

superintendence of said commissioners ; and for the purpose of erecting said buildings, a sufficient quantity of said land shall be reserved for the benefit of the public, to be called the Public Square.

SEC. 3. *Be it enacted*, That it shall be lawful for the county court of said county (provided there is a majority of the justices of the peace on the bench at the time,) to lay a county tax on such property as is taxable by law, not exceeding the amount of state tax, on the same property which said tax is to be laid; and it shall be the duty of said justices to lay the same annually, until the court house, prison and stocks aforesaid, shall have been completely paid for : *Provided always*, that said tax shall not be laid, unless the money arising from the sales of lots, to be made as aforesaid, be found insufficient to pay for said public buildings.

County tax.

Proviso.

Court where to be held.

SEC. 4. *Be it enacted*, That the said town of Munroe, as soon as the public buildings are erected, shall be the seat of justice for said county of Overton; and the county court shall be held within the same.

Commissioners to take oath.

SEC. 5. *Be it enacted*, That said commissioners shall, before they proceed to act, under the authority by this act vested in them, appear before some justice of the peace, in and for the county of Overton, and make oath, that they will, in all things appertaining to the duty of their appointment as commissioners, act without favor, affection, prejudice or partiality, and that they will do equal and exact justice, to the best of their knowledge; and that said commissioners, shall each be allowed such compensation per day for the services by them to be performed, as authorized by this act, as the court of said county may think them entitled to, to be paid out of any county money, in the hands of the county trustee.

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

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

November 7, 1807.

Speaker of the Senate, pro tem.

CHAPTER XVII.

AN ACT supplemental to an act entitled, "An act for the appointment of a register of the land office, and providing for the sale of lands, south of Holston and French Broad, agreeable to the constitution of this state, and the provisions of the act of congress, therein referred to."

SECTION 1. *Be it enacted*, That if any person, either plaintiff or defendant shall be dissatisfied with the sentence, judgment or decree of any county

court, on the trial of any caveat for land in said tract of country, by a jury, in either of the county courts, such person or persons shall be entitled to an appeal to the superior court of the district in which such county shall be; which appeal shall be allowed by said court, under the same rules, regulations and restrictions, as appeals are by law allowed in other cases; and upon a transcript of the record of said cause being filed with the clerk of said district, at least fifteen days before the sitting of the term to which said appeal is returnable, it shall be the duty of said superior court to proceed to determine the right of the cause, in a summary way, without pleadings in writing, by impaneling and swearing a jury, for the finding of such facts as are material to the cause, and are not agreed on by the parties; and shall, thereupon, give judgment, a copy of such judgment, if in favour of the defendant, on being delivered into the office of the surveyor general, shall vacate said caveat, and if said judgment be in favor of the plaintiff, upon delivering a copy of the same into the office of the surveyor general, within sixty days thereafter, shall vacate said survey, or so much thereof, as shall be found in favor of said plaintiff.

Appeals in caveat cases.

SEC. 2. *Be it enacted*, That in all such causes it shall and may be lawful for the county or superior courts, to order surveys to be made as in other disputes about the bounds of land, where to them it shall seem necessary.

SEC. 3. *Be it enacted*, That where any of the surveyors may have failed or omitted to survey any right or rights of occupancy, within the above described tract of country, within the time heretofore prescribed by law, that it shall and may be lawful for said surveyors or deputy, or either of them, and they are hereby required to proceed to make such surveys, which when made, shall be as good and valid in law, as if they had been made within the time heretofore prescribed; and it shall be lawful for the surveyor general of said district, and he is hereby required to receive such plat of survey, hereafter to be made, in the same manner, and under the same rules and regulations that have been heretofore prescribed by law; and also, all those which have been made since the expiration of the time heretofore prescribed by law, and previous to the passage of this act.

Time prolonged for making surveys.

SEC. 4. *Be it enacted*, That all caveats filed in the clerk's office, of any county, under the provisions of the act to which this is a supplement, shall be tried at the second term of the court, after the summons shall have been executed, unless the parties therein, agree to try the same at the first term, or unless sufficient reason be shewn by either party, why said cause should be continued at said second term.

Trial of caveats.

SEC. 5. *Be it enacted*, That when a summons shall issue on any caveat being filed in the clerk's office of any

Summons
turned not ex-
ecuted, how to
proceed.

county, and the said sheriff or other officer in whose hands the same shall have been put for execution, return that the same is not executed, if it shall appear to the court that said defendant, or a known agent of his, does not reside in any county of this state, to order the clerk of said court to certify said fact, and cause the same to be published twice in some newspaper printed at Knoxville; and on proof that said publication has taken place, six weeks before the succeeding term, said publication shall be deemed a legal service; and where any such officer shall return that such summons hath not been executed, it shall be lawful for such court to order an other summons to issue to any county in this state.

No caveat lost
for want of
form.

SEC. 6. *Be it enacted*, That no caveat which has been heretofore entered, or may hereafter be entered, shall be dismissed on account of any deficiency or want of form in drawing the same, but every caveat shall be tried on its merits by a jury, agreeably to the evidence adduced by the parties, provided said caveat contain the substance of the plaintiffs claim: *Provided*, nothing herein contained, shall be so construed as to authorise any person or persons to enter a caveat unless it be done within six months after the reception of the plat and certificate of survey by the surveyor general, agreeably to the true intent and meaning of the law, which this act is intended to amend.

Proviso.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH McMINN,

Speaker of the Senate.

November 21st, 1807.

CHAPTER XVIII.

AN ACT to amend the law now in force, relative to holding elections in the district composed of the counties of Roane and Anderson.

Sheriffs to meet
at Kingston &
compare votes.

Be it enacted by the General Assembly of the State of Tennessee, That the sheriffs or returning officers of the district composed of the counties of Roane and Anderson shall hereafter meet at the court-house in the town of Kingston, in the county of Roane, and there compare the votes received by them in each county, and that the law directing said sheriffs or returning officers to meet at Burville for the purpose aforesaid, be, and the same is hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro-tem.

November 7th, 1807.

CHAPTER XIX.

AN ACT respecting George Dawson Blackmore.

WHEREAS it has been represented to this General Assembly that George Dawson Blackmore, has expended a considerable sum of money for the purpose of procuring scales and weights for the use of the inspection of tobacco, heretofore established at the town of Cairo, in the county of Sumner—
Therefore.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Sumner, a majority of the justices being present, are hereby authorised, should they think proper, to appropriate such sums of money as they may deem sufficient for the purpose of compensating George Dawson Blackmore, for the scales and weights aforesaid, and for the farther purpose of completing the aforesaid set of weights; and should said court make such appropriations, it shall be the duty of the County Trustee, to pay over the said sums agreeably to orders issued by the clerk of said court, as soon as county money sufficient comes into his hands.

Court author-
ised to compen-
sate G. D.
Blackmore.

SEC. 2. *Be it enacted*, That should said court make the appropriations aforesaid, then, and in that case the said scales and weights shall become the property of the county of Sumner.

JOHN TIPTON, S. H. R.

EDWARD DOUGLASS,

November 7th, 1807. *Speaker of the Senate, pro tem.*

CHAPTER XX.

AN ACT authorising the county court of Sumner to grant to David Dement and John Chapman, certain privileges therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the justices of the county court aforesaid, or a majority of them, to permit David Dement, at his own expence, to take down the jail now standing on the public square in the town of Gallatin: *Provided*, said David Dement, give bond and sufficient security to re-build the same in reasonable time, on the south east corner of his own lot adjoining said public square on the north, and put it in as good repair as he finds it: *And provided also*, that he convey to the chairman of said court and his successors in office, by deed of general warrantee, a sufficient quantity of ground as a site for said jail, or any other that it may hereafter be found necessary to build for the use of said county.

Jail to be re-
moved.

Proviso.

Stray pen to be removed.

SEC. 2. *Be it enacted*, That it shall be lawful for the justices of the court aforesaid, or a majority of them, to permit John Chapman, to take down the stray-pen, now standing on the public square aforesaid, and re-build the same on the south west corner of his own lot adjoining said public square on the north, under the same conditions and restrictions as are herein before prescribed for the removal of the jail aforesaid.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER XXI.

AN ACT supplementary to "An act to ascertain what property in this state shall be deemed taxable, and the mode of collecting, accounting for, and paying public taxes," passed November seventh, one thousand eight hundred and three.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of all and every person or person who shall be the owner of any lands within this state, liable to taxation, by him, or herself or agent, to make return to the justices appointed to receive lists of taxable property within each county, of the lands so liable to taxation in said county, which return shall be in writing and on oath, particularly specifying the true quantity claimed within the lines of each tract, and identifying the same, by naming the water course, or otherwise describing the situation of the same; and also the material circumstances of the title, whether holden by deed, grant or otherwise, and it shall be the duty of said justice, to make accurate lists of such land so returned as taxable, therein describing particularly each tract so claimed by any person, and the description of the same so given, as herein before required; which lists shall be by him returned to the court of the county within which he may reside, at the first court after taking the same, which lists shall be recorded by said clerk, and be then filed away in his office; and it shall be the duty of said clerk, within thirty days after the rise of the court, at which said lists are filed in his office, to give to the collectors of taxes in said county, a complete list of all lands so returned, noting in each case the specification and description returned by the owner thereof: *Provided nevertheless*, that if any person or persons shall fail or neglect to make return of any land so holden by him, her or them, in any county, to the said justices appointed

Manner of returning land for taxes.

Proviso.

as aforesaid to take lists of taxable property in said county, it shall and may be lawful for such person or persons, or his or their agent, at any time before the first day of May, in such year, for which the tax may be due, to make return thereof to the clerk of the county, within which such land may lie; which return shall be in writing and on oath, which oath shall be administered by said clerk, or any acting justice of the peace in this state; and the said land shall be therein described and specified as herein before required, and the said clerk shall ex officio within thirty days thereafter, deliver to the collector, a copy of every such supplemental return, and on failure or refusal of the owner or his agent, to pay the amount of taxes due on said land, it shall be the duty of the collector to levy and collect the same by distress on the personal property of the owner of said land, as heretofore provided by law.

SEC. 2. *Be it enacted*, That each and every person, who shall by him or herself or agent, fail to make return in manner as herein before directed, of any land which he, she or they shall own, in any county liable to taxation, before the said first day of May, in the said year for which the same may be liable to taxation, said person shall be liable to a double tax on said land so omitted to be returned. *Neglecting to return liable to double tax.*

SEC. 3. *Be it enacted*, That it shall be the duty of the collector of taxes in each county in this state, at the first court in each county after the first day of January in each year, to make report to said court, in writing, of the different tracts of land in said county, on which the taxes for the preceeding year have not been paid, and also of all such tracts or parts of tracts of land, as have from his own knowledge, or the information of others, not been returned for taxation for said preceeding year, and it shall be the duty of said court, to cause said report to be recorded in books to be kept for that purpose, and to cause judgment to be entered up for double the tax due on said land not returned for taxation, and so unpaid, and shall order the same to be sold, or so much thereof as will be sufficient for the payment of said double tax and costs, by said collector, at the court-house of the county in which such land may lie, on the first Monday of July then next following and the succeeding day; and in selling said lands or any part thereof, and in making deeds for the same, the said collector shall observe the rules prescribed in the thirteenth section of the act to which this is a supplement; and the said clerk shall cause a copy of such order of sale, together with a description of each tract of land so ordered to be sold, describing the same as listed and returned to his office, to be published as soon as may be, (which shall be at least three months before the day of sale) at least two different times in some respectable newspaper printed in Nashville, and as often in some respectable newspaper printed in Knoxville, or in the district where-

mode of reporting, publishing & selling land.

in said land may lie, setting forth the amount of taxes, costs and charges, and the place where, and the time when the same will be sold, and if said tax, costs and charges shall not be paid before said time of sale, said collector shall proceed to sell the same, or so much of each tract, as will be sufficient to satisfy said tax, cost and charges, and execute deeds for the same so old, as directed in the thirteenth section of said act, and the said collectors, clerks and printers, shall be entitled to the same fees for said services, as have been heretofore allowed by law for similar services.

when to be sold. SEC. 4. *Be it enacted,* That all sales of land by collectors for taxes which shall hereafter accrue on any lands, or which heretofore have accrued, and for which no order of sale has been made, shall be made on the first Monday of July and the succeeding day; and no such sale shall take place until the year succeeding that for which said tax shall be owing.

sheriff to transfer entries. SEC. 5. *Be it enacted,* That in all sales of lands for taxes, wherever the sheriff shall sell land which is held by entry only, and never has been granted, the sheriff shall transfer the whole or part of said entry (as the case may be) to the person who was the purchaser and paid the money under said sale, and said transfer shall be a sufficient lien on the warrant or certificate on which such entry was made, or such part thereof, as will authorize the person to whom such transfer was made, to hold and obtain a grant for the part to which he is justly entitled.

Preamble. WHEREAS in the first section of an act entitled, "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 and unappropriated lands within the same,' and to point out the mode hereafter to be pursued in ascertaining the unsatisfied claims, and perfecting titles on the same," passed the present session of the General Assembly, it is made the duty of the Commissioner for East-Tennessee, to sit at Knoxville on the second Monday of December next: And whereas, at the time of passing said act, it was the intention of

the General Assembly that said Commissioner should sit on the second Monday of December, one thousand eight hundred and seven—Therefore,

SEC. 6. *Be it enacted,* That it shall be the duty of said Commissioner, to hold his first session at Knoxville, on the first Monday of January next, any thing in the before recited act to the contrary notwithstanding.

SEC. 7. *Be it enacted,* That each of the commissioners to be appointed by the before recited act, shall before entering on the duties of his appointment, before some judge of the superior court, or some justice of the peace, take and subscribe the following oath, to wit: *I, Oath. A. B. do solemnly swear, that as commissioner for East or West Tennessee (as the case may be) I will honestly, faithfully and impartially discharge all the duties, or law imposed upon me as Commissioner, to the best of my understanding. SO HELP ME GOD.*

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 4, 1807.

CHAPTER XXII.

AN ACT to give names to the illegitimate children of Samuel Mitchell, and make them capable of inheriting.

WHEREAS Samuel Mitchell has requested of *Preamble.* this General Assembly, to give names to his illegitimate children, to wit: Alzira and Sophia his daughters.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of *Names given* this act, the said Alzira and Sophia, shall be known by the names of Alzira Mitchell and Sophia Mitchell, and that the said Alzira Mitchell and Sophia Mitchell, shall be capable of inheriting as if they had been born in lawful wedlock, any law, usage, or custom to the contrary notwithstanding.

JOHN TIPTON, S. H. R.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER XXIII.

AN ACT to authorize the collector of taxes in the county of Smith to collect the arrearages of taxes due within the bounds of Smith county,

Preamble.

before it was reduced to its constitutional limits. WHEREAS by an act passed the twenty-eighth day of October one thousand eight hundred and five, the county of Smith was reduced to its constitutional limits, and a part of the bounds of said county of Smith, within which were due public and county taxes, were cut off from said county. And whereas part of the said taxes remain yet due and unpaid —Wherefore,

Collection of taxes.
Proviso.

BE it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the sheriff or collector of the taxes which were due in said county, before the passage of said act, to proceed and collect the same, notwithstanding the same may be without the present limits of Smith county: *Provided*, that said sheriff or collector, be not authorised to collect the same beyond the limits of what was Smith county before the passage of said act.

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

November 7th, 1807.

CHAPTER XXIV.

