

same, and to make such regulation and alteration as they may deem expedient, so that they do not make any alteration in the lots that have sold in said town.

To make deeds. SEC. 3. *Be it enacted,* That the commissioners aforesaid, or a majority of them, shall make and execute deeds, for conveying lots, as heretofore by law laid out in said town, and shall cause the streets of said town, to be kept in good repair, provided they call on none but those who own lots, and the inhabitants of said town for that purpose; and said commissioners shall have power to exercise their authority as regulators of said town, in all respects whatever.

JOHN TIPTON,

Speaker of the House of Representatives,

JOSEPH M'MINN,

Speaker of the Senate,

November 30, 1807.

CHAPTER LXXI.

AN ACT appointing additional commissioners for the regulation of the town of Elizabethton, in the county of Carter.

*Additional com-
missioners for
Elizabethton.* BE it enacted, by the General Assembly of the State of Tennessee, That George Duffield, James S. Johnson, and James Johnson, be, and they are hereby appointed commissioners in addition to those heretofore appointed for the regulation of the town of Elizabethton, in the county of Carter aforesaid; and the persons aforesaid, shall have, and possess the same power and authority, and to the full extent of those heretofore appointed for the regulation of the town aforesaid; and they with the former commissioners or a majority of them, shall have power to make all necessary regulations for the government of said town, consistent with the constitution and laws of this state.

JOHN TIPTON,

Speaker of the House of Representatives,

JOSEPH M'MINN,

Speaker of the Senate,

December 3, 1807.

CHAPTER LXXII

AN ACT to form and establish a new county south and east of the counties of Warren and Bedford.

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That there be a new county established within the following bounds, to wit: Beginning on the south east corner of Warren coun-

ty, thence with the south boundary line of Warren, to the eastern boundary line of Bedford county, thence with said line to the southern boundary line of the state, thence east with the state line to the south west corner of Bledsoe county, thence northwardly to the beginning; which said bounds shall constitute a new and distinct county, to be known by the name of FRANKLIN. *Warren county established.*

SEC. 2. *Be it enacted,* That for the administration of justice, a county court shall be held by the justices of the peace for said county, at the house where maj. William Russell now lives, on the fourth Mondays in January, April, July and October, in each and every year; and said court shall continue to be held at said Russell's until otherwise provided by law; and said courts shall be held under the same laws, rules and regulations, and shall have and exercise the same power and jurisdiction, as the other county courts within this state. *Courts where and when held.*

SEC. 3. *Be it enacted,* That it shall be the duty of the sheriff of the said county of Franklin, to hold an election at the place of holding courts in the same, on the first Thursday in the month of April next, and on the succeeding day, for the purpose of electing one colonel and two majors of militia, which elections shall be held under the same laws, rules and regulations, as the elections for the same officers in the other counties within this state; and said officers shall have the same powers, and be subject to the same laws and duties, as the other colonels and majors of militia within this state. *The sheriff to hold an election where & when.*

SEC. 4. *Be it enacted,* That the sheriff of said county of Franklin, on the days prescribed by the constitution of this state, shall hold an election in said county, at the place of holding court, under the laws governing elections in like cases, for the purpose of electing a governor for the state, member or members of the state legislature, members of congress, (and when required by law) electors to elect the president and vice president of the United States; and it shall be the duty of said sheriff, to meet the sheriff of Jackson county, on the Monday immediately succeeding each of said elections, at the court house of Jackson county, for the purpose of comparing the votes taken at Franklin with those taken in Jackson; and the sheriff of Jackson, after the comparison takes place, shall certify the person duly elected.

SEC. 5. *Be it enacted,* That general musters and courts martial shall be held at the place of holding courts in the said county of Franklin, on the following days, (to wit:) the general muster, on the first Thursday in the month of September, in each year; and the court martial on the same day in the following month; which musters and courts martial shall be governed by the laws in force regulating the militia—And the militia of said coun- *General musters and court martials where and when held.*

ty, shall be attached to, and be a part of the fourth brigade, and shall be the thirty second regiment; and the said county of Franklin, shall be, and compose a part of Winchester district, and shall send three jurors to the superior courts at Carthage.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXIII.

AN ACT defining the punishment to be inflicted on persons guilty of the crimes and offences therein mentioned.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That every person convicted of simple larceny, by the feloniously stealing, taking and carrying away of the personal goods of another person, of the value of ten dollars or upwards; and all accessories thereto before the fact, shall be deemed guilty of grand larceny, and for the first offence shall be sentenced by the court before whom convicted, to receive a number of lashes on his or her bare back, at the public whipping post, not exceeding thirty-nine, and be imprisoned at the discretion of the court, not exceeding twelve months, & be rendered infamous, as by the laws of the land, persons convicted of petit larceny are infamous; and further, it shall be the duty of the jury, at the same time they find such person guilty, also to find the value of the goods so stolen, and judgment shall be rendered for the value so found against the defendant, which judgment may be discharged by delivering to the owner, the goods so stolen, in the same state and condition they were in, at the time when stolen, and payment of all costs and charges of prosecution; but if said goods be not delivered to the owner thereof, execution may issue against the person or property of the said defendant, for the value so found by the jury, and the cost of prosecution aforesaid: *Provided*, that nothing herein contained, shall be construed, to render the owner of the goods stolen, incompetent to give testimony at the trial of any indictment or prosecution for stealing the same: *And provided further*, that any person indicted or prosecuted for grand larceny, may by the jury trying said indictment or presentment, be found guilty of petit larceny.

SEC. 2. *Be it enacted*, That every person convicted a second time, either as principle or accessory before the

Persons convicted of larceny, how punished for the first offence.

Provided.

fact, of simple larceny, by the feloniously stealing, taking and carrying away of the personal goods of another, of the value of ten dollars or upwards, such person and his or her accessories before the fact, shall for such second offence suffer death, without benefit of clergy. *For the second.*

SEC. 3. *Be it enacted*, That if any person shall feloniously steal, take and carry away the personal goods of another, under the value of ten dollars, or be accessory to such stealing, before the fact, such person shall be adjudged guilty of petit larceny, and liable to all the pains, penalties, disabilities and infamy thereof. *Under ten dollars, how punished.*

SEC. 4. *Be it enacted*, That every person who shall feloniously steal, take and carry away, any horse, mare or gelding, the property of another person, the person so offending, shall, for the first offence be adjudged and sentenced by the court before whom convicted, to receive on his or her bare back, a number of lashes, not exceeding thirty nine, be imprisoned at the discretion of the court, not less than six months and not exceeding two years, shall sit in the pillory two hours on three different days, and shall be rendered infamous, as by law persons convicted of petit larceny are infamous, and shall be branded with the letters H. T. in such manner and on such part of his person as the court shall direct; and on the second conviction shall suffer death without benefit of clergy. *For stealing horses, the first offence how punished.* And moreover, it shall be the duty of the jury trying such person, at the time he or she is found guilty, also, to ascertain the value of the horse, mare or gelding so stolen, and judgment shall be entered for such value and the cost of prosecution; which judgment may be discharged by delivering to the proper owner, the property so stolen, and cost otherwise, execution may issue as directed in the first section of this act: *Provided*, that nothing in this section contained, shall be construed to render the owner of the property stolen, an incompetent witness to give testimony at the trial of any indictment or presentment for stealing the same. *The second offence, death. Jury to ascertain the value.*

SEC. 5. *Be it enacted*, That every person being convicted of having forged, counterfeited or altered any deed of conveyance or power of attorney, bond, bill of sale, cotton receipt, land warrant, note of hand, bill of exchange or other instrument of writing, with or without seal, for the payment or delivery of any money or property, fraudulently and with intention to prejudice another's right, shall, for the first offence, be sentenced by the court before whom convicted, to receive on his or her bare back, at the public whipping post, not exceeding thirty nine lashes, be imprisoned at the discretion of the court, not exceeding three months, shall sit in the pillory two hours on three different days, shall become infamous, as if convicted of simple larceny. *Forgery, first offence, how punished.*

For the second offence, death. ed of petit larceny, and on the second conviction, shall suffer death without benefit of clergy.

SEC. 6. *Be it enacted*, That the person or persons whose name appears to be signed to any writing, or the person whose right is intended to be prejudiced by any writing, shall not be thereby disqualified to give evidence at the trial of any indictment or presentment, for the forging counterfeiting or altering the same.

Perjury, how punished.

SEC. 7. *Be it enacted*, That every person convicted of wilful and corrupt perjury, shall be punished by fine, imprisonment, whipping, and shall be rendered infamous, in the same manner and to the full extent prescribed in the fifth section of this act, for the punishment of persons convicted of forgery; and every person convicted of wilful and corrupt perjury, shall for the second offence, suffer death without benefit of clergy.

Malicious prosecutors how punished.

SEC. 8. *Be it enacted*, That if two or more persons shall conspire together, to indict or prosecute an innocent man or woman, falsely, maliciously and knowingly, for felony, or for any of the crimes before mentioned in this act, which innocent man or woman is accordingly indicted or prosecuted, and acquitted, each and every person so offending, shall on conviction thereof, be punished in the same manner and degree for the first offence, as persons convicted of grand larceny are, by the first section of this act made punishable, and for the second offence shall suffer death without benefit of clergy. And if, by such conspiracy and prosecution, the life of an innocent man or woman be taken away, each and every said conspirators shall, on conviction, suffer death without benefit of clergy; *Provided always*, that upon the trial of any person or persons for a conspiracy, the acquittal of the person or persons against whom it is alledged the conspiracy was entered into, shall not be given in evidence against such conspirator or conspirators.

Proviso.

Burning houses, how punished.

SEC. 9. *Be it enacted*, That every person convicted of wilfully and maliciously burning any out house, barn, stable, public ware house, or house for the reception of cotton, shall for the first offence be punished in the same manner and degree as persons convicted of grand larceny are punishable, by the first section of this act, and shall also become infamous, and on the second conviction, shall suffer death without benefit of clergy.

For harboring how punished.

SEC. 10. *Be it enacted*, That every person knowingly and wilfully receiving into his or her possession and custody, any horse, mare or gelding, which shall have been stolen, knowing the same to be so stolen, such person shall on conviction thereof, be fined at the discretion of the court before whom convicted, in the sum of fifty dollars, be imprisoned, not exceeding three months, be disqualified to hold any office either civil or military, within this state,

and moreover, shall forfeit and pay to the owner of the property double the value of each and every horse, mare or gelding so by him or her received, and also receive thirty nine lashes on his or her bare back.

SEC. 11. *Be it enacted*, That if any person shall, wilfully or knowingly receive into his or her possession and custody, any goods which shall have been stolen, and at the time of receiving the same, shall know them to be stolen, such person shall, on conviction thereof, forfeit and pay to the owner of said goods the value thereof, shall be fined by the court before whom convicted, in the sum of fifty dollars, and shall be imprisoned, not exceeding three months, and receive, not exceeding twenty five lashes.

SEC. 12. *Be it enacted*, That every person convicted of aiding or assisting any prisoner or prisoners in breaking the prison, in which such prisoner or prisoners may be confined, either by giving to, or supplying such prisoner or prisoners with any tool or utensil, by which the said breach may be effected, or in anywise contribute to such breach, such person shall be fined by the court in a sum, not exceeding fifty dollars, and imprisoned, not exceeding three months, notwithstanding the aforesaid prisoner or prisoners may not have been tried, or on trial shall have been acquitted.

Assistants how punished.

SEC. 13. *Be it enacted*, That whosoever shall on purpose and malice aforethought, by lying in wait unlawfully cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or cut off or disable any limb or member, with intention of so doing to maim or disfigure any person, or shall voluntarily, maliciously, unlawfully and of purpose, pull or put out an eye, bite off an ear, nose or lip, or stab any person who shall not have a weapon then drawn, while fighting or otherwise, every such offender, shall on conviction, be fined in a sum, not exceeding fifty dollars, and be imprisoned, not exceeding three months for the first offence, and for the second offence, such person shall be fined and imprisoned in manner aforesaid, and shall be disqualified to hold any office of honor, profit or trust, either civil or military, under the authority of this state.

Maiming or disfiguring, how punished.

SEC. 14. *Be it enacted*, That all persons subjected by this act, to imprisonment, who shall not possess a sufficient quantity of property, from which the sheriff can make the full amount of the costs and charges accrued by such imprisonment, then and in that case, the sheriff is hereby authorised, and it shall be his duty to sell out such person for the shortest term, any person will take the said culprit for, to defray said costs and charges.

Culprit sold for jail fees.

SEC. 15. *Be it enacted*, That nothing in this act contained, shall be construed to prevent any court from entering up judgment for a greater sum than fifty dollars,

against a person guilty of any of the offences in this act mentioned, provided the said sum be assessed by a jury, at the trial of the cause.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXIV.

AN ACT to provide for the election of electors of president and vice president of the United States.

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

Sheriffs to hold elections,

For what, When & where

and may be lawful for each and every sheriff of each and every county in this state, by himself or deputy, to open and hold an election for the purpose of electing electors to elect a president and vice president of the United States; which election shall be holden on the second Thursday of November, in the year one thousand eight hundred and eight, and the succeeding day, at the places pointed out by law, for holding elections for members of the general assembly; and the said elections, shall be holden under the same rules and regulations, and the persons voting be liable to the same penalties for voting improperly, and the same persons be entitled to vote, as in elections for members of the general assembly.

First district,

second district,

third district,

fourth district,

fifth district,

SEC. 2. *Be it enacted,* That the counties of Washington, Greene, Carter, Sullivan, and Hawkins, shall compose the first district, and elect one elector. That the counties of Grainger, Jefferson, Claiborne, Cocke, Sevier, and that part of Campbell belonging to Claiborne election district, shall compose the second district, and elect one elector. That the counties of Knox, Blount, Anderson, Roane, Rhea, Bledsoe, and that part of Campbell county belonging to Anderson election district, shall compose the third district, and elect one elector. That the counties of Smith, Jackson, Overton, White, Sumner, Wilson, Warren, and Franklin, shall compose the fourth district, and elect one elector. That the counties of Davidson, Robertson, Montgomery, Stuart, Dixon, Williamson, Maury, Rutherford, Bedford, and Hickman, shall compose the fifth district, and elect one elector.

Where to compare the votes.

SEC. 3. *Be it enacted,* That it shall be the duty of the sheriffs or returning officers of the different counties in the first district, to meet at Jonesborough on the Monday succeeding said elections, to compare the votes and return of the poll in each county, whose duty it shall be, to make out a certificate under their hands, for the per-

son having the highest number of votes as elector for said district; and it shall in like manner be the duty of the sheriffs or returning officers of the counties composing the second district, in like manner, and at the same time, to meet at Mossey-creek Iron-works, and compare the votes and return of the poll in each county, and in like manner make a certificate to the person elected in said district; and it shall in like manner be the duty of the sheriffs or other returning officers for the different counties in the third district, to meet at Knoxville, at the same time, and make return of the votes, compare the poll, and make a certificate for the person elected elector in said district; and it shall in like manner be the duty of the sheriffs or returning officers for the counties in the fourth district, at the same time to meet at Carthage, and make return of the votes, compare the polls, and make a certificate in like manner, to the person having the greatest number of votes as elector; and it shall in like manner, be the duty of the sheriffs or returning officers for the counties in the fifth district, to meet at Nashville at the same time, make return of the votes, and compare the polls, and give a certificate to the person elected elector.

SEC. 4. *Be it enacted,* That if on counting the votes and comparing the polls of the different counties, it should appear that any two persons have an equal number of votes, the sheriff or returning officer of the county in which the comparison is to be made, shall decide who is elected; and said sheriff shall not have a right to vote at the election in his county. *The sheriff to decide.*

SEC. 5. *Be it enacted,* That it shall be the duty of the persons elected electors in said districts, to meet at Knoxville, on the first Wednesday of December, in the year one thousand eight hundred and eight, and proceed to vote for a president and vice president of the United States, agreeable to the constitution of the United States. *Electors to meet at Knoxville.*

SEC. 6. *Be it enacted,* That each person elected elector of president and vice president, shall be entitled to two dollars and fifty cents per day, for each day he may be necessarily engaged in the business of said election; and the like sum for every twenty five miles he may travel in going to, and returning from the place of meeting of electors; which shall be paid out of either of the public treasuries out of any monies therein, on a warrant to be drawn by the governor for that purpose. *Compensation.*

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 4, 1807.

CHAPTER LXXV.

AN ACT to authorise Elizabeth Spurgin, administratrix, and George Webb, administrator of the estate of John Spurgin, (late of Sullivan county,) deceased, to make a deed of conveyance to Thomas Cox.

