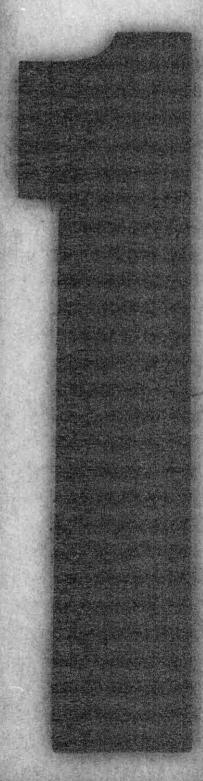
# UNIT



# ACTS

PASSED AT

THE FIRST SESSION OF THE EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

BEGUN AND HELD AT KNOXVILLE, ON MONDAY, THE EIGHTEENTH DAY OF SEPTEMBER, ONE THOU SAND EIGHT HUN.

DRED AND

TO WHICH IS PREFIXED A COPY OF THE STATE CONSTITUTION.

KNOXVILLE, PRINTED BY GEORGE WILSON, PRINTER TO THE STATE.

1809.

L. C. copy 2

OF THE

## STATE OF TENNESSEE.

WE, the People of the Territory of the United States, south Preamble of the river Ohio, having the right of admission into the general government as a member state thereof, consistent with the Constitution of the United States, and the act of cession of the state of North-Carolina, recognizing the ordinance for the government of the Territory of the United States, north west of the river Ohio, - DO erdain and establish the following Constitution, or form of government: and do mutually agree with each other to form ourselves into a free and independent state, by the name of " The State of Teanellee,"

## ARTICLE I.

SECTION I.

HE Legislative authority of this state, shall be vested A in a General Affembly, which shall consist of a Senate and House of Representatives, both dependent on the peo-

Sect. 2. Within three years after the first meeting of the general affembly, and within every labliquent term of fe- Enumeration ven years, an enumeration of the taxable inhabitants thall to be made. be made to fuch manner as thall be directed by law; the number of representatives shall, at the several periods of making fuch enumeration, be fixed by the legislature, and apportioned among the feveral counties, according to the number of taxable inhabitants in each ; and thatt never be less than twenty-two, nor greater than twenty-fix, until the number of taxable inhabitants fhall be forty thousand; and after that event, at such ratio that the whole number of reprefentatives fiell never exceed forty.

Sect. 3. The number of fenetors shall, at the feveral periods of making the enumeration before mentioned, be fixed by the legislature, and apportioned among the districts, formed as herein after directed, according to the number No. of Repreof taxable inhabitants in each; and shall never be less than one third, nor more than one half of the number of repre-Centatives.

Sect. 4. The fenators shall be chosen by sistricts, to be formed by the legislature, each district containing fuck a number of taxable inhabitants, as shall be entitled to elect not more than three functors. When a diffict thall be

Legislative one thoretu.

Number of Senglars not to exceed half the

composed of two or more counties, they shall be adjoining, and no county thall be divided in forming a diffrict.

Elections to be held and when.

Sect. 5. The first election for fenators and reprefentatives, shall commence on the second Thursday of March next, and thall continue for that and the fucceeding day; and the next election shall commence on the first Thursday of August, one thousand seven hundred and ornety seven. and shall continue on that and the fucceeding day; and forever after, elections shall be held once in two years. commenting on the first Thursday in August, and terminating the fucceeding day.

Meetings of General assembly.

Sect. 6. The first fession of the general affembly mall commence on the last Monday of March next. The fecond on the third Monday of September, one thousand feven hundred and ninety-feven. And forever after, the general affembly shall meet on the third Monday of September next enfuing the then election, and at no other period, unless as provided for by this constitution. -

Qualification of members.

Sect. 7. That no person shall be eligible to a seat in the general affembly unless he shall have resided three years in the flate, and one year in the county, immediately preceding the election, and shall possess in his own right, in the county which he represents, not less than two hundred acres of land, and shall have attained to the age of twenty-one years. " "

Sect. 8. The fenate and house of representatives, when affembled, shall each choose a speaker and its other officers, be judges of the qualifications and elections of its mem, bers, and fit upon its own adjournments from day to day. Two thirds of each house shall constitute a quorum to do buliness; but a smaller number may adjourn from day to day, and may be authorifed, by law, to compel the attendance of absent members.

Sect. 9. Each house may determine the rules of its proceedings, punish its members for diforderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a fecond time for the same offence; and shall have all other powers necessary for the legislature of a free state.

Sect. 10. Senators and reprefentatives shall in all cases, except treafen, felony, or breach of the peace, be privileged from arrest during the lesson of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Sect. 11. Each house may punish, by imprisonment, during their fession, any person, not a member, who shall be guilty of difrespect to the house, by any disorderly or contemptuous behaviour in their prefence.

Sect. 12: When vacancies happen in either house, the

governor, for the time being, field iffue writs of clothien to all fuch yesperes.

-Sect. 13. Neither house mall, during their selfion, adjourn without confent of the other, for more than three days, nor to any other place than that in which the two houses shall be fitting.

Sect. 14. Bills may originate is either house, but may he amended, altered, or rejected by the other.

Sect 15. Every bill theil be read three times, on three different days, in each house, and be figured by the respecfive speakers before it becomes a law.

Sect. 16. After a bill has been rejected, no bill containing the same substance, shall be piffed into a law during the fame fellion ..

Sect. 17. The ftyle of the laws of this flate, finall be. Be Enacting stile. it enacted by the General Assembly of the state of Tonnest

Sect. 18. Each house shall keep a journal of its proceed. Journals to be logs, and publish them, except such parts as the welfare of kept and pubthe flate may require to be kept secret. And the Year and hished. Noys of the members on any question, shall, at the request of any two of them, be entered on the journals.

Sect. 19. The doors of each house, and committees of the whole, fhall be kept open, unless when the bulinels hall be fuch as ought to be kept fecret.

. Sect, 20. The leg flature of this flate fhall not allow the following officers of government greater annual falaries than as follows, until the year one thousand eight hundred and four, to wit.

The governor not more than feven hundred and fifty Salaries of Offi

The judges of the Superior courts, not more than fix hundred dollars each.

The fecretary not more than four huadred dellars.

The treasurer or treasurers, not more than four per cent, for receiving and paying out all monies.

The attorney or attornes for the flate shall receive a compensation for their services, not exceeding afty dollars. for each superior court which he shall attend.

No member of the legislature shall receive more than one dollar and feventy five cents per day, nor more for every twenty-five miles he thall travel in going to and returning from the general affembly.

Sect. 21. No money thall be drawn from the treatury, but in confequence of appropriations made by law.

Sect. 22. No perfen who heretefore hath been, or hereafter may be a collector or holder of public mouses, shall have a feat in either house of the general attembly, until fuch person shall have accounted for, and paid into the treafury all fuens for which he may be accountable or liable.

No person can

Lands to be e-

qually taxed.

Executive, how

ties and autho-

Tity.

Sed, 23. No judge of any court of law or equity, fecrehold two offices tary of flate, attorney-general, regiller, clerk of any court of trust or pro- of record, or person holding any office under the authorisy of the United States, shall have a feat in the general affembly; nor shall any person, in this state, hold more than one lucrative office at one and the same time; provided, that no appointment in the militia or to the office of a justice of the peace, shall be considered as a lucrative office.

Sect. 24. No member of the general affembly shall be eligible to any office or place of trull, except to the office of a justice of the peace, or trustee of any literary institution, where the power of appointment to fuch office ar place of

truft, is vested in their own body.

S. C. 25. Any member of either house of the general affembly, shall have liberty to diffent from, and protest against any act or resolve which he may think injurious to the public, or any individual, and have the reafons of his

diffent entered on the journals.

Sect, 26. All lands liable to taxation in this flate, held by sleed, grant or entry, shall be taxed equal and uniform, in fuch manner, that no one hundred acres shall be taxed higher than another, except town lots, which shall not be taxed higher than two hundred acres of land each; no free man, shall be taxed higher than one hundred acres, and no flave higher than two hundred acres on each poll.

Seot. 27. No article manufactured of the produce of this flate, shall be taxed otherwise than to pay inspection fees.

ARTICLE II.

Sect. 1. The supreme executive power of this state shall

be vefted in a governor.

Sect. 2. The governor shall be chosen by the electors of chosen, his du- the members of the general affembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for governor shall be sealed up, and, transmitted to the feat of government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each house of the general affemaly. The person having the highest number of votes shall be governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen governor, by joint ballot of both houses of the General Assembly. Contefted elections for governor, shall be determined by both houses of the general affembly, in such manner as shall be prescribed by law.

Sect. 3. He shall be at least twenty-five years of age, and post is a freehold estate of five hundred acres of land, and have been a citizen or inhabitant of this state four years next before his election, unless he shall have been absent on the public bufiness of the United States, or of this flate.

Sect. 4. The first governor half held his office parts the Luccutive disfourth Tuesday of September, on thousand seven hundred ties and suithou and ninety-leven, and until member governor Biell be electe rity. ed and qualified to office; and torsver siter; the governor shall hold his office for the term of two years, and until another governor shall be elected and qualified; birt Wall not be eligible more than fix years in any term of eight.

Sect. 3. He shall be commander in chief of the army and navy of this state; and of the militis, except when they shall be called into the service of the United States.

Sect. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Sect. 7. He shall, at stated times, receive a compensation for his fervices, which fast not be increased or climinished during the period, for which he shall have been elected.

Sect. 8. He may require information in writing, from the officers in the executive department, upon any subject

relating to the duties of their respective offices.

Sect. 9. He may, on extraordinary occasions, convene the general affembly by proclamation, and fhall flate to them, when affembled, the purpose for which they shall have been orbreaed.

Sect. 10. He fault take care that the laws be faithfully

Sect. 11. He shall, from time to time, give to the general affembly information of the flate of the government; and recommend to their confideration fuch measures as he shall judge expedient.

Sect. 12. In case of his death, refignation, or removal from office, the speaker of the senate shall exercise the office of governor until another governor thall be duly qua-

lified.

Sect. 18. No member of congress, or perion holding as ny office under the United States, or this flate, shall exe-

cute the office of governor.

Sect. 14. When any officer, the right of whole appoints ment is by this consistution vested in the general assembly. shall, during the recess, die, or his office by other means become vacant, the governor shall have power to fill up fuch vacancy by granting a temporary committion, which shall expire at the and of the next fession of the legislature.

Sect. 15. There shall be a feat of this state, which shall be kept by the governor, and afed by him officially, and shall be called the great feal of the state of Tennesice.

Sect. 16. All grants and commissions shall be in the hame and by the authority of the flate of Tennesses, be feeled with the flate feel, and figned by the governor.

Sect. 17. A fecretary of this flate shall be appointed and commissioned during the term of four years. He than

keep a fair register of all the official acls and proceedings of the governor; and shall, when required, lay the fame, and all papers, minutes, and vouchers relative thereto, before the general affembly, and shall perform such other du-

ties as shall be enjoined him by law. ARTICLE III.

Suffrage.

Sect. 1. Every free man of the age of twenty-one years and uswards, policing a freehold in the county wherein he may vote, and being an inhabitant of this flate, and evety free man, being an inhabitant of any, one county in the flate fix months immediately preceding the day of election, shall be entitled to vote for members of the general alfembly, for the county in which he shall reside.

Sect. 2. Electors shall in all cases, except treasen, feleny, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and return-

ing from them.

Sect. \$. All elections shall be by ballot. ARTICLE IV.

Impeachments.

Sect. 1. The house of representatives shall have the fele power of impeachment.

Sect. 2. All impeachments shall be tried by the fenate. When fitting for that purpole, the fenators shall be upon eath or affirmation.

Sect. 3. No perfor hall be convicted, without the concurrence of two-thirds of the members of the whole house.

Sect. 4, The governor, and all civil officers under this State, thall be liable to impeachment for any mildemeaner in office; but judgment, in fuch cafes, fhail not extend further than to removal from office, and disqualification to hold any office of honour, truft, or pr. fit, under this flate. The party shall, nevertheless, in all cases, be liable to indictment, trist, judgment, and punishment, according to law ARTICLE V.

Sect. 1. The judicial power of this flate fhall be vefted in fuch superior and inferior courts of law and equity, as the legislature shall, from time to time, direct and estab-

lifh.

Sect. 2. The general affembly shall by joint ballet of both houses appoint judges of the several courts of law and equity, also an atterney or attornies for the flate, who shall held their respective offices during good behaviour.

Sect. 3. The judges of the superior court shall, at stated times, receive a compensation for their services, to be afsertained by law; but shall not be allowed any fees or parquifites of office, nor shall they hold any other effice of truft or profit under this ftate, or the United States.

Sect. 4. The judges of the fuperior courts shall be justices of over and terminer and general jail activery, throughout the ffate.

Sect. 3. The judges of the superior and inferior courts Judicials. that not charge juries with respect to matters of fact, but

may flate the testimony and declare the law.

Sect. 6. The judges of the fuperior courts thall have bower, in all civil cales, to iffue write of certiforari, to remove any caufe, or a transcript thereof, from any inferior court of record into the Superior, on Subscient cause, Superior, ported by oath or affirmation.

Sect. 7. The judges or juffices of the interior courts of law, that have power, in all civil cafes, so thus write of certiorari, to remove any cause, or a transcript thereof, from any inferior jurifdiction into their court, on luthcient

caufe, supported by oath or affirmation.

Sect. 8. No judge that fit on the trial of any caufa where the parties thall be connected with him, by stinity or confanguinity, except by confent of parties. In cafe an the judges of the Superior court shall be interested in the event of any cause, or related to all or either of the parties, the governor of the flate thall in fuch cale specially commillion three men, of law knowledge, for the determination thereof.

Sect. 9. All writs and other process, thall run in the name of the STATE OF TENNESSEE; and bear tell, and be figned by the respective clerks. Indictments thall conclude, AGAINST THE PEACE AND MONITY OF THE STATE.

Sect. 10. Each court thall appoint its ewn clerk, who

may hold his office during good behaviour.

Sec. 11. No fine shall be laid on any citizen of this state, that thall exceed afty dollars, unless is thall be stiened by a jury of his peers, who shall affels the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

Sect. 12. There find be judices of the peace appointed for each county, not exceeding two for each captain's combany, except for the company which includes the county town, which shall not exceed three, who shall bold their de-

fices during good behaviour. ARTICLE VL

Sect. 1. These then be enpointed in each county, by the soupty court, one frieriff, one coroner, que trulter, and a county officeras sofficient number of canstables, who then sold their offices for two yests. They flish also have power to appoint one regiller and ranger for the county, who shall had their offices during good behaviour. The theriff and curative thail be committioned by the governer.

Sect. 2. There first be a treeturer or treaturers appointed for the state, who that hold his or their other life two

PRATES Seed & The appointment of all officers not otherwise Mireland by this conflicution, that be vened in the legislature.

Yuntices to ad appeinted.

To oppoint

Yudiciary.

\_\_10\_\_ ARTICLE VII. .

Militia officers to be elected, by whom & how.

Sect. 1. Captains, Subalterns, and non-commissioned of ficers, shall be elected by those citizens, in their respective diffricts, who are subject to military duty.