AN ACT regulating costs in criminal cases.

Prosecutor pay costs.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That on all indictments for capital as well as inferior offences, if the defendant shall be acquitted by the verdict of a jury on the trial of the merits of the cause, and the court before whom the same shall have been tried, shall be of opinion that the prosecution was malicious or frivolous, the said court may tax the prosecutor with the cost of such prosecution.

Defendant pay part.

SEC. 2. Be it enacted, That on all criminal prosecutions, as well for capital as inferior offences, if the defendant shall be acquitted by the verdict of a jury, on the trial on the merits of the cause, such defendant shall be acquitted of all costs, except such witnesses as may be summoned for the defendant; and where the prosecutor shall not be taxed with the costs, & in such cases, the several officers of court shall be considered as having performed their services exofficio, without any special fees therefor: *Provided*, that nothing herein contained shall be so construed, as to prohibit the court from taxing the cost of trial against the defendant, when there exists strong presumption of his guilt, notwithstanding he may have been acquitted by the jury.

SEC. 3. Be it enacted, That in all cases of indictment in the county courts, where the bill of indictment is quashed

by the court for want of form, the solicitor or attorney by whom such bill may be preferred, shall not be entitled to any fee therefor.

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

November 26th, 1807.

CHAPTER XXV.

AN ACT concerning ferries and ferry landings.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be the duty of the several county courts in this state, to authorise the owner or owners of ferry landings, or owners of land on each side of rivers, where ferries heretofore have been established, or hereafter shall be, to erect a ferry or ferries under the same rules, regulations and restrictions that ferries have heretofore been established by law; and the said ferry keepers are hereby authorised to land their boats on the opposite banks of the rivers.

SEC. 2. Be it enacted, That where a public road crosses a river, upon which it may be necessary to establish a ferry, or where one heretofore hath been established, and where the banks are owned by different persons, that each person shall be authorised to keep a ferry, and bound to keep his own bank in complete repair, as heretofore contemplated by law, and at the same time allow to the holder of the opposite bank, free and uninterrupted privilege of landing his boat or craft on either of the banks: *Provided*, he lands at such place on the bank as is or may be cut and prepared for that purpose, unless prevented by high water or other unavoidable accidents.

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

November 26th, 1807.

CHAPTER XXVI.

AN ACT to appoint additional commissioners for the town of Sevierville.

BE it enacted by the General Assembly of the State of Tennessee, That David Owens, Alexander Pres-ton and William Frazier, be, and are hereby appointed additional commissioners for the town of Sevierville, in addition to the acting commissioners heretofore appointed, which said commissioners, together with those heretofore

appointed, shall have and enjoy, and are hereby vested with as full power and authority, as the commissioners heretofore appointed, possess or enjoy.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 3rd, 1807.

CHAPTER XXVII.

AN ACT to exempt certain lands from taxation.

*Certain lands
exempted from
taxation.*

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, all lands within this State held by any person or persons for the use of any religious society or societies, for the purpose of having thereon any church, meeting-house or other buildings wherein to assemble to worship Almighty God, shall be, and the same and every part thereof, hereby is exempt from the payment of any state, county or other tax; nor shall the same, or any part thereof, nor those in whom the title to said lands are or may be, be liable to be taxed, or to the payment of any tax on account thereof.

SEC. 2. *Be it enacted,* That all those lands within the limits of this state, which have been devised or given by any person or persons to the trustees of the University of North-Carolina, or to any other person or persons for the use of said University, shall be, and the same hereby are exempted from the payment of any state, county or other tax, nor shall the said lands or any part thereof, be liable to the payment of any tax, nor shall the said trustees, or any other person in whom the title to such lands may be, be ever liable to return a list of such lands, or to pay any tax of any description therefor, so long as said lands are held for the use of said University.

SEC. 3. *Be it enacted,* That from and after the passing of this act, all the lands within the limits of this state, which have been appropriated for the use of schools, or which are held by any person or persons in trust for the use of any college, academy, or other seminary of education in this state, shall be, and the same hereby are exempted from the payment of any state, county or other tax; nor shall any person or persons be bound to return any list of any such lands, nor be liable to pay any tax therefor.

SEC. 4. *Be it enacted,* That this act shall be in force, from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

Dec 30, 1807.

CHAPTER XXVII.

AN ACT to rectify a mistake in an act entitled "An act to establish a College in West Tennessee," passed the eleventh of September, one thousand eight hundred and six, and for other purposes.

Preamble.
WHEREAS by the above recited act, David Hume was appointed one of the Trustees of said college; and whereas it hath been made appear to this general assembly, that the person intended to be appointed by the name of "David Hume," is not named David Hume, but is called and known by the name of William Hume, wherefore, to rectify said mistake,

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the said William Hume be, and he is hereby declared to be the trustee, appointed by the before mentioned act, and that he, said William Hume, be considered in all respects a duly appointed trustee of the college aforesaid, with all the privileges and powers given by said act, to any trustee of said college; and that the name "David," in the before recited act, shall not be construed, so as to enable any person of the name of David Hume, to act as a trustee of said college.

Preamble.
And whereas, from the manner in which the sixth section of said act is worded, it is doubted whether the general assembly intended thereby to endow the said college with one moiety of the proceeds of the sales of one hundred thousand acres of land, as described in the twenty third section of an act entitled, "An act for the appointment of a register of the land office, and providing for the sales of the lands, south of French Broad and Holston, agreeably to the constitution of this state, and the provisions of an act of congress therein referred to," or to endow said college with the profits arising from the proceeds of the sales of one moiety of said hundred thousand acres of land; to remove such doubts, Therefore,

SEC. 2. *Be it enacted,* That it shall, and is hereby declared to be the true meaning of said sixth section, that the trustees of said Cumberland college, are, and shall continue to be endowed with the profits to arise from the proceeds of the sales of one moiety of said one hundred thousand acres of land, before referred to, and not with the

proceeds of the sales of one moiety of said one hundred thousand acres of land, but that the said proceeds shall remain as a fund forever, for the use of said college.

JOHN TIPTON,

Speaker of the House of Representatives

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

October 26, 1807.

CHAPTER XXVIII.

AN ACT to divide the county of White into two separate and distinct counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county of White shall be divided into two distinct counties as follows, to wit: Beginning on the Caney-Fork, where Smith county line crosses the same; running up the channel of said river to the mouth of Rocky river; thence along the top of the dividing ridge between the Caney-Fork and Rocky river, to the top of Cumberland mountain; thence along the extreme high of the mountain, eastwardly, until it strikes the wilderness road; then with said road, to the Jackson county line, including Daniel Alexander's dwelling house, in White county; then with the line of Jackson and Smith counties to the beginning. And all that part of White county, lying within the described bounds, be and remain the county of White; and that the courts in the said county of White, shall hereafter commence on the second Mondays of February, May, August and November, and shall be held at the house where Caleb Friley now lives, until otherwise provided for by law.

SEC. 2. *Be it enacted,* That there be a new county laid off, by the following boundary, to wit: Beginning on Cumberland mountain, where the line of White county strikes the same; thence westwardly, with said mountain to the Indian boundary line; then along said line to the most eastwardly branch of Duck river; thence north, to the east boundary of Rutherford county; thence with the lines of Rutherford, Wilson, Smith and White, to the beginning. Which last mentioned bounds shall compose a new county, by the name of WARREN.

SEC. 3. *Be it enacted,* That the courts in said county of Warren, shall be held by commission, to justices of the peace, under the same rules and restrictions as are prescribed for the several counties in this state. And for the due administration of justice, in said county,

SEC. 4. *Be it enacted,* That the courts of said county of Warren, shall be held on the first Mondays of February,

White county divided.

Warren county established.

Courts, how conducted.

May, August and November, in each year, at the house of Joseph Westmoreland, on the east side of Barren fork of Colleen's river, near a big spring, where Looney's trace crosses the said fork, and shall continue to be held at said place, until otherwise provided for by law. *When and where.*

SEC. 5. *Be it enacted,* That the sheriff of said county of Warren, shall on the constitutional days of holding elections in this state, hold an election at the place of holding court in said county, for the purpose of electing a governor, member to congress, members of the general assembly, and shall on the Monday succeeding said election, meet the sheriff of Jackson county at the court house, and compare the polls so taken; and the sheriff of Jackson shall give a certificate to the person or persons elected, & where it shall be necessary, the sheriff shall hold an election for electors of president & vice president, under the same restrictions as in the several counties in this state, & make return agreeable to law. *Sheriff to hold elections.*

SEC. 6. *Be it enacted,* That the county of Warren shall compose a part of the district of Winchester, and shall send three jurors to the superior courts of said district.

SEC. 7. *Be it enacted,* That the militia of said county of Warren, shall constitute the twenty ninth regiment, and shall hold regimental musters on the fourth Thursday of September in each year, and the colonel or commandg officer of said regiment, shall issue his writ, and appoint the place where elections shall be held for the election of company officers.

SEC. 8. *Be it enacted,* That the election for field officers for said county of Warren, be held at the place of holding court of said county, on the first Thursday in March and the succeeding day, one thousand eight hundred and eight.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

November 26th, 1807.

Speaker of the Senate.

CHAPTER XXIX.

AN ACT authorising a separate election in the south east end of Smith county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the four companies of militia situated in the south east end of Smith county, to hold an election in the town of Liberty. *Separate election in Smith county.*

SEC. 2. *Be it enacted,* That it shall be the duty of the sheriff of Smith county, by himself, deputy or coroner, to open and hold an election in the town of Liberty, on the constitutional days of holding elections in this State to elect a governor, members to Congress, members to the

General Assembly, and electors to elect a President and Vice President of the United States, which election, shall be conducted under the same rules and restrictions of other similar elections.

How conducted SEC. 3. *Be it enacted*, That the four military companies as situated in the before recited act, shall meet and vote at said election, which shall be conducted under the same rules and restrictions of other similar elections in this state; and it shall be the duty of the judges and returning-officer at the close of said election, to count out the votes so taken and shall certify under hand and seal, the number of votes taken for each candidate which shall be the duty of the returning officer, to deliver said return to the sheriff of Smith county, at the court-house on the succeeding day of election, which return shall be received as a part of the election for Smith county.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30th, 1867.

CHAPTER XXX.

AN ACT to direct the duty of the clerks and sheriffs in certain cases therein mentioned.

Clerks and sheriffs duty. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the clerks in the several counties in this State, within fifteen days after the adjournment of their respective courts, to make out all orders made during the term of said court, whereby any person is appointed overseer of any public road, and deliver the same to the sheriff of his county within the term aforesaid.

SEC. 2. *Be it enacted*, That the sheriff by himself or his deputy, on the receipt of the orders aforesaid, shall within twenty days thereafter deliver the same to the person so appointed, or leave the said order at the usual place of abode of the person appointed overseer, and shall make return to the next court of his county how he has executed the same, and the clerk shall record the said return.

SEC. 3. *Be it enacted*, That if any overseer of a road notified as aforesaid, should be indicted or presented, the return of the sheriff shall be received as evidence on the trial.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 4th, 1867.

CHAPTER XXXI.

AN ACT to establish the permanent seat of justice in the county of Stewart.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That on the second Monday and Tuesday in the month of April next, an election shall be held in the county of Stewart, at the different places of election in said county, by the sheriff and his deputy or the coroner thereof, under the same laws, rules and regulations as elections of members of the general assembly, for the purpose of electing five persons as commissioners to fix on, and finally establish a permanent seat of justice in and for the said county of Stewart; and every free male person above the age of twenty-one years, actually resident in said county at the time of such election, shall be permitted to vote; and the five persons who have the highest number of votes, when the votes taken at the two places of election in said county are compared and added together, shall be the commissioners for the purpose aforesaid; and the said sheriff and his deputy or the coroner, as the case may be, shall meet together at the town of Dover, on Wednesday immediately succeeding said election, and make the comparison and addition of votes aforesaid.

SEC. 2. *Be it enacted*, That it shall be the duty of the said commissioners when so elected, before they enter on the duties of their appointment, to take the following oath, (viz.) *I, A. B. do swear, that I will, well and truly execute and perform all the duties enjoined on me by law as a commissioner, to fix on the permanent seat of justice for the county of Stewart, to the best of my skill and abilities.*
SO HELP ME GOD.

SEC. 3. *Be it enacted*, That it shall be the duty of the said commissioners, and they have full power and authority to fix on a proper place for the seat of justice, in and for said county, and establish the same, either at the town of Dover, or any other place on Cumberland river, not exceeding eight miles above the said town of Dover, in a direct line, provided three, at least, of said five commissioners agree upon the place.

SEC. 4. *Be it enacted*, That a majority of said commissioners shall constitute a board to transact business; and it shall be their duty, should they fix on any other place as the seat of justice for the said county, than the said town of Dover, immediately after having fixed on the same, proceed to obtain a tract of land, not less than thirty acres, to be conveyed to them by general warranty deed, in trust, for the purpose of laying off a town thereon, and they shall lay off the same, (to wit,) thirty acres of said land, into convenient lots, lanes, streets and allies, reserving therein, in the most convenient and eligible place, two

acres, in a square form, to be called the *Public Square*; on which, to erect the public buildings; and said commissioners shall sell the lots, so laid out to the highest bidder for the same, at public sale, giving a credit to the purchaser or purchasers of six months, for one half of the purchase money, and twelve months for the other half, from the day of sale, and make deeds of conveyance to the purchasers respectively; but said sale of lots shall not take place until the time and place of sale shall have been advertised at four of the most public places in said county, two months at least, before such sale shall be made; and in all cases of sales of lots the said commissioners shall take notes, under hand and seal, with good and sufficient security, for the payment of the purchase money of the respective purchasers.

sale of lots.

Commissioners power.

SEC. 5. *Be it enacted*, That said commissioners shall have full power and authority to contract for, and superintend the erection of the court house, prison and stocks, in said town, and appropriate the money arising from the sales of lots in payment for the same, and to no other use or purpose whatever; and if the money arising from the said sales, shall not be sufficient to pay for said buildings, it shall be the duty of the county court of said county, a majority of the justices being present, on application to them made, by said commissioners, to lay a tax, not exceeding the amount of the state tax, in said county, to be raised from the same property and polls, and be collected by the same persons and in the same manner as the state tax; which tax is to be laid annually for the term of three years from the first imposition thereof, if said buildings shall not have been sooner paid for.

Court to lay a tax.

Commissioners to give bond.

SEC. 6. *Be it enacted*, That said commissioners shall, before they receive any money, either from the sales of lots, or from taxation, give bond to the chairman of the said court, and his successors in office, with security, to be approved by the said court, in the sum of five thousand dollars, conditioned, that they will, well and faithfully discharge the trust reposed in them by this act; and fairly account for all monies which may at any time come to their hands by virtue of their appointment as commissioners aforesaid; and it shall be their duty to settle with the court, whenever by said court, or such person or persons as said court may appoint, when called on for that purpose: *Provided*, said commissioners be not called on for settlement, oftener than once in each year.

Proviso.

Commissioners compensated.

SEC. 7. *Be it enacted*, That said court be, and they are hereby authorised, to order such sum or sums of money to be paid out of the county treasury, to each of said commissioners, as they may deem an adequate compensation for his services and expences, in the performance of the

duties enjoined on him by this act.

