it further enacted*, That if any sheriff or collector shall fail or refuse to report any gin used for cleaning cotton within his county, for any of the years before mentioned, which has not been returned by the holder or possessor, or the taxes paid as herein directed, such sheriff or collector shall forfeit and pay to said Eli Whitney and Phineas Miller, the sum of one hundred dollars, to be recovered by them in any court having jurisdiction of that sum.

SEC. 5. *Be it enacted*, That in all cases where a double tax shall have been recovered agreeable to this act, the one half thereof, after deducting commissions, shall be and enure to the use of the state. *Provided nevertheless*, that if any gin holder who may have been returned for a double tax as above mentioned, shall within three months after he shall have been so returned, shew to the satisfac-

Proviso.

tion of the county court, that such double tax ought not to be collected of, or paid by said gin holder, it shall be lawful for such county court to release such gin-holder from the double tax, but not from the single and legal tax, and the certificate of the clerk of such releasement, shall be a sufficient voucher to refund the money, if the sum hath been collected, or in case the same hath not been collected to prevent the sheriff or collector from collecting thereof, and shall be a good voucher in the settlement with any of the treasurers of this state.

Gin holders released from double tax.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

October 26th, 1807.

CHAPTER XVI.

AN ACT for the establishment and regulation of a town, to be laid off in Overton county, by the name of MUNROE.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John McDonald, Henry Ragan, John B. Cross, James Chisolm, William Marchbanks, John Chisolm and George Christian, be, and they are hereby appointed commissioners, to fix on a proper piece of land, on which, to lay off a town, in and for the county of Overton, to be called by the name of *Munroe*; which town shall be laid off as near the centre of said county as is practicable, having due regard to water and situation.

Commissioners

SEC. 2. *Be it enacted*, That if the whole number of said commissioners do not act, or their attendance cannot be procured, a majority of them, may proceed to fix on the place for said town, provided a majority of the whole number agree, and when said commissioners have fixed on the site as aforesaid, they shall proceed to purchase or procure 60 acres of land, including said site, to be conveyed to them & their successors in office, by general warranty deed forever, in trust, for the purpose of erecting said town; and shall lay out said land into convenient streets, lots, lanes and allies; and shall sell out the lots to the highest bidder, giving thirty days notice of the time and place of sale, by advertisement at five of the most public places in said county, taking bond and security for the payment of the purchase money, at a credit of nine months; they may execute deeds of conveyance in fee simple, to the purchasers of lots, and appropriate the money arising from the sales of said lots to the purpose of erecting a court house, prison and stocks; to be built and erected on the most eligible situation on said sixty acres of land, under the inspection, direction and

not attending, how to proceed.

Sale of lots.