Preamble.

WHEREAS John Spurgin in his life time, sold to Thomas Cox, two hundred acres of land in Sullivan county, for which he received a valuable consideration adjoining the lands of Elender Karr, John Ginnings, William Bond, and Jacob Lady, for which there is no existing bond: For remedy whereof,

To make a deed

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the above named administratrix and administrator, to make a deed of conveyance to Thomas Cox, to the above described two hundred acres of land; and the deed when made, shall be as good and valid in law, to all intents and purposes, as though it had been made by the said John Spurgin in his life time, any thing to the contrary notwithstanding.

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

JOHN TIPTON,

Speaker of House of Representatives,

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER LXXVI.

AN ACT to secure the free navigation of Nolichuckey river.

Nolichuckey river to remain open.

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 Nolichuckey from Brownsburgh to the mouth of said river, shall be, and remain a public way, free and open, affording an unmolested navigation to all persons who may wish to descend said river, with boats, crafts, or other carriage by water.

Penalty.

SEC. 2. Be it enacted, That if any person or persons shall hereafter, erect or cause to be erected either dams or fish traps or any other obstruction so as to molest the free passage of boats in said river, on conviction thereof, each and every person thus transgressing, shall forfeit and pay the sum of one hundred dollars for every such transgression, which shall be recovered before any jurisdiction having cognizance thereof, to be applied to the use of

opening said river; also, all damages that the owner or owners of said boat or boats may sustain from such obstruction, dams or traps.

SEC. 3. Be it enacted, That it shall be the duty of each county court, to appoint two fit and proper persons to examine said river as far as it may extend through their county, at least once in each year, and make return of all persons transgressing as stated in section second; and it shall also be the duty of the said two inspectors, to receive subscriptions for the purpose of opening said river, and all money so received, shall be appropriated for the above purpose, after reserving the sum of two dollars per day for their own services for such length of time as they may be necessarily employed in said service.

Two persons appointed to attend the same.

Compensation.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXVII.

AN ACT authorising the county court of Smith, to lay a tax for the relief of William Bartlet.

WHEREAS William Bartlet, did undertake and contract to build a county jail in the town of Carthage, and whereas it doth also appear that the same has been done in a complete manner, and whereas it doth also appear that the said William has been materially injured thereby: For remedy whereof,

Preamble.

BE it enacted by the General Assembly of the State of Tennessee, That the county court of Smith, at the first session after the first day of January next, are hereby authorised and empowered to make such compensation to the said William Bartlet as they may deem right as a full compensation for building said jail, and pay the same out of any money in the county treasury.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXVIII.

AN ACT supplementary to an act entitled "An act to establish a college in East Tennessee."

SECTION 1. BE it enacted by the General Assembly of the State of Tennessee, That the following persons herein after named, be, and they are hereby

Trustees of E. Tennessee College. appointed trustees of East Tennessee college; twenty three of whom are appointed amongst the different counties in East Tennessee, according to the present ratio of representation, and three remaining; seven in the country adjacent to said college, for the purpose of conveniently attending to, and conducting the ordinary affairs and business of said college, that is to say, In the county of Hawkins, Richard Mitchel and Andrew Galbreath; in the county of Sullivan, John Rhea and James King; in the county of Greene, Augustine P. Fore and John Gass; in the county of Washington, Matthew Stephenson and John Kennedy; in the county of Carter, George Duffield; in the county of Jefferson, James Rice and Joseph Hamilton; in the county of Grainger, John Coker and Major Lea; in the county of Coker, Alexander Smith; in the county of Sevier, Hopkins Lacy; in the county of Blount, the reverend Joseph B. Lapsly and doctor Robert Gant; in the county of Claiborne, William Graham; in the county of Anderson, Arthur Crozier; in the county of Roane, Thomas I. Vandyke; in the county of Knox, George W. Campbell, John Sevier and Thomas Emmerson. And John Crozier, John Williams, Archibald Roane, Francis A. Ramsey, David Deadrick, George Doherty and John Lowry, merchant, being the additional number, to complete the number of thirty, required by said act, to which this is a supplement, to be appointed; and that the above named trustees, are hereby vested with as full power and authority, and with all the privileges intended by said act to be vested in the trustees of East Tennessee college.

Their power.

Commissioners appointed.

SEC. 2. *Be it enacted*, That John Russell, James Park, Josiah Nichol, Edward Douglass, John Overton and William Tate, be, and they hereby are appointed commissioners to superintend the management of the fund, appropriated by the act of the congress of the United States, for the support of said college and for the support of Cumberland college, heretofore established in West Tennessee, on pursuance of said act of congress; and said commissioners or a majority of them, are hereby authorised and empowered to receive, from time to time, from the treasurer of the districts of Washington and Hamilton, all such monies as shall be paid into the hands of said treasurer, arising from the sales of one hundred thousand acres of land, lying on the south side of French Broad and Holston rivers, between the rivers Big Pigeon and Tennessee, heretofore directed to be laid off, and appropriated for the use of two colleges in this state, one in East and the other in West Tennessee, by an act of the congress of the United States. And when said commissioners or a majority of them, shall have received said monies or any part or portion thereof, it shall be their duty,

and they, or a majority of them, are hereby authorised and empowered, from time to time, to purchase the capital stock, or some share or shares of the capital stock of some reputable bank or banking association, in the United States, to the amount of such money by them received; and when any dividend or share of profits of such bank or banking association, shall be declared and become payable, the said commissioners, or a majority of them, shall receive the same, and pay over the same in equal moieties and half parts, to the trustees of East Tennessee college, or to their treasurer, for the use of said college, and to the trustees of Cumberland college, or to their treasurer for the use of said Cumberland college: *Provided* always, that whenever said commissioners or a majority of them, shall have purchased any capital stock or share or shares of the capital stock of any bank they shall cause the transfer of such stock, to be made to said commissioners, expressing in such transfer, that the same is for the use of East Tennessee college, and Cumberland college; and said commissioners shall not be at liberty to sell or transfer said stock afterwards, unless specially authorised by the general assembly of this state.

Authorised to purchase bank stock.

Provide.

SEC. 3. *Be it enacted*, That the trustees of said college of East Tennessee, shall be at liberty to carry on or cause to be carried on and conducted, the business of said college, and the instruction of youth, to be educated at said college, at the place and in the buildings now known by the name of Blount college, until suitable buildings shall have been prepared, at the place designated and laid out for the establishment of said East Tennessee college, and until the trustees of East Tennessee college shall take upon themselves to discharge the duties of said appointment, and hold their first meeting, it shall be lawful for the trustees of Blount college, to carry on and conduct the business of said college, in the same manner as heretofore; And whereas the trustees of Blount college have agreed, by a resolution by them unanimously adopted, on the twenty ninth day of September, one thousand eight hundred and seven, That, provided this general assembly should establish the college for East Tennessee, within two miles of Knoxville, the funds of Blount college might be incorporated with the funds of the college so to be established; and that the act incorporating said trustees of Blount college, might be repealed, except so far as might be necessary to enable said trustees to collect the monies due to said college, and authorise the instruction of youth and the other business of said college, to be carried on as heretofore, until the trustees of such new instituted college, shall be prepared to commence the business of tuition. And whereas this general assembly has established East Tennessee college within two miles of Knox

Blount college.

Preamble.

v' le, whereby said trustees of Blount college, are bound to incorporate the funds of Blount college with the funds of East Tennessee college: Therefore,

*Funds incorpo-
rated.*
SEC. 4. *Be it enacted*, That the funds of Blount college shall be, & they are hereby declared to be incorporated with the funds of East Tennessee college, & made a part of the same. And the trustees of East Tennessee college, are hereby authorised and empowered to demand and receive from the trustees of Blount college, all the funds and effects of said college, of whatever nature and description; and said trustees of Blount college, are hereby authorised and required to pay and deliver up, to the trustees of East Tennessee college aforesaid, on demand, after the first meeting of said trustees, all monies, goods, chattles and effects, of whatever nature or description, belonging to Blount college in the hands of said trustees, or held in trust by any person or persons, for the use of said college, by deed, to convey to said trustees of East Tennessee college and their successors in office forever, all lands, tenements and hereditaments, belonging or appertaining to said college; and said trustees last mentioned, shall and may use and dispose of the same, in like manner, as they may use and dispose of any other property belonging to said college of East Tennessee: *Provided*, that nothing contained in this section shall invalidate any provision contained in the third section of this act.

Proviso.

Act repealed.

Proviso.

SEC. 5. *Be it enacted*, That an act entitled "An act to establish a college in the vicinity of Knoxville, by the name of Blount college," be and the same is hereby repealed: *Provided*, that the trustees of said college shall not be disabled or barred from the collection of any debtor debts due and owing to said college, or to the trustees of said college, for the use of the same: *And provided further*, that nothing contained in this section, shall effect or avoid any provision contained in the third section of this act.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M-MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXIX

AN ACT for the regulation of the town of Jefferson, in Rutherford county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Rutherford county or his deputy, to open an election at the court house in Jefferson, at twelve o'clock, on the first Monday in April next, and close the same at four o'clock on the same day, having previously advertised the same, at least ten days on said

court-house door, for the purpose of electing by ballot five suitable persons to act as commissioners for said town, in which election, every person possessing a lot or part of a lot in the same, shall be entitled to vote, and no person shall be eligible to the office of commissioner, unless he then be an inhabitant or proprietor of a lot or part of a lot in said town. *Election for commissioners*

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

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

SEC. 4. *Be it enacted*, That said commissioners shall choose from their own body a suitable person to preside at their meetings, who shall be known by the appellation of chairman, "Chairman;" they shall also appoint a treasurer and clerk, and said treasurer shall keep a regular and just account of all monies received and paid out by him, in a bound book kept for that purpose; which said book, with the monies then in the treasury, and other papers appertaining to said office, he shall deliver up to his successor; and the clerk shall keep in a bound book, kept for that purpose, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary. *chairman, treasurer, clerk, their duty.*

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

SEC. 6. *Be it enacted*, That they shall have power, and are hereby directed, to lay a tax annually, not exceeding on each hundred dollars' worth of town property which they are to estimate, twelve and an half cents; o

each white poll, not exceeding twelve and an half cents ; on each black poll, not exceeding twenty-five cents ; on each stud horse, not exceeding seventy five cents ; which said tax shall be collected by warrant, under the hands and seals of the chairman and clerk, and directed to the collector whom they may appoint, who is to be governed by the rules and regulations established by law, for collecting and accounting for the state tax.

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

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

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

JOHN TIPTON,

Speaker of the House of Representatives,

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7, 1807.

CHAPTER LXXX.

AN ACT supplemental to the laws now in use and force concerning estrays.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the ranger in each and every county in this state, and they are hereby directed to publish in some Gazette, if any there be printed in the judicial district to which the county is attached, a particular description of each stray horse, mare, colt or gelding, that shall be entered on the books kept by him, together with the sum to which the same may be appraised, and the persons names & place of residence who has taken up such stray, within three weeks after such entry is made : *Provided*, that the printer of such Gazette, will receive as a compensation for publishing the same three times in three weeks successively, one dollar ; which the person taking up such

stray, shall deposit with the ranger at the time of reporting said stray to be entered on his books ; and such sum of one dollar, shall be refunded to the person taking up said stray, by the owner or person proving and recovering it from the possession of the taker up ; *Provided nevertheless*, that if the owner shall apply to the taker up of said stray before publication, the money deposited shall be refunded to said taker up by said ranger ; and that each and every ranger failing to comply with the provision of this act without good cause for such failure, shall forfeit to the owner of any mare, horse, colt or gelding so taken up, all such damages as shall accrue on account of such failure.

SEC. 2. *Be it enacted*, That the ranger shall be entitled to receive the sum of twenty five cents for each certificate by him made out for publication as by this act required, and transmitting the same to the printer, to be paid by the taker up of such stray, and refunded to said taker up by the person who shall prove away such stray.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER LXXXI.

AN ACT to compel persons obtaining writs of certiorari and writs of error, to give security.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person or persons, or the agent of such person or persons shall be about to obtain a writ of certiorari to bring the proceedings in any cause from the county court into the superior court, or from before a justice of the peace into the county court, it shall be the duty of the clerk of such superior or county court before issuing such writ of certiorari, or a writ of supersedeas, in any such cause, to demand and take from the person applying for said writ bond & security in double the sum for which said judgment shall have been recovered, payable to the opposite and contending party in said cause, with a condition that the same shall be void, if said party prosecute his certiorari with effect, or in case he fail, that he will perform whatever judgment shall be awarded and rendered by said court in said cause ; or in case said certiorari shall be dismissed by said county or superior courts for informality or want of sufficient substance, that said person so obtaining said certiorari, shall well and truly satisfy such judgment, as the county court

or justice of the peace (as the case may be) shall have given against him; and it shall not be lawful for any clerk to issue a writ of certiorari and supersedeas, without bond and security taken as aforesaid.

SEC. 2. *Be it enacted*, That in all cases where a cause shall be brought from before a justice into a county court, or from a county court into the superior court by certiorari as aforesaid, and the party praying such certiorari shall be cast in said cause, it shall be lawful for the court in which said cause is so decided, at the motion of the party in whose favour said cause is decided, to enter up judgment instanter against the principal and his securities, for whatever sum shall be recovered with six per cent. interest, and costs, and execution shall issue for the same.

Preamble.

WHEREAS writs of error are frequently obtained to remove causes from a county to a superior court for the sake of delay: For the prevention whereof,

Writ of error.

Bond & security required.

SEC. 3. *Be it enacted*, That from and after the passing of this act, that in all cases where a party applies to a superior court for a writ of error to remove a record or transcript thereof, from a county to a superior court, that before allowing the same, the said superior court shall cause such applicant to enter into bond with sufficient security, in double the sum for which the judgment may have been rendered in said county court, conditioned, that said applicant shall stand to, abide by, and perform such judgment, as said superior court may give thereon; and that in all cases where said superior court shall affirm the judgment of a county court brought up by a writ of error, allowed either by a superior or county court, that it shall be the duty of said superior court upon the motion of the defendant in error, to grant a judgment instanter against the plaintiff in error and his securities, for the sum recovered in the county court, and to tax thereon, at the rate of twelve and one half per cent. per annum, from the time such judgment may have been rendered in the county court, till the time of affirming such judgment in said superior court.

Appeals.

SEC. 4. *Be it enacted*, That in all cases where a cause may have been removed into a county court by appeal, it shall be lawful for either party to appeal to the superior court from the judgment of the county court, in the same manner, and on the same terms and conditions, as if said suit had been originally commenced in said county court.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M-MINN,

November 30th, 1807.

Speaker of the Senate.

CHAPTER LXXXII.

AN ACT to authorise the reception of the journals of the Senate and House of Representatives of this state, as evidence.

BE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act, that on the trial of any cause in any court in this state, the printed or manuscript journals of the Senate and House of Representatives of the General Assembly of this State, or either of them, or a copy thereof, certified by the secretary of state, shall and may be received as *prima facie* evidence, in any court where the matter contained in them, relates to the facts necessary to be established in such cause.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER LXXXIII.

AN ACT to prevent any person or persons from erecting any works on the Caney Fork, that will have a tendency to obstruct the navigation of said river.

SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee*, That the main channel of the Caney Fork river, shall be considered a public way, from the falls in said river, to the junction thereof, with the river Cumberland; and said channel shall in no case be obstructed by fish traps or otherwise.

SEC. 2. *Be it enacted*, That it shall and may be lawful for any person or persons to erect a fish trap or traps on the small sluice or inner side of the islands, so as not to obstruct the navigation of the main channel of said river; and that said fish traps so erected, shall remain free and unmolested, to the use of the owner or owners: *Provided nevertheless*, that if any person or persons shall erect any fish trap or traps, contrary to the spirit of this act, he or they who shall so erect such traps, shall be subject to indictment in the county court of Smith, for such offence; and upon conviction, shall be fined by said court in a sum not exceeding fifteen dollars for each offence, and fifteen dollars per month, for each and every month the

Caney F. navigable.

No obstruction allowed.

Proviso:

said trap or traps shall remain to the obstruction of the navigation of said river, after conviction as aforesaid.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER LXXXIV.

AN ACT for the regulation of the town of Maryville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Montgomery, John Wilkinson, John Lowery, (merchant,) Andrew Thompson, John Lowery (at orney,) David Russell and Samuel Love (hatter,) and their successors, are hereby appointed and constituted a board of commissioners of the town of Maryville, in the county of Blount, for the purpose herein after mentioned.