SEC. 8. *Be it enacted*, That the town herein directed to be laid off, shall be called and known by the name of *Windsor*, and the same shall be the place of holding the county court for said county of Stewart, as soon as the court house in said town is completed; until which period shall arrive, the said court shall be held at the town of Dover. *Windsor established.*

SEC. 9. *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'MINN,

Speaker of the Senat,

November 30th, 1807.

CHAPTER XXXII.

AN ACT to authorise William Cocke to open a road from the plantation on which Wright Bond now lives, passing by said Cocke's iron-works on Poor-Valley creek in Hawkins county, to the house where William Henderson formerly lived, near Clinch river.

SECTION 1. **B**E it enacted by the General Assembly of Tennessee, That William Cocke be authorised to open a road from the plantation, on which Wright Bond now lives, passing by said Cocke's iron-works on Poor-Valley creek, to the house where William Henderson formerly lived, near Clinch river in Hawkins county. Keep it in repair, and keep a turn-pike thereon, for the term of twenty years.

SEC. 2. *Be it enacted*, That the said William Cocke shall open said road not less than twenty feet wide, clear of all timber and under growth, that may injure such road, and clear fourteen feet in the centre of said road, of all stumps and rocks that may impede the passage of carriages and horses, where the ground over which it passes will permit it to be done with reasonable exertions, and to erect bridges and causways when necessary, at least twelve feet wide.

SEC. 3. *Be it enacted*, That the court of Hawkins county when notified for that purpose, shall appoint three respectable freeholders near said road, whose duty it shall be to view said road, and if in their opinion, the same is cleared as by this act required, they shall grant to the said William Cocke, his heirs and assigns for the term aforesaid, a license to erect a turnpike on said road, at such place as he may think proper.

SEC. 4. *Be it enacted*, That the said William Cocke, after receiving license as aforesaid, may and he is hereby

Rates of toll.

authorised to demand and receive from all persons passing said road, the following tolls, (viz.) For each wagon and team, fifty cents ; for each cart or other two wheel carriage of burthen, twenty-five cents ; for each four wheel pleasurable carriage, one dollar and twenty-five cents ; for each chair, gig, or other two wheel pleasurable carriage, fifty cents ; for each man and horse, twelve and one half cents ; for each loose or led horse, six and one fourth cents ; for each head of cattle, hog or sheep, one cent ; for each slave, six and one fourth cents.

SEC. 5. *Be it enacted*, That the said William Cocke, shall in all respects be liable to the same mode of proceeding, and subject to the punishment, as overseers of roads are, or may be liable to.

To pay damages.

Proviso.

SEC. 6. *Be it enacted*, That the said William Cocke, shall pay to the persons through whose land said road shall pass, all damages that they may sustain by reason of said road, to be assessed by a jury, under the same rules as are now observed for laying out public roads : *Provided*, that the leave of the owner shall be first obtained before said road shall be laid out or pass through the plantation or cleared ground of any person.

Certain persons to pass free.

SEC. 7. *Be it enacted*, That all persons shall pass and repass with themselves, their family and property free from any toll at said turn-pike, provided they assist with all their family subject to work on public roads, two days in opening said road, and one day in each year in keeping it in repair.

SEC. 8. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

October 26th, 1807.

CHAPTER XXXIII.

AN ACT to secure the free navigation of the river Wataga.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the river Wataga from Car-riger's ford, to the junction of the same, with the river Holston, shall be and remain a public way, free and open to all citizens of this state, and others, for navigation with boats, craft and other means of conveyance by water, without molestation or obstruction.

SEC. 2. *Be it enacted*, That if any person or persons shall hereafter erect or cause to be erected any fish dam or

trap, or other obstruction in said river, such person or persons shall leave open, in the deepest part of the channel of said river, where the same may be so erected, one third part of the width of said channel, and keep the same open during the continuance of such dam or trap.

SEC. 3. *Be it enacted*, That any person or persons who shall fail to comply with the above regulation, or any person or persons who is or are the owner of any fish dam or trap on said river, already erected, who shall not have left open one third part of the said river, in the deepest part of the channel thereof, and who shall refuse to permit said dam to be pulled down, so as to leave open said one third part of said channel, where the same is deepest, shall forfeit for the same, the sum of one hundred dollars, and shall moreover, be liable to any person or persons for any damages sustained, in navigating said river, in consequence of any dam or obstruction erected or continued contrary to the provisions of this act.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER XXXIV.

AN ACT to amend an act entitled, " An act ascertaining the number of Judges of the Superior Courts of Law and Equity, and fixing their salaries, and directing their qualification in office," passed, the ninth day of April, one thousand seven hundred and ninety six.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That there shall be appointed an additional judge of the superior courts of law and courts of equity, in this state ; who shall possess the same powers, have the same qualifications, take the same oaths, and be liable to the same penalties, that are or may be given to, required of, or imposed upon either of the three judges heretofore appointed. *Additional judge appointed.*

SEC. 2. *Be it enacted*, That it shall be the duty of the judges to make judges of the superior courts of law and equity, in this state, to make such an arrangement that some three of said judges, shall attend each and every term of the superior courts of law and equity, in the different districts in this state, and that said arrangement shall be made in such manner, that only one of the said judges who shall reside in East Tennessee, shall attend the superior courts in West Tennessee at the same term ; and that only one of the judges who shall reside in West Tennessee, shall attend the superior courts in East Tennessee, at the same term.

Judges duty.

SEC. 3 *Be it enacted*, That the said judges shall continue each session or term, of each of said superior courts, hereafter to be holden, in each of said districts, until all all causes then ready for trial or hearing, are decided, or until it is necessary to adjourn to attend some superior court in some other district.

His salary.

SEC. 4. *Be it enacted*, That the judge hereby directed to be appointed, shall have the same salary, to be paid by the same persons, at the same times, and in the same manner, that is by law to be allowed, and paid to either of the judges of the superior courts heretofore appointed.

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

SEC. 6. *Be it enacted*, That all acts, and parts of acts, inconsistent with the provisions of this act, shall be, and the same hereby are repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3rd, 1807.

CHAPTER XXXV.

AN ACT to amend an act, entitled, "An act to prevent the exportation of unmerchantable commodities," passed November the fourteenth one thousand eight hundred and one, and also to amend an act entitled, "An act for the inspection of tobacco," passed October the 26th, 1799.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the places herein after mentioned, be and they are hereby appointed and established places of public inspection for the respective articles mentioned in both of the before recited acts, as well as other articles that may be offered for market at said inspections, (viz.) The town of Carthage, and the mouth of Round-Lick creek in Smith county; and in Sumner county, Hart's ferry and Barrow's landing, be, and are hereby established places of public inspection, and shall in all cases whatever, be conducted under the same rules and restrictions of other public inspections in this State, 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 30th, 1807.

CHAPTER XXXVI.

AN ACT supplemental to "An act to reduce Williamson county to constitutional limits, and to form a new county on the south and south west of the same," passed this session.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the militia of Maury county, constituting the twenty seventh regiment, shall be, and hereby are attached to the fifth brigade of militia of this state.

SEC. 2. *Be it enacted*, That in all cases where a new county hath been or hereafter may be formed, it shall and may be lawful for any acting justice of the peace, for any county in this state, to attend at the time & place for holding the first court in such new county, and administer to the justices of the peace, appointed in such new county, the oath of office prescribed by law. *Any justice to administer the oath.*

SEC. 3. *Be it enacted*, That the militia of White, compose the thirty fourth regiment; and the militia of Overton county, compose the thirty fifth regiment, and that said regiments compose a part of the fourth brigade.

JOHN TIPTON,

Speaker of House of Representatives.

JOSEPH MMINN,

Speaker of the Senate.

December 4th, 1807.

CHAPTER XXXVII.

AN ACT to divide Rutherford county, and to form a new county, south and south west of said county, by the name of BEDFORD.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee*, That a new county be, and the same is hereby established south and south west of, and adjoining the said county of Rutherford, by the name of Bedford, in memory of Thomas Bedford deceased; which said county shall begin at the south west corner of Rutherford, and south east corner of Williamson county on the Duck-river ridge, and run thence with said Williamson county line, to the line of the county of Maury; thence along the same southwardly to the south boundary of the state; thence eastwardly to the east boundary of Rutherford county; thence along the same to the ridge that divides the waters of Duck river from those of Cumberland; thence along the same westwardly, to the south east corner of Williamson county, leaving Rutherford county its constitutional limits; and all that tract of territory included in the above described lines, shall be included within the said county of Bedford; and all the *Bedford county established.* *Its boundaries.*

Boundaries of Rutherford. lands north of the first described line on Duck river ridge where the said line intersects White county line, then north with said line until it strikes the corner of Rutherford and Wilson county line at a place known by the name of Rush spring, then to follow the old line of Rutherford county, as by law established, shall be and remain the county of Rutherford.

Courts in Bedford where held. SEC. 2. *Be it enacted,* That for the due administration of justice, the first court, and all subsequent courts shall be held in said county of Bedford, until the end of the next General Assembly, at the improvement lately made and occupied by Mrs. Payne, near the head of Mulberry creek, and all courts held in and for said county of Bedford, shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for the courts of the several counties in this state.

And when. SEC. 3. *Be it enacted,* That the courts of Bedford shall be held regularly by the justices of said county, on the fourth Mondays of December, March, June and September, annually.

Sheriff of Bedford to hold elections, & for what purposes. SEC. 4. *Be it enacted,* That it shall be the duty of the sheriff of said county of Bedford, to hold an election at the place of holding courts in said county of Bedford, on the first Thursday and succeeding day in March next, for the purpose of electing one colonel and two majors for the said county of Bedford, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Bedford shall constitute the twenty eight regiment, and be attached to the fifth brigade.

SEC. 5. *Be it enacted,* That the elections for company officers for the county of Bedford, 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 fourth Monday in June next, under the same rules, regulations, and restrictions as are prescribed in like cases.

SEC. 6. *Be it enacted,* That said county of Bedford, be a part of the district for electing a governor, representative or representatives to congress, electors to elect a president and vice-president of the United States, and members of the general assembly, to which it hath heretofore belonged, and that the elections be held at the place of holding courts in said county, at the time and in the manner by law directed, and that the sheriff or returning officer, make a return of polls at the court-house in the town of Jefferson, on the day next succeeding each election, to the sheriff or returning officer for the county of Rutherford, and upon comparing the votes, they shall declare the candidate for the representation of said counties of Rutherford and Bedford, who may have the highest mem-

ber of votes duly elected, and give a certificate accordingly; and it shall be the duty of the sheriff of Rutherford county, to make the return for senator of said district, as heretofore directed by law.

SEC. 7. *Be it enacted,* That the sheriff or collector of public taxes for the county of Rutherford, shall have full power, and authority to collect any taxes that are yet unpaid, from any person or persons in said county of Bedford, and to collect any money that may be due on writ of Fieri Facias, that is at this time in the hands of said sheriff of Rutherford county, in as full and ample a manner as if the said county had remained a part of Rutherford county. *Sheriff to collect taxes.*

SEC. 8. *Be it enacted,* That said county of Bedford shall in all cases, be considered and remain part of Mero district and send two jurors to Mero superior court; and Rutherford county shall send two jurors less than formerly compelled by law to do.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER XXXVIII.

AN ACT to authorise a separate election in the county of Greene.

SECTION 1. *Be 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 Greene county shall by himself or deputy, cause an election to be holden at the house of John Lloyd, in a place called Warrensburg in said county, near the mouth of Little Chucky, adjacent to the plantation of Colo. Henry Conway, at which time and place votes shall be received for governor, 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 the militia; and said elections shall be conducted under the same laws, rules and regulations, and in the same manner as elections for the aforesaid members and officers at the respective court houses in this state. *Separate election in Greene county, when, where, and who voted for.*

SEC. 2. *Be it enacted,* That it shall be lawful for the sheriff of said county, by himself or deputy on the same days that elections are held at the court house for electors to vote for a president and vice-president, to hold also an election for the same purpose at the place aforesaid, under the same rules restrictions and regulations as the law *Duty of the sheriff.*

directs in similar cases regulating such elections, and it shall be the duty of the officer holding such election, on the day next following to make return of the number of votes given to the officer holding the election at the court house, who shall receive the same as part of the election and make return thereof in the same manner as though they had been given in at the court house.

To meet at
Greeneville.

SEC. 3. *Be it enacted*, That on the day next after the election first aforesaid, the deputy or other officer holding said election at Warrensburg, shall meet at Greeneville in said county, and compare the votes taken at Warrensburg with those taken at the court-house in said county, which shall be taken and considered as a part of said election.

Judges to tender an oath.

SEC. 4. *Be it enacted*, That the judges of the election at Warrensburg aforesaid, and also at Greeneville, shall, and they are hereby authorised to tender an oath to any person offering a vote who may be suspected by them or any of them to have voted at the other place of holding election in said county, and if said person to whom said oath is so tendered, shall refuse to swear, or after having sworn, answer that he has voted elsewhere in said county, his vote shall be rejected; and if the person so challenged and put on his oath shall swear falsely, and in consequence thereof, vote a second time in the county at the same election, 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.

How conducted
and by whom.

SEC. 5. *Be it enacted*, That in the elections for militia officers, the same rules and regulations shall be observed as by this act are directed in all other elections, provided for by the same, & the returns made in the same manner.

SEC. 6. *Be it enacted*, That in case of the inability of the sheriff or his deputy to attend said elections, it shall be his duty to call on the coroner for that purpose, whose duty it shall be to attend to the same, observing all the rules and regulations by this act directed and required to be performed by the sheriff.

SEC. 7. *Be it enacted*, That no person shall be entitled to vote at the elections herein provided for at Warrensburg aforesaid, except those who reside within the bounds of the two companies in the south west end of said county, at present commanded by captains Joseph Kirk and Daniel Cofferran.

SEC. 8. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER XXXIX.

AN ACT to authorise James Pearce to erect a ware-house on Nolichucky river on his own land at the mouth of Richland creek in Greene county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That James Pearce, shall have full power and authority to build a ware-house at the mouth of Richland creek on Nolichucky river, on his own land in Greene county.

James Pearce
to build a ware
house.

SEC. 2. *Be it enacted*, That the said James Pearce shall receive for storage of any commodity intended for exportation and deposited in his ware-house, at the rate of five cents per month for the first, and at the rate of two cents for every subsequent month on each and every hundred weight so deposited, which shall be paid by the owner or his agent at the time such produce in store is taken away, and the said James shall in all cases where a deposit is made of any commodity capable of exportation, receipt for the same, at which time the quantum by weight shall be ascertained, and shall when demanded, deliver the same to the person having right to make such demand, and shall in all cases be forth coming for the safe keeping and delivery of all deposits as aforesaid, unavoidable accidents only excepted.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 4th, 1807.

CHAPTER XL.

AN ACT supplemental to an act entitled, "An act to encourage the building of Iron Works in this state," passed at Fayetteville, in the year 1788.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That where Lands overflow any person or persons hath heretofore, erected, or that ed provided for may erect iron works hereafter, where the water of such dam, as may be necessary for carrying on such iron works, may overflow the lands of any other person or persons, in that case, it shall be lawful for the owner or owners of such iron works, to file his or their petition, to the court of pleas and quarter sessions, of the county wherein such iron works are or may be erected, setting forth all material facts; whereupon it shall be the duty of the said court to proceed to appoint a jury of twelve freeholders in said county, whose duty it shall be, immediately after getting notice of their appointment, to value the land so lost by inundation, taking into view the quantity of the land, as

well as improvement thereon, if any ; and also, the injury that may be done thereby, to the whole tract, a part of which, is overflowed, together with all natural advantages, and make return of the value thereof, to the next succeeding court, together with a plat or figure, and quantity of ground so overflowed: *Provided*, that no court or jury shall have power to condemn for the purposes aforesaid, more than one and one half acres of ground, exclusive of the channel, or usual water mark of the watercourse, nor extend to the destruction of mansion houses, previously built, of orchards, or never failing springs of good and wholesome water, nor where the water overflowing said land, shall endanger the health of any family or families.