Sect. 2. All field officers of the mulitiz flish be elected by those citizens in their respective counties who are sub-

jed to military duty.

mafters.

Sect. 3. Brigadiers general shall be elected by the field officers of their respective brigades.

Sect. 4. Majors general shall be elected by the brigadiers and field officers of the respective divisions.

Sect. 5. The governor shall appoint the adjutant general; the majors general appoint their aids; the brigadiers general thall appoint their brigade majors, and the comranding officers of regiments their adjutants and quarter

Sect. 6. The captains and subalterns of the cavalry shall be appointed by the troops enrolled in their respective companies, and the field officers of the diffrict shall be appointed by the faid captains and fubalterns, previded, that whenever any new county is laid off, that the field officers of the faid cavalry shall appoint the captain and other officers therein, pro tempore, until the company is filled up and completed, at which time the election of the captains and subalterss shall take place as aforesaid.

Sect. 7. The legislature shall pals laws, exempting citizens belonging to any fect or denomination of religion, the tenets of which are known to be opposed to the bearing of

arms, from attending private and general musters. ARTICLE VIII.

Ministers of the Gospel.

Officers to take

oaths.

Sect. 1. Whereas the ministers of the gospel, are by their professions, dedicated to God and the care of fouls, and ought not to be diverted from the great duties of their functions: therefore no minister of the Gospel, or priest of any denomination whatever, shall be eligible to a feat in either house of the legislature.

Sect. 2. No person who denies the being of God, or a future state of rewards and punishments, shall hold any office

in the civil department of this state. ARTICLE IX.

Sect. 1. That every person, who shall be chosen or appoint d to any office of trust or profit, shall, before entering on the execution thereof, take an oath to support the constitution of this state, and also an oath of office.

Sect. 2. That each member of the senate and house of representatives, shall, before they proceed to business, take an oath or affirmation to support the constitution of this

flate, and also the following oath:

I, A. B. do folemnly (wear (or affirm) that, as a member of this general affembly, I will in all appointments vote without favor, effection, partiality or prejudice, and that I will not propose or affent to any bill, vote, or resolution . which shall appear to me injurious to the people, or corfent to any act or thing whatever, that shall have a tendency to leffen or abridge their rights and privileges as declared by the constitution of this state.

Sect. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall, directly or indirectly, give, promise, or b-flow any fuch reward to be elected, that thereby he rendered incapable, for two years, to ferve in the office for which he was elected, and be fubject to fuch further pu-

nishment as the legislature shall direct.

Sect. 4. No new county shall be established by the gene- New counties. ral afferably, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than fix hundred and twenty five fquare miles : Nor shall any new county be laid off of less contents. All new counties, as to the right of fuffrage and representation, shall be considered as a part of the county or counties from which it was taken until entitled by numbers to the right of representation. No bill shall be passed into a law, for the establishment of a new county, except upon a petition to the general affembly, for that purpose, figned by two hundred of the free male inhabitants within the limits or bounds of fuch new county prayed to be laid off.

ARTICLE X. Sect. 1. Knoxville shall be the feat of government until the year one thousand eight hundred and two.

Sect 12. All laws and ordinances now in force and ufe in this territory, not inconfiltent with this constitution, shall continue to be in force and use in this state, until they shall expire, be altered, or repealed by the logislature.

S-cl. 3. That whenever two thirds of the general sales bly thall think it necessary to amend or change this coast. Pervision for tution, they shall recommend to the electors, at the next amendments, election for members to the general affembly, to vote for or against a convention; and if it shall appear that a maje. rity of all the citizens of the state, voting for representatives, have voted for a convention, the general affembly shall, at their next fession, call a convention, to confilt of as many members as there be in the general affembly, to be chosen in the fame manner, at the same places, and by the same electors, that chose the general affembly, who shall meet within three months after the faid election, for the purpose of reviling, amending, or changing the constitution.

Sect. 4. The declaration of rights hereto annexed, is declared to be a part of the constitution of this state, and shall never be violated on any pretence whatever. And to guard

against transgressions of the high powers which we have delegated, we declare, that every thing in the bill of rights contained, and every other right not hereby delegated, is excepted out of the general powers of givernment, and thall forever remain inviolate.

ARTICLE XI.

DECLARATION OF RIGHTS.

I. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, fafety, and happinels: for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in fuch manner as they may think proper.

II. That government being inflituted for the common benefit, the doctrine of non-refistance against arbitrary power and oppression is absurd, flavilb, and destructive to the

good and happiness of mankind.

III. That all men have a natural and indefeasible right to worth p Almighty God according to the distates of their own confeiences; that no man can, of right, be compelled to attend, erect, or support any place of worthin, or to maintain any ministry against his confent; that no human authority can in any cafe whatever controll or interfere with the rights of confcience; and that no preference finall ever be given by law to any religious establishments or modes of worthip.

IV. That no religious tell that ever be required as a qualification to any office of public trust under this state.

V. That elections thall be free and equal.

VI. That the right of trial by jury that remain inviolate. VII. That the people thall be fecure in their perform, houses, papers, and possessions, from unreasonable fearches, and feigures; and that general warrants, whereby an officer may be commanded to fearch suspected places, without evidence of the fact committed, or to feize any person or persons not named, whose offences are not particularly defcribed and supported by evidence, are dangerous to liberty, and ought not to be granted.

VIII. That no free man faul be taken, or imprisoned, or differzed of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty, or property, but by the judgment of his

peers, or the law of the land.

IX. That in all criminal profecutions, the accused hath a right to be heard by himself, and his counsel; to demand the nature and cause of the acculation against him, and to have a copy thereof; to meet, the witnesses face to face; to have compulsory process for obtaining witnesses in his favour; and in profecutions by indictment, or prefentment, a speedy public trial, by an impartial jury of the county or

diffrict in which the crims that have been committed, and that not be compelled to give evidence spaint himself.

X. That no person shall, for the same elence, be twice

put in jeopardy of life or limb.

XI. That laws made for the poniloment of facts tom- No Expost feemitted previous to the existence of fuch lows, and by them to law shall be only declared criminal, are contrary to the principles of a passed. free government; wherefore no est past facto law thall be made.

XII. That no conviction shall work corruption of blood or fortesture of effate. - The effate of fuch perfore at shall destroy their own lives, shall descend or west as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in confequence thereof.

XIII. That no person arrested, or confined in jail, shall

be treated with unnecessary rigour.

XIV. That no free man shall be put to answer say criminal charge, but by prefentment, indistment, or impeachment.

XV. That all prisoners shall be hallable by sufficient furcties, unless for capital offences, when the proof is evident or the prefumption great. And the privilege of the writ of hobers corpus thall not be folpended, unless when, in case of rebellion or invalion, the public fafety may require it.

XVI. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments

inflicted.

XVII. That all courts shall be open; and every man, for an injury done him in his lands, goods, perf in, or repufation, thall have remedy by due course of law, and right and juffice administered without fale, denial, or delay,-Suits may be brought against the state in such manner, and is fuch courts as the legislature may by law direct, provided the right of bringing fuit be limited to the citizens of this State.

XVIII. That the person of a debtor, where there is not ferong prefumption of fraud, shall not be continued in prifon, after delivering up his estate for the benefit of his creditor or creditors, in fuch manner as shall be prescribed by

XIX. That the printing prefice shall be free to every person who undertakes to examine the proceedings of the legislature, or of any branch or officer of government; and no law shall ever be made to restrain the right thereof.-The free communication of thoughts and opinions, is one of the invaluable rights of man, and every citizen may freely facak, write, and print on any fubred, being refp in fible for the abule of that liberty. But in profecutions for the publication of papers investigating the official conduct

Freedom of the

Breedom of Re-

ligion.

Elections and trial by Jury.

of officers, or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels. the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cafes.

XX. That no retrespective law, or law impairing the

obligation of contracts, shall be made.

XXI. That no man's particular fervices shall be demanded, or property taken, or applied to public use, without the confest of his representatives, or without just compensation

on being made therefor.

XXII. That the citizens have a right, in a peaceable manner, to affemble together for their common good, to influed their reprefentatives, and to apply to those invelled with the powers of government for redrefs of grievances, or other proper purposes, by address or remon-Arance.

XXXIII. That perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed.

XXIV. That the fure and certain defence of a free people is a well regulated militia; and as flinding armies, in t me of peace, are dangerous to freed m, they ought to be avoided, as far as the circumstances and fafety of the community will admit; and that in all cases the military shall be in Aria fubordination to the civil authority.

X . That no citizen in this state, except such as are employed in the army of the United States, or militiain actual 'ervice, shall be subject to corporal punishment un,

der the martial law.

XXVI. That the freemen of this state have a right to

keep and bear arms for their common defence.

XXVII. That no foldier shall, in time of peace, be quertered in any house without confent of the owner, nor in time of war, but in a manner preferibed by law.

XXVIII. That no citizen of this state shall be compelled to bear arms, provided he will pay an equivalent, to be

afcertained by law.

XXIX. That an equal participation of the free navigation of the Miffiffippi, is one of the inherent rights of the citizens of this state; it cannot therefore, be conceded to any prince, potentate, power, perfon, or perfons whatever.

XXX. That no hereditary emoluments, privileges, or honor shall ever be granted or conterred in this state.

XXXI. That the people refiding fouth of French Broad and Holfton, between the rivers Tennessee and Big Pigeon, are entitled to the right of pre-emption and accupancy in that tract.

Limits of the

Sitizens may

common goed.

Military subor

dinn'e to civil

euchority.

assemble for

XXXII. That the limits and boundaries of this flate be afcertained, it is declared they are as hereafter mentioned, that is to fay :-- Beginning on the extreme height of the Stone Mountain, at the place where the line of

Virginia interfects it, in latitude thirty-fix degrees and Limits. fairty minutes North-running thence along the em state. treme height of the faid mountain, to the place where Watauga river breaks through it; thence a direct courfe to the top of the Yellow Moustain, where Bright's road crosses the same; thence along the ride of said mountain, between the waters of Doe River and the waters of Bock Creek, to the place where the road croffes the Ison Mountain; from thence along the extreme height of faid Mountain to where Nolichucky River runs through the fame ; thence to the top of the Bald Mountain; thence along the extreme height of faid Mountain to the Painted Rock, on French Broad River; thence along the high ridge of faid Mountain, to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of faid Mountain, to the place where it is called Unicoy or Unaka Mountain, between the Indian Towns of Cowee and Old Chota; thence along the main ridge of the faid Mountain to the Southern boundary of this state, as deferibed in the set of cession of North-Carolina, to the United States of America; and that all the territory, lands, and waters lying West of the said line, as before mentioned, and contained within the chartered limits of the flate of North-Carolina, are within the boundaries and limits of this state, over which the people have the right of exercifing fovereignty and right of foil, fo far as is confillent with the constitution of the United States, recognizing the articles of confederation, the bill of rights and conflitution of North Carolina, the cession act of the said state, and the ordinance of the late Congress for the government of the Territory North-West of the Ohio: Provided, nothing herein contained shall extend to effect the claim or claims of individuals to any part of the foil which is recognized to them by the aforefaid cellion act.

SCHEDULE. Sect. 1. That no inconvenience may arise from a change of the temporary to a permanent state government, it is declared, that all rights, actions, profecutions, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place in the adminiftratied of government.

Sect. 2. All fines, penalties, and forfeitures, due and owing to the territory of the United States of America fouth of the river Ohio, shall enure to the use of the state. All bonds for performance, executed to the governor of the faid territory, thell be and pals over to the governor of this Rate, and his fuccessors in office, for the use of the state, or by him or them respectively to be assigned over to the use of those concerned, as the case may be.

Sect. 3. The governor, fecretary, judges and brigadiers

Chale.

Same 16 man

Temporaly pro visions.

general have a right, by wirtue of their appointments, under the authority of the United States, to continue in the exercise of the duties of their respective offices, in their leaverst departments, until the said officers are superceded under the authority of this constitution.

Sect. 4. All officers, civil and military, who have been appointed by the governor, shall continue to exercise their respective offices until the second Monday in June, and until successors in office shall be appointed under the authority of this constitution, and duly qualified.

Sect. 5. The governor shall make use of his private seal,

until a flate feal shall be provided.

Sect. 6. Until the first enumeration shall be made, as directed in the second section of the first article of this constitution, the several counties shall be respectively entitled to elect one senator and two representatives: Provided, that no new county shall be entitled to seperate representation previous to taking the enumeration.

Sect. 7. That the next election of representatives, and other officers, to be held for the county of Tennessee, shall

be held at the house of William Miles.

Sect. 8. Until a Land Office shall be opened, so as to enable the citizens south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, to obtain titles upon their claims of occupancy and pre-emption, those who hold land by virtue of such claims, shall be eligible to serve in all capacities, where a freehold is by this constitution made a requisite qualification.

DONE in convention, at KNOXVILLE, by unanimous confent, on the fixth day of February, in the year of our Lord, one thousand seven hundred and nine-ty-fix, and of the independence of the United States of America, the twentieth.—In Testimony where of, we have hereunto subscribed our names.

WILLIAM BLOUNT,

Prefident:

Blaunt county.

David Craig,
James Greenaway,
Joseph Black,
James Houston,
Samuel Glass.

Sullivan County.
George Rutledge,
William C. C. Claiborne,
Richard Gammon,
John Shelby, jun.
John Rhea.

Davidson County.
John M'Nairy,

Andrew Jackson,
James Robertson,
Thomas Hardiman,
Joel Lewis.
Jefferson county,
Alexander Outlaw,
Joseph Anderson,
George Doherty,
James Roddye,
Archibald Roane,
Know County,
James White,
Charles M'Clung,
John Crawford,
John Adair,

Summer County. David Shelby, Mare Walton. W. Douglais. Edward Douglass. Daniel Smith. Sevier Country's Peter Bryan, Samuel Wier, Spencer Clack, John Clack, Thomas Buckenham. Greene County. Samuel Frazier, Stephen Brooks, William Renkin, Elifha Baker. John Galbreath.

Hawkins County. James Herry. Joseph M. Minn. Thomas Meaderfon. William Cocke, Richard Mitchella Tennessee County. Thomas Johnston, James Ford. William Fort, William Prince, Robert Prince. Washington County John Tipton, Samuel Handly, Lecroy Taylor, Landon Carter, James Stuart.

Atteft, WILLIAM MACLIN, Sec'ry.

note de six ennio 1 and of my J. Carlo Land

## STATE OF TENN

PASSED AT

THE FIRST SESSION OF THE EIGHTH GENERAL ASSEMBLY,

Begun and held on Monday, the Eighteenth day of September, one thousand eight hundred and nine.

### CHAP. I.

AN ACT for the relief of the Commissioners of the town of Sevierville, and for appointing additional Commissioners to the same.