Commissioners appointed,

SEC. 2. *Be it enacted,* That a majority of said commissioners shall constitute a quorum to do business; shall appoint their chairman, clerk and treasurer, and may require of such treasurer, such bond and security, and make such compensation to such clerk and treasurer, as they may deem reasonable; may meet on their own adjournments or on the call of the chairman or any two members of the board; and upon any vacancy happening by death, resignation, removal or otherwise, such vacancy shall be filled by the election of all free men, inhabitants of said town, of twenty one years of age and upwards, and all non-residents of said town, having free holds therein, to be held at the court-house, on notice being given five days before such election by the chairman; at which election, any one justice of the said county, on application of the chairman, shall preside, and his certificate of the person elected, shall be entered on the record of said board.

Chairman clerk and treasurer.

SEC. 3. *Be it enacted,* That said board shall have power to cause the said town to be surveyed, and the bounds and corners of the several lots designated, agreeably to the original plan thereof, and perpetuated in such manner as to them shall seem expedient.

town surveyed.

SEC. 4. *Be it enacted,* That the lot or lots in said town, in which the spring usually called the Cedar spring rises or runs in whole or in part through, shall never be sold by the said commissioners or any other commissioner of said town; but shall be, and remain for the common use and benefit of said town. And the said board shall have power to make all necessary and useful rules and regulations touching said spring and lot or lots, which they may think proper.

SEC. 5. *it enacted,* That said board shall have power to make all necessary rules and regulations, for the purpose of clearing out, and keeping in repair, the several streets and alleys in said town, and for preventing and removing any nuisance in any of the streets, alleys or commons of said town; and may appoint one or more overseers of said streets and alleys, who may call on such of the inhabitants of said town, as by law may be liable to work on public roads; which overseer and inhabitants shall respectively be liable to the same penalties as in similar cases they would be for not doing their duty on public roads; and no person being an inhabitant of said town, shall be liable to work on any public road without the limits of said town.

streets kept in repair,

SEC. 6. *Be it enacted,* That said board shall have power to make such rules and regulations, for preventing accidents by, and suppressing fire, as to them may appear necessary for the security of said town, and to enforce the observance of such rules, as well as the several powers vested in said board by this act, by adequate penalties.

for prevention of damage by fire,

SEC. 7. *Be it enacted,* That for the purpose of defraying the expences incidental to carrying the provisions of this act into effect, the said board shall have power to lay a tax annually on the inhabitants and free holders of said town, not exceeding one fourth of one per cent. on the value of the real property therein, and fifty cents on each taxable poll; and for ascertaining such value, may once in every year, appoint three discreet freeholders of said town, whose duty it shall be, after being sworn for that purpose before some justice of said county, to ascertain the value of said real property; and also enumerate the polls, upon whose return, said board shall direct their clerk to furnish the sheriff of said county, with a list of such of said taxes as may remain unpaid after the expiration of thirty days after the same shall have been ascertained, which sheriff shall collect and pay the amount of such list to said treasurer as in other cases of taxes:—*Provided,* where any person is dissatisfied with the valuation, said board may lessen the same, but in no case shall increase it.

tax imposed,

Proviso.

SEC. 8. *Be it enacted,* That said board shall have power to make all necessary rules and regulations for preventing and suppressing the practice of running horses, or other pernicious practices or plays within the limits of said town, that may have an evil tendency.

to suppress running of horses,

SEC. 9. *Be it enacted,* That all fines or penalties that may arise by virtue of this act, or any of the powers vested in said board, shall be recoverable before any justice of the peace for said county, in the name of the chairman of said board, and shall be collected as other fines and penalties.

fines recoverable,

nalties, and paid to the treasurer for the use of said town.

rules to be published.
SEC. 10. *Be it enacted,* That the said board shall from time to time, publish the several general rules and regulations which they may make, so far as may directly affect all or any of the citizens of said town, by causing a copy of such rules or regulations, to be fixed at the door of the court-house of said county at, least five days before the same shall have any operation.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER LXXXV.

AN ACT for the relief of persons who have not had their deeds, grants, mesne conveyances, or bills of sale, registered within the time heretofore prescribed by law.

Time allowed for registration.
SECTION 1. *BE it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for any person who hath failed or neglected to register his or her grant or grants, within the time heretofore limited and prescribed by law, or for any other person or persons claiming under such grantee, to cause or procure the same, together with the certificate of survey to be registered, at any time within twelve months from and after the first day of January next; and such registration shall be as good and valid in law, as if the same had been done within the time heretofore limited and prescribed for that purpose, any law to the contrary notwithstanding. And if any person hath, or shall have lost or mislaid his or her original grant, so that it cannot be found, and such original grant so lost or mislaid, hath not heretofore been registered in the county where the same hath been required to be registered, it shall and may be lawful for such person, or for any other person or persons claiming under such grantee, to procure from the secretary's office of the state of North-Carolina, a true and regularly certified copy of such grant, and offer the same for registration in the county where the land lies, called for in such grant; and the register of such county is hereby required to register the copy so offered, together with the certificate of the secretary of state, and the testimonial of the governor thereto annexed; and such registration shall be as good and valid, as if the original grant itself were registered, provided the same shall be done within the aforesaid time of twelve months from the first day of January next.

Copy register'd

SEC. 2. *Be it enacted,* That it shall and may be lawful for any person or persons, who may have failed to register his, her or their deeds, of conveyance, for the absolute transfer of real property, deeds of mortgage or of trust, powers of attorney authorising the transfer of real property, bills of sale, for the transfer of slaves or other instruments of writing, required or authorised by law to be registered, within the time heretofore limited, and allowed by law for registering the same, to cause to be proven or acknowledged, such deed, bills of sale, powers of attorney and other instruments of writing, in manner as required by this act, and to cause to be registered at any time within twelve months from and after the first day of January next, in the register's office of the county, where by this act the same ought to be registered; and the said deeds, powers of attorney, bills of sale, or other instruments of writing so proven and registered, shall be good and valid in law, and shall transfer the estate intended to be conveyed, notwithstanding the same may not have been registered within the time heretofore required by law except as against creditors and innocent subsequent purchasers, trustees or mortgagees, who may have purchased for a valuable consideration after said time limited for registering the same shall have expired without notice of said deed, bill of sale, or other instrument of writing and who shall have had their deeds, bills of sale, or other instruments of writing evidencing said subsequent purchase proven or acknowledged and registered within the time limited by law for that purpose.

deeds of conveyance, &c. when to be registered

SEC. 3. *Be it enacted,* That all deeds of conveyance for the absolute transfer of any real property, all deeds of trust or of mortgage, powers of attorney, bills of sale or other instruments of writing which shall hereafter be exhibited for registration in any county within this state, shall first have been proven or acknowledged in the following manner, that is to say: all such deeds of conveyance, deeds of trust or of mortgage, and powers of attorney, authorising the transfer of real property, shall be acknowledged by the grantor in such deed or power of attorney, or be proven by at least two subscribing witnesses thereto, in the court of the county, or the court of the district where such land or some part thereof lies, except in the case of non-resident grantors or bargainors herein after provided for, and all bills of sale or other instruments of writing for the transfer of personal property, shall be so acknowledged or proven in the court of any district or county within this state; and all deeds of conveyance, deeds of trust or of mortgage, and powers of attorney for the transfer of lands wherein the grantor or bargainor shall reside beyond the limits of this state, within any other state or territory, (the execution of which shall not have been ac-

manner of proving a will

known or proven in this state in manner as herein before expressed,) shall be acknowledged by the grantor or bargainor, or the execution thereof be proven by two or more subscribing witnesses thereto in some court of record of some one of the states or territories of the United States, the evidence of which, shall be the attestation of the clerk of such court in which said acknowledgment or probate was made under the seal of his office, and the attestation of the presiding judge or justice of said court, which probate or acknowledgment in each of the cases above named, shall be endorsed by said clerk on the back of such deed or other instrument of writing, and shall entitle the same to registration (if for the transfer or authorising the transfer of lands) in the county or counties where such land shall lie; and if for the transfer of personal property in the county where such vendee or bargainee shall reside, and if such vendee or bargainee be not a resident of any county in this state, it shall be registered in the county wherein the same has been proven or acknowledged; and it shall be the duty of each and every register to register the whole of the certificate or certificates of probate endorsed on the back of each and every deed, power of attorney, bill of sale, or other instrument of writing by him registered.

instruments,
to be regis-
tered within 2
years.

SEC. 4. *Be it enacted*, That all deeds of conveyance for the absolute transfer of any real property, and all powers of attorney authorising the sale or transfer of any lands, all deeds of trust or of mortgage, bills of sale of negroes or other personal property, which have heretofore been executed, and the time of registration has not expired, and which may hereafter be executed, shall be proven or acknowledged in manner herein before required, and be registered within the proper county where the same by this act ought to be registered within the following times, that is to say: all deeds of conveyance for the absolute transfer of lands, and all powers of attorney authorising the transfer of lands, within two years from and after the date of the same, or within two years, from and after the passing of this act; all deeds of trust or of mortgage, within one year from and after the date of the same, or within one year after the passing of this act; all bills of sale for the transfer of negroes or other personal property within one year from and after the date of the same, or within one year from and after the passing of this act, otherwise the same shall be void as against creditors and subsequent purchasers.

clerk to keep a
record.

SEC. 5. *Be it enacted*, That it shall be the duty of the clerk of any court within this state, when any instrument of writing required by this act to be registered, is produced in court for probate or acknowledgment, to inform the court thereof in a public manner, before he shall pro-

ceed to take such probate or acknowledgment; and it shall be his duty to record in books kept for that purpose, every such probate.

SEC. 6. *Be it enacted*, That if any grant, deed of conveyance, deed of mortgage or of trust, shall heretofore have been registered in any one county in this state, the owner of such grant, deed of conveyance, deed of mortgage or of trust, shall not be liable to pay any tax to the state on having the same or a copy of such grant registered in any other county in this state. *Provided*, that said person shall be subject to fees of registration. *no tax to be paid on the second registration.*

SEC. 7. *Be it enacted*, That all deeds of conveyance for the absolute transfer of real property, deeds of trust or of mortgage, powers of attorney for the conveyance of land, and bills of sale of negroes or other personal property, which shall heretofore have been made and executed, and shall have been attested by only one subscribing witness; or where there should have been more, and only one of them living or so removed that said witness cannot be had, and shall not have been proven and registered, shall and may be proven by said subscribing witness or acknowledged by the grantor or obligor, in manner as herein before named, and may be admitted to registration at any time within twelve months from and after the first day of January next, in the county where the same ought to be registered; and said deed, power of attorney, or bill of sale, shall be good and valid to transfer the estate so conveyed, against the grantor and his legal representatives and all other persons, except innocent subsequent purchasers without notice of said deed, who may have said subsequent deed proven and registered as required by law. *one witness admitted in certain cases.*

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER LXXXVI.

AN ACT to appoint commissioners, and to vest them with power to sell the public lot and jail in front of the court house in Rogersville, and for other purposes therein mentioned.

SECTION 1. *Be it enacted*, That George Maxwell, Andrew Campbell, Francis Dalzell, Rodham Kenner and Andrew Galbreath, be, and they are hereby appointed commissioners to superintend the building of a prison and stocks, on the public square in Rogersville, in the county of Hawkins; and that they or a majority of them, be directed to proceed, as soon as the *Commissioners appointed.*

contract for building prison & stocks,

authorised to sell the old prison, &c.

Tax,

money how obtained.

court of the county aforesaid, may deem it expedient, provided a majority of the justices of said county be present at the time, to let said buildings to the lowest bidder, having first advertised the same, thirty days, at the court house aforesaid, setting forth the size and materials, of which said prison and stocks are to be built; observing at the same time, to take bond with approved security, for the faithful performance of said contract.

SEC. 2. *Be it enacted*, That the commissioners aforesaid shall have full power and authority, which to-reto required by the court aforesaid, to sell the old prison and stocks, and the lot upon which they stand, at a credit of six months; first advertising such sale, at least thirty days, at three of the most public places in said county, and to execute a deed for the same, and the monies arising from the sale thereof, to be appropriated either to building a prison and stocks, or other county purposes, as the court may deem best. And the commissioners aforesaid, before entering upon the duties of their appointment, shall enter into bond with security, in the sum of five thousand dollars, payable to the chairman of the court, conditioned for the faithful discharge of the duties imposed upon them by this act, and for which services, the court shall make them reasonable compensation.

SEC. 3. *Be it enacted*, That the county court of Hawkins at their session, next ensuing the first day of January, one thousand eight hundred and eight, or at any subsequent term, may proceed to levy a tax, not exceeding one half the sums now assessed for county purposes, and in the same proportion, upon each article subject to taxation as aforesaid; continuing the same from year to year, until a sum sufficient to complete the said prison and stocks, be collected; which said monies shall be accounted for, by the sheriff, and paid into the hand of the county trustee, as other county monies.

SEC. 4. *Be it enacted*, That so soon as it becomes necessary for said commissioners to be vested with specie, for defraying the incidental expences of building said prison & stocks, the chairman of said board shall exhibit his claim to the court, upon which a warrant shall issue from the chairman thereof, signed by him and countersigned by the clerk, directed to the county trustee; which warrant shall be good with the trustee in the settlement of his accounts.

SEC. 5. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, are hereby declared null and void.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

November 26th, 1807.

AN ACT making full and complete compensation to maj. Robert King, for services rendered, in viewing, laying out and marking a road from the lower settlements of Washington district, to Nashville, in Mero district.

WHEREAS it doth satisfactorily appear to this general assembly, that the said maj. Robert King, did view, lay out and make a road from Washington district, to Nashville in Mero district, from which the state has received innumerable advantages: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above named Robert King be allowed the sum of five hundred and twelve dollars twenty five cents, being the balance due him, and as a full and complete compensation for the services aforesaid.

SEC. 2. *Be it enacted*, That the governor for the time being, is hereby required to issue his warrant for the aforesaid sum, directed to the treasurer of Mero, Winchester and Robertson districts, who is hereby directed to pay the same.

JOHN TIPTON,

Speaker of the House of Representatives

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 25, 1807.

AN ACT to provide for the payment of witnesses in criminal prosecutions.

WHEREAS under the existing laws, witnesses are obliged to attend courts in behalf of the state, at great expences to themselves, and frequently without any compensation being made therefor:—
For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, all fines and forfeitures arising, and that may be hereafter collected, pursuant to the judgment or sentence of any county court; and all fines and forfeitures arising, or that may be collected pursuant to the judgment or sentence of any justice of the peace, or any penal law, or so much of such fine or forfeiture as shall or may accrue to the state or county, shall be paid into the hands of the trustee of such county where such fine or forfeiture shall have arisen; and shall constitute

be a separate and distinct fund for the payment of witnesses in behalf of the state, in such cases in said county courts where the defendant shall have been acquitted, and the prosecutor not taxed with the costs, or where the costs cannot be collected from the defendant, although convicted.

witnesses to exhibit claims.
Sec. 4. *Be it enacted,* That upon any such witness as aforesaid, or the assignee of such witness, producing his or her certificate of attendance from the clerk of such court to the trustee of the county where such claim may have arisen, he shall docket the same, noting the time when such claim may have accrued, the name of the claimant and the amount of such claim; and shall pay the same out of any monies in his hand appropriated for the aforesaid purpose: *Provided,* that where two or more claims shall be presented to the said trustee at the same time, or where several such claims may have been docketed before payment, he shall pay such claims according to the order of time in which said claims may have originated.

Proviso.

Sec. 3. *Be it enacted,* That all fines and forfeitures that shall hereafter arise and be collected pursuant to any judgment or sentence of any superior court in this state, shall constitute and be a fund in the hands of the clerk of such court, for the payment of such witnesses in behalf of the state, in any criminal case in said court, where the defendant shall have been acquitted, and the prosecutor not taxed with costs; or where the costs cannot be collected of the defendant on a conviction; and the said clerk shall docket, and pay the claims arising under this section, in the same manner that the trustees are directed by the third section of this act, and shall be entitled to the same compensation that trustees are allowed by law for receiving and disbursing county taxes.

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

December 4, 1807.

CHAPTER LXXXIX.

AN ACT to authorise a separate election in Wilson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a separate election in Wilson county, for the purpose of electing an elector to elect a president and vice president of the United States, a member or members of congress, a governor, representatives to the state legislature, and field officers in said county.

Election.