SEC. 2. *Be it enacted*, That it shall be the duty of the court, to cause the return of such jury to be entered on record, which record when made, shall stand as a judgment or decree of said court ; and the person or persons, rightfully holding the land, valued as aforesaid, shall have the same benefit of said record, as he, she or they might or could have of a judgment rendered in his, her or their favor, in any civil case, and the clerk have authority to issue execution, (if thereunto required), and the sheriff authorised to collect the amount thereof, in the same manner and for the same fees, as in other civil cases.

SEC. 3. *Be it enacted*, That on the owner or owners of such iron works, producing to the court a receipt in full of the judgment and costs, rendered against him or them, as aforesaid, the court shall, thereupon order him or them, a copy of the judgment and proceedings, at full length, certified by the clerk ; which being registered, in the office of the register of the county, shall vest such owner or owners of iron works, in fee, of the premises so valued as aforesaid : *Provided*, that if the owners of such iron works shall, for any three years in succession, fail to make at such works, the quantity of ten tons of iron in each year, the title to such land shall revert to, and the interest thereof, be reverted in the original owner, his heirs, assigns or devisees.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M' MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER XLI.

AN ACT to release Mathew Nelson, John Dowler, Abraham K. Shaiffer, John M' Ewen and Nathaniel Cox, from a forfeited recognizance.

WHEREAS, heretofore, Mathew Nelson, John Dowler, Abraham K. Shaiffer, John M' Ewen and

Preamble.

Nathaniel Cox, entered into a recognizance with Jacob Luster, conditioned, to be void if the said Jacob should appear at the superior court of law, for Hamilton District, on the fourth Monday of September, one thousand eight hundred and seven, to answer a charge of the State against him, for an assault and battery on Nicholas Paschal ; and the said Jacob failed to appear according to the tenor of said recognizance ; in consequence of which, they, the said Matthew Nelson, John Dowler, Abraham K. Shaiffer, John M' Ewen and Nathaniel Cox, were called out, and a forfeiture entered upon said recognizance, against them in said court ; And whereas it appears, that the said Jacob, failed to attend without the consent or connivance of them, the said Matthew Nelson, John Dowler Abraham K. Shaiffer, John M' Ewen and Nathaniel Cox, or any or either of them, who have made all the exertion in their power to lay hold of said Jacob, and surrender him, but have not been able so to do, Therefore,

SECTION 1. **BE** it enacted by the General Assembly of the State of Tennessee, That the said Certain persons Matthew Nelson, John Dowler, Abraham K. Shaiffer, John M' Ewen and Nathaniel Cox, and each and every son or daughter of them shall, and they hereby are released, exonerated and forever discharged from said recognizance, and any forfeiture or judgment, that shall have been entered thereon ; of which release and exoneration, the attorney general of the proper district is directed to take notice without compelling any plea to be entered : *Provided*, that nothing in this act shall be so construed, as release or exonerate the said Jacob Luster from his recognizance, or any forfeiture that may have been entered thereon, nor to release them the said Matthew Nelson, John Dowler, Abraham K. Shaiffer, John M' Ewen and Nathaniel Cox, or any or either of them, from the payment of any costs that have accrued or may accrue, by entering the forfeiture, issuing scire facias, and entering the release of record.

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

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M' MINN,

Speaker of the Senate.

December 4, 1807.

CHAPTER XLII.

AN ACT to amend an act entitled "An act passed the twenty eighth of July, one thous and eight hundred and six, authorizing a separate election in Smith county."

Election where and who voted for. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for all the citizens in Smith county, entitled to vote at the house of John Brevard, for governor, members to congress, and electors to elect a president and vice president of the United States, to vote for members to the general assembly, at the same time; which shall be considered as a part of the election for Smith county.

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

December 3, 1807.

CHAPTER XLIII.

AN ACT making provision for the extinguishment of the Indian claim to lands within the limits of this state.

Money appropriated for extinguishment of Indian claims. **B**E it enacted by the General Assembly of the State of Tennessee, That the sum of twenty thousand dollars of any monies in either of the public treasuries, not otherwise specially appropriated, shall be a fund, subject to the purpose of holding a treaty or treaties with the Cherokee nation of Indians, and for extinguishing their claim to all or any part of the lands within the limits of this state, and within the limits of the lands relinquished to this state by an act of the congress of the United States, entitled, "An act to authorise the state of Tennessee to issue grants to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

Treaty, when held. **SEC. 2.** Be it enacted, That as soon as this state shall be vested by the government of the United States with power to hold and conclude a treaty or treaties with the said nation of Indians, for the purpose aforesaid, agreeably to a resolution of this general assembly, passed November 11th, 1807; or as soon thereafter as the governor of this state shall deem it expedient to hold such treaty or treaties, he shall have power to draw by warrant, under his hand, on each or either of the said treasuries, for the whole, or any part of said sum, that may be necessary to defray the expences of holding such treaty or treaties, and for the purpose of extinguishing said claim,

SEC. 3. Be it enacted, That upon this state being vest-

ed with said power, the governor for the time being, as soon as he shall deem it expedient, may appoint two commissioners on the part of this state, for the purpose of holding and concluding such treaty or treaties, with said nation of Indians. *Two commissioners to be appointed.*

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER XLIV.

AN ACT to reduce the limits of Dickson county, and to form a new county, to the south of the same.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That there shall be a new county laid off to be contained within the following bounds, (to wit:) Beginning one mile north of the south east corner of the eighth section, in the sixteenth range, in the first district, and on the western boundary line of Williamson county; running thence, west, to the east boundary line of Stewart county; thence south with said line, to the southern boundary of the state; thence with the state line, east, so far that a line at right angles north, shall strike the south west corner of the county of Maury; thence with the lines of said county of Williamson to the beginning: within which bounds shall be contained, a new and distinct county by the name of Hickman, in memory of Edwin Hickman, deceased.

SEC. 2. Be it enacted, That for the administration of justice in said county of Hickman, the justices of the peace in said county, shall hold a court of pleas and quarter sessions, on the first Mondays in the months of January, April, July and October, in each and every year; which courts shall be held at the house where William Joslin at present resides, on Pine river, and shall have the same power and jurisdiction, and be subject to the same laws, rules and regulations as the other courts of pleas and quarter sessions within this state.

SEC. 3. Be it enacted, That elections shall be held in said county, for governor of the state, members of congress, members of the state legislature, and electors to elect a president and vice president of the United States, at the place of holding court in said county, on the days, and under the same laws, rules and regulations, as are prescribed for such elections as in other cases; and it shall be the duty of the sheriff of the county of Hickman, to meet the sheriff of the county of Dickson, on the succeeding day,

Where to compare the votes.

at the court-house in the town of Charlotte, and compare the votes so taken in said county of Hickman, which shall compose part of the election of the said county of Dickson and Robertson, so far as respects the representative for said counties; and the votes for senator shall in like manner be annexed to the votes of Dickson county, and be compared as heretofore prescribed by law; and in like manner for member to congress, and an elector to elect a president and vice-president of the United States, and governor for this state.

Sheriff of Hickman to hold elections, & for what purposes, and when.

SEC. 4. *Be it enacted*, That the sheriff of Hickman county shall hold an election on the first Thursday and Friday in May next, for the purpose of electing one colonel and two majors of the militia in said county, under the rules and regulations prescribed by law for electing such officers; and said officers when elected and commissioned, shall have the same power and authority, and shall perform the duties prescribed to colonels and majors by the laws in force regulating the militia of this state, and the said militia shall compose the thirty-sixth regiment and be a part of the sixth brigade.

SEC. 5. *Be it enacted*, That the county of Hickman shall be, and compose a part of the district of Robertson, and shall send two jurors to the superior court at Clarksville, to be appointed by the county court as in other cases.

Sheriff of Dickson to collect arrearages.

SEC. 6. *Be it enacted*, That the sheriff of Dickson county shall have full power and authority to collect any arrearages of taxes which may remain unpaid by any of the citizens of Hickman county, and this act shall be in force from the first day of January next.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3rd, 1807.

CHAPTER XLV.

Preamble.

AN ACT for the relief of Jesse Johnson.
WHEREAS a duplicate military warrant for six hundred and forty acres of land, number, fifty six, was issued by the Board of Commissioners of West-Tennessee, to the benefit of John Johnson, assignee of William Clements, which warrant was drawn from the Office of the said Commissioners, by Jesse Johnson, who was authorised and empowered to draw the same; And whereas, the said Jesse Johnson lost the said warrant, together with his

pocket-book and other papers therein, near Catthage, in Smith county, so that it is believed, said Jesse will be totally prevented from obtaining the land called for in said warrant: For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the commissioner of West Tennessee, upon production of the certificate of each of the principal surveyors within this state that no warrant of the number and description mentioned in the preamble to this act, has been lodged in either of their offices or any entry or location made thereon; and upon said Jesse Johnson producing to said commissioner, an affidavit, setting forth, that he has not transferred or assigned said warrant to any other person, but has totally lost the same, in manner aforesaid; and depositing with said commissioner a relinquishment of all right, title, interest and claim, in and to the same, to issue an alias duplicate, placing thereon, the assignment to John Johnson; and also, endorse thereon, that the same was issued by virtue of this act, and deliver the same to Jesse Johnson; which shall be, to all intents and purposes, as good and valid as the first duplicate would have been: *Provided* nevertheless, that should the said first duplicate, hereafter be found, or if the same is now in existence, it shall, and the same is hereby declared null and void, and no survey shall be made, or grant ever issue on the same.

Commissioner of W. Tennessee to issue an alias duplicate.

Provided

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 4, 1807.

CHAPTER XLVI.

AN ACT to authorise the county court of Dickson, to lay an additional tax, for the purpose of completing the public buildings in said county.

SECTION 1. **B**E it enacted, by the General Assembly of the State of Tennessee, That the county court of Dickson, may at the next January sessions of said court (and also, at the January session in the year 1809, if necessary,) and they are hereby authorised to lay a tax, not exceeding the amount of the state tax; to be levied and paid by such persons, and on such property as is by law, liable to taxation: *Provided*, that at the time of laying such tax, a majority of the acting justices of said county, be in court.

County court of Dickson to lay a tax.

Provided

SEC. 2. *Be it enacted*, That said additional tax, shall be collected in the same manner, and under the same laws,

rules and regulations, as the county taxes; and when collected, to be paid over to the commissioners appointed by law, to superintend the erection of the public buildings in the said county; and said commissioners are authorised and required, to appropriate said money, in payment of the arrearages due, or which may hereafter become due, for, and on account of the erection and completion of said buildings, and to no other use or purpose whatever.

SEC. 3. *Be it enacted*, That it shall be lawful for the county court of Dickson, aforesaid, provided, there be a majority of the acting justices of the peace, for said county in court, to make an allowance to each and every of said commissioners, such sum or sums of money as said court may deem adequate for their services and expenditures, in laying off the town of Charlotte, and superintending the erection of the public buildings in said town and county, to be paid out of any money in the hands of the county treasurer, not otherwise appropriated.

SEC. 4. *Be it enacted*, That this act shall be in full force and operation, from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7, 1807.

CHAPTER XLVII.

AN ACT to attach the militia regiment of Campbell county to the third brigade.

BE it enacted by the General Assembly of the State of Tennessee, That the militia regiment of Campbell county, being the thirty third regiment of the militia of this state, be attached to, and form apart of the third brigade.

JOHN TIPTON,

Speaker of House of Representatives.

JOSEPH M'INN,

Speaker of the Senate.

December 3, 1807.

CHAPTER XLVIII.

AN ACT to authorise Willie Blount to execute deeds of conveyance to certain lands of the late Reading Blount, deceased.

WHEREAS Reading Blount of the county of Beaufort, in the state of North Carolina, lately departed this life, without having made any last will and testament, leaving his heirs, in-

Commissioners compensated.

Preamble.

fants under the age of twenty-one years; and whereas the said Reading Blount in his life time, by a power of attorney duly executed, authorised and empowered his brother Willie Blount, of the county of Montgomery in the state of Tennessee, to sell and convey any of his lands lying in the state of Tennessee, his own service right excepted; and whereas the said Reading, shortly before his decease, purchased of William Lenier, a landed estate in North-Carolina, to secure the purchase money of which, he executed bonds payable to the said Lenier for a considerable sum of money, and the said Lenier being desirous to procure lands in the state of Tennessee, the said Reading in his life time wrote to the said Willie Blount in virtue of the power he had before given him, to convey to the said William Lenier, any of the lands in the state of Tennessee, which belonged to him the said Reading, in discharge of the said bonds by him given to said Lenier; and whereas the said Reading departed this life before said conveyances could be executed by said Willie Blount to said Lenier; and whereas it will be ruinous to the estate of said Reading, should said conveyances not be made, and thereby force a discharge of said bonds in cash—Therefore,

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall and Willie Blount, may be lawful for the said Willie Blount, and he is here-authorised to by authorised and empowered at any time after the passing of this act, by virtue of the aforesaid power of attorney and letter from the said Reading Blount, to make and execute in the name of the heirs of the said Reading Blount, a good and sufficient deed or deeds of conveyance to the said William Lenier and his heirs, for as much of the lands of which the said Reading died seized or possessed in this state, other than said Reading's service right, as will at a fair price be of value sufficient to satisfy said bonds, and each or any of them, and in said conveyance or conveyances, if the said Lenier should so wish, to insert all such covenants and clauses for warranting the title or titles to said Lenier, and his heirs, which, under said power, he would have been authorised to insert, had said conveyance or conveyances been executed in the life time of said Reading, which said deed or deeds of conveyances, when made, executed and delivered to the said William Lenier, shall vest him and his heirs and assigns, with the same ti-

tle in the lands therein described, that he and they would have been vested with, had said conveyance or conveyances been executed, signed, sealed and delivered by the said Reading, in his own proper person, in his life time; and the said titles, so to be conveyed, shall remain and be firm and stable, and forever binding upon the heirs of the said Reading Blount, and all persons claiming under them or any of them, any law, usage or custom to the contrary notwithstanding: *Provided*, that nothing herein contained shall authorise a conveyance of said Reading's own service right.

Proviso.

Preamble.

WHEREAS by virtue of the before mentioned power of attorney, the said Willie Blount in the life time of said Reading, and for his benefit sold to divers persons several tracts of land, belonging to the said Reading, in this state, to which lands no deeds of conveyance have been executed to the purchasers, but to compel deeds of conveyance, the respective purchasers hold the bond of the said Willie Blount, in his own name, although the monies arising from said sales have been secured to be paid to said Reading, and when collected to be applied to his use, as he directed; and whereas by the sudden death of said Reading, the said Willie, without the aid of the legislature cannot safely convey said lands to such purchasers, Therefore,

SEC. 2. *Be it enacted*, That it shall and may be lawful for the said Willie Blount, and he is hereby authorised, & empowered, at any time after the passing hereof, to make and execute in the name of the heirs of the said Reading, good and sufficient deeds of conveyance, to each and every person, his heirs and assigns, to whom he had sold and bound himself to convey, any tract or tracts of land within this state belonging to said Reading; and in and by said conveyances, to convey the title of the same lands with the same covenants and clauses of warranty, called for in said bonds respectively; and such conveyances, when signed, sealed and delivered, shall vest the same titles in the bargainees, their heirs and assigns respectively, that would have been vested in them thereby, had they been executed by the said Reading in his own name, in his own proper person; and which said titles so made, shall be and remain forever firm and stable in the bargainees respectively, against the heirs of the said Reading, and each of them, and all claiming under them, any law, usage or custom to the contrary, in any wise notwithstanding: *Provided*, that nothing herein contained shall authorise a conveyance of said Reading's own service right.