WHEREAS, by an act of the Territorial Assembly, Preamble. passed the tenth day of July, in the year seventeen hundred and ninety-five, entitled, " An act appointing commissioners to erect a court-house, prif in and flocks, in the county of Sevier, and to lay out and establish a town in the same, and for altering the time of holding courts and appointing jurors to the superior courts, it was made the duty of the commissioners of faid town to make deeds of conveyances to the purchasers of lots, conveying to said purchasers titles in fee timple to the lots by them fold-And whereas, faid commissioners have in some instances executed deeds to purchasers in pursuance of the requisition of said act, and stand bound to the purchasers of the residue, to make similar deeds for the refidue of faid lots that have been fold-And whereas, by the laws of this state providing for the fale of the lands fouth of French Broad and Holston, all the lands in that tract are to be fold at the rate of one dollar per acre, by force of which last recited act the faid commissioners will be bound to pay at that rate for the quantity of land contained in the plat of furvey of faid town, and by them filed in the Register's office of East Tennellee,

out of their own private pockets, when they entered into the aforefaid contracts under the directions of the law, and

as agents to the flate-For remedy whereof:

Commissioners vested in fee.

Sect. 18. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, that the commissioners of the faid townof Sevierville, in the county of Sevier aforefuld, and their fuccesfors in office, shall stand seized of a full and complete estate in fee simple, to all the lands contained in the plat of furvey of faid town, by them filed in the Register's office of East Tennessee, for the purpose of enabling said commissioners to make deeds of conveyance to the purchasers of lots in faid town, agreeable to the provisions of the aforefaid territorial act.

Deeds to purchavers to be made.

Oroners of lots

so build thereon

Sect. 2nd. Be it enacted, That it shall be the duty of faid commissioners of the faid town, and their fuccessors in office, within fixty days if required, after the passage of this act, to make and execute to the purchasers of lots in faid town, deeds of conveyance in fee fimple, for fuch lot or lots as they respectively have purchased, or to those to whom any lot or lets may be transferred, by a written transfer, and in case claimants of a lot or lots in said town, fail to apply for their deeds for the space of three months after the paffage of this act, it shall be the duty of the aforefaid commissioners to make and execute a deed or deeds, in fee fimple, to those who are entitled to the same, for all lots fold by the commissioners of faid town, for which deeds have not aiready been made, and acknowledged them in the next court held for the county of Sevier, and lodge them in the clerk's office for faid county, for the owner or owners of faid lots, to whom faid clerk shall deliver them when called for, on the payment of his fees for recording the same, which deeds, when so made as aforefaid, shall vest a complete estate, in fee simple, in the several holders thereof.

Sect. 3rd. Be it enacted, That where deeds have heretofore been made and executed for lots in faid town, by the present or former commissioners thereof, that the holders of fuch conveyances, or those to whom they are lawfully transferred, shall stand feized of as full and complete an state, in fee simple, as if the faid deed or deeds had have been made by virtue of, and under the authority of this act.

Sect. 4th. Be it enacted, That when the aforefaid commissioners shall have made and executed deeds for the lots in faid town, that are not already by them conveyed in the manner herein prescribed, that the holders of lots in faid town shall be bound to build in the same, in pursuance of the requifitions heretofore made by law for the regulating the same-and in case of failure shall be subject to the pemalties therein prefcribed.

Sect 5th. Be it enacted, That Thomas Price, Spencer

Claim, William Snoddy, Andrew Lawfon, Hasc Thomas, Commissioners in and James Henderson, be, and are hereby appainted appointed. Commissioners to the faid town of Sevierville, in addition to those already appointed, and mail have the same powers and privileges, as these beretofore appointed by law haves and alfa be liable to the fame penalties.

Sect 6th. Be it chiefted. That all laws, and parts of laws, coming within the purview and meaning of this act, be;

and the same are hereby repeated.

S-Ct. 7th. Be it enacted. That this act shall be in force from the passing thereof.

JOSEPH DICKSON. Speaker of the House of Representatives. JOS. M'MINN, Speaker of the Senate.

25th September, 1809.

AN ACT authorising the county court of Knax to elect suitable persons to settle with the commissioners who have been heretofore appointed, to erect the public buildings for the county of Knox.

Sec. 1. BE it enacted by the General Assembly of the state Jullices of the Peace, for the county of Knox, on the fecond day of their next term, after the first day of January next, to elect three fuitable perfons, as commissioners, who when elected, shall have full power to call upon the persons who have been heret fore appointed to superintend the building of a court-house in the town of Knoxville, or such of them as may have contracted for the building of the fame, to render an account of the furn they have agreed to give for the building and conspleting faid court-house, and whether the fame has been discharged, and if not, how much remains due and unpaid, and the faid commissioners, fo elected, shall also have full power to call on the clerk or truffee, or either of them, to render an account of the additional tax which has been collected, to defray the expence of building faid court-house, and how much the same has amounted to.

. Sec. 2. Be it entitled, That the faid commissioners shall alfo have full power to call on the perfens who have been appointed by an act of the General Affembly of this flate, paffed at Knowville, the thirteenth day of November, one thouland eight hundred and one; to contract with a funtable perion to creek a prifor and Rocks in the town of Kooxville, to render an account how far they have carried the same into effect, at what sum they contracted for building

she fame, and how much thereof has been paid, and alfo what amount if any remains due, together with an account of the amount of additional taxes which have been collected annually for that purpole.

Penalty for re-

Sec. 3. Be it enacted, That if any of the aforefaid comfusing to settle miffioners thould retufe to make fettlement agreeably to the provisions of this act, after having been first notified at least ten days previous to the time of making the same, of the time and place, when and where the same shall be made, shall for every such refusal, forfeit and pay the sum of five bundred dollars, recoverable in any court of record having c gnizance thereof, one half to the nie of the county, and the other half to the use of any person who will sue for the

Return to be made.

Sec. 4. Be it enasted, That faid commissioners shall make a true and perfect return of the above fettlements to the clerk of faid court, at the next term of faid court after the fame may have been made, whole duty it shall be to record the lame.

Sec. 5. Be it enacted, That faid commissioners shall be allowed the fum of two dollars and fifty cents per day for each day they may be necessarily engaged making said fettlements.

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

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

13th October, 1809.

CHAP. III.

AN ACT to amend an act, entitled, " an act to provide for the oppointment of a Public Printer.

To deliver acts

Sec. 1. BEst enacted by the General Assembly of the state of Tennessee, That the public printer hereaf. ter to be elected for this fiate, shall be, and he is hereby bound to deliver fuch number of the capies of the laws of each and every fession of the Legislature, as may be directed to be printed by the General Affembly, who shall forward fuch laws to the feveral clerks of the county courts, that each county may be entitled to, within three months from and after the rife of each and every fession of the Legiflature, and fault prefix to each copy of the laws paffed at the prefent fession of this General Assembly, a copy of the Constitution of this state, and shall also be bound to print and deliver such number of the copies of the Journals of each fession of the several General Assemblies, as the ref-

bestive Legislatures may direct, and deliver them to the Elerks of the leveral consties; in fuch manner as by the different Legislatures may be directed, within four stouths from and after the rife of each and every festion of the Legiflature.

Sec. 20. Be it enceled, That the printers hereaften to be elected. Thall not receive any compensation for the printing they may engage to do, until they shall have delivered the be paid. laws agreeably to the directions of this act, and have filed the receipts of the different clerks therefor, in the fecretary's office And it shall be the duty of the fecretary to receive and file faid receipts, for the examination of the Legillature, estimate the number of theets contained in each copy, and certify the amount thereof to the governor, who thereupon shall be authorised to issue a draft in favor of faid printer, on either of the Treasurers of this state for faid amount due him for printing faid laws, and it fliall alfo be the duty of the secretary of state, for the time being, to furnish the public printer with copies of the different acts passed at this and every subsequent session, as soon as possible, after they are figued by the speakers and lodged in his office, on the printer's applying for fuch copies, fo as to enable fuch printer to commence printing the laws as they are severally passed, and not to subject him to the delay that may arise from waiting until the whole of the acts are cop:ed; and upon the printer's filing the receipts of the respective clerks for the journals, with the faid fecretary, it shall be the duty of the faid fecretary to make an ellimate of the whole printing done by faid public printer, and certify the fame to the governor, who thereupon is requested to issue to said printer a draft on either of the Treasurer's of this state, for whatever sum may be due him after deducting from the whole amount fuch fum as may be drawn for, on the delivery of the receipts for the laws.

Sec. 3. Be it enacted, That it shall be the duty of the To keep his ofprinters hereafter to be elected, to do the flate printing, to fice at the seat keep his office at the feat of government during the time of government for which he shall be elected, to set as such, and there shall be a condition annexed to the bond heretofore directed by him to be given to that effect, before such printer shall remove his faid office from the feat of government, during the time for which he is elected, fuch removal shall be held and deemed a breach of the condition of faid bond, and he hall be proceeded against therefor, as for a breach of any other condition contained in faid bond.

Sec. 4th. Be it enacted. That it that be the duty of the To be sued for governor, for the time being, to any printer hereafter to failures. be elected breaking any or all of the conditions of the bond he may enter into, immediately to bring fait against the printer to failing, for the amount of the penalty of fuel bond;

Printer how to

Number of copres.

Sec. 5th. Be it enacted, That the printer who first be elected as public printer at this fellion of the local part fembly, that print and furnish twelve hundred combs as the acts of the prefent fellion of this General Affembly, and al-To six hundred copies of the fournals. It select the has me

Sec. 6. Be it enasted, That all laws, and parts of laws, coming within the purvlew and meaning of this all, be, and the fame are hereby repealed. This tion from ballely

Sec. 7th. Be it enacted, That this act thall, be in force from and after the passage thereof.

JOSEPH DICKSON, went Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate:

6th October, 1809.

CHAP. IV.

AN ACT to alter the time of holding Elections, in the Corparation of the town of Nashville.

Sec. 1st. BE it enacted by the General Assembly of the for Mayor and Aldermen for the corporation of the town of Nashville, shall be held on the first Monday in October, in each and every year, any law to the contrary notwith-

Sec. 21. This act shall commence and be in force, from and after the puffing thereof.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN,

Speaker of the Senate.

19th October, 1809.

CHAP. V.

Penalty for gior carrying a ehallenge.

AN AGT more effectually to prevent Ducling. ving, receiving Soct. 1st. B Elit enacted by the General Assembly of the or carrying a fone, citizens of this flate, who shall be guilty of giving of receiving anchallenge for the purpose of fighing; a duel, within or without this linte, or final be the friend of either parties, in bearing a challenge for that purpote, every fix h perfon, or perfons, that forever mer be incapable of holding any office or appointment in this government, whether of honor or profit, and first moreover be meanable of giving testimony in any court of record, or farving as a jurge. Sed. Endro Be it enadiett, That if any perfon or perfons, who may be hereafter challenged to fight a duel and may whater to falling, for the amount of the product of facts bond.

be powilling or refuse to accept the fame, that then and in Words mode acthat case; should the person of persons, who is the author tionable. of faid challenge, or the bearer of the fame, proceed to tharge the party being so unwilling or refusing to fight, with being coward, paltroon, or any other words infinuating fuch favings of any fuch person or persons, whether spoken to a third perfon or perfons, or published in a newspaper, shall be held and deemed funderous words, on which an action may be supported against the speaker or publisher thereof. any law, ufage or cuftom to the contrary notwithstanding.

Sect. 3d. Beit enected, That each and every Juffice of Fustices to see the Peace, and other civil officers in this fate, are hereby this act executenjoined, and it is expressly made their duty, to take cog- ed. nizance of this act, and fee the fame enforced.

Sect. 4th. Be it enacted, That all laws and parts of laws coming within the purview of this act, shall be and the same are hereby repealed.

Sect. 5th. Be it enacted, That this act shall be in force from and after the pallage thereof.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate.

October 19th, 1809.

CHAP. VI.

AN ACT regulating the Judges of the Superior Courts of Law and Equity, in granting licence to persons applying to be admitted to practice low, in the Superior Courts of law and equity within this state.

Sec. 1. BE it enacted by the General Assembly of the state of Tennesset, That from and after the passage of this act, no particular length of time for any fludent of law, applying to be admitted to the practice of the law, shall be required by any judge or judges of this state, to entitle him to an examination, but it shall be the duty of any judge or judges of the fuperior courts of law and equity, when any fludent of law thall apply to be admitted to practice law, in the superior and inferior courts of law and equity in this flate, to proceed to examine the person so applying, touching his legal abilities and acquirements, in the princip of law, and if on fuch examination it shall sppear to the fatisfaction of fuch judge or judges, that she perion to applying is qualified to practice law in the different courts in the flate, he or they shall grant him a licence under his or their hadde and feals, to practice law in the different courts in this state : Provided nevertheless, That no person whatsoever, shall be admitted to practice law, in any of the courts of Justice in this state, until he produce

Students to be examined with out regard to length of study

a licence under the hands and feals of two or more judges

of the superior courts of law and equity.

Sec. 2. Be it enacted, That no fludent of law shall be entitled to an amination by any of the judges of the fuperior courts of law and equity in this state, until he produce a certificate from the court of the county where he usually refided before he commenced the fludy of the law, plainly shewing that he is a man of good reputation, and shall have attained the age of twenty-one years.

. Sec. 3. Be it enacted, That this act shall be in force from

and after the passage thereof.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN,

Speaker of the Senate.

15th October, 1809.

CHAP. VII.

AN ACT to establish the permanent seat of Justice in the

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee, That on the first Monday of March next, an election shall be held in the county of Hickman, at the usual place of holding court, by the sheriff of faid county, or his deputy, under the fame laws, rules and regulations as elections of members of the General Affembly, for the purpose of electing five persons as commissioners to fix on, and finally establish a permanent feat of justice in and for the faid county of Hickman, and every free male person above the age of twenty one years, actually refident in faid county at the time of fuch election, shall be permitted to vote; and the five persons who have the highest number of votes, shall be the commissioners for the purpose aforesaid.

Sec. 2. Be it enacted, That it shall be the duty of the faid commissioners, when so elected, before they enter on the duties of their appointments, to take the following oath, (viz.) " I A. B. do swear that I will well and truly execute and perform all the duties enjoined on me by law, as a commissioner to fix on the permanent feat of justice for the county of Hickman, to the best of my skill and abi-

lity, So help me God."

Sec. 3. Be it enacted, That it shall be the duty, of said To fix on the commissioners, and they have full power and authority, to fix on a proper place for the feat of justice in and for the faid county, having regard to the fituation of faid county, fo as to fix on a place that may hereafter be the most central, taking into view the probability of a new county or o. ther alteration likely to take place hereafter, as far as con-

ers shall agree, immediately after having fixed on the fame, proceed to obtain a tract of land, not less than thirty acres, to be conveyed to them and their funcesfors in office, by general warrantee deed, in trult, for the purpose of laving off a town thereon; and they shall lav off the fame, towit, thirty acres of faid land into convenient lots, lanes, streets and allies, referving in the most convenient and eligible place, two acres, in a fquare form, to be catted the public fquare, on which to erect public buildings; and the faid commissioners to fell the lots fo laid out, to To sell lots on the highest bidder for the same, at public fale, giving a credit. credit to the purchaser or purchasers of twelve months, and make deeds of conveyance to the purchafers of faid lots respectively, but said sale of lots shall not take place until the time and place of fale shall have been advertised at fix of the most public places in faid county, at least two months notice thereof, before fuch fale is made; and in all cafes of fales of lots, the faid commissioners shall take notes under hand and feal, with good and fufficient fecurity, for the payment of the purchase money, from the respective purchafers.