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

the deputy sheriff or coroner (as the case may be) to attend at the house where Solomon George now lives, on the head of Bradley's creek, a water of Stone's river; and all persons entitled to vote in said several elections above mentioned, who reside in the bounds of captains M'Night's, Pitman's, Leech's and Bumpass's militia companies, shall be entitled to vote at said place above mentioned, in the several aforesaid elections, and shall be under the same rules, regulations and restrictions in all cases, as if they were to vote at the court-house.

where held.

Sec. 3. *Be it enacted,* That it shall be the duty of the sheriff or coroner (as the case may be) to attend at the court-house on the day succeeding the said several elections above named, and there compare the polls and make due return of the persons who have the greatest number of votes, as in other cases where separate elections are granted in the same county.

compare votes.

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

November 26, 1807.

CHAPTER XC.

AN ACT to establish the line between the counties of Roane and Anderson, as run by Jesse Roysdon and marked by John M'Kamy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line run by Jesse Roysdon, a commissioner appointed by law for that purpose on behalf of the county of Anderson, and marked by John M'Kamy, shall be, and is hereby established the true line between the counties of Anderson and Roane.

Line established.

Sec. 2. *Be it enacted,* That the expense of running and marking the line aforesaid, shall be paid by the counties of Anderson and Roane, in equal proportion, out of any monies in the treasuries of said counties not otherwise appropriated, to Jesse Roysdon and John M'Kamy: *Provided,* they produce their accounts properly authenticated,

compensation.

Proviso.

Sec. 3. *Be it enacted,* That the receipt of the said Jesse Roysdon and John M'Kamy, shall be a sufficient voucher in the settlement of the accounts of the trustees of said counties, for the amount by them paid for the purpose aforesaid.

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

November 7, 1807.

CHAPTER XCI.

AN ACT to authorise the election of commissioners for the regulation of the town of Greeneville.

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 Greene county or his deputy; to open and hold an election at the court-house in the town of Greeneville, at twelve o'clock on the third Monday in January next, and close the same at four o'clock of the same day, having previously advertised the same, at least ten days, on said court-house door, and two other public places in said county, for the purpose of electing by ballot, seven suitable persons to act as commissioners for said town; in which election, every person possessing a lot or part of a lot in said town, or having a deed to a lot of ground, and living on the same, within forty poles of said town, shall be entitled to vote; and no person shall be eligible to the office of commissioner, unless he be then an inhabitant and proprietor of a lot in said town, or within forty poles thereof.

SEC. 2. *Be it enacted*, That any five of said commissioners shall constitute a quorum; and whenever vacancies shall happen by death, removal from town, or otherwise, a notice thereof, signed by the chairman, and attested by the clerk, shall be delivered to the sheriff, whose duty it shall be, either by himself or deputy, to proceed as soon as may be required by said notice, to hold an election to supply such vacancy, in the same manner, as is herein before directed.

SEC. 3. *Be it enacted*, That said commissioners shall choose from their own body, choose a suitable person to preside at their meetings, who shall be known under the appellation of "Chairman;" they shall also appoint a clerk, whose duty it shall be, to keep in a well bound book, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem the same necessary; and the said board of commissioners may, if they judge it necessary, appoint a trustee of their own body, whose duties they shall have power in all respects to define and regulate, consistent with law and justice.

SEC. 4. *Be it enacted*, That the said commissioners shall have the same power and authority, that was vested in the former board of commissioners, in virtue of an act entitled, "An act to confirm a contract between the commissioners of the town of Greeneville, and David Deadler et al., by his agent Valentine Sevier," passed at Knoxville, the 18th day of October, 1805; and an act entitled "An act authorising the court of Greene county to lay and collect an additional tax, for the purpose of erecting a jail in the town of Greeneville and county of Greene," passed at

Knoxville, the fourth day of November, 1805, and in all other respects, and to the full extent, they are hereby vested in the same authority as the former commissioners were by the laws heretofore enacted concerning them, and the regulations of said commissioners that may not have been repealed or inconsistent with this act.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS.

Speaker of the Senate, pro tem.

November 23, 1807.

CHAPTER XCII.

AN ACT to amend an act entitled, "An act for appointing commissioners to superintend the opening and keeping in repair that part of the road leading from Virginia and North-Carolina, to Kentucky, which lies between the Cross-Roads, at the place called Bean's-Station in Grainger county, and the ford of Sycamore creek in Claiborne county," passed at Knoxville, November 2nd, one thousand eight hundred and five.

SECTION 1. **B**e it enacted by the General Assembly of the State of Tennessee, That the person employed to keep said turnpike, shall take the following oath (to wit) "I, A. B. do solemnly swear, that I will not ask or demand any other, or greater toll, than is by law allowed, from any person passing the turnpike, so long as I shall keep the same; and that I will also render a just and true account to the owners of said turnpike road of all monies by me received at said turnpike."

SEC. 2. *Be it enacted*, That the commissioners of said road, shall view the same, on the first Saturday in the months of October and April in each year, and make report of the condition of said road, under the same rules, regulations and restrictions, as is required by the before recited act; and the undertakers shall be subject to the same proceeding and punishment as heretofore, should said road be out of repair.

SEC. 3. *Be it enacted*, That all laws or parts of laws, that comes within the purview and meaning of this act are hereby repealed; and that this act shall be in force from and after the passing thereof.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

November 20th, 1807.

Speaker of the Senate.

CHAPTER XCIII.

AN ACT for the relief of certain persons, claiming military lands.

Preamble.

WHEREAS it appears from the abstract of military claims, taken by John Overton, late agent to N. Carolina, that grants have issued upon the military warrants herein after mentioned, to Thomas Molloy, and one to Edward Lucas; and it also appearing that grants have not actually issued upon the same, being a mistake, of which the following is a statement, viz. No. 4365, for 640 acres, to Edward Lucas, surveyed, August 15th, 1797. No. 4367, for 640 acres, to Thomas Molloy, surveyed, August 5th, 1797. No. 4369, for 640 acres, to Thomas Molloy, surveyed, August 30th, 1797. No. 4371, for 640 acres, to Thomas Molloy, surveyed, September 1, 1797. No. 4675, for 640 acres, to Thomas Molloy, surveyed, October 4th, 1797. All of which, appears to have been surveyed by Thomas Molloy, late deputy surveyor of the military lands; and plats of survey therefor, made out in his own hand writing; also, the following tracts, surveyed by John Mann, late deputy surveyor of the military lands; the plats of survey for which, are in the hand writing of Thomas Molloy, except the signature of John Mann, viz. No. 2805, for 640 acres, to Thomas Molloy, surveyed, June 23rd, 1797. No. 1961, for 640 acres, to Thomas Molloy, surveyed October 3rd, 1797. No. 4144, for 228 acres, to Thomas Molloy, surveyed, June 15th, 1797. No. 4619, for 640 acres, to Thomas Molloy, surveyed, October 10th, 1797. No. 4627, for 640 acres, to Thomas Molloy, surveyed June 27th, 1797. No. 4682, for 640 acres, to Thomas Molloy, surveyed, July 19th, 1797.

plats registered for T. M.

Provided.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the register of the land office, for West Tennessee, is hereby directed and authorized, to receive and register the aforesaid plats, upon which grants shall and may issue, in the name of the said Thomas Molloy, as in other cases, which shall be as good and available, as if issued to the said Thomas Molloy in his life time. And in like manner, a grant may issue to the said Edward Lucas: *Provided,* that if any

of said surveys should be lost or previously entered, the warrants may be located upon other vacant land.

SEC. 2. And whereas it appears that Howel Tatum is entitled to the military land warrant, No. 3680, for 640 acres, of which said Howel Tatum cannot have the benefit, on account of its remaining in the secretary's office of North-Carolina: Therefore, *Be it enacted,* That the commissioner for West-Tennessee, shall, and is hereby authorized, to issue to said Howel Tatum, and for his benefit, a duplicate of the said warrant, No. 3680: *Provided,* that no grant shall ever issue upon the plat as copied from the file, No. 29, as aforesaid. *Preamble.*

SEC. 3. And whereas it appears, that there is a plat and certificate in file No. 29, as copied by said agent, in the name of Thomas Taylor, upon the military warrant, No. 1850, for 640 acres; and it also appearing, that there was a mistake in the survey upon which said plat is founded; which was corrected by another survey made by Sampson Williams, late deputy surveyor of the military lands, on the 26th June, 1791; the plat of which is in the hand writing of the said Sampson: Therefore, *Be it enacted,* That the register of the land office for West-Tennessee, is hereby directed and authorized, to receive and register said last mentioned plat, upon which a grant shall, and may issue to said Thomas Taylor, as in other cases: *Provided however,* that no grant shall ever issue upon said plat, as copied from the file, number twenty nine. *Provided.*

SEC. 4. *Be it enacted,* That the same fees shall be allowed for the services contemplated by this act, as in other similar cases; those of the surveyor excepted.

SEC. 5. *Be it enacted,* That nothing herein contained shall be so construed, as to authorise the issuing of any grant on the claims herein mentioned, until they have been adjudged valid by the commissioner of West-Tennessee, and a duplicate obtained from said commissioner.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER XCIV.

AN ACT to reduce Williamson county to constitutional limits and to form a new county on the south and south west of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Williamson county shall be reduced to its constitutional limits (to wit:) Beginning three hundred and fifty nine

county reduced. chain south of the old Indian boundary line upon Duck river ridge, where Dickson county formerly cornered with the said county of Williamson; thence running south seventy six degrees east to Rutherford county line, and all that part lying north of said line shall be, and remain Williamson county,

Maury county,
boundary, SEC. 2. *Be it enacted,* That all that section of country lying within the following described bounds, shall be, and is hereby made and constituted a new and distinct county by the name of MAURY. (viz.) Beginning at the above described point, it being the south west corner of Williamson county; thence south to the columbian road; thence with said road as it meanders, to a point where the Indian boundary line leaves the same; thence with said line to the dividing ridge that divides the waters of Duck river from those of Elk; thence with said ridge to a point three miles and fifty six chains and a half, east of the line of the congress reservation as heretofore run and marked; thence north to Williamson county line; thence with said line to the beginning.

commissioners, SEC. 3. *Be it enacted,* That Joshua Williams, William Fryerson, Isaac Roberts, John Lindsey, & Joseph Brown, are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place the most convenient on, or as near Duck river as the nature of the cause will admit of, for a court house, prison and stocks, for the use of said county of Maury; which place shall not exceed three miles from the centre east or west; and after agreeing on the place, they shall proceed to purchase or otherwise procure not less than one hundred acres of land for which they shall cause a deed or deeds to be made to themselves and their successors in office by general warrenty, on which they shall cause a town to be laid off, with necessary streets and allies; neither of which streets shall be less than one hundred feet wide, reserving two acres as near the centre as may be, on which the court-house, prison and stocks shall be erected, which town shall be none by the name of COLUMBIA.

Columbia,
sale of lots, SEC. 4. *Be it enacted,* That when the town shall be thus laid off, the aforesaid commissioners are further required, to advertise for sale in the Nashville Gazette, or Impartial Review, to the highest bidder, at a credit of twelve months, one half of the lots so laid off, which shall be the nearest to the public square, giving sixty days previous notice, and shall take bonds with sufficient security to themselves and successors in office, and shall make titles to the purchasers in fee simple.

SEC. 5. *Be it enacted,* That it shall be the further duty of the said commissioners, to contract with suitable workmen to build a court-house, prison, and stocks, and the monies arising from the sale of said lots, after paying for

the land so purchased, shall be applied to pay for said court house, prison and stocks.

SEC. 6. *Be it enacted,* That should the money arising from the sale of said lots, prove insufficient to pay for such public buildings, then in that case, a majority of the acting justices of the said county of Maury, shall in term time, have power, and are hereby authorised and required to lay an additional county tax, not exceeding twelve and one half cents on each hundred acres of land liable to taxation; twelve and one half cents on each white poll; twenty five cents on each black poll; one dollar on each stud horse kept for covering mares; twenty five cents on each town lot, and five dollars on each merchant, pedlar or hawker: The said tax shall be laid from year to year until a sufficient sum shall be collected to pay for said public buildings; and shall be collected by the collector of the public taxes, on the same per cent. as other county taxes, and shall pay the same to the aforesaid commissioners, and be by them applied towards paying for the said public buildings, whose receipts shall be allowed in the settlement of his accounts.

SEC. 7. *Be it enacted,* That before the said commissioners enter on the duties of their appointment, they shall enter into bond with sufficient security, payable to the governor for the time being, in the sum of six thousand dollars, for the faithful discharge of their duty as herein expressed; which bond shall be lodged in the office of the clerk of the said county of Maury.

SEC. 8. *Be it enacted,* That so soon as the public buildings shall be completed, the aforesaid commissioners shall lay before the court of Maury county, a just and fair statement of all monies by them received, as well as those by them expended, with sufficient vouchers for the same, by virtue of their appointment, and the court shall make them reasonable compensation for their services: *Provided,* there shall be a majority of the acting justices of said county present when such allowance is made.

SEC. 9. *Be it enacted,* That for the due administration of justice, that the court of pleas and quarter sessions shall be held in, and for the county of Maury, on the third Mondays in December, March, June and September; and the justices for said county, shall hold the first court at the house where Joseph Brown now lives, near Lytle's creek, on the third Monday of December next; and all subsequent courts for said county, on the days above mentioned for holding courts therein, at the same place, until a court house be built in, and for said county; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in, and for said county, shall be held by commission to said jus-

tices in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are, or shall be prescribed by, and for the courts of the several counties in this state.

a part of Mero SEC. 10. *Be it enacted*, The said county of Maury be, and the same is hereby declared a part of Mero district, in the same manner, and for all purposes whatsoever, in as full and ample manner, as any county in this state, and shall send three jurors to the superior court of said district.

SEC. 11. *Be it enacted*, That nothing herein contained, shall be so construed, as to prevent the sheriff or collector of the taxes of Williamson county, from collecting the same, within the limits of the said county of Maury, which are at this time due, in the same manner, as if this act had not been passed.

elections, SEC. 12. *Be it enacted*, That the said county of Maury be a part of the district for electing an elector to elect a president and vice president of the United States, for electing a governor, representative or representatives to congress, senator or senators and representatives in the general assembly, and field officers, to which it has heretofore belonged; and that the elections be held at the place for holding courts in said county, and shall be conducted under the same rules and regulations as established by law; and that the sheriff or deputy sheriff of the county of Maury, shall on the first Thursday and the succeeding day in March next, hold an election at the place above stated, for the purpose of electing the field officers of the militia for the said county of Maury; which election shall be conducted pursuant to the laws now in force and use for the election of field officers; and that the sheriff or returning officer, make a return in all cases of elections, agreeably to the laws now in force and use in this state, and shall observe the same rules and regulations in making returns and comparing votes, as are now observed in the electoral district composed of the counties of Williamson and Rutherford.

SEC. 13. *Be it enacted*, That all that section of country, lying immediately between the south boundary of the above described county, and the southern boundary of the state, be and remain a part of the said county, until otherwise provided for by law, except as herein expressed; that no tax shall be laid or collected, for the purpose of erecting a court house, prison and stocks for said county.

militia, SEC. 14. *Be it enacted*, The militia of the said county of Maury, shall constitute the the twenty seventh regiment of the militia of this state.

SEC. 15. *Be it enacted*, that James Gideon, be, and he is hereby appointed to run and mark the dividing line between said counties of Williamson and Maury; for which

service, he shall be entitled to the sum of two dollars per day; and it shall be the duty of said James Gideon, to employ two chain-carriers and one marker, who shall be entitled to receive one dollar per day each, while engaged in said service; said surveyor, chain-carrier, and marker, to be paid in equal proportions by said counties of Williamson and Maury. *compensation to surveyor & marker.*

SEC. 16. *Be it enacted*, That this act shall be in force from and after the fifteenth day of December next.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 16, 1807.

CHAPTER XCV.

AN ACT to amend the law regulating contracts in particular cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all contracts hereafter to be made for the payment or delivery of property, if the time and place or either be not ascertained in the contract, it shall be the duty of the payee to give the payor ten days notice of the time or place, or both, as the case may be, required for the payment or delivery of such property, which place shall not be at a greater distance from the residence of the payor than that of the payee, and which shall be in the same county; and if no such notice be given, the property shall be payable at the place of residence of the payor; and no action shall be maintained on any such contract, until such notice be given or demand made at the usual residence of the payor: *Contracts for specific articles how to proceed; Proviso.* *Provided*, such payor shall reside in the county where such contracts shall have been made.