The same to be good.

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

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'INN,

Speaker of the Senate.

December 4th, 1807.

CHAPTER XLIX.

AN ACT to divorce certain persons therein mentioned.

WHEREAS good cause has been shewn to this general assembly, that the persons hereafter mentioned, should be discharged from the bonds of matrimony, wherefore,

Be it enacted by the General Assembly of the State of Tennessee, That William Carruthers and his wife Mary, of Smith county; Elisha Emtree and his wife Annis, of Carter county; Polly Phillipson, formerly Polly Hall, of Knox county, and her husband, John Phillipson; Jesse England, of White county, and his wife Matilda; Sampson Eldridge, of Overton county, and his wife Franky; Nancy Gardenhire, of Roane county, and her husband George Gardenhire; Rebecca Thornburgh, and her husband Isaac Thornburgh; and Reuben Simpson and Polly Simpson, be, and they are hereby dissolved from the bonds of matrimony, to all intents and purposes.

Certain persons divorced.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'INN,

Speaker of the Senate.

December 3, 1807.

CHAPTER L.

AN ACT for the relief of William M'Key.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William M'Key, of Williamson county, is hereby authorised and empowered, to turn the public road, generally called the lower road, leading from the town of Franklin, to Nashville, in the following manner, and on the conditions as hereafter expressed, that is to say, The road when turned shall cross Harpeth with the upper road, near David Squier's, and then, to pursue the same way, exactly as viewed by a jury that was some time since appointed for that purpose, by the county court of Williamson, until it may intersect the aforesaid lower road: *Provided*, be, the said William M'Key, at his own expence, shall

W. M. M'Key, authorised to turn a certain road.

Proviso.

clear out the said new road, in all respects agreeably to the laws now in force for opening public roads in this state; which shall be done before it shall be understood, that the above named road shall be stopped or turned.

SEC. 2. *Be it enacted*, That as soon as the said new road may be opened, in the manner as above described, it shall be considered as a public road, for the benefit of the said county of Williamson, in as full and ample a manner, as if it had been cleared out and opened by order of court, and subject to the same regulations as other public roads in all cases.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER LI.

AN ACT to establish the bounds of Anderson county and the bounds of Campbell county.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the county of Anderson shall be comprehended within the following bounds, to wit: Beginning on the Chesnut Ridge, where the Knox & Grainger county line formerly crossed the same; thence with the Grainger county line to the north bank of Clinch river; thence down the said river to the first bluff below the mouth of Cove creek; thence along the extreme hight of the ridge, which divides the waters of Cove creek from those of Cole creek, to the top of Wallen's ridge; thence north forty five degrees west, to the point where it will intersect the former line of Anderson county, which runs south forty five degrees west; thence from that point, south forty five degrees west, to a point, from whence south forty five degrees east will strike Wallen's ridge, one quarter of a mile above the gap of the Indian fork of Poplar creek; thence from said last mentioned point, south forty five degrees east to Wallen's ridge, one quarter of a mile above the gap of the Indian fork of Poplar creek; thence to the double Springs, on the east side of said creek; thence a direct course to Clinch river, opposite the mouth of Hickory creek; thence up the lines of Knox county to the beginning.

SEC. 2. *Be it enacted*, That from and after the passing of this act, the county of Campbell shall be comprehended within the following bounds, to wit: Beginning at the point where the lines of Anderson, which runs north forty five degrees west, will intersect the line of said county of Anderson, which runs south forty five degrees west;

Boundaries of Anderson county.

Boundaries of Campbell county.

thence north forty five degrees east, to the northern boundary line of this state; thence east, with said northern boundary line, to a point on the same, from which, a line to be run at the angle of forty degrees southeast, will cross Powell's valley, at or near the house where James Devers formerly lived in said valley, leaving said house in Campbell county, not more than fifty poles; thence from said last mentioned point, south forty-five degrees east, crossing Powell's Valley at or near the house where James Devers formerly lived in said Valley, leaving said house in Campbell county, not more than fifty poles to the line of Grainger county, on the north bank of Clinch river; thence down said river Clinch, to the Anderson county line, at the first bluff below the mouth of Cove creek; thence with the lines of Anderson county to the beginning.

Persons appointed to run and mark the lines. Compensation.

SEC. 3. *Be it enacted*, That Jesse Roysdon shall be, and hereby is appointed to run and cause to be distinctly marked, the line between said counties of Anderson and Campbell, who shall be allowed the sum of two dollars per day therefor, one half of which sum, shall be paid by the county of Anderson, and the other half by the county of Campbell; and that Joab Hill shall be, and he hereby is appointed to run and cause to be distinctly marked, the line which divides the counties of Claiborne and Campbell, who shall be allowed the sum of two dollars per day therefor; which shall be paid by the counties of Claiborne and Campbell, one half by each.

SEC. 4. *Be it enacted*, That each of said persons shall employ a person to mark said lines, and each of said markers shall be allowed for their service the sum of one dollar per day; which shall be paid by the said counties, in the same manner and in the same proportions, that said surveyors are directed to be paid.

Elections in Campbell where held.

SEC. 5. *Be it enacted*, That from and after the passing of this act, it shall and may be lawful for the inhabitants of that part of the county of Campbell, that was formerly Anderson, to hold their elections for governor, members to congress, members to the general assembly and electors to elect a president and vice president of the United States, and field officers of the militia of said county, at the place of holding court in said county; and it shall be the duty of the sheriff of said county or his deputy, to attend the said elections, and conduct the same, under the same rules and regulations as by law they are bound to do in other counties in this state in similar cases.

Sheriff to attend the same.

SEC. 3. *Be it enacted*, That it shall be the duty of the sheriff of said county, or his deputy, as the case may be, when the votes so taken, for the county of Anderson, to meet on Monday, immediately succeeding the said election, in Kingston, to compare the votes so taken, which

Where to compare the votes.

shall be taken as a part of the election for Anderson county, any law, usage or custom to the contrary notwithstanding.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER LII.

AN ACT for the regulation of the town of Carthage.

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

The sheriff of Smith county to hold an election
the duty of the sheriff of Smith county, to advertise an election at the court house door, ten days previous to the second Thursday in December next, for the purpose of electing five persons, as commissioners, for the town of Carthage; and it shall be the duty of the said sheriff, to hold said election on the second Thursday in December next, and on the same day in every second year thereafter, for the above purpose. All persons resident in said town, at the time of said election, shall be authorised to vote; and all persons who own real property in said town, whether they be resident in said town or not, shall be permitted to vote for commissioners aforesaid; and said elections shall be conducted in all respects, under the same laws rules and regulations, as elections for members to the general assembly.

who to vote

Commissioners Oath;

SEC. 2. **B**E it enacted, That no persons shall be eligible to said appointment, who shall not at the time of his election be the owner of real property in said town; and each commissioner after his election, shall, before he enters on the duties of his appointment, take the following oath (viz;) I, A. B. do solemnly swear, (or affirm as the case may be) that I will, as commissioner, for the town of Carthage, do the duties enjoined on me by law, according to the best of my skill and ability.

and duty.

SEC. 3. **B**E it enacted, That said commissioners shall choose one of their own body as chairman, and shall appoint a treasurer and clerk; which treasurer shall give bond and security, in the sum of five hundred dollars, for the faithful discharge of his duty in his said office; and the clerk aforesaid, shall take an oath, well and faithfully to execute the duties of his appointment, to the best of his skill and abilities; and in case said treasurer or clerk shall be removed or resign, such person so resigning or removed, shall under the penalty of five hundred dollars, to be recovered by action of debt in the name of the chairman of said board of commissioners, deliver to his successor in office, all money, books and papers, to the said office belonging or appertaining.

SEC. 4. **B**E it enacted, That it shall be the duty of the treasurer, to procure well bound books for the use of said board of commissioners; and a record of the proceedings of the said commissioners shall be kept by the clerk, and the treasurer shall keep a regular account of all receipts and expenditures of money; and in all things respecting his office be subject to the direction and controul of the commissioners aforesaid; and the said treasurer shall receive for his services, the same compensation that is allowed to the county trustees by law; and the clerk shall receive the sum of one dollar per day as a compensation for his services.

Treasurer's duty.

SEC. 5. **B**E it enacted, That the said commissioners shall employ some person (properly qualified) to resurvey the said town of Carthage, and make an accurate plan thereof, and designate each lot by planting a stone at one corner, with the number of said lot marked thereon; and they shall, and are hereby authorised, to make such rules and by laws, as they may deem necessary, not inconsistent with the constitution and laws of this state; and they shall have full power and authority, to lay annually, a tax on all real property in said town, not exceeding one cent on each dollars' worth, agreeably to the original sale of said town lots, which shall be collected by the treasurer in the month of January annually, under the same rules and restrictions as other taxes; and the money so collected, shall be applied to the use of the town, in such manner as the commissioners may think proper, having due respect to the streets and water.

Town to be resurveyed.

Tax to be laid.

SEC. 6. **B**E it enacted, That a majority of said commissioners shall constitute a quorum; and when a vacancy shall happen in said board, by reason of the death, removal from the county, or resignation of any of the members, the chairman of the board, or if the vacancy shall be produced by the death, removal or resignation of the chairman, then any other member shall report the same to the sheriff, whose duty it shall be forthwith to hold an election to fill such vacancy, in the same manner as is herein before prescribed; and the person so elected, as well as those herein before directed to be elected commissioners, shall hold their said appointments until the next general election for commissioners.

Election to be held in case of vacancy.

SEC. 7. **B**E it enacted, That the said treasurer shall have full power to demand and receive, from the treasurer of Smith county, or other persons, all surplus monies in his or their hands, arising from the sale of lots in the town of Carthage, after the public buildings are paid for; which money shall be appropriated to the exclusive benefit of said town, in such manner as the said commissioners may direct; and in case of failure or refusal to pay over the surplus monies as above directed, it shall be the

Treasurer's power.

duty of the treasurer for the town, and he is hereby authorized to sue for and receive the same, before any court having jurisdiction thereof.

SEC. 8. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, be and the same are hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

October 26th, 1807.

CHAPTER LIII.

AN ACT regulating the time of holding the several courts therein mentioned, and for other purposes.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the several county courts, in Winchester district, shall commence on the following days, (to wit:) The county of Franklin, on the fourth Monday in January, April, July and October; the county of Warren, on the first Mondays of February, May, August and November; the county of White, on the second Mondays in February, May, August and November; the county of Overton, on the third Mondays of February, May, August and November; the county of Jackson, on the fourth Mondays in February, May, August and November; the county of Smith, on the first Mondays in March, June, September and December, in each and every year.

County courts when held in Winchester district,

In Robertson district,

SEC. 2. *Be it enacted*, That the county court of Montgomery, shall commence on the third Mondays in the months of March, June, September and December, in each year; and shall continue twelve juridical days at each session, if the business before said court shall not be sooner gone through; and the other county courts in the several counties composing the district of Robertson, shall commence on the following days, (to wit:) In the county of Dickson, on the second Mondays in the months of April, July, October and January; in the county of Hickman, on the third Mondays in April, July, October and January; in the county of Stuart, on the fourth Mondays in the months of April, July, October and January; in the county of Robertson, on the first Mondays of April, July, October and January.

In Rhea and Bledsoe counties,

SEC. 8. *Be it enacted*, That the courts in the counties of Rhea and Bledsoe, shall be hereafter holden in said counties at the following times, viz. The courts of Rhea county shall be holden on the fourth Mondays in January,

April, July and October, in each year; and the courts of the county of Bledsoe, shall be holden on the first Mondays in February, May, August and November, in each and every year; and that any thing in any other act directing a different time for holding either of said courts, shall be and is hereby repealed.

SEC. 4. *Be it enacted*, That this act shall take effect and be in force in each of the counties herein mentioned, from and after the next court to be held in said counties respectively; and all process issued from any of the said county courts, shall be returnable to the next court as prescribed by this act, except in the counties of Bledsoe, Rhea and Hickman, or to which counties this act shall take effect and be in force from and after the passage thereof.

This act when in force.

WHEREAS an act passed this session of the general assembly, entitled "*An act for the regulation of the town of Carthage*," and that the time prescribed by the first section of said act, for holding the first election of commissioners of the said town will come on before notice can be had of the said act: For remedy whereof,

Preamble,

SEC. 5. *Be it enacted*, That the first election of commissioners of said town, shall commence and be held on the fourth Thursday in the present month of December, under the same rules and regulations prescribed in the above mentioned act; and every act or part of an act, inconsistent with the provisions of this act, are hereby repealed, so far as respects the first election for said commissioners.

Time of election on in Carthage altered.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 4, 1807.

CHAPTER LIV.

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

WHEREAS James Winchester hath desired this General Assembly to alter the names of his illegitimate children, namely Lucilius Black, Almira Black, and Napoleon Black, to Lucilius Winchester, Almira Winchester and Napoleon Winchester;

Preamble,

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, the names of Lucilius Black, Almira Black, and

Names altered. Napoleon Black, are hereby altered and changed to Lucilius Winchester, Almira Winchester, and Napoleon Winchester, and that the said Lucilius Winchester, Almira Winchester and Napoleon Winchester shall, in all respects both in law and equity, be precisely in the same situation as if they had been born in wedlock, and had been the legitimate children of the said James Winchester, and shall have all the advantages of inheritance as the legitimate children of the said James Winchester could or might have.

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

October 26, 1807.

CHAPTER LV.

AN ACT to relieve James King, from a forfeited recognizance.

Preamble.

WHEREAS James King, entered into a recognizance, in the sum of one hundred dollars, for the appearance of Edward Williams, at the county court of Knox, on a charge of the state against him; which recognizance was forfeited on account of the said Williams failing to appear in pursuance of said recognizance; And whereas for sufficient reasons appearing to this General Assembly, the said James King, ought to be relieved from said forfeiture,

James King released. Proviso.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That the said James King, be, and is hereby released from the said forfeited recognizance: *Provided*, that nothing herein contained, shall be construed to exonerate the said James King, from the payment of all costs which may have accrued on said prosecution.

JOHN TIPTON, S. H. R.
EDWARD DOUGLASS,
Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER LVI.

AN ACT to amend an act entitled, "An act to establish accademies in the several counties in this state, and for the appointment of trustees thereof."

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That the follow-

ing persons be, and they are hereby appointed additional trustees of the several accademies herein after mentioned, to act with those originally appointed by the before recited act, (to wit:)

Michael Molton, Richard C. Napier, Christopher Strong, Molton Dickson, William Stone, Montgomery Bell and Robert Jarman, trustees of Tracy Accademy, in the county of Dickson.

George W. L. Marr and James M'Reynolds, (of the town of Clarksville,) trustees of the Rural Accademy, in the county of Montgomery.