Sec. 4. Be it enacted, That faid commissioners shall have Tocontract for full power and authority to contract for and superintend Public Build the erection of the court house, prison and stocks in faid ingatown, and appropriate the money arising from the sales of lots in payment for the same, and to no other use or purpofe whatever; and if the money arising from the faid fales shall not be sufficient to pay for said buildings, the county court may, at their discretion, lay a tax not exceeding the amount of the state tax in faid county, to be raifed from the same property and polls, to be collected by the same persons, and in the same manner, as the flate tax, which tax may be laid annually for the term of three years from the first imposition thereof, if said buildings shall not have been sooner paid for,

Sec. 5. Beit enacted, That faid commissioners shall, be. Court to settle fore they receive any money either from the fales of lots or with commissifrom taxation, give bond to the chairman of faid court and oners. his fucceffors in office, with fecurity, to be approved by the faid court, in the fum of ave thou and dollars, condition. ed that, they will well and faithfully discharge the trust reposed in them by this act, and fully account for all monies which may at any time come to their hands by virtue of their appointment as commissioners aforesaid; and it shall be their duty to settle with the court, whenever the faid court or such person or persons as said court may appoint, when called on for that purpofe; Provided, faid commissioners benot called on for fettlement oftener than once in each year.

Sec. 6. Be it enacted, That faid court be, and they are

To take oath.

Commissioners

to be elected &

by reham.

Applicants 19

produce certifi-

cates.

seat of Justice

Compensation hereby authorized, to order fuch fum or fums of money to to Commission be paid out of the county treasury to each of faid commitfioners as they may deem an adequate compensation for his or their fervices, in the performance of the duties enjoined on them by this act.

Sec. 7. Be it enacted, That the town herein directed to be laid off fhall be called and known by the name of VER-Non, and the same shall be the place of holding the county

courts for the faid county of Hickman.

Sec. 8. Be it enocted, That this act shall take effect and be in force from and after the paffage thereof;

JOSEPH DICKSON,

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

18th October, 1809.

CHAP, VIII.

AN ACT to encourage Seminaries of Learning. Sec. 1. BE it enacted by the General Assembly of the state of Tennessee; That all lands and other hereditaments, within the limits of this flate, which shall hereafter be devifed or conveyed, by any person or persons, or be granted by virtue of any act of affembly, to any truftee or trullees, or other body politic or corporate, for the ufe or benefit of any college, academy, or other feminary of learning within this flate, shill be exempt from the payment of any and every tax, whether to the flate or county, and thall not be liable therefor, neither in whole nor in part, nor shall such trustee or trustees, or either body politic or corporate, in whom the title of fuch land may be vefted, be ever obliged to return a lift thereof for taxation, or to pay any tax of any description therefor, so long as such lands or other hereditaments are held for the use or benefit of any fuch college, accademy, or other feminary of learning as aforefaid. "

Register may issue grants to Trustees.

Lands exempt

from Tax.

Sec. 2. Beit enacted, That where any perfon or perfons, may have the right to any occupant claim or claims, and may transfer their rights to the trustees of any college or accademy, for the exclusive use of such college or accademy, that it shall be the duty of the Register of the Land Office in the diffrict where the land lies, to make out a grant to the trustees to whom such transfer is made, vesting in faid truftees a fee simple estate, without faid truftees being comp lled to pay the confideration money that may be due to the flate for fuch land : Provided, That fuch occupant claim does not lie within the bounds of the lands located for the use of colleges and accademies, provided there is no adverse claim to faid land fo transfered.

-29-

Sec. 3 Be it enacted, That this all shall be in force from and after the passing thereof.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN,

Speaker of the Senate.

18th October, 1809.

CHAP, IX.

AN ACT for the relief of Thomas Humes.

WHEREAS it appears that Robert Armstrong, depu. Preamble. ty furveyor for the diffrict fouth of French Broad and Hollton, on the twenty-eighth day of July, one thousand eight hundred and seven, surveyed for Thomas Humes, fouth of French Broad and Hollton, including his occupant claim, opposite Knoxville, which survey has been returned to the register of the land office for East Tennessee, which faid furvey includes, within the lines thereof, two hundred and one acres: And whereas it appears that faid furveyor has included within the lines thereof, nine lots amounting to four acres and thirty three poles which has been furveyed for James Charter, which plats are also returned to faid register's office and there recorded, from which, faid furveys it appears that the faid nine lots are entirely bounded by faid land of Thomas Humes, for which reason the faid register is not authorised by law, to issue a grant to said Thomas Humes on said survey, the faid furvey including within the exterior boundaries more land than faid Humes claims title to-For remedy whereof,

DE it enacted by the General Assembly of the state of D Tennessee, That the faid register be authorized and required to make out a grant for faid Thomas Humes, his heirs, and affigns, on faid furvey, according to the exterior lines and boundaries, expressing in the face thereof that the same is for the quantity of one hundred and ninety feven acres, three roods and feven poles, exclusive of nine lots furveyed within the bounds of faid lines, furveyed for James Charter, making four acres and thirty-three poles, and that faid grant shall convey or transfer no title to Thomas Humes to faid lots; fo furveyed for faid James Charter, according to faid furveys recorded in faid regifter's office, any thing to the contrary in any law notwith-Randing.

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

#8th October, 1809.

Grant to issue.

AN ACT to restore William Wilson to his former privileges. WHEREAS it hath appeared to this General Affembly that William Wilson, a citizen of Carter county, was heretofore charged with, and convicted of the crime of larceny, and received the punishment which the laws of the land hath annexed to the aforefaid offence, which has deprived the faid William Wilson of the privileges of a free citizen; and whereas it appears that the faid William Wilson for a long time past, towit, for the space of twenty years or upwards, since the time of his conviction, hath demeaned himself as an honest and industrious citizen of this government: Therefore,

BE is enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the said William Wilson is hereby declared to be restored to all the privileges and immunities of other free citizens of this government, in as full and ample a manner as if the aforesaid conviction and punishment had never happened.

JOSEPH DICKSON,

Speaker of the House of Representatives,
JOSEPH M'MINN,

Speaker of the Senate.

18th October, 1809.

CHAP. XI.

AN ACT to release John F. Jack and James Rogers from a forfeited recognizance.

WHEREAS, heretofore John F. Jack and James Rogers entered into a recognizance with Thomas Plumer, conditioned to be void if the faid Thomas Plumer should appear at the Superior Court of Law for Hamilton Diftrict on the fourth Monday of March, one thousand eight bundred and nine, to answer a charge of the state against him for altering and defacing a mark, and the faid Plumer failed to appear according to the tenor of faid recognizance, but removed himself beyond the limits of the United States, in consequence of which they, the said John F. Jack and James Rogers were called out, and a forfeiture entered upon faid recognizance against them in faid court :-And whereas it appears that the faid Plumer failed to attend, without the confent or connivance of them the faid John F. Jack and James Rogers, or either of them, who have made all the exertion in their power to lay hold of faid Plumer and furrender him, but have not been able fo to-do-Therefore,

-31--

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee. That the faid John F. Jack and James Rogers, and each of them, shall hereby be released, exonorated and forever discharged from fair recognizance, and any forfeiture or judgment that shall have been entered thereon, of which release and exonoration, the attorney general of the proper district is directed to take notice; without compelling any plea to be entered: Provided, That nothing in this act shall be so construed as to release or exonorate the said Thomas Plumer from his recognizance or any forfeiture that may have been entered thereon, nor to release them the said John F. Jack and James Rogers or either of them, from the payment of any costs that have accrued previous to the passing of this act either against principal or securities.

Sec. 2. Be it enacted, That this ael shall be in force from

and after the passing thereof.

JOS. DICKSON;
Speaker of the House of Representatives.
JOSEPH M'MINN,
Speaker of the Senate.

30th September, 1809.

#### CHAP, XII.

AN ACT to remove a seperate election in the county of Sunner, from the house of William Harpers, the present place of holding elections, to elect Governors, Representatives to represent this state in the congress of the United States, and members to the General Assembly, &c.

Sec. 1. BE it enocited by the General Assembly of the State of Tennessee, That from and after the passing of this act, all elections to elect Governors for this state, members to the General Assembly, Representatives to represent this state in the Congress of the United States, and Electors to elect a President and Vice-President of the United States, shall be held at the house of John Mills, on Goose creek, instead of William Harpers, the place beretofore established in the county of Summer for holding separate elections.

Sec. 2. Be it enasted, That all laws or part of laws coming within the purview of this act, shall be and the

fame are hereby repealed.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,
Speaker of the Senates

18th October, 1809.

CHAP, XIII.

AN ACT making provision for certain Grants.

WHEREAS, a number of Grants have been issued by the Registers of the land office of this state, which have been filled up in the body of faid grants with the name of John Sevier, efquire, then governor of this flate, without having been figned by him previous to his going out of office, and in order that faid grants may not be prejudiced thereby,

) Est enacted by the General Assembly of the state D of Tennessee, That from and after the paffing of this act, it shall be lawful for Willie Blount, esquire, the present governor of this state, and he is hereby required to figa the faid grants, whose fignature is hereby declared to be as good and valid, both in law and equity, as if the fame had been figued by the faid John Sevier, esquire, while in office.

Sec. 2. Be it enacted, That it shall be the duty of the faid Willie Blount, efquire, at the time of figning faid grants; to date the same to the end that it may clearly appear he was Governor of the state at the time they were figued, any law to the contrary notwithstanding.

JOS. DICKSON,

Speaker of the House of Representatives.

JOSEPH M'MINN, Speaker of the Senate:

18th October, 1809.

CHAP. XIV.

AN ACT to establish a Water Company in the town of Columbia.

Water Compa-214.

DE it enacted by the General Assembly of the state Sec. 1. D of Tennessee, That Ifaac Roberts, John Spencer, William Bradfhaw, Joseph Brown, William Berrybill, William W. Thompson, Simon Johnston, Abram Whitefide, and L. B. Eftis, and their fucceffors in office, be, and they are hereby constituted a body politic and corporate, by the name of the Columbian Water Company, and by that name, may fue and be fued, in all courts of law and equity in this state, and may take and hold, to themfelves and their fucceffers in office, for the use and benefit of faid town, any lands or tenements over which the faid water doth pals, or any right or interest therein, which hath been or may be conveyed to them.

Sec. 2. Be it enasted, That should any vacancy happen in the faid company, by the death, removal, or refignation of any of the members, it shall then be the duty of the faid company, or a majority of them, to nominate forme proper per(on to, fill fush yar ansy.

Sec. S. Best enectad. That the shore company be sutherifed to-draw, from the community mers of the town of Columbia, a fun not exceeding three then and & days of the monies arising from the life of the lots of Columbia, for the purpole of procuring water as convenient to the public fquare as may be found practicable, and the recorns of the faid company faril be sufficient vouchers for the faid dominifieners in their lettlement.
Sec. 4. Be it enacted. That the faid commany shall have Protection for

power to preferabe tuch rules and regulations for their own government, and for the regulation of their pipes and other works, as they may deem proper and necessary, and they that be entitled to the laute protection from wanton and malicious perfons in uring their works, and be allowed the fame privileges as are allowed to the Kn aville water compasy, by an act passed the twenty-second day of April, one thousand eight hundred and nine.

... Sec. 5. Beit enacted, That this act hall be in force from and after the first daylof January next.

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

18th October, 1809.

CHAP. XV.

AN ACT to establish and confirm the name of a certain person, hereafter named.

WHEREAS, John Ragao, of the county of Hawkins, Preamble, hath heretofore palled, and was known by the name of I ho Rigan, which was not the proper name of him the faid John-And whereas, for divers good causes, appearing to this General Affembly, it is proper to effablish and confirm faid name-Pherefore,

Mil it enacted by the General Assembly of the state of D Tennessee, That from and after the passage of this act; the aforefaid passe of John Ragan, shall be, and is hereby established and confirmed as the proper name of him the faid John Ragan.

JOSEPH DICKSON Speaker of the House of Representatives, JOSEPH MIMINN. Speaker of the Senate.

the works.

John Ragan.

Preamble.

AN ACT to restore James Salmon to his former privileges. WHEREAS James Salmen, of Dickfor county, has been convicted of petit farceny in the diffrict of Mere, which has deprived him of the privileges of other citizens, and it appearing to the fatisfaction of this General Affembly, that he has ever fince conducted himfelf as an honest good citizen Therefore,

Restoration.

Preamble.

zabeth Grace.

BE it enacted by the General Assembly of the State of Tennessee, That the faid James Salmon, of Dickfon county, is hereby restored to his former privileges as a citizen, to all intents and purpoles, as if he had never been convicted, any law to the contrary, notwithflanding.

JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN,

Speaker of the Senate.

18th October, 1809.

CHAP. XVII.

AN ACT to divorce the persons therein named. WHEREAS good cause hath been shewn to this General Affembly, why the persons hereafter named should be discharged from the bonds of matrimony-Therefore,

Sec. 1. BE it enucted by the General Assembly of the state David & Eliexisting between David Grace, and his wife Elizabeth Grace, formerly of Carter county, be, and they are hereby dissolved, to all intents and purposes, and that the aforesaid persons be restored to all rights, privileges and immunities, which each enjoyed before their intermarriage.

Sec. 2. Be it enabled, That this act shall be in force from

and after the pailing thereof.

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

18th October, 1809.

CHAP. XVIII.

AN ACT to authorise the county court of Williamson, to build a jail for the use of said county.

appointed-

Commissioners Sec. 18. B Est enacted by the General Assembly of the state appointed-Hicks, Ewen Cameron, George Hulme and Richard Steel, or any three of them, are hereby appointed commissioners to superintend the building of a jail in the town of Franklin, in the faid county of Williamson; and it shall be the

duty of the faid commissioners, or any three of there, inmediately on receiving the potice herein situr directed to be given to them by the county court of Williamson, to proceed to let the building of the faid fail to the lowest bidder, fielt giving public notice thereof by advertisement on the court-house door in the town of Franklin, and likewise with the forms by advertifing the same in one of the news papers printed est bidder. in Nashville, at least forty days before the faid building is let; fetting forth the materials of which the faid jail is to be built; the dimensions whereof it is to confist, and the departments into which it shall be divided; and the faid commissioners that take a bond with sufficient securities, from the person to whom the said building is let, for the faithful performance of their contract.

Sec. 2nd. Be it enacted, That a majority of the Justices Court may lay of the faid county of Williamson, whensoever they shall Tax. deem it expedient to do fo, may, and they are hereby empowered to lay a tax on the taxable property of the faid county, not exceeding the tax which is now laid on the fame for the use of the state; and the like majority of Justices may continue to lay the faid tax, or any proportion thereof annually, until the faid jail is paid for; and fo foon as the tax for this purpose shall be laid; it shall be the duty of the county court to direct the clerk of faid court to give notice thereof in writing to the respective commissioners above mentioned, who shall, upon the receipt of such notice, proceed to discharge the duties by this act assigned to absence of the street

Sec. 3rd. Re it enacted, That this act that be in force from and after the first day of January, in the year one thousand eight hundred and teps

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN, TO

Speaker of the Senate.