SEC. 2. *Be it enacted*, That in all contracts for the delivery of specific articles, not exceeding the value of fifty dollars, a justice of the peace shall have full and complete jurisdiction, and shall award judgment and issue execution, as in other cases: *under 50 doll's. Proviso.* *Provided always*, that either of the parties shall have the right of appeal from such judgment.

JOHN TIPTON,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 23, 1807.

U

CHAPTER XCVI.

AN ACT to establish a separate election in the county of Rutherford.

SECTION 1. **B**E it enacted, by the General Assembly of the State of Tennessee, That the sheriff of said county shall by himself or by his deputy, hold an election at the house of William Kilton, on the days appointed by law for holding elections, to elect a governor, members to the general assembly, members to congress, and elector to elect a president and vice president; and all persons living within the bounds of the second battalion of the militia of said county, and all persons living on the east side of the road leading from Cummins's mill to said William Kilton's, shall vote at said election.

SEC. 2. *Be it enacted*, That said election shall be held and conducted under the same rules and regulations as elections are conducted in this state; and any person who shall vote at both places of holding elections, shall forfeit and pay the sum of ten dollars, to any person who will sue for the same. And the sheriff or returning officer of said election, shall on the succeeding day, carry the poll of said election, to the court house in Jefferson, which shall be added and become a part of the poll of said county.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 3, 1807.

CHAPTER XCVII.

AN ACT to repeal a certain act therein mentioned.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That an act entitled "An act concerning divorces" passed at Knoxville, on the twenty sixth day of October, in the year one thousand seven hundred and ninety nine, be, and the same is hereby repealed.

SEC. 2. *Be it enacted*, That nothing herein contained shall be so construed as in anywise to effect any proceedings that may have heretofore been commenced under the authority of the act aforesaid.

SEC. 3. *Be it enacted*, That this act shall take effect, and 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 26, 1807.

CHAPTER XCVIII.

AN ACT for the regulation of the town of Lebanon.

SECTION 1. **B**E it enacted by the General Assembly of the State of Tennessee, That the following persons (viz:) Samuel Hogg, Edmund Crutch-Commissioners er, David Marshal, Joseph Johnson, and John Alcorn, appointed, be, and are hereby appointed Commissioners for the regulation of said town.

SEC. 2. *Be it enacted*, That a majority of said commissioners shall constitute a quorum to do business; and whenever a vacancy or vacancies shall happen by death, resignation or otherwise; it shall be a duty of vacancies, the sheriff of Wilson county to hold an election at the court house of said county to supply such vacancy or vacancies, after giving ten days previous notice thereof, by advertising the same on the said court house door, and at three other the most public places in said town, the poll of said election shall be opened at ten o'clock in the forenoon and be closed at four o'clock in the afternoon of the day specified in said advertisements; at said elections no person shall be eligible as a commissioner except such who eligible, persons as reside in said town at the time of such election and own a lot or part of a lot therein; and every person shall be entitled to a vote who is liable to pay a tax for the use & benefit of said town and none others. Said elections shall in all other respects be conducted in the same manner, & under the same rules, regulations & restrictions as elections for members of the general assembly are by law directed to be conducted and held; and said commissioner or commissioners when so elected, shall have the same powers that the commissioner or commissioners, he or they are elected to succeed, have given to them by this act.

SEC. 3. *Be it enacted*, That said commissioners shall choose from their own body a suitable person to preside at their meetings, who shall be known by the appellation chairman, treasurer & clerk, and said treasurer shall keep a regular and just account of all monies received and paid out by him, in a bound book to be kept for that purpose; which said book, with the money then in the treasury and other papers appertaining to said office, he shall deliver up to his successor; and the clerk shall keep in a well bound book kept for that purpose, a true and regular account of the proceedings of said commissioners, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary. And said treasurer and clerk, shall receive such compensation as said commissioners may conceive adequate to their services and expenditures.

SEC. 4. *Be it enacted*, That said commissioners shall

streets,

town surveyed,

tax laid,

how collected,

money,

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

SEC. 5. *Be it enacted*, That they shall have power, and are hereby directed, to lay a tax annually, on each town lot of the value of fifty dollars and under, not exceeding the sum of fifty cents; on all lots exceeding that sum, at the rate of twenty-five cents on each hundred dollars' worth; on each white poll, not exceeding twenty-five cents; on each black poll, not exceeding fifty cents, and on each stud horse kept for the purpose of covering mares, not exceeding one dollar; which said tax shall be collected by warrant, under the hands and seals of the chairman & clerk, directed to the collector whom they may appoint, who is to be governed by the rules established by law for collecting and accounting for the state tax.

SEC. 6. *Be it enacted*, That the said commissioners shall annually appoint one of their own body to receive lists of taxable property and polls as before mentioned, on the first Saturday in January, in each and every year, at the court-house in said town; and as soon as may be, after taking such list, they shall appoint three or more proper and disinterested persons, to ascertain the value of such property, as given in, in said list; and any person failing or neglecting to give in to said commissioners, as by this act required, upon his reporting the same, shall be liable to the fines and penalties directed by law in similar cases for the collection of the state tax.

SEC. 7. *Be it enacted*, That no appropriation of money shall be made by said commissioners, except for the benefit or improvement of said town, agreeable to the directions of this act, or for defraying the expences necessary for carrying the same into execution; and it is not to be understood that said commissioners are to receive any compensation for their services.

SEC. 8. *Be it enacted*, That where recoveries are not provided for by this act, it shall be lawful for said com-

missioners to sue for the same, before any authority having cognizance thereof.

JOHN TIPTON,

Speaker of the House of Representatives

EDWARD DOUGLASS,

Speaker of the Senate, pro tem.

November 7th, 1807.

CHAPTER XCIX.

AN ACT to prevent sheriffs, coroners and constables, from taking undue advantages in selling property under execution.

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 not be lawful for any sheriff, coroner or constable, to expose to public sale, any property whether real or personal, on which he may have levied an execution or attachment, before the hour of ten in the forenoon, or after sun set on the day on which he may have advertised the same for sale. *Property when sold.*

SEC. 2. *Be it enacted*, That all sales that may hereafter be made, before the hour of ten or after sun set, shall be void, any law, usage or custom to the contrary notwithstanding.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 26th, 1807.

CHAPTER C.

AN ACT to amend an act entitled, "An act to amend the law in force and use concerning free negroes, mulattoes and slaves," passed the 13th, day of September, 1806.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of said act, be, and the same is hereby repealed; and that if any free negro or mulatto, shall hereafter be found traveling out of the county where he or she may reside, without any lawful business, or be found loitering about without any occupation, without a copy of the register of his or her freedom, as required in the first section of said act, it shall and may be lawful for any justice of the peace, on complaint made to him, or from his own knowledge of said fact, to require security of said negro or mulatto for his or her good behaviour, until said register can be obtained; and in case of his or her failing to give such security, to commit said negro or mulatto, *Free negroes.*

who shall be imprisoned for the term of ten days, and until his or her jail fees are paid, unless he, she or they, shall give such security and pay such fees before that time, or produce said certificate of freedom before that time.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

November 30, 1807.

CHAPTER CI.

AN ACT supplementary to an act entitled, "An act for the better establishment and regulation of the militia of this state," passed at Knoxville on the 5th, of November 1803.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be one company of riflemen raised in each regiment, by voluntary enlistment, to be, and remain a part of the regiment in which it shall be raised, and to be known by the name of the "Volunteer Riflemen."

Volunteer riflemen,

how raised,

SEC. 2. *Be it enacted,* That the field officers in each regiment, shall appoint suitable persons pro tempore, to raise such company, which shall consist of not less than forty, nor more than sixty privates, but shall not reduce any company in the regiment, to a less number than that prescribed by law; and such company when raised, shall elect their own officers, and regulate their uniform. And it shall be the duties of the sheriffs of the several counties in this state, to hold elections for that purpose, after giving twenty days notice, and to certify the persons elected, and the governor shall commission them accordingly.

SEC. 3. *Be it enacted,* That each captain and subaltern in said companies of Volunteer Riflemen, shall appear on parade with side arms; and each non-commissioned officer and private, with a good rifle, shot bag and powder horn, and be under the same rules, regulations and restrictions as other militia.

SEC. 4. *Be it enacted,* That the company of Volunteer Riflemen when on parade for the purpose of being reviewed, shall take post on the right of the regiment when there is no light infantry, but should there be a company of light infantry in the regiment, the Volunteer Riflemen shall take post on the left of said regiment.

how raised,

SEC. 5. *Be it enacted,* that the fine laid on non-commissioned officers and privates by the thirty seventh section of the above recited act for neglect of the duties therein mentioned, shall be raised to the sum of fifty dollars; and the fine of commissioned officers to the sum of one hun-

dred dollars; and that it shall be lawful for the commandant of each regiment whenever he may deem it expedient, to call a court martial and assess fines on all delinquents; and it shall be the duty of the judge advocate to issue executions immediately, and put them into the hands of the sheriff, and the sheriff shall proceed to collect the same agreeably to the provisions of the before recited act, to which this is a supplement.

court martial,

SEC. 6. *Be it enacted,* That so much of the forty sixth section of the above recited act, as requires the cavalry of this state to meet and hold regimental musters, and their regimental court martial to be holden once in each year, at the district court houses, or such other place as may be fixed by the regimental court martials, be, and the same is hereby repealed. And that the different companies of cavalry in this state, shall be viewed at the respective regimental musters of the infantry at which they shall attend, by one of the field officers of the cavalry of the district to which they belong, once in each year.

section repealed

SEC. 7. *Be it enacted,* That it shall be the duty of the colonel or commanding officer of each regiment of cavalry, to point out which major shall review each company in his regiment, and to review them himself once in every two years, or oftener, if he thinks it expedient.

SEC. 8. *Be it enacted,* That the cavalry shall attend at the battalion musters of the infantry in their respective counties; and where there are two companies of cavalry in one county, the commanding officer of the regiment, shall direct which battalion each company shall attend; and where there is but one, they shall attend the battalion musters alternately, beginning with the first.

SEC. 9. *Be it enacted,* That the captain of each company of cavalry, shall have power to receive any private into his company, notwithstanding such person may not be completely equipped as the law directs, and give him a certificate to the captain of the company of infantry to which he belonged; and on his producing such certificate, the captain of infantry shall strike him off his list.

privates,

SEC. 10. *Be it enacted,* That the governor for the time being, is hereby authorised and required to commission all officers of Volunteer Companies, who have, or may tender their service to the president of the United States, agreeable to an act of the congress of the United States; and said volunteers shall be considered as being in readiness to march into actual service when called for by the governor aforesaid.

governor's duty.

Whereas captains Anthony Butler & Frederick Stump, with their subalterns and men, of Davidson county, have tendered their service as Volunteers of Cavalry, to the president of the United

States: and have requested the legislature of this state to recognize them as such: Therefore,

high companies retained,
SEC. 11. *Be it enacted,* That companies Anthony Butler and Frederick Stamp, and their soldiers and men, are hereby considered and recognized as Volunteers of Cavalry, and the governor is hereby authorized, and required to receive them as such, according to the act of the Congress of the United States, and to commission them accordingly.

the Republican Blues,
SEC. 12. *Be it enacted,* That the infantry company in the town of Nashville, by the name of the "Republican Blues," who have chosen Stephen T. Trigg their captain, be, and the same is recognized and established, and shall compose a part of the first regiment of Davidson county; and the governor is hereby authorized to issue commissions to the officers of said company respectively. And after the said company is organized and the officers commissioned, no member of the said company shall be bound to do militia duty in any other company, but shall attend regimental and battalion matters, and be commanded at such musters, by the colonel or major of the county, as the case may be. The officers and men, or a majority of them, shall have power to choose their own uniform, agree on rules and regulations for the preservation of decency, uniformity and neatness in the inferior articles of their dress, persons, arms and accoutrements; and for disobedience of said rules, when formed, and for ungentlemanly conduct, while on parade, the captain on petition of a majority of the men, shall dismiss the person offending from said company: *Provided* that nothing in this section contained, shall authorize said company to form rules inconsistent with the militia laws of this state, but the same shall in all things not herein particularly excepted be subject to those laws, nor shall any of said rules be considered as extending to said company or any member thereof, when in actual service, but are only for their regulation in time of peace.

Officers fined.
SEC. 13. *Be it enacted,* That if any person who may hereafter be elected a sergeant or corporal in any captain's company in this state, shall refuse to accept such appointment and do the duties thereof for the term of one year at least, every such person so refusing, shall be liable to be fined by the court martial of the company in which he may have been appointed, in any sum not exceeding five dollars, which shall be collected in the same manner that other fines imposed by such courts martial are by law directed to be collected.

SEC. 14. *Be it enacted,* That this act shall take effect and be in force from and after the passage thereof, and that all

laws and parts of laws coming within the meaning and purview of this act, be, and they are hereby repealed.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINTON,

Speaker of the Senate.

December 2, 1867.

CHAPTER CII.

AN ACT providing for the election of commissioners in the town of Kingston, and for other purposes.

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

SEC. 2. *Be it enacted,* That the commissioners appointed by virtue of this act, shall choose a suitable person as clerk, who shall hold his appointment during good behaviour, who shall be allowed such salary as the commissioners shall judge reasonable and just, and enter into bond

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

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

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

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

nuisances, SEC. 6. *Be it enacted,* That where any encroachment hereafter may be made, on any of the streets which the commissioners may apprehend to be injurious, they shall order the same to be removed by the owner or person in

possession of such lot, & if the same is not done within 30 days after such order, the commissioners may impose such fine as they may think proper, not exceeding twenty dollars, and continue to give notice as aforesaid; and on failure, to impose fines as aforesaid, until the nuisance or impediment is removed: *Provided,* that no cellar door shall be considered as an encroachment, unless it extends more than six feet into the street; and all fines and forfeitures imposed by virtue of this act, shall be collected by warrant, under the hand and seal of the chairman, and applied to the use and benefit of the town respectively, as contemplated by this act.

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

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

vacancies he filled, SEC. 9. *Be it enacted,* That the commissioners or a majority of them for the town of Kingston, by virtue of this act, be, and they are hereby vested with full power, to receive additional lots for enlarging the town aforesaid, from any person owning lands adjoining thereto; which lots shall be laid out and divided by proper streets and allies, agreeable to the original plan of said town, and shall compose a part thereof, giving to the inhabitants and owners of lots, equal privileges in all respects whatever, with those now resident in the town of Kingston.

com's power SEC. 10. *Be it enacted,* That the commissioners chosen for the town aforesaid, or a majority of them, shall

have power to make all necessary bye laws, rules and regulations, which may be consistent with the interest of the town aforesaid, and which are not repugnant to the constitution and laws of this state.

Sec. 11. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, are hereby repealed; any thing to the contrary notwithstanding.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

December 4th, 1807.

CHAPTER CIII.

AN ACT to incorporate a banking association, by the name of the NASHVILLE BANK.

Preamble.
WHEREAS a petition of a number of citizens of Nashville and its vicinity, has been presented to this general assembly, praying an act to be passed for incorporating a banking association, to be established in the said town of Nashville under the name and style of the *Nashville Bank*, for the purpose of making loans to the merchants, traders and other citizens of this state, upon moderate and reasonable terms: And whereas the operations of similar associations have been found eminently calculated to advance the interest of commerce and navigation—to encourage a spirit of improvement in agriculture, manufactories, arts and sciences, and to aid the exertions of honest industry, and to repress the unlawful and pernicious practice of usury: And whereas the state may from proper arrangements to be made from time to time with said association, receive considerable aid in conducting her fiscal concerns, by receiving loans in anticipation of the funds that may become due to the state whenever the same shall be deemed necessary: Therefore, with a view to embrace these objects, and to facilitate the transactions of the affairs of the said association,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all and every person or persons, who are or shall become subscribers to a banking association, to be established in the

town of Nashville, in this state, under the name and style of the *Nashville Bank*; and who are or shall be proprietors of the capital stock thereof, shall be, and they and their successors and assigns, are hereby created and declared to be one body politic and corporate, by the name, style and title of the *Nashville Bank*, upon the conditions herein after specified; and by the same name, shall so continue, until the first day of January, in the year one thousand eight hundred and eighteen, and no longer; and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere; and to purchase, have and to hold, receive, possess, enjoy and retain, to them and their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatsoever kind, nature or quality, to an amount not exceeding four hundred thousand dollars, including the amount of the capital stock of the said company, except such as may be held in security, or for payment of debt; and the same from time to time, to sell, grant, demise, alien or dispose of; and also, to make, to have and use a common seal, and the same to break, alter and renew at pleasure; and also, to ordain, establish and put in execution, such bye laws, ordinances and regulations, as shall appear necessary and convenient for the government of the said corporation, not being contrary to the fundamental articles thereof, or to the constitution and laws of the United States or this state; and generally to do and execute all acts, matters and things, consistently with the provisions of this act, which a corporation or body politic in law, may or can lawfully do and execute.