John Fite, John Gordon, Lee Sullivan, Robert Allen, Wilson Cage and Arthur S. Hogan, trustees of the Geneva Accademy, in the county of Smith.

Thomas Donnell and Joseph Hodge, trustees of the Transmontania Accademy, in the county of Sumner.

Samuel Donnell senr. and Alanson Trigg, trustees of the Campbell Accademy, in the county of Wilson.

Garner Meconico, Albert Russell and William Neily, trustees of the Harpeth Accademy, in the county of Williamson.

William King juar. William Deery, Nicholas Fain and David Yearsly, trustees of Jefferson Accademy, in the county of Sullivan.

Andrew Taylor, Abraham Henry and Reuben Thornton, trustees of Duffield Accademy, in the county of Carter.

John M'Whorter, trustee of Union Accademy, in the county of Anderson.

William Graham and Abel Langham, trustees of Speedwell Accademy, in the county of Claiborne.

William Mills and Joseph Hamilton, trustees of Maury Accademy, in the county of Jefferson.

Alexander Smith, Russell B. Carlogue and Henry Stephen, trustees of Anderson Accademy, in the county of Cocke.

Mathew Stephenson, Alexander M. Nelson, George Gillespie, Mathew Aiken and Allen Gillespie, trustees of Martin Accademy, in the county of Washington; and that the trustees of said accademy, be required to hold their first meeting at Jonesborough, on the first Monday of April next.

Thomas Rucker and Joseph Herndon, trustees of the Bradley Accademy, in the county of Rutherford.

Thomas Swan, Plummer Willis, Isaac Dortch, Joseph Washington and James Sawyers, trustees of the Liberty Accademy, in the county of Robertson.

The Rev. Isaac Anderson, Samuel G. Ramsey, Robert Houston, Francis A. Ramsey and John Sawyers, trustees of Hampden Sidney Accademy, in the county of Knox.

And, Nathaniel B. Buckingham and William Mitch-

Nancy, Accademies. Their power. ell, trustees of Nancy Accademy, in the county of Sevier,
 SEC. 2. *Be it enacted,* That the before named additional trustees be, and they are hereby vested with the same powers and privileges, which were given by the above recited act, to the trustees thereby appointed for the respective accademies.

Certain trustees exempted. SEC. 3. *Be it enacted,* That inasmuch as Chapman White, who was appointed a trustee of the Harpeth Accademy, in the county of Williamson; Samuel Frost, a trustee of Union Accademy, in the county of Anderson; and Michael Dickson and Richard Napier, trustees of Tracy Accademy, in the county of Dickson, by the above recited act, have declined acting in their said appointments, they are hereby declared no longer trustees of the several accademies for which they were appointed.

The sheriff of Smith county to notify the trustees. SEC. 4. *Be it enacted,* That it shall be the duty of the sheriff of Smith county, to give the trustees of the Geneva Accademy in said county, notice of their appointment, and the first meeting of their board shall be holden on the first Monday in March, in the year eighteen hundred and eight, at the court house in the town of Carthage.

SEC. 5. *Be it enacted,* That all laws and parts of laws coming within the meaning and purview of this act shall be and are hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER LVII.

AN ACT for the relief of Christopher Haynes and the other persons therein named.

Preamble.

WHEREAS Christopher Haynes, of the county of Jefferson, in this state, under the provisions of an act of the general assembly of state of North Carolina, entitled "*An act to encourage the building of iron works in this state,*" did, on the 27th day of April 1797, cause a survey to be made by Adam Meek, a deputy surveyor, of a tract of land containing two thousand five hundred and forty one acres, situate, lying and being in the county of Jefferson, butted, bounded and described as certified in duplicate plats and certificates of survey of said land made, and signed by said Meek, on the day and year aforesaid, and on the 13th day of November, 1797, procured a warrant, to be issued for said tract of land,

by James Gaines, then entry taker of Sullivan county; and the said Christopher, in the county court of Jefferson, procured a jury to be appointed who viewed the said tract of land, and upon their oath, reported to said county court, that said tract of land was unfit for cultivation, and caused duplicate certificates thereof, to be made, by Joseph Hamilton, clerk of said county court, under his signature and seal of office, and said duplicates to be attached to the plats and certificates aforesaid; which certificates bear date the 4th November, 1797. And, whereas the said Christopher, without any default of his own, was prevented from obtaining from the state of North Carolina, a grant for said tract of land, agreeably to the provisions of the before recited act of assembly. And whereas it is considered reasonable, that the said Christopher should obtain a grant from this state, for said tract of land, that he may be thereby enabled to carry on his iron works, on Mossy creek, in the county aforesaid, in such manner as to make the same beneficial to this state: Therefore,

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the register of the land office for East Tennessee, to receive into his office, the aforesaid warrant, plats and certificates of survey, and certificates of Joseph Hamilton, clerk, and thereupon to make out, to the said Christopher Haynes and his heirs, a grant, in the form required by law, for said tract of land, and its appurtenances; which grant shall be signed by the governor, countersigned by the secretary, and recorded by the register aforesaid, in the same manner that other grants are to be signed and recorded; and shall deliver said grant, so made out, to said Christopher or his order; which grant shall vest the title to said land and its appurtenances, in said Christopher Haynes and his heirs, in case no other person or persons shall have already obtained a grant for the same.

Duty of the register of East Tennessee

WHEREAS it is represented to this general assembly, that William Harrison is interested in a tract of land containing six hundred and forty acres, which was located on warrant, number twenty two; a copy of which location is in the following words: "No. 22. 640 acres, James Drumgold, assignee of George Briscoe, assignee of Johnson Kilgore, assignee of Thomas Kilgore, assign-

Preamble.

ee of John Yates, lying on Red river, where the colony line crosses the main river; and to run down the river for compliment, as the law directs—entered, September 13th, 1784.” And whereas it is represented, that a survey of said land was made, on the 16th of August, 1791, by Thomas Johnson, a deputy surveyor, plats and certificates of said survey made out, and together with the warrant, sent to the secretary’s office of North Carolina; and that if a grant has issued thereon, the same is lost: Therefore,

Commissioner of W. Tennessee, to ascertain the validity of a certain warrant.

SEC. 2. *Be it enacted*, That if the person for whom said survey was made, will produce a copy of said warrant duly certified by the secretary of North Carolina; and also, a copy of said plat and certificate of said survey, certified in the same manner, to the commissioner appointed in West Tennessee, to ascertain the validity of claims, it shall be a duty of said commissioner, to examine the validity of said warrant, and if he is of opinion, that said warrant was genuine, and that no grant issued upon said warrant, or a duplicate thereof, for any other person, or for any other tract of land, than the one specified in said survey, it shall then be the duty of said commissioner, to pass the said copy, as a valid warrant, and upon filing said warrant, so adjudged valid, and said copy of said plat and certificate of survey, with the register of the land office for West Tennessee, it shall be his duty to make out for the same person for whom said survey was made, a grant for said tract of land, agreeably to said plat and certificate, which shall be made out by said register, signed by the governor, countersigned by the secretary, and recorded by said register, in the same manner that other grants are by law directed to be made out and recorded; which grant shall vest the title for said land in the grantee and his heirs and assigns, or in the person and his heirs, who is rightfully entitled thereto.

Grant to be issued.

Preamble.

WHEREAS it appears, that James Lewis, on the 4th day of November 1783, made an entry for six hundred and forty acres of land, in the office of John Armstrong, which entry is numbered one thousand two hundred and eight; and the said James Lewis, afterwards sold and transferred the same to William T. Lewis of the county of Davidson, in this state; and a certain Stockley Donnelson, fraudulently procured, and sold the warrant issued on said entry, to a certain James Cozby, who procured thereon a grant for six hundred and forty acres of land, on the south side of French

Broad, and west of Big Pigeon rivers; which grant is number nine hundred and seventy one; and bears date, the 26th day of December, 1791; and is registered in the register’s office of Knox county, book A. page 38th, 30th of January, 1793. And whereas the said James Cozby is desirous; that the said Wm. T. Lewis should have the benefit of his said warrant, to which he appears justly entitled; Therefore,

SEC. 3. *Be it enacted*, That it shall be the duty of the Commissioner of East Tennessee, to examine a copy of of E. Tennessee said warrant) and if no other grant, except the one herein *see to examine before mentioned* hath issued on said warrant or any duplicate thereof, or on the same entry; it shall then be a duty of said commissioner, to issue a duplicate of said warrant as in other cases; which shall be delivered to the said William T. Lewis or his representatives, when demanded, and shall entitle him to a grant thereon: *Provided always*, that the said commissioner shall not issue any certificate founded on said grant above mentioned, to said Cozby, or any person claiming under him; nor shall the issuing said duplicate to said Lewis, in any way effect or prejudice the said Cozby’s right of occupancy and preemption to the tract of land described in said grant.

Provided.

WHEREAS it is represented to this general assembly, that a land warrant issued from John Armstrong’s office, for one thousand acres, on entry, No. 2439; on which warrant, it is represented, the following assignments appeared (to wit;) John Gray Blount and Thomas Blount to Stockly Donnelson, Stockly Donnelson to William Cathcart, said Cathcart to William Mitchell, said Mitchell to Spencer Griffin, an assignment of four hundred acres thereof, from said Griffin to John Gass; an assignment of one hundred acres thereof, from said Griffin, to James Howorth; an assignment of one hundred acres thereof, from said Griffin to Robert Wyly; an assignment of thirty acres thereof, from said Griffin to John Gass; an assignment of two hundred and seventy acres, the balance of said warrant, from said Griffin to John Russell; and that on said warrant, divers entries were made in the office of William Dewoody, late entry taker of Greene county, and the said warrant deposited with the said entry taker, and that the said warrant, except a small part thereof, is destroyed: Therefore,

Preamble.

*Commissioner
of E. T. to is-
sue a duplicate.*

SEC. 4. *Be it enacted,* That it shall be a duty of the commissioner for East Tennessee, to issue a duplicate warrant on said entry, to John Gray Blount and Thomas Blount, and endorse thereon, and attach thereto, every assignment and transfer of said original entry or warrant, or any part thereof, which he can be satisfied appeared thereon, or was attached thereto, and sign said duplicate warrant and cause his clerk to attest the same, and shall cause his said clerk to record the said duplicate; and then when demanded, deliver said duplicate to the said John Russell and others, who appear to be the last assignees; which said duplicate shall entitle the rightful owner or owners thereof, to a grant or grants thereon, in the same manner they would have been entitled, if said original warrant had not been destroyed, but had been adjudged valid by the commissioners.

Preamble.

WHEREAS a certain Benjamin Shaw, made an entry in Carter's office, and paid into the hands of John Carter, the then entry taker, the purchase money thereon, and obtained a warrant of survey, which warrant is numbered, one thousand three hundred and twenty two, dated the twenty fourth day of October, in the year 1779, for four hundred acres of land; and whereas the commissioners of East Tennessee have determined the said warrant invalid, in consequence of a belief that said land described in the entry was below a line commonly called Brown's line; and as it appears extremely doubtful whether said land does lie below said line or not; and as it appears that the interest in said warrant, is at present invested by assignment, in John Cocke and John F. Jack, for remedy whereof,

*Commissioner
of E. T. to is-
sue a duplicate.*

SEC. 2. *Be it enacted,* That it shall be the duty of the commissioner of East Tennessee, to issue a duplicate of said warrant, and place thereon, all and every endorsement and assignment, which appears on, or annexed to the said original warrant, and deliver the same to John Cocke or John F. Jack, any law to the contrary notwithstanding, provided, that it shall appear to the satisfaction of the said commissioner, that no grant hath heretofore issued on said warrant or a duplicate thereof, to any person whatever.

Preamble.

WHEREAS John Armstrong, entry taker of lands in the state of North Carolina, issued to John Medearis a warrant, directing the surveyor to lay off and survey for the said John Medearis, a tract or parcel of land containing one thousand and

twenty acres, lying on the north side of Tennessee river, &c. which warrant is No. 482, and bears date 24th June, 1784, and was founded on an entry fairly made, in said entry taker's office, and and the full consideration paid therefor; and the said John Medearis put the said warrant into the hands of the proper surveyor, to have the same surveyed; and after some years, found that said warrant, without his knowledge or consent, had been returned to the secretary's office of North Carolina, with a plat and certificate of survey, in the name of Thomas King; upon which the said Medearis applied to the general assembly of North Carolina, who by a resolution, directed said secretary to deliver to said Medearis said warrant, that he might procure a grant thereon; and the said Medearis filed the said warrant with the commissioners for West Tennessee, for adjudication, who under a belief, that said King had obtained a grant upon said warrant, determined that the same was invalid, and so wrote in the face thereof, and caused the president of said board to subscribe his name thereto, and their clerk to attest the same: Therefore,

*Commissioner
of W. T. to is-
sue a duplicate.*

SEC. 6. *Be it enacted,* That it shall be the duty of the commissioner for West Tennessee, upon the said warrant being produced to him, to receive the same, cause it to be recorded by his clerk, as other valid warrants, and cause a duplicate thereof, to be made out, signed and authenticated in the same manner that duplicate warrants are by law to be authenticated, and to deliver the same duplicate, when demanded, to the said Medearis or his order; which duplicate shall authorize the person thereto rightfully entitled to a grant or grants from this state, in the same manner prescribed for obtaining grants on other valid warrants.

Preamble.

WHEREAS satisfactory evidence has been adduced to this general assembly, that Leonard Shawn is rightfully entitled to the benefit of an entry made in Carter's office, of number, one thousand and sixty five, in the name of William Wilson, and of the warrant issued thereon; and whereas satisfactory proof has been adduced, that said entry was made in the said office for one hundred acres, in the name of the said Wilson, and the consideration money thereof paid, and a warrant

issued thereon; which warrant has been adjudged invalid by the board of commissioners for East Tennessee, on the ground, that in the abstract of said entry book, taken from a copy in the office of the secretary of state, of the United States; the name of the enterer, opposite to the number, is left blank; and whereas it is unjust that said claimant should be injured by said omission: For remedy whereof,

SEC. 7. *Be it enacted*, That the commissioner for East Tennessee, be directed, to issue to said Leonard Shaw a duplicate of said warrant, of number one thousand and sixty five, for one hundred acres of land; which shall be signed by said commissioner, attested by his clerk and recorded as other valid warrants, and shall be good and available in law, to enable him to obtain a grant or grants for the quantity of acres called for therein, provided that no grant shall heretofore have issued on said warrant, or any other issued on said entry.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER LVIII.

AN ACT to provide for separate elections in the county of Sumner; and for other purposes.

SECTION 1. *Be it enacted*, by the General Assembly of the State of Tennessee, That a separate election shall hereafter be held on the days prescribed by law, at the house of William Harper, in the east end of said county, for the purpose of electing an elector to elect a president and vice-president of the United States; a member to congress, governor, members to the state legislature, and militia officers; and that all persons in said county, entitled by law to vote for such officers or any of them, who live east of the following line, to wit: Beginning on the northern boundary line of said county, at a point so far west, as running southwardly, will leave all the inhabitants on Trammel to the east, and proceeding in a southwardly direction, to the mouth of the east fork of Bledsoe's creek, so as to leave all the inhabitants of the main fork of said creek, to the east, thence to Bledsoe's lick, and thence south to Cumberland river, shall be entitled to vote at the place aforesaid; and that it shall be the duty of the deputy sheriff to open and hold said election, under the regulations prescribed by law.

A separate election in Sumner county, where held.