19th October, 1809.

CHAP. XIX:

AN ACT to fix the time for holding Regimental and Battallion Musters, in the county of Campbell, and for other purposes therein mentioned, and for holding Regimental Musters in the county of Rhea.

Sect. 1ft. BE it enacted by the General Assembly of the Reg'al muster State of Tennessee, That the regiment of In-Compbell when fantry of Campbell county, shall hold a regimental muster & where to be at the town of Jacksberough, in faid county, on the third held. Thursday in November, in each and every year, and shall hold Regimental Courts Martial under the fame rules, re-

March Esta

golations and seftrictions, as heretofore established by law for holding regimental courts martial in this Rate.

Battalian mustoes to be held as heretofore.

Sect. and. Be it ena Hed. That the Battalifons comp ing the faid regiment of the county of Campbell, that held their Battallion and Company multers at the fame time, and under the fame rules, regulations and refficions, as is heretofore prefcribed by law for holding battallion and company multers within this state; and shall hold their faid batt it on and company courts martial, under the fame rules, regulations and reftrictions, as is heretofore authorifed and prefcribed by law, for holding buttattion and company courts martial, within this state.

Rhea country.

Sec. 3rd. Be it enacted, That from and after the paffing of this act, that the regiment of infantry composing the county of Rhea, thall hold their regimental musters at the place of holding court in faid county, on the first Thursday in November in each and every year.

Bledsoe county

Middle Clinch

the line.

Sect. 4 h. Be it enacted, That from and after the pulling of this act, that the regiment of Infantry composing the county of Ri dfoe, thail hold their regimental multers at the place of holding court in faid county, on the fecond Thursday in November, in each and every year, any law Sect. 5th. Be it enacted, That this act shall be in force

from and after the palling thereof.

JOS. DICKSON, Speaker of the House of Representatives, JOS. M'MINN,

Speaker of the Senate.

25th September, 1809,

CHAP. XX.

AN ACT so ascertain and establish the dividing line between the counties of Granger and Claiberne.

Sec. 1st. BE it enacted by the General Assembly of the river shall hereafter be the dividing line between the counties of Grainger and Claiborne, fo far as the north bank of faid river is at prefent the line between faid counties, any law, cultom or usage, to the contrary notwithflanding.

Sec. 2d. Be it enacted, That this act shall be in force,

from and after the passing thereof.

JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN,

Speaker of the Senate.

soth October, 1809.

CHAP, XXt.

AN ACT granting George Wallace, Thomas Dixon, and Anthony Walke, the previlege of relations marchanding without paying any taxes for the same.

Sec. 18. Det it enabled by the General Assemble of the George Wood Overson county, be, and he is hereby permitted to I wand retail merchandige ut hawker or pedler, through the count ties which at this time compole Winchester Diffriot, for the term of ten years, from and alter the palling of this ser without the payment of any taxes for the fame, any law to the contrary notwithstanding.

Sec. 2d. Be it enacted, That Thomas Dixon, of the town. Thos. Dixon. ty of Irobertson, be, and he is hereby authorised to sell, yend, or barter, fuch goods as he now has on hand, within the county aforefiel, without taking outlicence, or funfect to any fine for failing fo to do, any law to the contrary note

Sec. 3rd. Be it chaffed, That Anthony Walke, of the Anthony Walke county of Davidson, be, and he is hereby authorised to sell or vend any mercha dize which he may now have, or may hereafter have, within the countres of Dividion, Williamfew, Summer, Wilf in and Smith, without taking out any licence therefor, for the term of ten years, or he lub; et to any fine for failing fo to do, shy law, ulage or cultom, to the contrary notwithstanding: Provided always, That if the faid George Wallace, Thomas Dixon or Adthony Provise. Walke, or either of them, should at any time abuse the privilege herein granted, by employing any other perion to fell or retail goods for them, or either of them, except one person, that each may severally and is perstely employ. if he or they fee fit fo to do, as driver of his carriage, and if hereafter it should appear that they, or either of them, should in any respect violate the refrictions of this provif, or fell and wend goods in any other county or counties within this flate, other than those in which they are severally privileged by this act (unless they or either of them. th old procure a licence for to doing) he or they to offeading, shall thereby forfeit all right to and benefit of this act and be immediately liable and lubject to the lame pendies they would have been subject to, if this act had never been he subtraction of an extention bear paned.

Sec. 4th. Re it enacted, That this act fhall be in force from and alter the patting hereof.

JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN,

Speaker of the Senate.

19th Offaber, 4809.

withstanding.

wish to be GISTUR.

#### CHAP, XXII.

AN ACT to establish the permanent seat of Justice in the county of White.

Commissioners to be elected.

Sec. 1. BE it enacted by the General Assembly of the state of Tennesses, That it shall be the duty of the fheriff of White county to advertise at the most public place in each captain's company, at least ten days previous to the first Monday and Tuesday in January next, an electionwill be held on the aforefaid days, at the prefent places of holding elections in the county of White, for the surpofe of electing feven persons as commissioners, to fix on a permanent feat of Justice for faid county, at which election every free male person above the age of twenty-one years, and actually refident in faid county. Shall be entitled to vote, and the feven persons who have the highest number of votes, when the votes taken at the two places are compared and added together, shall be the commissioners for the purpose aforesaid, and it shall be the duty of the sheriff, and his deputy or coroner, or in case of failure any magistrate to conduct the faid elections, who shall meet together on Wednefday, immediately fucceeding faid election, at the present place of holding court in the county of White, and make companion and addition of the votes.

Sec. 2. Be it enacted, That it shall be the duty of the faid commissioners, before they enter on the duties of their Totake an eath appointment, to take the following oath (viz.) I, A. B. do fwear that I will well and truly execute and perform all the duties enjoined on me by law as a commissioner to fix on the permanent feat of justice for the county of White, to the best of my skill and abilities. So help me God.

To fix on a place & lay of gtown.

Sec. 3. Beit enacted, That it shall be the duty of the said commillioners, or a majority of them, and they shall have full power and authority, to fix on a proper place for the feat of justice in and for faid county, and immediately after having fixed on the same, to proceed to obtain a tract of land, not less than forty acres, to be conveyed to them and their fucceffors in office, by general warrantee deed, in trust, for the purpose of laying out a town thereon, for the use of said county, and they shall lay off the same (viz) forty acres of faid land, into convenient lote, lanes, fireeta and alleys, referving therein the most convenient and eligible place two acres, in a square form, to be called the public fquare, on which to erect the public buildings; and faid commissioners shall sell the lots so laid out, to the highest bidder at public sale, giving a credit to the purchaser or purchasers of fix months for one half of the purchase money, and twelve months for the other half, from the day of fale, and make deeds of conveyance to the purchafers respectively. Burfaid sale sall not take place, until the

time and place thereof thall have been advertised at four of the melt public places in faith county, and in the Carthage Gazette, at least three mooths before fact fate thair be made, and in all cafer of fales of lots, the faid commission. oners Enell take notes under hand and feal, with good and fusient fecurity, for the payment of the purchase money

to themfelves and their fucceffors in office.

Sec. 4. Be it enabled, That the faid commissioners are To contrast for hereby authorized and required to give at least two months, public buildings notice, in the Carthage Gazette, of the time at which the public buildings are to be let, and the dimensions and materials of which they are to be built, which public buildings shall be let to the lowest bidder, and the faid commissioners shall take good and sufficient security from the undertaker or undertakers of faid public buildings, to themfelves and their fuccesfors in office, in a fum to be approved of by faid commissioners, conditioned for the faithful performance of futh undertaking. And the faid commiffisners shall appropriate the money arising from the fale of lots in faid town, in payment for the public buildings, and to no other use or purpose whatever, unless there should be more than sufficient to pay for faid buildings, in which case, the overplais shall be, by said commissioners, paid into the county treasury for county purposes; and if the money arising from the faid fales fault not be fufficient to pay for faid buildings, it be the duty of the county court of faid county, a majority of the justices being present, on application to them made, by faid commissioners, to lay a tax, Court to lay a not exceeding the amount of state tax, to be raised from Tax. the same property and polls, and be collected by the fame persons, and in the same manner as the state tax, which tax is to be laid annually for the term of three years from the first imposition thereof if necessary.

Sec. 5. Be it enacted, That faid commissioners shall, before they receive any money, either from the fales of lots, Commissioners or from taxation, give bond to the chairman of faid court to give bond. and his fuccesfors in office, with fecurity to be approved of by faid court, in the fum of five thousand dollars, conditioned that they will well and faithfully discharge the duties reposed in them by this act, and fairly account for all monies which may at any time come to their hands, by virtue of their appointment as commissioners aforefaid; and it shall be their duty to settle with the court, or such To settle with person or persons as may be appointed for that purpose, the court. when called on. Previded, faid commissioners are not called upon for fettlement oftener than once in each year.

Sec. 6th. Be it enacted, That faid court be, and they Their compens are hereby authorifed to order fuch funs or fums of money, sation, to be paid out of the county treasury, to each of said commiffieners, as they may deem an adequate compensation

To sell lots on credit.

for his fervices and expenses in performing the duties enjoined on him by this acl.

Sec. 7. Beit enotted. That the tawn herein directed to be laid off, (hall be o'died and an wo by the name of Span-TA, and the fime that be the place of holding court for faid county of White, as loon as the court house is faid town is compleated, until which period thall arrive, the faid court for il be held at the prefeat place of holding court in faid county of White.

Sec. 8:h. Be it enaffed, That this aet hall take eff Ch; and he in force from and after the first day of December

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH MMINN,

Speaker of the Senate.

18th October, 1809.

CHAP. XXIII.

AN ACT for the relief of Robert Armstrong, collector of the public tax in the county of White, for the year one thousand eight hundred and seven.

Eit enacted by the General Assembly of the state Dof Tennessee, That the Lind Robert Armilrong shall be allowed until the first clay of January, one thousand eight hundred and eleven, to haith and make up his collection.

Sec. 2. Be it enacted, That the faid Robert Armstrong is hereby empowered to collect the tax due from any citizen of Jackson county, who had lifted his, her or their property as citizens of White county, in the fame manner and under the same restrictions that he is empowered to collect from the citizens of Warren and Franklin counties, by an act of Aff mbly is that cafe made and provided.

Sec. 3. Be it enacted, That the court of the county of White, shall, and they are hereby directed to give the faid Robert Armstrong credit for his lists of delinquents, and also a credit for the amount of tax, cost and charges, on fuch lands as has been legally advertised for fale, and would not fell on the first Monday and succeeding day, in July

Sec. 4. Re it enacted, That the judgment obtained against the said Robert Armstrong and his securities, shall be, and the same is hereby suspended until the aforesaid first day of January, in the year one thousand eight hondred and eleven: Provided, That the feld Hobert Armfiring pay into the Treasury, such fum or fums of money, as he has or might have collected according to law.

Bec. S. Beifenocted, That this act thell be in force from and after the passing thereof.

JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN.

Speaker of the Senate.

18th October, 1809.

CHAP. XXIV.

AN ACT to amend " an all for the regulation of the town of Clarksville," passed November, 1807.

Sect. 10. BE it enacted by the General Assembly of the water ville, for the purpose of electing conditioners for the re-gulation of said town subsequent to a first Thursday in March, 1808, shall be considered good and valid, and that the proceedings of faid commissioners that be held and deemed to be as good and valid as if faid election had been holden on the first Thursday in March, as was directed by the above recited act.

Sect. 2nd. Be it enocked, That the furveyor employed to run out and identify the lots of faid town, shall be at liber- how to be estety to designate and establish the corners thereof by placing blished. of stakes or other plain manner of marking the same at the request and proper expeace of the proprietor or proprietors of faid lot or lots; and corpers thus marked and diffinguilhed, shall be held and viewed to be as correctly done as if defignated by the placing of a Rone or Rones thereat, as is required by the before recited act.

Sect. 3rd. Be it enacted, That the commissioners of faid Tax Lists. town shall be at liberty to make out tax lists either from their own knowledge or in the manner prescribed by lawas to them may be most convenient, any law to the contrary notwithstanding.

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

19th October.

CHAP, XXV.

AN ACT to incorporate the Water Company of Franklin. WHEREAS, divers citizens of the town of Franklin Preamble, and county of Williamson, at their own expense bath caused water to be brought in pipes isto the faid town-And whereas it is deemed expedient that the faid citizens thould be vested with the necessary power for preferving and difwibuting the faid water-Wherefore,

Election made

mude.

Allowance to be

Time allowed

In White coun-

to collect.

tu.

Judgment susperided.

Their privi-

leges.

Sec. 10. But enacted by the General Assembly of the state Ruffel, Charles B. Neilson, John Sample, Charles Boyles, Ezekiel Grabam, Richard Orton, James Hicks, Andrew Coufort, Zaobasiah Drake, Samuel Crocket, Jacob Harder. William Heffe, Peter R. Booker, Andrew Johnson, David Squier, Abram Maury, fenr. Daniel Perkins, Thomas Mafferson, Thomas McRory, Hinchy Patway, and Charles McAlifter, and their heirs or alligns, be, and they are hereby constituted a body politic and corporate, by the name of the Franklin Water Company, and by that name rilay fue and be fued in all courts of law and equity within this fair; and may take and hold to themfelves, and their heirs or alligns, any lends or tenements over which the faid water may pale and right or interest therein which hath been or may he conveyed to them.

Sec. 2ad. Bell emotted, That the Franklin Water Company that be welted with the fame powers and duties, rights and privileges, which were granted to the Knoxville, Water C mpany, by an act entitled an act to incorporate the Water Company in the town of Knoxville, passed April 22nd,

Sec. 3rd. Be it enocited, That this act shall be in force from the passage thereof. JOSEPH DICKSON

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

19th October, 1809.

CHAP, XXVL AN ACT to secure the navigation of Richland Creek, of Elk River.

BE it enacted by the General Assembly of the State of Tennessee, That no dam or obstruction shall be made across Richland creek of Eik river, below the mouth of Big creek, fo that the navigation therof be obliructed, without fixing a lock in the fame that will admit the fale paffage of boats, flats and rafts, of at least fixteen feet wide, on penalty of one hundred dollars, for every beat, flat or rait, fo prevented from passing, to be recovered before any court having jurisdiction thereof, one half to the informer, the other half to the county.

JOSEPH DICKSON, " Speaker of the House of Representatives. JOSEPH M'MINN, and be Speaker of the Senate.

2nd Nov. 1809.

AN ACT to after the present dividing line between Washington and Carter counties, so as to include the dwelling house of Blibu Embree, in Carter county, and and

Sec. 1. BE is enacted by the General Assembly of the states ington county, be, and hereby is authorifed and empower. ed, to employ some surveyor to run a line, beginning in the prefent dividing line of faid countles, running well and fouth, so as to include the dwelling house where said Elihu Embree now lives, within the limits of Capter county, and not to take from Walkington county more than fifty acres, a plat of which alteration of the line, the faid furveyer shall make and return to the county court of Carter, and it in it be the duty of the clerk of faid county to record the fame in his office, all of which fault be done at the expence of faid Elihu Embree.