SEC. 2. *Be it enacted*, That the following, shall constitute the fundamental articles of the said company of the *Nashville Bank*, hereby created: That is to say:

ARTICLE 1. The capital stock of the said company, shall consist of two hundred thousand dollars in money of the United States of America, to be divided into shares of fifty dollars each; ten dollars on each share, shall be paid at the time of subscribing, in current coin of the United States; a further sum of five dollars on each share, shall be paid within ninety days succeeding the day on which the said company shall commence its operations, under this act, of which notice shall be given in the *Nashville news-paper*, for six weeks; and the remainder of each share, after the foregoing payments shall have been made, shall be paid at such times, and in such proportions, as the board of directors shall order and appoint, (not exceeding five dollars on each share for each payment, giving thirty days between such payments so to be called for) under pain of forfeiting to the said company, the said shares and all payments previously made thereon; but no payment shall be required, unless by a notice, of three

amount of stock

article

first,

shares,

weeks published in the Nashville news-paper. Three hundred shares of the above capital stock of the said company, shall be reserved to be subscribed for by the government of this state, for the space of two years, from and after the commencement of the operation of the affairs of the said company, of which, notice shall be given to the governor for the time being, by the board of directors; and if the whole or a part of the said three hundred shares should not be subscribed for by this state, at the expiration of the said two years, then and in that case, it shall be lawful for the board of directors, to receive subscriptions for the whole, or such part thereof, as this state shall refuse to subscribe for.

second,
directors,
when elected,
ART. 2. The affairs of said company shall be conducted by nine directors, who shall elect one of their number to be president thereof; and five directors, of whom the president or his representative duly appointed in writing under his hand, shall be one, shall form a board of quorum for transacting all the business of the company; ordinary discounts may be done by the president and any three of the directors. In case of his sickness or necessary absence, the place of president may be supplied by any other director, whom, he by writing, under his hand, shall nominate for that purpose. And until the first Monday in January, in the year one thousand eight hundred and nine, George M. Deaderick, William Tait, Washington Jackson, John H. Smith, George Poyzer, William Eastin, Alexander Porter, sen. Joseph Park, and William Wright, shall be directors of the said bank. The directors, from and after that period, shall be elected for one year by the stock-holders for the time being, at the place where the concerns or affairs of said bank are carried on, on the first Monday in January, in each and every year during the continuance of this operation. The directors chosen at such meetings, shall take their seats at the board on the second Monday in January, in each and every year as aforesaid; and until the new directors take their seats, the former board and president shall continue to manage the affairs of the company, in the same manner as before such election, so that no risque shall be run of the affairs of said company, being properly managed until the new directors form a board, from and after the said first Monday in January, in the year one thousand eight hundred and nine. All directors shall have been a citizen of this state, at least twelve months immediately preceeding his election, and shall also be a stock-holder; and he shall cease to be a director, as soon as he ceases to be a stock-holder; the number of votes in which each stock-holder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following, that is to say: For one share and not more than two shares, one vote

for each share; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote. But no person, co-partnership or body politic, or this state, shall be entitled either in his or their own right, or as proxy, to a greater number than thirty votes; and no share or shares, shall confer the right of suffrage, which shall not be holden at least two calendar months previously to the day of election; all stock-holders may vote at elections or any other question touching the bank, by proxy, provided the proxy be derived directly from such stock-holders, be voted by a person being a citizen of this state, and be made in such form, as the board of directors may appoint: *Provided*, that two months public notice shall be given in the Nashville news paper, by the directors, of the mode or manner of appointing proxy before the day of election; and the same publication shall be made, whenever any alteration shall be made in the mode of appointing proxy; *Provided always*, nevertheless, that in case it should at any time happen, that an election of directors should not be made upon any day, when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day, within ten days thereafter, to hold and make an election of directors, in such manner, as if said election were made on the day appointed by this act, for holding such election; and in case of a vacancy in the direction, by death, resignation or otherwise, the residue of the directors, for the time being, shall immediately elect a director to fill the said vacancy, until the next stated election of directors. A fair and correct list of the stock-holders shall be fixed up, at least one month before any election of directors, in the common-hall of the said bank; and in case this state shall become a holder of stock in the said bank, the directors for the time being, shall give the governor of this state, for the time being, a list of the said stock-holders in writing, at least thirty days before the day on which said election shall take place.

ART. 3. The board of directors shall have power to make, revise, alter or annul, all such rules, bye laws and regulations, for the government of the corporation, and that of their officers, servants, and affairs, as they or a majority of them, shall from time to time think expedient, not inconsistent with the laws and constitution of this state, or of the United States; or of these articles of incorporation.

ART. 4. The said board of directors, shall have power to appoint a cashier, and all other officers, and clerks and

votes by shares,

vote by proxy,

Provided.

election,

third,

directors power,

fourth,

compensations, servants, necessary for executing the business of said corporation, and take security for their good behaviour respectively, in such sum and sums, as the bye laws of the corporation shall prescribe; and to establish the compensation to be paid to the president, and all other officers & servants of the corporation respectively, which together, with all other necessary expenses, shall be defrayed out of the funds of the corporation.

fifth, ART. 5. No director shall be entitled to any emolument, unless the same shall have been allowed by the stock-holders at a general meeting. The stock-holders shall make such compensation to the president for his extraordinary attendance at the bank, as shall appear to them reasonable.

sixth,
meetings, ART. 6. A number of stock-holders, not less than twenty, who together, shall be proprietors of one hundred shares or upwards, shall have power at any time to call a general meeting of the stock-holders, for the purposes of the institution; so also, shall a majority of the directors have like power for like purposes, giving respectively, as the case may be, at least six weeks notice in the Nashville news-papers, and specifying in such notice, the object or objects of such meeting.

seventh,
cashier to give bond, ART. 7. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond with five or more securities to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition, for his good behaviour; and shall be subject to such restrictions as the directors at the time of his appointment shall deem necessary.

eighth, ART. 8. All, bills, bonds, notes, and every contract and engagement on behalf of the company, shall be signed by the president and countersigned or attested by the cashier of the company; and the funds of the company shall in no wise be held responsible for any contract or engagement whatever, unless the same shall be so signed and countersigned or attested as aforesaid.

ninth,
books open, ART. 9. The books, papers, correspondence, and funds of the company, shall at all times be subject to the inspection of the directors; and this power shall give any individual director, a right to inspect the account of any private individual or individuals, or any body politic or corporate with the bank.

tenth,
transfers, ART. 10. The shares of capital stock at any time owned by any individual stock-holder, shall be transferable only on the books of the company, according to such rules as conformable to law, may be established in that behalf, by the board of directors, but all debts actually due or payable to the company (days of grace for payment being past) by a stock-holder, requesting a transfer, must be

satisfied before such transfer shall be made, unless the board of directors shall direct to the contrary.

ART. 11. No transfer of stock in the said company, shall be considered as binding upon the company, unless made in a book or books, to be kept for that purpose by the company; and it is hereby further expressly provided and declared, that any stock-holder who shall transfer in manner aforesaid, all his stock or shares in the company, to any other person or persons whatsoever, shall *ipso facto*, cease to be a member of this company; and that any person or persons whatever, who shall accept a transfer of any stock or share in this company, shall *ipso facto* become, and be a member of this company, agreeable to the fundamental articles of the same, and this act of incorporation.

ART. 12. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so, as absolutely to transfer, and vest the property thereof, in each and every assignee or assignees successively; and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their own names, and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to the bearer, may be negotiable and assignable, by delivery only; and all notes or bills, at any time discounted by the said corporation, shall be, and they are hereby placed on the same footing, as foreign bills of exchange, so that the like remedy shall be had, for the recovery thereof, against the drawer and drawers, endorser and endorsers, and with like effect, except so far as relates to damages; any law custom or usage to the contrary thereof, in any wise notwithstanding.

ART. 13. The directors shall keep fair and regular entries in a book, to be provided for that purpose, of their proceedings; and on any question, where two directors shall require it, the yeas and nays of the directors voting, shall be duly inserted in their minutes; and these minutes shall be at all times on demand, produced to the stock-holders (when assembled at a general meeting) who shall require the same.

ART. 14. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold,

shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business; and such shall have been *bona-fide* mortgaged to it, by way of security, or conveyed to it, in satisfaction of debts previously contracted, in the course of its dealings, or purchases or sales, upon judgments, which shall have been obtained for such debts. Not more than ten thousand dollars shall be expended in procuring ground, and erecting a suitable building for the accommodation of the bank. The time for such purchase and building, shall be at the discretion of the directors for the time being; and till such building is provided, it shall be lawful for the directors for the time being, to rent or lease a convenient house for the purpose of the bank.

ART. 15. The said corporation shall not directly or indirectly deal or trade, in any kind of stock, except bills of exchange, gold or silver bullion, or in the sale of goods, ready and truly pledged for money lent, and not rendered in due time, or of goods which shall be the produce of its lands; it may invest its contingent funds, in the public stocks of the United States, or any incorporated institutions in the United States; may lend money, but shall not take more than at the rate of half per cent. per thirty days, for, or upon its loans or discounts. And if the said corporation, or any person or persons for, or to the use of the same, shall deal or trade in buying or selling any goods, wares or merchandize, or commodities whatsoever, contrary to the provisions of this act, all, and every person or persons, who shall have given any order or direction for so dealing or trading, and, all and every person or persons, who shall have been concerned as parties or agents therein shall forfeit and lose treble the value of the goods, wares, merchandize and commodities, in which such dealing and trade shall have been, one half thereof, to the use of the informer, and the other half to the use of the state, to be recovered with costs of suits.

ART. 16. Dividends of the profits of the company, or of so much of the said profits as shall be deemed expedient and proper, shall be declared and paid half-yearly, during the months of January and July in every year, and shall be determined from time to time, by a majority of the said directors, at a meeting to be held for that purpose, and shall in no case, exceed the amount of the net profits actually acquired by the company, so that the capital stock of the company shall never be impaired by dividends; and at the expiration of every three years from the first Monday in January, in the year one thousand eight hundred and nine, (when the first dividend only shall be declared and paid) a dividend of surplus profits shall be made, but the directors shall be at liberty to retain at

least one per cent. upon the capital, as a fund for future contingencies.

ART. 17. If the said directors shall at any time, wilfully and knowingly make, or declare, any dividend which shall impair the said capital stock, all the directors present at the making or declaring such dividend, and consenting thereto, shall be liable in their individual capacities to the company, for the amount or proportion of the said capital stock so divided by the directors; and each director who shall be present at the making or declaring of such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing, his dissent on the minutes of the proceedings of the board, and give public notice to the stock-holders, that such dividend has been declared.

ART. 18. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed their capital, unless the contracting of any greater debt, shall have been previously authorized by a law of this state; in case of excess, the directors under whose administration it shall happen, shall be liable for the same, in their individual and private capacities; and an action of debt may in such case, be brought against them or any of them, or their heirs or administrators, in any court of record in this state, or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels, of the same, from being also liable for, and chargeable with the said excess. Such of the said directors, who may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively, exonerate themselves from being so liable, by forthwith giving notice of the fact, and if their absence or dissent, to the stock-holders at a general meeting, which they shall have power to call for that purpose.

ART. 19. Bonds, notes and bills, or other securities for the payment of money, shall not be received at the said bank for collection, unless such bonds, notes and bills, or other securities, are on the face of them, made payable at the Nashville Bank.

ART. 20. Immediately on the dissolution of the association or corporation, effectual measures shall be taken by the directors, under whose administration the said dissolution shall take place, for closing all the concerns of the company, and for dividing the capital and profits, which may remain among the stock-holders, in proportion to their respective interests.

twenty-first,

ART. 21. The directors herein named and appointed at the passing of this act, shall be charged with procuring subscriptions and payments of shares of the capital stock of this company, agreeable to these articles and this law, in books to be by them opened for that purpose, at such times and places, as a majority of them shall deem proper; and as soon as two thousand shares are subscribed, and the first payment made thereon, they shall without delay, proceed to organize the affairs of this company, and commence the operations of the said company, as contemplated by this law; of which time of commencing their operations, they shall give notice in the Nashville paper, for at least six weeks. The said directors shall also continue to manage the affairs of this company, till an election of directors takes place, on the first Monday in January, one thousand eight hundred and nine, and from thence, till the new board form a quorum.

Sec. 3. *Be it enacted*, That the powers and obligations of this incorporation, shall in all respects continue for the purpose of bringing the affairs thereof, which shall be depending on the said first day of January, in the year one thousand eight hundred and eighteen, to a final settlement and determination.

counterfeiting
how punished,

Sec. 4. *Be it enacted*, That any person who shall be convicted of having (after passing this act) been concerned in printing, signing or passing any counterfeit note or notes, of the Nashville Bank, knowing them to be such; or altering any genuine note or notes of the said Bank, for the first offence shall be fined in a sum not less than fifty dollars, and receive not less than thirty nine lashes on his bare back, and stay in the pillory not less than three hours, and be imprisoned not less than twelve months; and for the second, shall suffer death without benefit of clergy. And all prosecutions for any such offence, shall be in the court of the district where such offence shall be committed.

officers to take
oath,

Sec. 5. *Be it enacted*, That every cashier or treasurer of said Bank, or other officer entrusted with the money concerns of said Bank, or with paying out and receiving the same, shall, before entering on the duties of his or their appointment, take an oath before some person authorized to administer the same, truly, honestly and impartially to discharge the duties of his or their appointment, as well to said company, as to any other person or persons who may have dealings with said company, without favour or partiality; and if any such cashier or treasurer, or other officer, entrusted with the money concerns of the said Bank, or with paying out and receiving the same, shall at any time refuse to pay any bill, bond, note or other security, which shall have been signed and executed in manner prescribed in the articles of incorporation herein

contained, in a true and genuine bill, bond, note or other security of said Bank, and to be paid by said Bank, alleging, that such bill, bond, note or other security is base and counterfeit, or shall brand or mark any such bill, bond, note or other security as counterfeit, knowing the same not to be base and counterfeit, but to be true and genuine, every such cashier or treasurer, or other officer entrusted with the money concerns of said Bank, being thereof convicted, shall be sentenced to stand in the pillory for two hours, and be declared incapable of holding any office of trust or profit, under this state or said Bank.

refusal to pay
how punished,

Sec. 6. *Be it enacted*, That if at any time, application shall be made at the office of such Bank, for the payment of any sum of money due from said Bank, by bill, bond, note or other security, and it shall appear that the person so applying, is justly entitled to demand the sum, of money mentioned in said bill, bond, note or other security, and the cashier, treasurer or other officer, authorized to make payments for said Bank, shall refuse to pay the amount of money so demanded, in current coin of the United States if required, the person so demanding and refused, may sue and recover against said company, the amount of money mentioned in such bill, bond, note or other security, and also, a further sum, equal to one half of said amount so demanded, as damages for such refusal, besides costs of suit.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH McMINN,

Speaker of the Senate.

November 26th, 1807.

CHAPTER CIV.

AN ACT to provide for the payment of the members, clerks and door keepers, of the present general assembly; and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each member shall receive the sum of two dollars and fifty cents, for each day he has attended this general assembly, and the like sum for every twenty five miles in traveling to and from the same.

Compensation
to the members

Sec. 2. *Be it enacted*, That the clerks of this legislature, both principal and assistant, shall each receive the sum of four dollars and fifty cents for each day he may have attended the same; and that Joseph M. Anderson, principal clerk of the Senate, be allowed the sum of eighty dollars for stationary; and that John Lowry principal clerk of the house of representatives, be allowed the sum

clerks,

of one hundred and two dollars for stationary, by him furnished to the legislature.

Sec. 3. Be it enacted, That each door keeper of this general assembly, be allowed the sum of two dollars and fifty cents for each day he may have attended the same; and that John Bright be allowed the further sum of twenty six dollars and fifty cents, for fire-wood and candles, by him furnished for the use of the legislature; and that John Rhea, door keeper to the house of representatives, be allowed the further sum of four dollars and ninety-one cents for a bucket, drinking vessels, &c. furnished that branch of the legislature.