SEC. 2. *Be it enacted*, That it shall be the duty of the coroner for said county, to open and hold an election at the house of Joshua Rice, esq. at the time, for the purposes, and under the regulations aforesaid; and that all persons in said county, entitled by law to vote, who live north of the summit of the ridge which divides the waters of Cumberland river from those of Barren and Red rivers, and west of the aforesaid, shall meet at the house of said Joshua Rice, esq. for that purpose.

Coroner's duty.

SEC. 3. *Be it enacted*, That it shall be the duty of the judges appointed to conduct the election at each of the places aforesaid, as well as of the judges appointed for the same purpose at Gallatin, when any person purposes to vote, who in their opinion lives without the bounds herein before prescribed for each place respectively, or has voted at any of the other places of holding elections for said county, to tender to such person an oath, and in case he refuses to be sworn, or being sworn answers in the affirmative, he shall be excluded from the privilege of voting.

Judges' duty.

SEC. 4. *Be it enacted*, That the officers hereby appointed to hold said separate elections, shall on the day succeeding said elections, meet the sheriff of said county at the court-house in the town of Gallatin, and with him compare the polls, as in other cases of separate elections, and the sheriff shall proclaim the persons having the highest number of votes duly elected, and furnish them with certificates accordingly.

Votes compared at Gallatin.

SEC. 5. *Be it enacted*, That from and after the passing of this act, it shall be lawful for the justices of the county court of Sumner, to hold court twelve juridical days at each term of said court.

Court to sit 12 days.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER LIX.

AN ACT to facilitate the opening and keeping in repair the public roads within this state.

WHEREAS much of the prosperity and happiness of a people depends upon a well regulated and convenient intercourse being kept up among them, and as nothing contributes so much to the establishment and continuance of that intercourse as the good order of the public roads, which are frequently out of order, in consequence of the respective overseers thereof, being much re-

Preamble.

tarded in their useful operations, by reason of a deficiency of necessary tools and utensils for opening the roads and removing rocks and other obstructions therein : For remedy whereof,

Overseers of roads furnish'd with tools. SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the several county courts are authorised and required upon application to them made, by any overseer of a road within this state, and on its appearing to the satisfaction of the court that the articles herein after mentioned, are necessary, to cause to be provided for the use of such overseer, one stone hammer and crow bar, to be paid for out of any money in the county treasury not otherwise appropriated, and the said tools so provided, shall be kept safely by said overseer, and be used on the road subject to his controul, and not to be appropriated to any other use or purpose whatsoever ; and if said overseer shall lend out, or otherwise use the said tools than required by this act, such overseer shall on conviction thereof, be fined by the court in a sum not exceeding five dollars, for each and every offence so committed.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER LX.

AN ACT respecting the duty of justices of the peace during the sitting of the county courts.

County courts. SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That each and every county court in this state, shall on the second day of each and every term, determine on what day of the succeeding term, said courts will transact county business, and direct the clerks to put up at the court-house doors, notice thereof in writing ; and it shall also be the duty of each and every county court, to determine at the same time, on what day of the term the court will take up the state docket, and direct the clerk to give notice thereof in writing as above ; and it is hereby declared to be the duty of justices to attend on those days.

Witnesses. SEC. 2. *Be it enacted,* That this act shall be in force from and after the first day of May next. And that when a bill of indictment shall have been found, the witnesses for the state, and the witnesses for the defendant, shall be entitled to no compensation for attendance, before said day appointed for the trial of state causes ; and it shall be the duty of the clerk when issuing a subpoena in such cause, to name therein the day on which said state causes

shall be tried, of which the officer serving said subpoena shall notify said witness.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXI.

AN ACT for the regulation of the town of Clarksville.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the sheriff of Montgomery county, by himself *Election of commissioners for* or deputy, to open and hold an election at the court-house *in Clarksville,* to commence at twelve o'clock, on the first *Clarkville,* Thursday in March next, and close at four o'clock on the same day ; and on the same day, and between the same hours in every second year thereafter, having advertised the same at the court house door of said county, ten days immediately preceeding each election, for the purpose of electing five persons by ballot, to act as commissioners for said town ; and at said elections, every free male above the age of twenty-one years, resident in said town, and every free male above said age, who shall be at the time of election proprietor of real property in said town whether resident or not, shall be permitted to vote ; but no person other than a freeholder in, and inhabitant of said town, shall be at any time eligible to the appointment of commissioner ; and the five persons so qualified, having the highest number of votes at said election, shall be the commissioners of said town.

SEC. 2. *Be it enacted,* That said commissioners before they enter upon the duties of their appointment, shall take the following oath, (to wit :) *I, A. B. do swear, that I will their oath.* faithfully execute and discharge the duties of the office of commissioner for the town of Clarksville, to the best of my skill and abilities. **SO HELP ME GOD.**

SEC. 3. *Be it enacted,* That a majority of said commissioners shall constitute a board to transact business ; and when any vacancy shall happen, by the death, removal from town, or otherwise of any of the members of said board, it shall be the duty of the chairman of said board, *An election in* or if the vacancy shall happen by reason of the death, removal, &c. of the chairman, then, two members shall certify the same to the sheriff for the time being, who shall forthwith, hold an election at the court house aforesaid, for the purpose of electing a person or persons to supply such vacancy, having previously advertised the same, *case of vacancy* as herein before required ; and the person so elected shall

hold his appointment, until the next general election of of commissioners, upon his taking the oath herein before prescribed.

To hold their appointment 2 years.

Proviso.

SEC. 4. *Be it enacted*, That said commissioners shall hold their appointments for the term of two years from and after their election, and until their successors in office, or a majority of them shall be sworn in; and it shall be their duty, if not re-elected, to deliver over to the new commissioners, all monies, books, papers and other things appertaining to the affairs of said town in their hands, at the time they go out of office: *Provided nevertheless*, that the appointment of any of the officers of said board, shall not be vacated or effected by reason of a change of any or all of the members composing said board of commissioners.

Chairman.

Treasurer and clerk.

SEC. 5. *Be it enacted*, That said commissioners shall choose from their own body, a suitable person as chairman, to preside at their meetings; they shall also, appoint a treasurer and clerk; the treasurer shall keep a regular and particular account of all monies received and paid out by him, in a bound book to be kept for that purpose; which book, together with all monies in said treasury, and all papers and vouchers belonging to said office, he shall, well and faithfully deliver over to his successor in office; and the clerk shall keep, in a bound book, a true and regular account of the proceedings of the board of commissioners; and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary; and both of said officers, shall be, in all their official duties, subject to the direction and control of said board, and removable for malfeasance by a majority of the board.

to publish their rules.

Overseer appointed,

his duty.

SEC. 6. *Be it enacted*, That said commissioners shall appoint an overseer of the streets of said town, whose duty it shall be, and he is hereby authorised to call on all persons liable by law to work on roads, to work on said streets, and keep the same in repair; and said overseer shall have full power to collect the fines of such persons as do not work and do their duty on said streets; and have in that respect and all others, he have the same power and authority which overseers of roads have by law. And said commissioners shall have power to prevent encroachments on, or obstructions of the streets or public ground, and to abate and remove all nuisances, at the expence of the party occasioning them; and the powers of said commissioners, shall extend, both to the in and out lots of said town.

Surveyor appointed.

SEC. 7. *Be it enacted*, That it shall be the duty of said commissioners, to appoint a surveyor, properly qualified, and cause the said town to be resurveyed under their direction and superintendence; and in said resurvey, they shall conform, as nearly as practicable, to the lines and bounda-

ries of said town, as originally laid out, and no so doing, shall be governed by the most authentic and correct plan of said town documents and information in their power: *Provided*, that in such resurvey, the least possible injury is to be done to the dwelling houses and other improvements in said town; and that the said commissioners shall cause to be placed at the corner of each square of lots in said town, and at the corner of each lot, if required by the proprietors thereof, a stone, or other durable mark of designation, and shall make out two complete plans of said town according to such resurvey, on paste-board or parchment; one of which plans, the said commissioners shall deposit in the register's office of the county of Montgomery, by said register to be recorded; whose duty it shall be to record the same; the other of said plans, shall be retained by the commissioners, and be subject to the inspection of any of the inhabitants of said town; and said plan so registered, shall be thereafter, the evidence by which the rights and bounds of lots, and the disputes between individuals, (if any arise respecting the same) shall be ascertained and settled.

SEC. 8. *Be it enacted*, That the county court of Montgomery, a majority of the justices of the peace for said county being present, shall have full power and authority, to extend any street heretofore laid out in said town, upon petition to them presented, under the same laws, rules and regulations as public roads are directed to be laid out and established.

The streets

SEC. 9. *Be it enacted*, That said commissioners shall have power, and they are hereby directed to lay a tax annually, not exceeding, on each ten dollar's worth of town property, which they are to estimate, two cents, on each white poll, not exceeding twelve & one half cents, on each black poll not exceeding twenty five cents, on each stud horse, not exceeding seventy five cents; which tax shall be collected of the inhabitants of said town, by warrant under their hands and seals of the chairman and clerk of said board of commissioners, directed to the collector, whom they may appoint, who is to be governed by the rules and regulations established by law, for collecting and accounting for the state tax.

Tax to be laid.

SEC. 10. *Be it enacted*, That said commissioners shall annually appoint one of their own body to receive lists of taxable property and polls, for said town, at the time and place, when and where the inhabitants shall give in their lists for the state tax; and any person failing or neglecting to give in said lists to said commissioners, upon his reporting the same, shall be liable to the fines and penalties directed by law, in similar cases, for the state tax.

Lists of taxable property

SEC. 11. *Be it enacted*, That no appropriation of money shall be made by said commissioners except for the

Proviso.

benefit or improvement of said town, and the expences of carrying this act into effect: *Provided*, that said commissioners shall have power to direct the appropriation of money to the improvement and repair of such part of said town, as they may be of opinion stands most in need of repairs; and all drafts on the treasurer of said board, shall be issued by the order of the board, signed by the clerk, and countersigned by the chairman, previous to the payment thereof.

Treasurer compensated,

And clerk.

SEC. 12. *Be it enacted*, That it shall and may be lawful for said commissioners to allow to their treasurer a sum not exceeding five per cent. on the amount of all monies by him received and paid away; and to their clerk, a sum, not exceeding two dollars for each day he may be actually engaged in the service of the said board, as a compensation for the services of said officers; and the collector of the town tax, shall be allowed for his services, the same per cent. on all money by him collected, as the collector of the state tax and no more. But it is not to be understood, that said commissioners are to receive any allowance or compensation.

Commissioners power.

SEC. 13. *Be it enacted*, That said commissioners shall have full power and authority, to call on, and settle with the collector of the street tax, heretofore appointed by the county court of said county, and demand and receive from said collector, or any other person or persons, in whose hands any money collected by law, for repairing the streets in said town, may have been deposited and not heretofore lawfully appropriated; and in case said collector or other person having money as aforesaid, shall fail or refuse to pay over the same, to said commissioners, and in all other cases where recoveries are not provided for, by this act, it shall be lawful for said commissioners to sue for and recover the same, before any authority having cognizance thereof: *Provided*, that no change in any or all of the members of said board, shall abate, discontinue or in any wise affect any suit brought by said commissioners.

Proviso.

Repealing clause.

SEC. 14. *Be it enacted*, That the act of assembly heretofore in force, directing a tax to be laid, not exceeding fifty cents on each town lot in Charlestown, and all other acts and parts of acts inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

CHAPTER XLII.

AN ACT to amend an act entitled, "An act in addition to an act passed on the first day of November, one thousand eight hundred and five, entitled, 'An act for the regulation of registers offices, &c.' passed the last session of the general assembly of the State of Tennessee."

BE it enacted by the General Assembly of the State of Tennessee, That when any person shall be concerned or interested in having registered the probate or acknowledgment of any deed or instrument required by law to be registered, which probate hath not been registered with such deed or instrument, and such person shall not be possessed of, nor have in his or her power such deed or instrument altho' the same may be in existence it shall be lawful for such person to apply to the clerk of the county court where such probate was made and procure such clerk to make out a transcript of such probate or acknowledgment and certify the same, (the person so applying) having first made oath that the original deed or instrument is not in his possession and that he hath no power or control over such deed or instrument, for which certificate the clerk shall be entitled to twelve and one half cents; and on production of such certificate of probate or acknowledgment to the register or transcriber of the register's books of the county where such deed or instrument hath been registered, it shall be the duty of such register or transcriber, to register such probate or acknowledgment, in the same manner, as if the original deed or instrument with the probate or acknowledgment thereon written were produced.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXIII.

AN ACT to amend an act entitled, "An act for erecting part of the county of Anderson and part of the county of Claiborne into a separate and distinct county," passed the eleventh day of September, one thousand eight hundred and six.

WHEREAS the commissioners appointed by the Preamble. aforesaid act, have omitted to perform the duties thereby enjoined on them; Therefore,

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

Commissioners
appointed,

the commissioners heretofore appointed, the following persons be, and they are hereby appointed commissioners to carry the aforesaid act into effect, to wit: Thomas Murry, Robert Glenn, Sampson David, John English, John Yaunt, senr. James Rie, and John Newman; and the said commissioners are hereby vested with the same powers, privileges and authority, and shall be subject to the same rules, regulations and restrictions as those appointed by the aforesaid act.

their power.

SEC. 2. *Be it enacted*, That the commissioners shall have power to purchase or otherwise procure, a tract of land not less than sixty acres, whereon to fix the public buildings, and lay off a town as contemplated by the aforesaid act, and to reserve in, or near the centre of said town, not less than two acres of ground, for the purpose of erecting public buildings thereon.

Vacancies how
filled.

SEC. 3. *Be it enacted*, That in case of the death, removal or resignation of any of the commissioners hereby appointed, the vacancy shall be supplied by appointment of the county court of Campbell, provided a majority of the acting justices of said county be present.

SEC. 4. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act are hereby repealed and declared void.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER LXIV.

AN ACT to establish a College in East Tennessee.

capable,

WHEREAS it is provided by an act of the Congress of the United States, entitled, "*An act to authorise the state of Tennessee to issue grants to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same*," passed the eighteenth day of April, one thousand eight hundred and six, that there shall be one hundred thousand acres of land, laid off on the south side of Holston and French Broad, and west side of Big Pigeon rivers, to which the Indian claim had been extinguished; and that the proceeds of the sales of the said one hundred thousand acres of land, should be appropriated in such way by the legislature of this state, that the profits thereof, should be applied to the

support of two colleges in this state, ~~the~~ one in East, the other in West Tennessee, to be established by the legislature of this state: And whereas it is expedient that this general assembly should establish a college in East Tennessee, capable of receiving that part of said donation, designed by said act to be given to the college to be established in East Tennessee aforesaid: Therefore,

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That there shall be thirty persons appointed by this general assembly, who shall be, and hereby are constituted a body politic and corporate, by the name of the "Trustees of East Tennessee College." And by that name shall have perpetual succession, and a common seal. And the said trustees, their power, duties, and their successors by the name aforesaid, shall be endowed with, and receive in such manner as the general assembly of this state, may from time to time direct, that part of the donation aforesaid, which was designed for the college in East Tennessee; and they shall by the name aforesaid, be capable in law, to purchase, receive and hold to them and their successors forever, or for any less estate, and lands, tenements, goods or chattels, which shall be given, granted or devised to them, or purchased by them to the use of said college, and to use and dispose of the same, in such manner as to them shall seem most advantageous for the use of said college. The said trustees & their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state, or elsewhere.