Sec. 2. Be it enacted, That faid line when run, shall be past of the dividing lines between Waffilington and Carter counties.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN.

Speaker of the Senate.

2nd Nov. 1803.

CHAP. XXVIII.

AN ACT to amend an act entitled " An act directing certain county lines to be run and extended," bassed September 13th, 1806.

WHEREAS, by the third fection of the faid act, it is Preamble, directed that the principal furveyors of the first and fecond districts, shall cause to be extended to the southern boundary of the flate, or to the Indian boundary, as the rafe may be, the county lines of Rutherford, Williamson, Dickfon aud Stewart; and whereas it is not dillinctly talcertained in what manner the faid furveyors that be paid for extending faid lines-Wherefore,

Sec. 1. B E it enacted by the General Assembly of the state Surveyors how ters boundary line, of Rutherford county, shall be paid for by the county of Rutherford; the extension of the eastern be paid. boundary line of Williamson county, shall be paid for by the county of Will amion; the extension of the eastern boundary of Dickfon county, that be paid for by the county of Dickfou; and the extension of the eastern boundary of Stewart county, thall be paid for by the county of Stewart, and the faid furveyors for extending the faid lures, that!

he showed and paid according to the provisions of the afty, fourth frecion of an acl entitled " an acl directing the division or the state into convenient districts, &c." passed the twelfth day of September one thousand eight hundred and fix: And whereas the faid lines may have been stready extended by the faid furveyors, who may have made returns thereof to the respective clerks of the storefaid county courts, and who may not yet have received the compenfation to which they may be entitled-Wherefore,

Sec. 2. Be it enacted, That the certificates of the faid clerks, thall warrant the county treasurers of the aforefaid counties respectively, in paying to the said surveyors the amount of money to which they may be entitled according to the provisions of this act, is all cases where the fame has not been heretofore paid.

Sec. 3. Be it enacted, That all acts and parts of acts, contrary to the terms of this act, shall be, and the same are hereby repealed.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN. Speaker of the Senate.

2d Nov. 1809.

Line hore

# 1471.

CHAP, XXIX.

AN ACT to alter a part of the line between Hawkins and Grainger counties.

DE it enacted by the General Assembly of the state of D Tennessee, That the lines hereafter described, shall be the dividing lines between the counties of Hawkins and Grainger, to wit: Beginning at or near the house of John Moffatt, esquire, where the original line between said caunties began, running thence with the road leading from Haynes's Iron-Works to Cheeks Cr. is Roads to where John Moffatt's line croffes faid road, then with faid line to the road leading from Cheeks Crofs Roads to Marshall's ferry on Holfon River, then with faid road to where it croffes the prefent line between faid counties, and all that part lying westwardiy of faid line, shall be added to and make a part of Grainger county, any law to the contrary notwithstanding: Provided, That nothing herein contained, shall be so construed as to prevent any collector or other officer of Hawkins county from coll-cling any arrearages of taxes or other demands which may be due.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate, CHAP XXX.

AN ACT to encourage the building of Iron Warks.

WHEREAS, the building of Iron Works is of great utility and importance in any government, and more particularly to in this, where every species of internal improvement ought to be patronifed - I herefore,

Sec. 1. BE it enacted by the General Assembly of the State of Tennessee. That wherever any person or persons bath heretofore made an improvement, or here. Owneres firon after may make the same agreeable to the existing laws, Worksto painsgiving a preference to occupants, and that have built, or on courte may build Iron Works thereon, or that hath built or may build Iron Works on any patent land, or in the diffrict fouth of French Broad and Holiton, it shall and may be lawful for the proprietor or propreture of fuch Iron Works to exhibit his, her or their petition, to the court of pleas and quarter f-flions of the county in which fuch lands may lie, as are intended to be appropriated, in the manner hereafter to be pointed out.

Sect. 2, Be it enacted, That it shall be the duty of such court to direct a jury of view to be fumm med by the the. Who shall apriff, confisting of twelve freeholders, whose duty it shall be, point a jury of after having been duly qualified, to proceed and examine fuch vacant and unappropriated lands (in the vicinity of fuch Iron Works as may be intended to be appropriated, and make report to the next court, whether the fame be fit

for cultivation or not. Sect. 3. Be it enasted. That it shall be the duty of said Survey to be court, on receiving the report of the jury, that the same is made on their not fit for cultivation, to cause the faid report to be record. report. ed in the clerks office, a copy of which report, attelted by the clerk, shall be sufficient authority for the surveyor of the county, in which fuch lands may lie, to furvey and My off three thousand acres of such lands, as may have been reported to be unfit for cultivation, in one or more tracts, and it shall be the duty of the faid surveyor to make return of the plat and certificate of furvey to the surveyor general's office, whose duty it shall be to receive and record the fame, as in other cases of occupancy.

Sec. 4. Be it enacted, That any person or persons, complying with the requisitions of this act, shall be allowed the Occupancy al. term of five years to procure a warrant and obtain a great lewed. for the same agreeably to the existing laws of this state.

Sec. 5. Be it emilted, That it shall not be lawful for any person to enter any part of the lands intended to be approprieted after the petition of the party claiming under this act, shall be exhibited to the court as aforefaid, until after the expiration of the faid term of five years, any issi so the centrary notwishflanding: Provided, That whose

any person or persons, hath obtained lands for the use of his or their Iron Works, under the provisions of the laws heret fore in use in this flate, shall not be entitled to the benefits of this act.

Exempt from Taxation. Provisos.

costs.

Sec. 6. Be it enacted, That the lands fo laid off, for the purpoles expressed in this act, shall be exempted from the payment of public taxes for the term of ninety-nine years: Provided, the persons intended to be benefited by this aft shall fail to erect Iron Works within two years after obtaining an order for laying off faid land, or shall fuffer those that are built to be neglected or go into a state of decay, fo as not to be of public utility, then and in that cafe, the faid lands shall become subject to taxation as other lands in this flate: Provided also, that the provisions of this act, shall not be construed so as to effect the interfering claim of any occupant or occupants whatfoever, who have made an improvement on such land previous to the condemnation of faid land for the purposes in this act contemplated.

Sec. 7. Be it enacted, That the cost of every petition Who to pay preferred under this sct, as well as the furveying and obtaining a grant for fuch lands as are directed to be granted by this act, shall be paid by the party making such applica-

> . JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN. Speaker of the Senate.

2nd Nov. 1809.

CHAP. XXXI.

AN ACT to form a new country South of Stuart and West of Dickson and Hickman.

Sec. 18. BE it enacted by the General Assembly of the state of Tennessee, That a new county be and is hereby established on the fouth of Stuart, and adjoining Boundaries. the counties of Dickson and Hickman on the west, to be known by the name of Humphreys; bounded as follows, (towit) Beginning at the mouth of White Oak creek, on the bank of the Tennessee river, thence east to the dividing ridge between the waters of Tennessee and Cumberland rivers, thence with the faid dividing ridge to Dickfon coun-

ty line, thence with faid line to the line of Hickman, and thence with faid line of Hickman to Duck river, thence

fouth and west for compliment.

Sec. 2d. And for the due administration of justice, Be it enacted, That the first court, and all subsequent courts, of faid county of Humphreys, shall be held at the house of Samuel Parker, Junior, until otherwise altered or provided for by law. And all courts held in and for faid county of Humphreys shall be held by commissions to the faid jusrices in the fame manner and under the fame rules and restrictions, and shall have and exercise the same powers and jurisdiction as are or that he prescribed for the course of the feveral counties in this flate.

Sec. 3rd, Be it edacted. That the first court of pleas and quarter fellions held for the county of Humphreys, that! commence and be held on the first Monday of February. May, August and November, in each and every year, and

may be held fix juridical days if necessary.

Sec. 4th. Be it enotied, That it shall be the duty of Elections to be the Sheriff of the faid county of Humphreys to hold an e- held. Jection at the place of holding courts in the fame, on the fecond Thursday and succeeding day in February next, for the purpole of electing one colonel and two majors for the faid county of Humphreys, under the fame rules, regulations and reflictions as are prescribed by law in familiar cales: and that the militia of the faid county of Humphreys shall compose the thirty eighth regiment of this state, and shall be a part of the fifth brigade.

Sec. 5th. Be it enucted. That the elections for company officers for the county of Humphreys, shall be held at fuch places as the commandant of faid county may think proper to appoint, which faid elections thall be held on the third Saturday in March next, under the same rules, regulations and refrictions as are prefcribed in like cafes; and elections of Members of the General Allembly, Governor and Members of Congress, and electors to elect a Prefident and Vice-Prefident of the United States, shall be held at the place of holding courts in faid county of Humphreys, on the same days on which elections for the fame purpose are authorized to be held; and the Sheriff of faid county of Humphreys shall meet the Sherist of Stuart county, on the succeeding day at Rollin, or place of holding a seperate election in Stuart county, and with him the Sheriff of Stuart county shall examine the respective polls of election for both counties, and the faid Sheriff of Stuart county shall make the returns of both counties as he is bound by law to make, to the Sheriff of Montgomery.

Sec. 6th Be it enacted, That the county of Humpareys Robertson at shall in all cases be considered as a part of the district of Robertion.

Sec. 7th. Beit enocted, That it shall and may be lawful Who may admit for any judge of the superior court, or any justice of the nister ouths of peace in this flate, to attend at the place of holding court office. in faid county of Humphreys, when faid county is about to be organized, and administer the oaths of office to the officers thereof.

Sec. 8th. Be it enabled, That nothing herein centained

Time of hold.

Votes to be exa-

Court where to be held.

regrage tax.

Sheriff of Stu- shall be so construed as to prevent the Sheriff of Swart artto collect ar county from collecting the taxes that have been already laid in faid county, and he is hereby authorized to collect the fame, and all arrestages of taxes in the fame manner as if faid county of Humphreys had not been laid off; any law to the contraty in twithflanding.

JOSEPH DICKSON, Speaker of the House of Representatives;

> JOSEPH M'MINN. . Speaker of the Senate.

19th October, 1809.

CHAP. XXXII.

AN ACT to amend an act entitled " An act to establish & College in West Tennessee,"

Sec. 1ft. BE it enacted by the General Assembly of the state of Tennessee, That the fourth fection of the before recited act be, and the same is hereby repealed.

Sec. 2 d. Be it enacted, That the president of the faid or liege and two of the truftees, hall have full power to call occasional meetings of the Board, whenever it shall appear to them necessary, and that at all stated meetings the pressdeat of the Board of Trultees aforefaid, and eight of the truftees shall be the number sufficient to constitute a querum to fill up by ballot any vacancy that may occur in faid trultees during the recess of the General Assembly; which faid appointment may be confirmed or otherwife, by any fucceeding Legislature, and the faid trustees being regularly convened, thall be capable of doing or transacting any or all the butiness of faid college whatfoever, of framing or anacling fuch ordinances or bye laws as to them may appear negeffary for the good government and prosperity of the faid college: Provided, the same be not repugnant to the laws of this state nor of the United States, except the electing of the necessary officers of faid institution, fixing their several salaries, or removing them from office, in which case the president and eleven of laid trustees, shall be necessary.

Sect. 3rd. Be it enacted, That no ordinance, bye laws, or rules, thall ever be made or entered into; fo as to give a preference to any one denomination of christians over that of another, or to prevent the fludents of faid-college from attending the ministry of any minister of the Gospel, who is in regular standing in the fociety of which he or they may be a member.

Sect, 4th. Be it engeled, That the appointment of John . NcNairy and John E. Beck, as truffees of faid college, made agreeably to the provisions of the faid recited act, be, and the lame is hereby confirmed, and that Wille Blount,

marija Direni

An Haywood, Felix Grundey, Parry W. Mumphries. Felix Robertson, Robert Weakley and John Childress, junior, be, and the fame are hereby appointed truffees of haid college, in addition to those heretof ire speciated.

Sec. 5. Be it emedted, That it that be the dury of the Statements in board of truftees of faid Cumberland college, and also the duty of the board of trultees of East Tennessee College, to lay before every flated lefton of the Legislature of this Mate, a full and complete flatement of the fituation of faid college, and the flate of their funds, and in what manner they have appropriated fuch monies as they may have ex-

Sec. 6. Be it enacted, That this act shall commence and

be in force from and after the passing thereof.

JOSEPH DICKSON. Speaker of the House of Representatives; JOSEPH M'MINN. Speaker of the Senate.

19:h October, 1809.

CHAP. XXXIII.

AN ACT for the relief of George Matlock, late sheriff of Smith county.

WHEREAS, an acl of the General Affembly of this ftate, passed Och ber 28th, 1805, entitled " An act to rea Preamble: duce Smith county to constitutional limits;" And whereas the bounds of faid county was not afcertained and marked as required by the fecond fection of faid act, until March 1806, previous to which time, the several justices of the peace, reliding in that part of Smith county, which was at that time annexed to Jackson county, had made returns of the taxable property in three feveral captains companies. to Smith county court, at their March term, one thousand eight hundred and fix, whe reupon the clerk of faid court of Smith, made out a lift of taxable property to returned to the faid sheriff, and also a list to the treasurer, whereby the faid Matlock became chargeable with the amount of taxable property, in three captain's companies which were and nexed to Jackson county, which by law he was not authotiled to collect, which faid money he has accounted for and paid into the hands of the Tresturer of West Tennestee-For residedy whereof,

E. it enacted by the General Assembly of the State of Tennessee, That George Matlock, former theriff and callector of the county of Smith, for the year one thousand eight bundred and fix, is hereby surborised to lay before the court of faid county, a full and complete flatement of the amount of taxable property, and tax charged shereoff

be made to the

Legislature.

Proviso.

Vacancies how

to be filled.

Court to grant certificate.

Commissioners

appointed.

for faid year in the feveral captains companies to annexed to Jackson county, and on fatisfactory proof being made to laid court of the amount of taxes by him paid to the flate treasurer and county trustee, which he could not by law collect, faid court is hereby authorifed to grant a certificate to faid collector for the amount by them allowed, which certificate shall be a sofficient voucher for said treasurer and trustee to pay the same to said collector, out of any monies in their hands not otherwife appropriated.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN.

Speaker of the Senate.

2d Nov. 1809.

CHAP, XXXIV.

AN ACT appointing additional commissioners for regulating the town of Greenville, in the country of Greene.

RE it enacted by the General Assembly of the state of Tennessee, That John Gafs, Mauris Morris, James McPherrin, fenr. John Reed, Christopher Kirby, Joseph Carter, Jesse Mosely, John Harman and James Wright, be, and they are hereby appointed additional commissioners to act with those heretofore appointed, and shall have the same powers and authority as are vested in the commissioners heretofore appointed, for the regulation of the town of Greenville aforefaid.

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

8th Nov. 1809.

CHAP. XXXV.

AN ACT for the better regulation of the town of Palmyra, in the county of Montgomery.

Sec. 1. BE it enacted by the General Assembly of the state Commissioners of Tennessee, That the following persons (viz.) appointed. Samuel Vance, John Summerville, Adam Harman, Burwell M. Williamson, William Clements, sen'r. James Wheeling and Thomas K. McAlrath, be, and are hereby

> appointed Commissioners for the regulation of said town. Sec. 2. Be it enacted, That a majority of faid commiffigners thall conflitute a quorum to do bufinefs, and whenever a vacancy or vacancies may happen by death, refignation or otherwise, it shall be the duty of three or more of faid commissioners to appoint a fit person or persons to fill fuch vacancy or vacancies.