Sec. 4. Be it enacted, That Daniel M'Daniel and Bird Nichol, be allowed the sum of ten dollars for conveying an Indian to Carthage jail. And that John B. Hood, be allowed the sum of twenty six dollars and fifty cents for printing done previous to this assembly. And that James Conn, be allowed the sum of ten dollars for conveying a prisoner to Knoxville jail. And that Jesse Bean, John Drake and John Gowen, be allowed the sum of three hundred and sixty dollars, as commissioners, in laying out a road from Port-Nash, to the road leading to Georgia.

And that Stewart W. Thornton, be allowed the sum of one hundred and twenty dollars, for services rendered as sergeant at arms to this assembly. And that Archer Chatham and William Boren, each, be allowed the sum of forty eight dollars in full of their attendance as witnesses before the general assembly, in the impeachments the state of Tennessee against Isaac Philips and John Phillips.

And that John Hawkins, James Neely and Joseph B. Porter, be allowed the sum of four hundred and forty dollars, for surveying and laying out a road from Franklin, to the lower end of the Muscle-Shoals. And that John McClellan, be allowed the sum of one hundred and eighty dollars, and two cents, for monies by him expended for the use of the state.

And that Luke Lea, be allowed the sum of sixty-five dollars and twenty seven cents, for stationary furnished commissioners. And that Patrick Campbell, be allowed the sum of seventeen dollars and fifty cents, for stationary furnished the late board of commissioners of East-Tennessee. And that Daniel Rather, be allowed the sum of forty-six dollars, for conveying prisoners from Roane county to Jonesborough.

And that Brice Martin, be allowed the sum of fifty dollars, for conveying public books from Knoxville to Nashville. And that John N. Gamble, be allowed the sum of twenty dollars for adding marginal notes to the laws of last session. And that William McClain, be allowed the sum of one hundred and eight dollars and nine cents, for stationary, postage on public letters, &c. up to the time of going out of office. And that Thomas Dardis, be al-

lowed the sum of two hundred and eight dollars, for conveying sundry documents from North-Carolina to Knoxville, for the use of the board of commissioners. And that George Wilson, be allowed the sum of one hundred and forty one dollars, thirty and one fourth cents, for sundry printing for the governor and secretary for the use of the state, &c. And that Robert Houston, secretary, be allowed for postage, stationary, &c. up to the 4th, November 1807, also, for removing the books and papers belonging to the secretary's office, from Knoxville to Kingston, and from Kingston to Knoxville, the sum of one hundred and eleven dollars and seventy nine cents, as full compensation for the same. And that Andrew M. Lusk, be allowed the sum of sixty-two dollars and fifty cents, for copying from John Armstrong's entry book, all those entries which appeared not to be granted, for the use of the board of commissioners for West-Tennessee. And that Jacob Jones, be allowed the sum of fifty-five dollars and fifty cents, for sundry tables, benches and making one window, for the legislature at Kingston. And that James Gordon, be allowed the sum of twenty-five dollars, for preparing and finding a room, &c. for the legislature at Kingston. And that Sarah Leister, be allowed the sum of fourteen dollars and sixteen cents, for her attendance in behalf of the state against John Riley. And that Sarah Hamilton, be allowed the sum of fourteen dollars and sixteen cents, for her attendance, in behalf of the state against John Riley. And that Joseph M'Minn, be allowed the sum of one hundred and thirty-five dollars, in being the full amount of his certificate obtained as member of the last general assembly, which he has stated to be lost, and which certificate so lost is declared null and void, and the treasurers are hereby directed not pay to the same.

Sec. 5. Be it enacted, That each of the county registers in this state, be allowed the full amount of money by them respectively expended, in the purchase of books, wherein to copy the grants to be furnished the board of commissioners, in compliance with the fifty first section of an act, entitled, "An act directing the division of the state into convenient districts, for the appointment of principal surveyors thereof, and for ascertaining the bona fide claims against the same, agreeable to an act of congress," &c. and that they shall exhibit their accounts before the register of the land office, within three months from the passage hereof, whose duty it shall be, to liquidate the same, and issue his warrant directed to either of the public treasurers of this state, which warrant or warrants, shall be good in the settlement of their accounts.

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John Bright,

D. M'Daniel and B. Nichol,

J. B. Hood,

James Conn,

J. Bean, John Drake and J. Gowen,

S. W. Thornton

A. Chatham and W. Boren,

J. Hawkins, J. Neely and J. Porter,

J. M. Clellan,

Luke Lea,

P. Campbell,

Daniel Rather,

Brice Martin,

J. N. Gamble,

W. McClain,

T. Dardis,

George Wilson,

R. Houston,

A. M. Lusk,

Jacob Jones,

James Gordon,

Sarah Leister,

Sarah Hamilton,

J. M. Minn,

county registers,

John Bright,

expenses incurred, and monies paid in securing and supporting James Boone, Peter Biley, George Maxwell, Thomas Pate, John Davis, Samuel Lytle, Royal Madlock, and Delilah Arley, while confined in the jail of said district, & who were discharged by due course of law, without being able to pay their prison fees; which sum, shall be paid to the said Biley, by said treasurer, out of any monies not otherwise appropriated, whose receipt therefor, shall be a sufficient voucher to said treasurer, in the settlement of his account.

S. Eskridge empowered,

SEC. 7. *Be it enacted*, That Samuel Eskridge, be, and he hereby is authorised and empowered, either at public or private sale, to dispose of, on the best terms he can, all the tables, benches and other articles provided at Kingston for the use of the general assembly; and that he pay to the treasurer of the districts of Washington and Hamilton, the proceeds of said sales; which treasurer is hereby authorised and required, to make said Samuel a reasonable compensation for said service, out of the proceeds of said sales.

governor to draw warrant,

SEC. 8. *Be it enacted*, That it shall and may be lawful for the governor to draw a warrant or warrants, in favour of the secretary of state, for the sum of fifty dollars; which sum, or such part thereof, as may be necessary, shall by the secretary, be applied, as the same may be wanting, to the payment of the postage of letters, to, and from the governor and secretary of state, on business relating to their offices; and which sum shall be accounted for by said secretary, in his settlement with the next general assembly.

Sevier,

SEC. 9. *Be it enacted*, That John Sevier, governor, be allowed the sum of forty dollars, in full, for monies by him expended, in attending a treaty with the Cherokee Indians, in behalf of the state, in the year one thousand eight hundred and five.

George Wilson,

SEC. 10. *Be it enacted*, That George Wilson, be allowed the sum of fifty nine dollars and seventy cents, in full for printing done for this general assembly, in printing the land bill and the law of suspension, passed this session; and a further sum of fifty-eight dollars in full, for printing four hundred and fifty copies of the land law, passed this session, and distributing the same, agreeable to a resolution of this general assembly; also a further sum of one dollar and fifty cents for other printing.

commissioners appointed,

SEC. 11. *Be it enacted*, That Robert C. Foster, George Michal Deadrick, Stephen Cantrell, David Deadrick, John Crozier and Joseph M. Minn, be, and they are hereby appointed commissioners, with full power and authority to demand and receive from the treasurer of the districts of Washington and Hamilton, all monies appropriated by law, to the use of academies established in this

state, arising from the sale of land south of French Broad and Holston, and west of Big Pigeon rivers, as soon as may be, after the said money or any part thereof shall come into the said treasury; and it shall be the duty of the said commissioners to lay out the said money in the purchase of stock in some bank or banking association within the United States, and all the profits arising from the said stock, shall be by said commissioners paid over in equal proportions to the trustees of the different academies, which are, or may be established by law, within this state, immediately after the same shall have been by them received.

SEC. 12. *Be it enacted*, That it shall be the duty of the treasurer of the districts of Washington and Hamilton, within one month from and after the passing hereof, to give bond with sufficient security, in the sum of one hundred thousand dollars, conditioned, for the faithful discharge of the said treasurer's duty, in receiving, safe-keeping and properly disbursing, the monies by him to be received from the sales of occupant claims south of French Broad and Holston, and west of Big Pigeon rivers; and that the sufficiency of said securities, shall be judged of, and the bond taken by the governor, and made payable to him and his successors in office; and that the said treasurer, for receiving, safe-keeping and disbursing said monies, shall be allowed at the rate of two per centum on the sum by him received, out of any monies in the treasury, upon the settlement of his accounts, other than the monies appropriated to the use of colleges and academies.

treasurer of T. to give bond

SEC. 13. *Be it enacted*, That from and after the passing of this act, whenever it shall so happen, that the sheriff of any county in this state, is a party to, or interested in any suit now depending, or which may hereafter be commenced, in any county or superior court, and where there is no coroner in such county, or if there be a coroner, and he also is a party or interested in such case, it shall, and may be lawful, for any constable of such county to whom the same may be delivered, to execute the leading, or any subsequent process, issued in such suit, and make return in the same manner, as if he was sheriff; and such constable, shall be entitled to the same fees in such cases, that the sheriff is entitled to for similar services, and shall be liable to the same penalties and proceedings for any neglect or mal-practice in the service of such process, that sheriffs are by law liable to, for similar neglects or mal-practices.

constable in some cases

SEC. 13. *Be it enacted*, That if either of the commissioners appointed by this general assembly, to adjudicate warrants and other claims for land, under the provisions of a law passed this session, called the land law, should refuse to act, die or remove, the governor for the time be-

ing, is hereby authorised, empowered and required, to appoint a fit and proper person in the room and place of him so refusing, being dead or removed; which person so appointed, shall possess all the powers, take the same qualifications, and be subject to the same penalties, as the commissioner in whose room and stead he was appointed, and be entitled to the same compensation.

J. Reynolds, SEC. 14. *Be it enacted,* That James Reynolds, be, and is hereby allowed, the sum of fifty dollars, for services rendered the state, as attorney at the last superior court for Mero district.

Commissioners of W. Tenn. SEC. 15. *Be it enacted,* That the board of commissioners of West-Tennessee, for contingent expences, including books, stationery, printing, &c. be allowed the sum of one hundred and sixty-five dollars, thirty eight cents and three fourths in full compensation. And that the further sum of one hundred and seventy-eight dollars, be allowed the assistant clerk to said board, for eighty-nine days service.

certain commis- sioners. SEC. 16. *Be it enacted,* That the commissioners heretofore appointed, to superintend the laying off the lands appropriated to the use of colleges, be allowed, each, two dollars per day, for each day they may be actually, engaged in said service; and they shall render their accounts to the surveyor of the district, within which said college lands are situate, who shall liquidate their accounts, and give to each a certificate of the amount due him; which money shall be paid out of any money in the treasury, not otherwise appropriated.

P. M. Miller. SEC. 17. *Be it enacted,* That Pleasant M. Miller, be allowed the sum of fifty dollars, being the sum which the legislature contracted to pay him for attending to, and prosecuting the suit, in the name of the governor against the late treasurer of Mero district, and his securities.

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

December 4, 1807.

STATE OF TENNESSEE, IN GENERAL ASSEMBLY:

October 26th, 1807.

resolution. RESOLVED, That the senators from this state in the congress of the United States, be, and are hereby instructed, and the representatives be requested, to use their endeavour, as soon as practicable, to procure authority to be vested in the executive of this state, by the government of the United States, to appoint one or more commissioners, for the purpose of holding a treaty or

treaties with the Cherokee nation of Indians, to extinguish their claim, to all, or any part of the lands within the chartered limits of this state, and within the bounds relinquished to this state, by an act of congress, 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." And that the government of the United States, if necessary, appoint one or more commissioners to act in behalf of the said United States, with such commissioners as may be appointed on behalf of this state, for the purpose aforesaid.

Resolved further, That the governor of this state, be hereby requested, to cause to be transmitted as soon as practicable, a transcript of the above resolution, to each of the senators and representatives of this state, in the congress of the United States.

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

November 7th, 1807.

STATE OF TENNESSEE, IN GENERAL ASSEMBLY:

November 10th, 1807.

Preamble. WHEREAS a number of persons have made entries and a part of them have obtained grants therefor, for land lying within the congressional reservation, and to which the claim of the Indians has been extinguished; and no mode having been heretofore prescribed by any act or acts of congress, by which the persons situated as above described, can obtain complete titles to their lands, or obtain possession of them: Therefore,

resolution. Resolved, by the Senate and House of Representatives of the State of Tennessee, That the senators, and members of the house of representatives in congress from this state, be requested to use their endeavours, that provision be made, enabling persons situated as above, to obtain complete titles to, and possession of their lands; and that the governor of this state, forward copies of this resolution, to the senators, and members of congress, from this state respectively.

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

ATTEST—JOS. M. ANDERSON,
November 26, 1807.

Clerk of the Senate.

STATE OF TENNESSEE, IN GENERAL ASSEMBLY:

November 13th, 1807.

RESOLVED, That the governor be required to lay before the legislature, all documents and other information in his possession or power, relative to the negotiation between this state and the state of Kentucky, heretofore carried on, for the purpose of ascertaining, running and marking the true line between the two states; and that said documents and information, be presented to the present assembly as speedily as possible, to the end, that measures be taken to effect the above desirable object.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

ATTEST—JOS: M. ANDERSON,

Clerk of the Senate.

November 26, 1807.

A COPY—ATTEST,

R. HOUSTON, SECRETARY.

ERRATA.

Page 9, 22d line, for "commissioner" read "commissioners."

Page 15th, 5th line, for "attend" read "attended."

Same page, 13th, 15th, and 29th lines, for "commissioners" read "commissioner."

Page 22d, end of the 36th line, after the word "making" read "such."

Page 20, beginning of 42d line, leave cut the word "or."

Page 101, 8th line, after the word "the" read "line."

Page 109, 23d line, for the word "and" read "any."

Page 118, 3d line, after the word "have" read "been."

Page 143, 9th line, for "make" read "mark."

Same page, 45th line, for the word "or," read "on."

Page 172, 19th line, for the word "incorporation" read "corporation."

The Printer,

has endeavoured to print the laws correctly; although some apparent errors may strike the observation of the reader, they will nevertheless, be found to agree with the original in the office of the Secretary of State.

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The letter 'p' stands for page.

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Reports

PASSED AT

Office

THE SECOND SESSION

OF THE

SEVENTH GENERAL ASSEMBLY

House OF THE *County*

STATE OF TENNESSEE,

BEGUN AND HELD

AT KNOXVILLE,

ON MONDAY, THE THIRD OF APRIL,

One Thousand Eight Hundred & Nine.

Hamilton District

1809

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ACTS

OF THE

STATE OF TENNESSEE. 12

CHAPTER I.

An ACT to provide for an Election to elect Representatives to represent this State in the Congress of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That on the last Thursday and Friday of the present month, an election shall be held in the respective counties of this State, and at every other place which is or may be provided for by law, for holding elections within this State, to elect three representatives, one for the district of Washington, one for the district of Hamilton, and one for the districts of Winchester, Mero and Robertson, to represent this State in the congress of the United States, for the term of two years, commencing the fourth of March last, under the same rules, regulations and restrictions, and by the same officers that members of the general assembly of this State are.

Time and manner of holding elections for members of Congress.

Sec. 2. *Be it enacted,* That the person or persons so elected, shall have been a citizen or resident of this State, three years immediately preceding the day of election.

Persons elected, to be residents, &c.

Sec. 3. *Be it enacted,* That immediately after the close of the election in each county, the sheriff or returning officer, shall, in the presence of the inspectors of the election, make out two correct statements of the number of votes given to each candidate in his county, which two statements shall be certified by said sheriff or other returning officer, and a majority of the inspectors; one of which statements shall, by the inspectors, be filed in the office of the clerk of the county, and the sheriff, or other returning officer, by himself or deputy, shall attend with the other, on the day, and at the place hereinafter mentioned, namely: The returning officers for the several counties in the district of Washington, by themselves or deputies, shall meet at Jonesborough, on the

Duty of sheriff of the several counties.

first Monday of May, next after the close of the election, and in the presence of three justices of peace, to be summoned for that purpose, proceed to examine and compare the several certified statements aforesaid, and shall make out and certify under their hands and seals, a general statement of the number of votes given for each candidate, in the said district, which statement shall also be certified by the justices attending as aforesaid: And in like manner the returning officers for the several counties in the district of Hamilton, shall meet at Knoxville on the aforesaid first Monday of May, after the close of the election, and proceed to make out a general statement of the votes given for each candidate in the several counties in the district of Hamilton, in the same manner as before described for the returning officers of the district of Washington: And in the same manner, the returning officers for the several counties in the district of Winchester, shall meet at Carthage, on the said first Monday of May, after the close of the election, and shall proceed to make a general statement of the votes given for each candidate in the several counties in the last mentioned district, agreeably to the manner and form directed for the district of Washington: And in the same manner, the returning officers for the several counties in the district of Mero, shall meet at Nashville on the said first Monday of May after the close of the election, and shall proceed to make out a general statement of the number of votes given for each candidate, in the several counties in the last mentioned district, agreeably to the manner and form directed for the district of Washington: And in the same manner, the returning officers for the several counties in the district of Robertson, shall meet at Clarksville, on the said first Monday of May, after the close of the election, and shall proceed to make out a general statement of the votes given for each candidate in the several counties in the last mentioned district, agreeably to the manner and form directed for the district of Washington.