SEC. 2. *Be it enacted*, That no less than seven of said trustees, shall constitute a board, to determine upon any matter relative to said college, nor shall any of the real or personal estate belonging to said college, be disposed of, or appropriated at any session of said board, except a stated session; nor shall any president or professor in said college, ever be chosen, except at a stated session of the board; but temporary appointments which shall expire with the next stated session after they are made, may be made at an adjourned or called session of the board.

SEC. 3. *Be it enacted*, That the said trustees at their stated sessions, shall have full power and authority to elect a president, such professors, tutors and other officers in said college, as they may judge necessary, and to make such bye laws, rules and regulations for the government of said college, and the promotion of education therein, as in their opinion may be expedient or necessary: *Provided*, such bye laws, rules and regulations, are not inconsistent with the constitution and laws of the United States, or of this state.

Vacancies how filled.
SEC. 4. *Be it enacted,* That upon the death, removal out of the county in which he resides, or resignation of any of the said trustees, the vacancy thereby occasioned, shall be supplied, by the remaining trustees appointing some other person, a resident of the same county, in which the one deceased, resigned or removed, resided; which appointment shall remain until the expiration of the next session of the general assembly; within which time, the general assembly shall supply such vacancy.

Meetings how often, where & when held.
SEC. 5. *Be it enacted,* That the said trustees shall have two meetings of their board in each year, at the place where said college is established, to commence on the first Thursday of April, and the first Thursday of October, in each year; and at either of said sessions, the board may adjourn to any day they may judge expedient; and when, in the opinion of the president and any two trustees of said college, a called session may be necessary, they may call the same. And at any stated session, the board of trustees shall have power to remove the president, professors, or any other officer of said college; and to fix & regulate their respective salaries. And the president and professors of said college, with the advice and consent of a majority of the board, shall have full power and authority, at any stated session of the said board, to confer on any student in said college, or any other person they may think proper, the degrees of Bachelor of Arts, Master of Arts, or any other degree known and used in any college or university, in any of the United States. At every meeting of the board of trustees, when there is a president of the college present, he shall be president of the board, but shall in no wise have a vote; when there is no president present, the board may appoint one of their own body to act as president.

Trustees to take oath.
SEC. 6. *Be it enacted,* That each of said trustees, before acting in his appointment, shall before some judge or justice of the peace, take an oath, faithfully, honestly and impartially to discharge the duties of his said appointment; and that in all votes by him to be given as a trustee of said college, he will so vote, as in his judgment will best promote the interest of said college, and education therein.

Trustees power in selling property.
SEC. 6. *Be it enacted,* That said trustees shall have full power to sell, exchange, assign, transfer or convey any of the real or personal estate of said college by deed or otherwise, except the proceeds of the sales of one moiety of said one hundred thousand acres of land, with which the said college is endowed by this act, at any stated session of said trustees, provided a majority of the acting trustees shall be privy to, and join in the same. And said trustees, at their first stated meeting, or at some adjournment of the same, shall appoint one of their own body, secretary; and one other of their own body treasurer; and said trea-

surer before entering on the duties of office, shall enter into bond, with approved security, in the sum of one hundred thousand dollars, to the governor for the time being, and his successors in office, conditioned for the safe keeping, paying, settling and accounting for all monies by him received, on account of said college.
Treasurer to give bond & security.

SEC. 8. *Be it enacted,* That said college be established on ten acres of land, within two miles of Knoxville, conveyed in trust, for the use of said college, by Moses White, at a place called the Rocky, or Poplar Spring.
Establishment.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

October 26, 1807.

CHAPTER LXV.

AN ACT to establish the town of Burville as originally laid out.

Preamble.
WHEREAS there has been a mistake committed by the surveyor who was appointed by the commissioners who were authorised to lay off the town of Burville, in Anderson county, in running out and laying off the same, as appears from experiment made, inasmuch as a part of several buildings would be on the streets, were the proper course to be run: For remedy whereof,

BE it enacted by the General Assembly of the State of Tennessee, That the streets, allies and lots in said town, shall stand and remain as first laid off and marked by the aforesaid surveyor, notwithstanding said mistake.

JOHN TIPTON,

Speaker of House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

AN ACT to compel clerks to account for and pay into the treasury, all the public monies by them received; and to pay over to plaintiffs and others, monies by them received as clerks.

SECTION 1. **BE it enacted** by the General Assembly of the State of Tennessee, That it shall be the duty of each and every clerk of any county court, superior court of law or court of equity within this state, on the first day of October, in each and every year, to render to the treasurer of the proper district, an account of all
Clerks to make settlements.

the monies by him collected for the use of the state, in the manner heretofore prescribed by law; and at the same time, to pay to the said treasurer, the full amount of said monies, after deducting therefrom the amount of the commissions to which he is, or may by law be entitled.

Sec. 2. Be it enacted, That if any such clerk, shall knowingly, omit to charge in his account, any sum of money for which he is by law liable to account, and shall swear to any such account, knowing that the same is incorrect, and shall produce such false account to either treasurer for the purpose of settlement, such clerk shall be considered guilty of wilful and corrupt perjury, and shall for every such offense, upon conviction in the superior court of the district where such oath shall have been administered, suffer all the pains and penalties by law prescribed for that offense.

Sec. 3. Be it enacted, That if any such clerk shall fail to render to the proper treasurer, the account in the manner prescribed by law, it shall be the duty of said treasurer, at the next superior court of the district in which such treasury is kept, to cause the attorney general to move said superior court for a judgment against said clerk and his securities upon his bond; and it shall be a duty of said superior court, immediately to give judgment against such clerk and his securities, for the penalty contained in said bond, and to award execution thereupon: *Provided always,* that if such clerk shall at any time after the rendition of such judgment, produce to said treasurer an account sworn to as by law prescribed and pay him the full amount thereof and all interest due thereon, from the time the same should have been paid without deducting any commissions, the said treasurer, shall receive the same in discharge of such judgment, leaving said clerk and his securities liable to pay the costs of suit.

Sec. 4. Be it enacted, That if any such clerk shall after rendering his account to the treasurer, fail to pay to said treasurer the amount due thereon, it shall be a duty of said treasurer to cause the attorney general to move the superior court of the district in which such treasury is kept, at their next sitting after such failure, for a judgment against such clerk and his securities upon their bond; and it shall be a duty of said superior court, immediately to give judgment against said clerk and his securities for the penalty of said bond, to be discharged by the payment of the sum which appears to be due by said account (without allowing any commissions and interest thereupon) from the time such account should have been paid, and all costs of suit: *Provided always,* that such judgments, or any, or either of them, shall not be a bar to a recovery of any other judgment upon the same bond for any other failure; but as many different judgments may

Penalty for rendering false account.

Duty of treasurer.

Proviso.

Proviso.

be rendered upon the same bond, as there are different failures either to account or pay.

Sec. 5. Be it enacted, That if at any time hereafter, any treasurer of this state, at the time he goes out of office, shall fail or refuse to deliver and pay over to his successor in office, all money in the treasury, or which he is by law bound to pay over, it shall be the duty of the attorney general of the district in which such treasurer may reside, to move the superior court for judgment on the bond of such treasurer and his securities; and it shall be the duty of the said court, to enter the same against the said treasurer and his securities, for all money due or owing by him to the state: *Provided,* that said treasurer have ten days previous notice of such motion, and execution shall issue on said judgment as in other cases.

Sec. 6. Be it enacted, That it shall be a duty of the attorney general, at any time when applied to by either treasurer, to move the said superior courts against delinquent clerks, or other collectors; and for such services, he shall be entitled to the same fees against said defendants, as are by law allowed in other civil causes.

Sec. 7. Be it enacted, That in case any of said clerks shall have heretofore failed to render their accounts and pay the monies by them collected for the use of the state, in the manner heretofore prescribed by law, it shall be the duty of such clerks to render their accounts for, and pay over to the proper treasurer, on or before the first day of March next, all the monies now due and unpaid; and in case of failure by any clerk to render such accounts and make such payments, or in case of failure to render such accounts or make such payments, it shall be the duty of the treasurer, to take the same steps to enforce said payments for each and every year any of such clerks may now be in arrear, that are by this act pointed out to enforce payment of monies hereafter to become due; and upon application being made to any of said superior courts for judgments on account of failure, to render an account of, or pay monies now due, it shall be the duty of such superior court to give judgment and award execution for each and every year in which a failure has heretofore happened, in the same manner, and with like effect, pointed out in this act for failures which may hereafter happen.

Sec. 8. Be it enacted, That in all cases where any plaintiff, or other person, hath, or shall by the judgment or decree of any court within this state, recover any sum of money, and such money has been or may hereafter be paid into the hands of the clerk of such court, in consequence of such judgment or decree, and such clerk shall not have paid the same to the party entitled thereto, it shall be the duty of such clerk, upon application of such plaintiff, his attorney or other person who appears by the

Treasurer to deliver up & pay over monies.

Proviso.

Delinquent clerks,

How to proceed with.

record to be entitled to the same, made at the office of such clerk, to pay to such plaintiff, his attorney or other person, the full amount of such money paid into his hands; and upon his failing to do so, it shall be a duty of the court of which he is clerk, upon the application of the party entitled by motion, to give judgment for such sum of money against such clerk and his securities, and immediately award execution for the same as in other cases.

SEC. 9. *Be it enacted*, That if any of said clerks shall fail to perform any of the duties imposed upon them by this act, it shall be considered a misdemeanor in office by such clerk, and he shall be liable to be indicted therefor, in the court of which he is clerk, (except clerks of the courts of equity who may be indicted in the superior court of law of the same district in which he may be clerk,) and upon conviction, such court may remove such clerk from his said office.

SEC. 10. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER LXVII.

AN ACT to amend an act, passed at Knoxville the sixth of September, in the year of eighteen hundred and six, entitled, "An act for the appointment of a register of the land office; and providing for the sale of the lands south of Holston and French Broad, agreeably to the constitution of this state; and the provisions of the act of congress therein referred to."

Occupants S. of F. Broad and Holston, when & how to make payments.
Be it enacted by the General Assembly of the State of Tennessee, That each occupant on the south side of French Broad and Holston, and west of Big Pigeon rivers, shall be bound to pay one tenth part of the whole purchase money for his occupant claim, on the first day of March, one thousand eight hundred and nine, and no sooner; one other tenth part, on the first day of March, one thousand eight hundred and ten; and the residue, in eight equal annual instalments; the first of which shall become due and be paid, on the first day of March, one thousand eight hundred and eleven; and each of said occupants, shall pay at the rate of six per cent. per annum, on the first instalment of such purchase money, from the first day of March one thousand eight hundred and eight, till paid,

and interest on each of the remaining instalments, from the time they were designed to be paid, under the act, which this act is intended to amend, till the same are paid; and the said several sums of interest, shall be paid at the same time, and in the same manner, that the principal on which such interest may accrue, is by law directed to be paid: *Provided nevertheless*, that nothing herein contained, shall be so construed, as to prevent any or all of said occupants from paying said instalments at the time heretofore prescribed: *And provided further*, that nothing herein contained, shall be so construed, as to authorise a grant to be issued to any of said occupants until the first instalment of said purchase money is actually paid.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXVIII.

AN ACT authorising two separate elections in Overton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the citizens of Overton county to hold two separate elections. *Two separate elections in Overton county.*

SEC. 2. *Be it enacted*, That it shall be the duty of the sheriff of Overton county, by himself, deputy, or coroner, on the constitutional days of election, to open and hold two separate elections at the places herein after mentioned, (to wit) at the house where Thomas Patete now lives, so as to include the main fork of Roaring river, from Jackson county line to the head thereof, so as to include captain James Mathew's company, and all the people within said bounds, shall meet at the house aforesaid, and vote as in other elections for governor, members to congress, members to the general assembly, and electors to elect a president and vice president of the United States; and at the close of said election, it shall be the duty of the judges and returning officer, to count out said votes, and the returning officer shall on the succeeding day of election, make a return of the votes so taken for each candidate, to the sheriff of Overton county, which shall be received as a part of the election for said county. *Where, and how conducted.*

SEC. 3. *Be it enacted*, That it shall be lawful for all the inhabitant lying east and south of the road, leading from Overton court-house, to Wayne court-house, so as to include the people in Donelson's cove on the east fork of Obeds river, to meet at the place where Henery Ragan now lives, and vote for governor, members to congress

members to the general assembly, and electors to elect a president and vice president of the United States; and at the close of said election, it shall be the duty of the judges and returning officer, to count out said votes, and the returning officer, shall on the succeeding day, make a return to the sheriff of Overton county, of the number of votes received at said election for each candidate, which return shall be received as a part of the election of Overton county.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER LXIX.

AN ACT authorising two separate elections in Jackson 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 of Jackson county to hold two separate elections.

Two separate elections in Jackson county where.

SEC. 2. *Be it enacted,* That it shall be the duty of the sheriff of Jackson county, by himself, deputy or coroner, on the constitutional days of election, to open and hold two separate elections, at the places herein after mentioned, (viz.) one at the house of William Shaw's, and one other at Peterson's ferry, on the south side of Cumberland river, for the purpose of electing a governor, members to congress, members to the general assembly and electors to elect a president and vice president of the United States; which elections shall be held and conducted under the same rules and restrictions of other similar elections in this state.

Where and how conducted.

SEC. 3. *Be it enacted,* That it shall be lawful for all the inhabitants, composing the four militia companies, situated in the south east end of Jackson county, to meet at the house of William Shaw's, on the days of holding said elections, and vote for governor, members to congress, members to the general assembly, and electors to elect a president and vice president of the United States, and at the close of said election, it shall be the duty of the judges and returning officer to count out said votes; and the returning officer shall, on the succeeding day of election, make a return to the sheriff of Jackson county, of the number of votes received at said election for each candidate; which return shall be received as a part of the election of Jackson county.

SEC. 4. *Be it enacted,* That it shall be lawful for all the

inhabitants, living above Roaring river, on the south side of Cumberland river, and all the inhabitants of Jinning's creek, and above, on the north side of Cumberland river, in said county, to meet at Peterson's ferry, on the south side of Cumberland river, on the days of holding stated elections, and vote for governor, members to congress, members to the general assembly, and elector to elect a president and vice president of the United States; and at the close of said election, it shall be the duty of the judges and returning officer, to count said votes; and the returning officer shall, on the succeeding day of election, make a return to the sheriff of Jackson county, of the number of votes received at said election for each candidate; which return shall be received as a part of the election for Jackson county.

Who voted for.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30th, 1807.

CHAPTER LXX.

AN ACT appointing additional commissioners, and for regulating the town of Newport, in the county of Cocke.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That Henry Stephen, John Rice, John Gilliland, Blackman Jones, Rosewell B. Kellogg and William Garrett, be, and are hereby appointed additional commissioners to act with those heretofore appointed by law; and to have the same power and authority as are vested in the commissioners appointed by the general assembly, the ninth day of October, one thousand seven hundred and ninety seven, and November the first, one thousand eight hundred and three.

Additional commissioners for Newport.

SEC. 2. *Be it enacted,* That the said commissioners shall have power to make such rules and regulations as they may deem necessary for the good order of the said town, and the preservation of the health of the citizens thereof.

their power.

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

SEC. 4. *Be it enacted,* That the said trustees, or a majority of them, shall have power to sell all the lots that remain not sold in said town, or any parts of lots in the

to sell lots.