Sec. 3, Be it enacted. That faid commissioners shall To appoint pre shoole, from their own body, a fuitable perf in to prefide at per officers. their meetings, who shall be known by the appellation of chairman. They shall also appoint a treasurer and clerk, and faid treasurer shall keep a regular and just account of all monies received and paid out by him, in a book to be kept for that purpose, which faid book, with the money then in the treasury, and papers appertaining to faid office, be shall deliver up to his successor, and the clerk shall keep a true and regular account of the proceedings of the commissioners, and shall advertise the rules by them adopted, whenever they may deem it necessary, and said treasurer and clerk shall receive such compensation as said commisfioners may conceive adequate to their fervices and expenditures.

Sec. 4. Be it enacted, That faid commissioners shall have Inhabitants to power to call on all the inhabitants of faid town, that are worken streets liable to work on roads, to work on and keep in repair, the ftreets of faid town, to appoint an overfeer thereof who fhall collect fuch fines from those who refuse or neglect to labor on faid ftreets, as are directed in fimilar cufes respecting roads, to prevent encroachments on the freets, and to abate or remove any nuilance whatfoever, at the expence of the party occasioning the same, and if necessary to procure a furveyor to re-furvey faid town agreeably to the original plan, and defignate the lots by fixing a flone, or flake Resurvey the of lasting wood, at the corner of each. And to enable the Town. faid commissioners to carry into effect the provisions of this

Sec. 5, Be it enacted. That they shall have power, and are hereby directed to lay a tax annually on each town lot, To lay Tax not exceeding fifty cents for each hundred dollars worth of faid lots, on each white poll, not exceeding twenty-five cents, on each black poll, not exceeding fifty cents, which faid tax shall be collected by warrant under the hands an I feals of faid chairman and clerk, directed to the collector whom they may appoint, who shall be governed by the rules established by law in similar cases, for collecting and accounting for the state tax.

Sec. 6. Be it enacted, That the faid commissioners shall annually appoint one of their body to receive lifts of taxable property as before mentioned, on the first Saturday in March in each and every year, in faid town, and as foon as may be after taking fuch lift, shall appoint three or more proper and difinterested persons to ascertain the value of faid town property as returned in faid lift, and any person failing or neglesting to give in, to faid commissioner as by this act required, upon his reporting the fame, final be liable to the fines and penalties directed by law in finaltar cases, for the collection of the flate tax.

Vacancies how to be filled.

Expenditures confined

Sec. 7. Be it enacted, That no appropriation of money shall be made by faid commissioners, except for the benege or improvement of faid town, agreeably to the directions of this act, or for defraying the expence necessary for carrying the fame into execution, and it is not to be underflood that faid commissioners are to receive any compenfation for their fervices.

Sec. 8. Beil enacted, That where recoveries are not provided for in this act, it shall be lawful for faid commitfoners to fue for the fame before any authority having cognizance thereof.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN.

> > Speaker of the Senate.

2 ad Nov. 1809.

#### CHAP, XXXVI.

AN ACT appointing Commissioners to run the line between the counties of Stewart and Humphreys.

Sec. 1ft. B E it enacted by the General Assembly of the state of Tennessee, That John Allen, of Stewart county, and Doffey Hutson, of Humphreys county, be, and are hereby appointed commissioners to run and mark the dividing line between faid counties, agreeable to an act to lay off a new county on the fouth of Stewart, and west of Dickfon and Hickman,

Sec. 2d. Be it enacted, That the faid counties of Stewart and Humphreys thall allow each of the faid commissioners not exceeding the fum of two dollars per day, that they thall be employed in running and marking the fame.

> JOSEPH DICKSON, Speaker of the House of Representatives.

> > JOSEPH M'MINN, Speaker of the Senate.

8th Nov. 1809.

#### CHAP. XXXVII.

AN ACT to alter the southern boundary line of Williamson

Sec. 1st. B E it enacted by the General Assembly of the state of Williamson county, from the point where the north east corner of Maury county corners on the faid line, shall be altered fo as to run due east from the faid point to the eastern boundary line of Williamson county, and the inhabitants fouth of faid line shall become a part of Bedford county, Provided; That the theriff of Williamson county

my flil collect the taxes which are due from faid inhabite fants, in the fame manner as if they had not been attached to Bedford county.

Sec. 2nd. Be it enacted. That Newton Cannon be up- Surveyor appointed a furveyor to run and mark the faid line as direct- sointed. ed to be altered, and fhall be allowed two dollars per day for the faid fervice, to be paid by the citizens living in that part of Williamson county which is ftruck off by this act. and added to Bedford.

Sec. 3. Be it enasted, That this act shall be in force from the first day of December, in the year 1809.

> JOSEPH DICKSON: Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate.

8th Nov. 1809.

CHAP. XXXVIII.

AN ACT to authorize the Mayor and Aldermen of the town of Nashville, to raise a sum of money by Lottery, for the purpose of bringing water into said town.

Sec. 18. B E it enacted by the General Assembly of the state Lottery author of Tennessee, That the Mayor and Aldermen ized. of the town of Nashville, be, and they are hereby vested. with full power and authority to make, and proceed to the drawing and concluding of a Lottery for the purpose of bringing water into the faid town, under fuch rules, restrictions and regulations, as they may deem proper: Pro- Provisa. vided, they do not by faid Lettery, gain more than the nett fum of eight thousand dollars, which said monies, or so much thereof as they may raife by virtue of faid Lottery, shall form a fund to be by them expended in bringing water into faid town, and through the different freets thereof, for the general benefit of the inhabitants.

Sec. 2nd. Be it enacted, That the faid Mayor and Aldermen shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, any lands, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality foever, and the same to dispose of in the best manner they may deem proper, for bringing water into faid town and streets as aforesaid, and they by the name of the Mayor and Aldermon of the Corporation of the town of Nulhville, may fire and be fued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record or elfewhere; and shall moreover have power to make, ordain or establish, any bye law or laws, ordinance or ordinances, as to them may appear necessary and convenient, for the purpole of bringing water into faid town

Line how to be run.

and streets as aforesaid, and for keeping the pipes in order, and preventing them from being injured, and doing fuch other things as to them may feem right, touching the principles aforesaid: Provided, the same be not contrary to the conflitution and laws of this state.

Rond to be given.

Sec. 3d. Be it enacted, That the aforesaid Mayor and Aldermen, shall give bond and security to the chairman of the court of the county of Davidson, in the sum of ten thoufand dollars, well and truly to apply the monies produced by faid Lottery to the aforefaid purposes, and that they will also pay over the several prizes to the persons who may be entitled to receive the fame.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate.

8th Nov. 1809.

CHAP. XXXIX.

AN ACT to prevent the drawing of private Lotteries, WHEREAS, it hath been represented to this General Affembly, that the drawing of private Lotteries hath be-

come a ferious and alarming evil, relaxing the finews of industry, and encouraging habits of idleness and diffipation

-For remedy whereof:

Lotteries prohibited.

Preamble.

Sec. 18. RE it enacted by the General Assembly of the state of Tennessee, That if any person or persons, shall erect, fet up, or expose to be drawn, or shall cause or procure to be erected, fet up, exposed or drawn, any lottery by way of chances, either by numbers, figures or tickets, or shall make, print, advertise or publish, or cause to be made, printed, advertised or published, proposals or schemes. for advancing small sums of money by feveral persons, to be divided by them as prizes, or shall deliver out, or cause, procure or permit, to be delivered out, tickets to the perfon advancing such sums, to entitle them to a share of the money fo advanced, according to fuch proposals or schemes, or shall expose to sale any houses, lands, plate, jewels or other goods or chattels, by any game, method or device whatfoever, depending upon, or to be determined by way of lottery or drawing, whether it be out of a box or wheel, or by any machine, engine, or device of chance whatfoever, or shall be adventurers in or pay any monies or other confideration, or any ways contribute unto any fuch Lottery or Lotteries, sale or sales, such person or persons, and every or either of them, on being convicted thereof on the oath of one or more credible witness or witnesses, or on the confession of the party or parties accused, shall ferfeit and pay double the amount of the fum contained in the scheme

Penalty on pro prietors & adventurers.

5 5 Steel

of fuch lottery fo proposed to be drawn, to be recovered by How recoveraaction of debt in any court of record having cognizance ble. thereof, the one half of fuch forfeiture to him, her or them, who may fue for the fame, the other half to the use of the poor of the county where fuch recovery may be had, to be collected and accounted for by the proper theriff of the county as other monies are.

Sec. 2nd. Be it enasted. That all and every fuch fale or. Titles acquired fales of houses, lands, plate, jewels, goods and other things, by Lottery to by any game, lottery or lotteries, machine, engine or de- be void. vice whatfoever, depending upon or determined by chance or lottery, shall be, and the same are hereby declared void

to all intents and purpofes.

Sec. 3d. Be it enacted, That if any person or persons, shall offend against this act, and not having sufficient goods and chattels, lands and tenements, whereon to levy the penalty hereby inflicted, or not immediately pay the faid penalty and cost, such person or persons shall thenceforth be committed to the jail of the county where fuch recovery may be had, there to remain for and during the space of fix months.

Sec. 4th. Be it enacted, That this act shall not effect any Exceptions. person or persons who have a scheme of a lottery published previous to the passing of this act.

Sec. 5th. Beit enacted, That this act shall commence and

be in force from and after the paffing thereof.

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

8th Nov. 1809.

CHAP, XL.

AN ACT regulating the sales of Lands for Toxes. WHEREAS the law of the fecond fession of the feventh General Affembly, paffed April 22d, 1809, and directing the fales of lands for taxes to be made on the first Monday of November, in the present year, has been found to be impracticable in its operation, inafmuch as from the date of the publication of the law there was not sufficient time to have the faid lands reported to court, judgments obtained, and public notice given thereof thirty days as the law directs :- Wherefore.

DE it enacted by the General Assembly of the state of Sai les when to B Tennessee, That all fales of lands for taxes which have become due in the year 1809, and which have not been advertised according to law, shall be postponed until the first Monday in April, in the year 1810, on which day and the fucceeding day, the faid fales shall take place .-

Offenders to be imprisoned if unable to pay the penalty.

Preas able.

And the theriffs whose fales are postponed at aforefald, thall not be subject to have judgments taken against them, by the treasurers to whom they are accountable, until the first Monday of June, in the year 1810.

> JOSEPH DICKSON: Speaker of the House of Representatives. JOSEPH M'MINN.

> > Speaker of the Senates

8th Nov. 1209.

CHAP. XLI.

AN ACT appointing commissioners to run and mark-the dividing line between the counties of White and Warren, from the mouth Rocky River to the top of Cumberland Mountain!

Con missioners appl vinted.

BE it enacted by the General Assembly of the State of Tennessee, That Turner Lane, of Sect. Ift. the county of White, and John A. Wilfon, of the county of Warren, be, and they are hereby appointed commissioners to run and mark the dividing line between the faid counties of White and Warren, from the mouth of Rocky River to the top of the Cumberland mountain, taking care to run and mark the fame as near along the middle of the dividing ridge between the faid Rocky River and the Caney Fork, as may be, which faid line, when fo run and marked, shall forever afterwards be the dividing line between the counties of White and Warren, from the mouth of faid Rocky river to the top of the Cumberland mountain.

Sect. 2d. Be it enacted, That the faid commissioners are hereby authorised to employ a fit person to mark said line, and the faid commissioners shall be allowed two dollars each per day, for each day that they may be necessarily engaged in running and marking faid line, and the marker one dollar per day, which expende shall be paid in equal parts by

the counties aforefaid.

Their compi ensation.

To empl oy a

marker.

Sect. 3d. Be it enacted, That the commillioners aforefaid, shall make out a statement of the number of days they have been employed in running and marking faid line, and present it to the chairman of the county courts of pleas and quarter fessions of White and Warren, within hix months after the paffage of this act, who fhall divide the expence into two equal parts, and direct the truffee of each county to pay the part allotted to them, and their receipts shall be good in the fettlement of their accounts.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN,

Speaker of the Senate.

8th Nov. 1809,

CHAR MARIN ST

AN ACT to annex a pers of Mosecreen county to Monty's mery, and to previde for the bolding of separate elections and bottollion musters in Monty among county."

WHEREAS the people who relide near to the lower end of Robertles county, special the upper and of Massagemery, labor under many inconveniencies is ducharging their public duties and dues, bring to the different they have to go to attend elections, and general and betalion musters, and present unnertainty of the line between fald counties; and diffatisfied with the manner in which faid ' line has been directed to be run, as a dividing line between · faid counties, it being a crooked osc : To remedy which, Sec. Il. B it exacted by the General Assembly of the Biguire, of Montgomery county, be, and he hereby is apbointed a commissioner for the purpose of running and plainly marking a line, beginning at a point, twelve and an half miles due cast of the meredian of Clarkfyllle, which point is a corner of an effect in the prefeat line near to Line how to be Capt. James Blackwell's on Parsons's creek, thence a direct run. courfete a point on the foulb bank of the Sulphur fork of Red river about mid way between the dwelling houles of 'Maj. James Norfleet and Cordall Norfleet, thence down Sulphur feek, with its meanders, to the soist where the prefent line of the county now croffes the lame, thence with faid line, due north, to the Kentucky line; which line when run, shall be the true dividing line between the aforefaid counties of Robersion and Montgomery; and fuch perform as are or may be found to relide west of faid -line thall, from and after the running of fold line, be confidered as inhabitants of Montgomery, and those on the

ther or former law to the contrary notwithstanding. Sect. 2nd, Reit enabled, That the theriff of Kobertion Sheriff to coicounty shall be, and hereby is, authorized to collect the lest arrearage flare and county taxes due from those who had returned tux. their tax lift in faid county, who will, by the running of faid line, be found to be added to the county of Montgomery, as effectually so if this act had not been paffed.

east thereof, to belong to the county of Robertson, any o-

Sect. Sed. Be is maded, That the faid Joseph Woolfolk Compensation Theil be allowed the fum of three dollars per day for each to commissiona day he may be necessarily engaged in running said line, and ers & marker. that the perion marking the fame shall be allowed per day the fum of one dollar for each and every day he may be necessarily engaged in marking the same, to be paid by order of the county court of Montgomery out of any county

Sech. 4th. Be it enacted, That it shall be the duty of fald

Commissioners appointed.

corded.

Plats to be re- Juseph Woolfolk, to miske out two fair plats of faid line? and return one to the clerks of each of the counties of Robertion and Montgomery, who shall record the same in their offices respectively; for the recording of which each clerk shall be ultowed the sum of fifty cents.

Royal.