Duty of returning officer of Washington district.

Of Hamilton district.

Of Winchester district.

Sec. 4. *Be it enacted*, That the returning officer or his deputy, shall, within four days after said votes be compared for the district of Washington, make return of the person duly elected for the said district, to the governor for the time being, or deliver the same to the person elect, and the governor on receipt thereof, shall commission him accordingly. And the returning officer or his deputy, for the district of Hamilton, shall, within four days, in like manner make return to the governor for the time being, of the name of the person duly elected for said district, or deliver the same to the person elect, and the governor, on receipt thereof, shall, without delay, commission him accordingly.

Sec. 5. *Be it enacted*, That it shall be the duty of the sheriff, or returning officer for the county of Smith, to make return of the general statement of the votes for the district

of Winchester, for each candidate, as compared and made out by the different sheriffs, or returning officers for said district, in the town of Nashville, to the sheriff or returning officer of Davidson county: And it shall in like manner, be the duty of the sheriff or returning officer for the county of Of Robertson Montgomery, to make return of the general statement of the votes for the district of Robertson, for each candidate as compared and made out by the different sheriffs or returning officer, for said district of Robertson, in the town of Nashville, to the sheriff or returning officer of Davidson county, on the first Wednesday of May, next after the close of the election within their districts, and shall, in the presence of said sheriff or returning officer of the county of Davidson, and in the presence of two justices of peace of said county, for that purpose to be summoned, immediately proceed to count and compare the returns made by the several officers of the districts of Winchester, Robertson and Mero; and the said sheriff or returning officer of the county of Davidson, shall, together with the two justices of peace aforesaid, certify under their hands, the name of the person duly elected for the districts aforesaid, to the governor for the time being, or deliver the same to the person elect, within ten days after comparing, and the governor, on the receipt of the same, shall commission him accordingly: And if two or more candidates shall have an equal number of votes in Washington district, the sheriff of Washington county shall decide which of them is elected. And if two or more candidates in the district of Hamilton, shall have an equal number of votes, the sheriff of Knox county shall decide which of them is elected. And if two or more candidates in the districts of Mero, Winchester and Robertson, shall have an equal number of votes, the sheriff of Davidson county shall decide which of them is elected.

Manner of comparing votes.

Sec. 6. *Be it enacted*, That if any sheriff or other returning officer shall fail to attend and return a statement as aforesaid, or fail to comply with all the requisitions of this act, so far as relates to his or their duty, he or they so failing, shall forfeit and pay the sum of five hundred dollars, one half to the use of the state, the other half to any person who will sue for the same, to be recovered by action of debt, in the name of the person who will sue for the same, before any jurisdiction having cognizance thereof, unless sufficient cause be shewn for such failure or non-attendance.

Penalty on sheriff failing to comply with this act.

Sec. 7. *Be it enacted*, That each of the sheriffs or other returning officers, attending as by this act required, shall be allowed the sum of two dollars for every thirty miles they shall travel in going to, and returning from the place by this act directed for comparing the votes, as well as for their attendance in the several districts, as at the seat of government, and the same for each day they shall necessarily attend

Allowance to sheriffs.

in discharging the duties enjoined on them by virtue of this act; and a certificate thereof, signed by the justices attending as aforesaid, or by any one justice of this state, (as the case may be) before whom the votes may have been compared, or at the seat of government, shall be given to each sheriff or other returning officer respectively, setting forth the number of days, and distance of travelling, which certificate shall be discharged by either of the public treasurers of this state.

Duty of Secretary of State.

Sec. 8. *Be it enacted*, That it shall be the duty of the secretary of state, to contract with, & employ a sufficient number of suitable post riders, to carry a copy of this act to the different sheriffs, or some one of their deputies in this state, within ten days after the receipt thereof; and it shall be the duty of each sheriff or his deputy, on the receipt of the same, immediately to advertise the time prescribed by this act for holding the election for representatives to congress, in each captain's company in each county, and in three of the most public places thereof.

Allowance to post riders.

Sec. 9. *Be it enacted*, That each post rider by virtue of this act employed, shall receive a sum not exceeding two dollars and fifty cents for every thirty miles necessarily travelled, in discharging the duties in distributing this law as above described, within the district in which he may be employed, to be paid out of either of the public treasuries of this state, on a warrant from the secretary aforesaid.

Post riders to produce receipts &c.

Sec. 10. *Be it enacted*, That before the secretary shall issue a warrant to any post rider employed under this act, the said post rider shall produce to said secretary a receipt from each of the respective sheriffs to which he contracted to deliver a copy of this act, specifying that such post rider did deliver to him within the time by this act prescribed, a copy of said act; and each of said post riders shall also satisfy said secretary, by affidavit or otherwise, how many miles he necessarily travelled in performing his said contract.

JOHN TIPTON,

Speaker of the House of Representatives.

JOSEPH M. MINN,

Speaker of the Senate.

April 6. 1809.

CHAP. II.

AN ACT concerning executions, and for other purposes.

Execution may be stayed on giving security.

SECTION I. *Be it enacted by the General Assembly of the State of Tennessee*, That when any judgment or decree has heretofore been, or hereafter may be rendered by any court within this state, or by any justice of

the peace within the same, it shall be lawful for the person or persons against whom such judgment or decree shall have been rendered, or either of them, to stay any execution which may have, or hereafter shall issue either against the body, or goods and chattels, lands and tenements of the debtor, or his security or securities said judgment or decree, until the first day of December next, by giving bond with sufficient security, at any time before the sale of property, payable to the person or persons in whose favor such judgment or decree has or may be rendered, conditioned for the payment of such judgment, with interest thereon until paid, together with all costs which may have accrued.

Mode of proceeding to obtain stay of execution.

Sec. 2. *Be it enacted*, That when any person or persons against whom any judgment or decree shall have been rendered as aforesaid, shall be desirous of obtaining a stay of execution, he, she, or they, shall tender to the justice of the peace, or to the clerk of the court by whom such judgment or decree shall have been rendered, good and sufficient security to be approved of by said clerk or justice of the peace, whose duty it shall be, to take a bond as before directed, and deliver to the party a certificate, setting forth that he has entered into bond agreeably to the provisions of this act, which bond shall be payable the first day of December next, for which services said clerk or justice of the peace shall be entitled to receive the sum of twenty five cents for each bond so taken by him, and no more.

Clerk or justice fees.

Sec. 3. *Be it enacted*, That wherever any person or persons shall enter into bond with security in the manner herein before prescribed, if execution on the judgment against such person or persons shall not have previously been issued, no execution shall be issued on such judgment, until the first day of December aforesaid; and in case execution shall have been issued on such judgment, previous to the time of executing such bond, it shall be the duty of the officer in whose hands such execution may be, on receiving a certificate from the justice of the peace, or the clerk of the court by whom such judgment shall have been rendered, setting forth that the person or persons against whom such execution may have issued, had entered into bond agreeably to the provisions of this act, to desist from all other proceedings on said execution, and to re-deliver to the owner thereof any property in his hands levied on by virtue of such execution; and if any person or persons, shall forge or alter any certificate, with a view to receive any of the benefits of this act, such person or persons shall suffer the same punishment which is by law to be inflicted on any person who shall be guilty of forgery of a record of any court. And in all cases when an execution issues to a county, other than where the judgment is recovered, then, and in those cases, the sheriff or constable in whose hands the execution may be, is hereby authorized to

Execution to be stayed till first of December.

Penalty for forging certificate.

Duty of Sheriff.

take bond and sufficient security as in other cases. The clerks and justices of the peace are authorized to take the same under the authority of this act, whose duty it shall be, to return the said bond with the execution, to the clerk's office from whence the execution issued, or to the plaintiff, his agent or attorney; and the said bonds shall be subject to the same proceedings thereon, as other bonds are liable to, under the authority of this act.

Mode of proceeding on bonds given for stay of execution.

Sec. 4. *Be it enacted*, That where any bond shall be given in conformity with the provisions of this act, for the purpose of staying execution on any judgment or decree, if the said judgment or decree shall not be satisfied, or if the amount thereof shall not have been paid, together with the interest and costs, it shall be lawful for the obligee or obligees, to apply to the court or justice by whom such judgment or decree was rendered, for a judgment against the obligors named in such bond, for the amount of the original judgment, with the interest and costs, or so much thereof as may remain due and unpaid; and it shall be the duty of such court, or some justice of the peace for the same county, if the judgment was originally obtained before a justice of the peace, on motion, to render judgment and award execution for the same.

Counter security may be required.

Sec. 5. *Be it enacted*, That it shall be lawful for any person or persons who shall become security for any debt, or in conformity with the provisions of this act, to require of said principal debtor to give counter security, to indemnify said original security or securities; and if said principal debtor shall fail or refuse to give good and sufficient counter security, to be approved of by the clerk of the court, or the justice of the peace by whom the original bond was taken, it shall be lawful for said original security or securities, to direct execution to be issued on the original judgment or decree, against said debtor; and the clerk of the court, or justice of the peace by whom such judgment may have been rendered, shall issue execution thereon accordingly; and all money collected by virtue of such execution, shall be paid over by the officer collecting the same, to the original creditor or to the clerk of the court to which the execution is returnable, or to the justice before whom the judgment may have been rendered, and the said original security shall be entitled to a credit therefor: *Provided nevertheless*, That in no case shall such execution issue, or counter security be required, unless said original security or securities, shall make and subscribe an affidavit before some justice of the peace, that said principal debtor is about to remove out of the county, or is wasting his property without the consent of said security, so as to injure said security.

Provide.

Sec. 6. *Be it enacted*, That when it shall so happen, that the original debtor and his securities, under the provisions of this act, shall be about to abscond or remove without the li-

When debtor & his security are about to remove

mit of this state, and oath being made thereof, it shall be lawful for the creditor, his agent or attorney, to take out execution on the judgment recovered against such original debtor, and the clerk, as well in the recess, as in term time, or justice of the peace (as the case may be) being satisfied by oath as aforesaid, shall enter judgment on the bond of the original debtor and his securities, and shall issue execution accordingly; and when such execution is put into the hands of the proper officer, it shall be the duty of such officer, to levy such execution on the goods and chattels, lands and tenements of the original debtor, and proceed to sell the same; and shall also execute the goods and chattels, lands and tenements of the securities of such original debtor, to be bound until the judgment shall be satisfied; and if the property of the original debtor shall be insufficient to satisfy the debt and costs, then the officer shall proceed to sell the property of the security or securities. And if any person or persons shall take a false oath, for the purpose of obtaining an execution or judgment under this section, he shall be guilty of perjury, and suffer all the pains and penalties by law to be inflicted on any person who is found guilty of wilful and corrupt perjury.

Penalty for taking false oaths

Sec. 7. *Be it enacted*, That if the defendant in any execution issued on any judgment heretofore obtained, or which may hereafter be obtained, shall fail or refuse to give security according to the provisions of this act, the sheriff or other officer, in whose hands such execution shall be, shall proceed to levy the same on the property of said defendant or defendants as heretofore, and before selling the same, shall summon three respectable men, who, by affinity or consanguinity are unconnected with either party, who, on oath, shall value the property so levied on, and if the plaintiff, his agent or attorney, will not take said property so valued, at two thirds part of said valuation, after having received notice of the time and place of sale, then the same shall be sold at twelve months credit, the purchaser giving bond and security to the original creditor, to pay the same in the time aforesaid, with interest from the date, and on failing to comply, judgment shall be rendered against said obligors on motion, before the same court which rendered the original judgment, if said judgment was rendered in any court of record, and before some justice of the peace in the same captain's company with the justice who rendered the first judgment, if the same was rendered before a justice of the peace, the purchaser giving bond and sufficient security, to be judged of by the sheriff or other officer, which bond shall be made payable to the creditor, and shall by such sheriff or other officer, be filed in the office of the clerk of the court, or with the justice of the peace from which such execution issued; and on the defendant or defendants failing to pay or cause to be paid, the

Mode of proceeding where no security is given for stay of execution.

amount of such judgment, interest and costs, it shall be the duty of the court, or the justice of the peace, upon motion, immediately to enter up judgment on such bond for the amount due, upon which judgment the creditor may immediately have execution against the original defendant or defendants, or purchaser and his securities, and such securities, or any or either of them. *Provided always*, That the property if to be found of the obligor and his securities, shall be first exhausted, before the debtor shall be subject to have his property executed: *Provided always*, That if, in any case, the defendant or defendants, prefer a sale of his property for cash, to be immediately paid, it shall be sold in the same manner as if this act had not been passed.

Sec. 8. *Be it enacted*, That no bond, taken under the authority of this act, shall be void for want of form.

Sec. 9. *Be it enacted*, That no judgment shall be liable to be reversed for error, for or on account of any informality in entering such judgment.

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

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

April 22, 1809

CHAP. III.

AN ACT to authorise the Register of the Land Office for East Tennessee, to issue a Grant for the land including the Town of Maryville.

Preamble.

WHEREAS it is represented to this general assembly, that the register of the land office for East Tennessee, refuses to issue a grant for the land including the town of Maryville, on the plat and certificate of survey thereof, returned into his office, because the exterior boundary lines of the survey will include a greater quantity of land than that called for by said plat and certificate, which is occasioned by a considerable number of separate surveys of lots, made by the claimants of lots in said town, and because the said plat and certificate does not set out the corners and distances of the lines of the several interior surveys of lots: For remedy whereof,

Register of East Tennessee, to issue grant for Maryville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of the land office for East Tennessee be authorized to issue a grant, for so much of the land including the town of Maryville, as has been laid off and not separately surveyed by the respective claimants of lots according to the tenor, effect, and

meaning of the several acts of the general assembly, passed for the establishment of said town, and in conformity to the said plat and certificate of survey, without expressing in such grant, the exterior lines of lots separately surveyed, on payment being made as in other cases, and it shall be sufficient designation of the said separately surveyed lots, for the register either to insert or endorse on said grant, the numbers of said several lots in figures: *Provided nevertheless*, that the surveyor general of the district south of French Broad and Holston, or the deputy who made the said survey of said town, may correct or amend, under the inspection of said register, any defect that may be in said plat and certificate, which correction or amendment shall be recorded, or a memorandum thereof made in its proper place. *And provided also*, that said grant shall not vest in said grantee, any right or title to any or either of the lots in said town, which were separately surveyed at any time heretofore by the owner, claimant or occupier of said lot or lots, and that nothing in this act contained shall in any manner impair or injure the right or rights of any person or persons claiming any of said separately surveyed lots, and shall in no manner injure or prevent the rightful owner or claimant, of any of said lots from obtaining any survey or grant hereafter, for any of said lots, according to the existing laws of this state, and that it shall be sufficient evidence of the lots to which the said grant does not convey title, that said lot or lots were surveyed before this time, and said survey recorded in the surveyor general's office of said district.

Provided

Sec. 2. *Be it enacted*, That on the fourth day of July in every year, or in case that day be Sunday, on the succeeding day, an election shall be held at the court house in said town, for the purpose of electing seven commissioners, who shall possess the same power and authority that the original commissioners were invested with, by virtue of an act, entitled, "an act for the regulation of the town of Maryville," passed November twentieth, eighteen hundred and seven; and the electors shall possess the same qualifications, and the election be conducted in the same manner that is provided by said act for the purpose of filling vacancies, except so far as is provided for by this act; and the commissioners appointed by said act, as well as those hereafter to be elected, shall continue to exercise their powers in all cases, until their successors shall be elected as aforesaid; and the powers of said commissioners appointed by said recited act, so far as respects said appointment, shall cease as soon as their successors shall be elected under the authority of this act.

Commissioners of Maryville to be elected.

Their powers.

Sec. 3. *Be it enacted*, That James Gillespie, junior, of Little river, John Lowry, attorney, James Houston, senior, and Alexander M'Ghee, be, and they are hereby appointed as additional trustees for Porter Academy, in the county of

Additional trustees of Porter Academy appointed.