Sect. 5th. Be it enacted. That it shall be the duty of the Seperate electi. Theriff of Montgomery county, by himfelf or dequty, so ens & battalli- hold seperate elections at Port Royal, in faid county, on on musters to the days appointed by law directing elections to be holden. be held at Port for the purpose of electing governor, members to congress, members of the general affembly, and electors of prefident and vice-prefident of the United States, under the same rules and regulations which are prescribed by law, for holding elections in this state, and particularly the same as preferibed for holding elections at Palmyra, in fait county ; and those citizens who compose, or who may hereafter compose the three upper militia companies, and such as may in future compose companies by divisions of the same three companies, in faid county of Montgomery, and those who reside within the bounds of faid companies, who are not subject to militiz duty but entitled to vote at elections, shall be permitted to vote at faid elections and no others.

Sec. 6th. Be it enacted, That it shall and may be lawful, in future, for those citizens of Montgomery county, who now, or may hereafter, compose faid three companies in the upper end or part of faid county, to have and exercise the privilege of holding, at Port Royal aforefaid, a battation muster or musters on the days appointed by law for holding battalion nufters at Palmyra in faid county, which shall be conducted under the same rules, regulations and restrictions as are prescribed for the holding battalion musters at Palmyra.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate.

8th Nov. 1809.

CHAP. XLIII.

Alv ACT authorising a seperate election in the county of Dickson.

Sec. 18. BE it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of Seperate electi- the sheriff of Dickson county, by himself, Deputy or Coroons authorised, ner, on the constitutional days for holding elections, to open and hold a seperate election at the house of Jane Norris, on Yellow creek, for the purpose of electing a Goverpor, Members to Congreis, electors to elect a President and

Vice-Prefident, and Members of the flate Legislature, and Milltary officers, which faid cheffions thall be held and conducted under the lame rules and refluctions as fimiles elections in this Aste.

Sect 2nd. He il enocied, That it shall and may be lawful for any person living within the bounds of Dickson county aforefaid, who is positivutionally surborized to yete at fuch elections, to give in his vote at the place of helding court for faid county, or at the other place of holding a feperate election, as may belt fuit his own convenience.

Sect. 3rd. Be it enacted, That at the close of faid elec. Votes to be age tion, it shall be the duty of the judges and returning officer, turned to the to count out (aid votes, and on the fucceeding day make a Sheriff. return to the theriff of Dicklen county, is the town of Charlotte of the number of votes received at faid election; for each candidate, which return shall be received as a part of the election of Dickion county, and the judges of faid election, or the judges at the court-house as the case may be, shall have power to swear each voter that he has not give en his vote at any other place in faid election, than that at which he is about to vote, and if any fuch votes shall refule to fwear, being thus requested, it shall preclude him from a vote at faid election.

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

8th Nov. 1809.

CHAP. XLIV.

AN ACT amendatory of the laws now in force for the regulation of the town of Jonesborough.

WHEREAS, by the laws now in force and use for the regulation of the town of Jonesborough, it is found inconvenient for the commissioners, or a board thereof, to levy and collect fuch fines and forfeitures as the faid committeeers are by law authorifed to levy and collect off fuck perfons as may violate the bye laws of faid town-For remedy whereof:

BE is enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be the duty of any Justice of the Peace in and for the county of Washington, on complaint being made to him of any person or persons having violated any of the rules, regulations or ordainances, of the commissioners of the town of Jonesborough, or any fuch law or laws as appertain to the good government thereof, immediately to iffue his warrant for the party offending, and ugon due proof of the fact to enter judgment in patfumee of the

Preamble

Lustices of the Peace to issue zvarranta en cemplaints.

have regulating faid town, and proceed to collect such fine or fewfeithers as fuch rule, regulation, ordernance or law, may have attached to the commission of such offence; and that any justice shall have the fame power to punch any slave or slaves that the commissioners or a quorum thereof had, perfusant to so act passed for the regulation of said town, November the 3d, 1863.

JOSEPH DICKSON,
Speaker of the Houle of Reprefentatives.
JOSEPH M'MINN,
Speaker of the Senate.

8th Nov. 1809.

CHAP. XLV.

AN ACT to secure the free navigation of Obed's River, from Donelson's Cove, to its junction with the River Cumberland.

River declared a public way.

Dams-how to

Peralty on ob-

structions.

be erected.

Sect. 1st. BE it enected by the General Assembly of the State of Tennessee, That from and after the passing of this act, Obed's river from Donelfon's Cove to its junction with the river Cumberland, shall be and remain a public way, free and open to all persons for navigation, with Boats, Craft, and other means of conveyance by water, without interruption or obstruction:

Sect. 2. Be il enneted, That if any person or persons have heretofore erected, shall be reafter erect any ish dam on the said river, he shall open or leave open, in the doepest part of the channel of the said river, where such dam is or may be erected, one third of the width of said channel, and

keep the lame open.

Sect. 3rd. Be it enacted, That if any perion or persons, shall fail to comply with the above, he shall forfeit and pay one hundred dollars, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the state, and the other half to him who will sue for the same.

Sect. 4th. Be it enasted, That if any perion or perions shall hereaster make, or cause to be made, any hedge or hedges, or shall cut, or cause to be cut, any tree or trees in said river, whereby the navigation of said river shall be obstructed, he or they so offending, for every such offence, shall sorfeit and pay the sum of one hundred dollars, to be recovered and applied as aforesaid.

JOSEPH DICKSON,
Speaker of the House of Representatives.

JOSEPH M'MINN,
Speaker of the Senate.

sib Nov. 1809.

CHAP TEVE

AN ACT to eller the number the trion of Burroille, it is a country of Inderedo.

Set. 18. The Calculated by the Several describe of shedelers. Then the manne of the course of Charton, and that the lance is hereby sherest to test of Charton, and that the faint town by the solete on Calculationelaid, be, and the fame is subject to one issue lates, rules and regulations, that the town of Surrelle has been heretolore subject to, any law to the contrary persettificanding.

JOSEPH DICKSON,

Speaker of the House of Representatives

JOSEPH M'MINN,

Speaker of the Senates

ath Nov. 1809.

CHAP. XLVII.

AN ACT for the relief of the citizens residing south of French Broad and Holston, between the rivers Big Pipeon and Tennessee.

WHERE AS, by sa sot of the General Assembly of this frate, passed the fight say of September, in the year one thousand eight hundred sate fix, entitled "An act for the appointment of a Register of the Land Office, and providing for the fale of lands south of Heiston and French Broad, agreeably to the conflictation of this state, and the providence of the act of Congress therein reserved to, the citizens residing south of French Broad and Mossion, between the rivers Big Pigeon & Tennessee, were respectively bound to

pay into the Treatury of East Tennessee, by annual initialments, at the rate of one dollar per acre, for each and every acre of land by them claimed and held by right of occupancy and pre-emption—and whereas, by the faid act, two hundred thouland acres of land was directed to be laid aff for the life of Colleges and Accademics—And whereas, by an act of the Congress of the United States, entitled "An act to authorise the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to lattic the claims to the vacant and unappropriated lands within the

fame," palled the eighteenth day of April, in the year cigiteen hundred and fix, it was provided that when the aforefaid tract should be so laid off that the amount of money received in payment for the same should remain for the ule of faid Colleges—and whereas, mappears to the Gene-

ral Allerably, the amount sentelly to be paid in conformity with the requisitions of the aforefuld act of this flate, out of a track of country very searly commissed within the li-

bits of two consides, is upwards of the five of forty these

Preamble

fand dollars, which, owing to the postdiar fituation of our fartign relations, and the confequent fearcity of eleculating medium, it would be impossible for the imbabitants reliding within fo finall a feetien of our country to discharge, and it further appearing that when faid money shall be paid by the citizens aforefaid, no other disposition can be made of it than to be loaned at legal interest, and inalmuch as it is represented to this General Assembly that it would afford great relief to the citizens aforefaid, to be permitted to resain in their own hands the principal due, or which may hereafter become due the flate, fuffering the flate to hold a lien on their lands for the principal and interest that hath or may become due, and be only compelled to pay the interest that hath or may become due on the amount of money arising from the fale of faid lands, and inafmuch as this General Affembly are convinced that no fecurity will be tantamount to a lien on real property-Therefore,

May retain the principal.

Broviso.

824C.

Sec. 18. BE it enacted by the General Assembly of the state of Tennessee, That the citizens reliding fouth of French Broad and Holston, between the rivers Big Pigeon and Tennessee, be, and they are hereby authorised and permitted to retain in their own hands, the principal fum due from them respectively to the state, and the lands in their hands shall be held by the state as a fecurity for the payment of principal and interest, for which the citizens aforefaid may be feverally bound; Provided, nothing herein contained shall prevent any citizen or citizens within faid fection of country, from paying into the treatury of Hamilton and Washington Districts, the whole or any part of the principal fum by them respectively due, on condition they discharge the amount of one instalment at each pay-

Sect. 2nd. Beit enacted, in the event any citizen or ci-Warrants of tizens, who claim their lands by right of occupancy and pre-emption in the fection of country aforefaid, fhall fail to pay the interest that is now due on the lands by them refpectively held, on the first day of November in the year 1811, that it should be the duty of the treasurer of Hamilton and Washington districts, to iffue a warrant of distress against the goods and chattels, lands and tenements of such delinquent or delinquents, directed to the theriff of the county where the land lies, whose duty it shall be to collect the amount thereof in like manner as he collects public

Sect. 3rd. Be it enacted, That in case any person or perfons claiming by virtue of occupancy and pre-emption in the fection of country aforefaid, shall fail to pay the amount of interest that may hereafter become due on their respective tract or tracts, it shall be the duty of the aforefaid treasurer on the first day of November in each and every year, to if-

ac warrents of diffrell in the moster herein course of Action for the amaint of morall by him as their assessment of morall by him as their sections of the property of the moral of the sections of their sections may appear right, and agreeably to the aft of Congress.

JOSEPH DICKSON, Speaker of the House of Representatives,

JOSEPH MMINN,

Speaker of the Senate 等的对象的 學學學

er Maratala adro

CHAP. XLVIII.

AN ACT to establish a county south of Bedford, to be known by the name of Lincoln.

Sec. 18. B it enacted by the General Assembly of the state Its boundaries. off and effablished within the following bounds (to wit;) Beginning on the north east corner of Giles county, and extending fouth with the eastern boundary line of the faid county of Gless to the fouthers boundary line of the flate: thence with that line east, to a point due fouts from the land the mouth of Cove Spring Creek: thence north to the fouthera boundary line of Bedford county, and with the faid line willwardly to the beginning.

Sect. 25d. Be it endered, That John Whiteker, four. Commissioners Wright Williams, Eli Garret, Littleton Duty and Jelle appointed. Woodruff, be, and they are hereby appointed Commissioners, with full power to procure by purchase or otherwise, one hundred acres of land, on or dear the north bank of Elk River, as near the centre of the fald county of Lincols, .... ealt and west, as a proper attraction will admit of each at all events not more than two miles from the faid centre; and the faid commissioners shall take a deed of conveyance for the same, to themselves and successors in office, in out for Land. the faid county of Lincoln, and the faid deed final he good and valid in law, and shall well is the faid commissioners and their fucesfors in office, a complete title, for the uses in this act expressed, and if any of the laid commissioners. Valencies how should neglect or refuse to act, a majority of the justices to be filled. of faid county may appoint another in his place.

Sect. 8d. Be it enacted, That the faid commissioners, To lay immediately after procuring the aforefald quantity of one town. hundred acres of land, thall cause a town to be said off thereon, referring near the centre thereof, a public figure of two scres, on which the court-house and slocks shall be built, likewife referving a lot in any other part of faid town, for

his purpose of creding a jail, and the faid town, when so bed of hall be sauced PATETTEVILLE.
Sect. 6th. Be it smoother. That the faid comesificoners

shall fell the loss of the faid town, at public fale, on a credit of twoive months, giving notice thereof fixty days, in one Lots to be sold of the sew-papers pristed in Namville, and taking bonds wim ufficient locurities from the respective purchasers, payable so themselves and fuccessors to office, and the faid Notice to be pin commissioners shall execute sitles, in fee simple, to the pur-

chafers of the land lots.

To contract for public building

on credit.

pen of sale.

Sect. 5th. Be it enacted, That the faid commissioners, immediately after felling the lots as aforefaid, shall let to the lewest bidder; the building of the court house in the faid town of Payetteville, giving public notice thereof in one of the new papers printed in Nashville, at least fixty days, and fetting forth in the faid notice the dimensions of faid tours house, and the materials of which is is to be built, and the laid commissioners shall take from the person to when the faid building is let, band with fufficient ferurisy, in the fum of the thousand dollars, for the faithful performance of his contract, and in the fame manner the faid commissioners, when they think proper, thall let the building of a jail for the use of said county.

Sect. 5th. Be it enasted, That the court of Pleas and Court when & Quarter Sofficers, for the county of Lincoln, shall be held an where is be the fourth Monday in the months of February, May, Augult and November, annually, at the house of Brice M: Garner, until a place is provided for holding the faid court in the town of Fayetteville, and any justice of the peace for the state of Tennessee, may appear at the arit term of the faid court, and administer the oaths of office to the respec-

tive Juffices of the Reace.

to give bond.

hold.

Their compenedion.

Soft. 7th. Be it englied, That the faid commissioners, Commissioners before easering on the duties of their appointment, shall give a bond in the fum of ave thousand dollars each, paysble to the chairman of the faid county court, and his fore oeffor in office, and conditioned for the faithful performance of the duties by this act assigned him, and shall moreover take sa bath to act honeftly and truly in the difcharge of faid duties, and when the faid commissioners thall have so nished the aforelaid duties, they shall lay a full statement of all their proceedings before the faid sounts court of Lincoln, and shall be allowed by the faid court a reasonable compensation for their services: Provided, not less than five of faid justices be prefent when the faid showance in

Sack. 8th. Be it enacted, That the faid county of Lincoln be; and the lame is hereby declared a pass of Mero Dife trick, and that fend three jurors to the Superior court of law and equity, held for faid diffrict.

Sect. 9th. Be it enabled, Loss nothing herein gaprefied, Sheriff of Bed. half be to confirm a to prevent the heriff or collector may collect are of Bedford country from collecting the taxes within the to rear oge tax. raiss of the faid county of Lincoln, which are now due and

remain annuid.

Sect. 10th. Be it enacted, That the faid county of Line Elections cola be a part of the diffrict to which the fame has beretofore belonged, for electing a Governor, to elect an elector for electing the President and Vice-President of the United States, Representatives in Congress, Sensior or Senstors, and Representatives in the General Affentity of this flate; the faid elections to be held at the place of holding contrator faid county, and thall be conducted according to the rules and regulations established by law, and the menif of faid county, on the fecond Thursday of April, in the year 1810, and on the succeeding day shall hold an election at the faid place, for the purpole of electing held officers for the faid county of Lincoln, which election hall be conducted pursuant to the rules and regulations prescribed by law, and now in force; and in all elections in which the faid county of Lincoln thall vote with the county of Bedford, the theriff of Lincoln county thall make a return of faul election to the theriff of Bedfird county, by eight o'clock of the day fucceeding the day on which the faid election (hall terminate.

Sech. 11th. Be it enasted, That the militia of the county No of regiment of Lincoln, shall compose the thirty-ninth regiment, and

thall be attached to the fifth brigade.

Sect. 12th. Beit enacted, That in all cases wherein the Majority comcommilhoners appointed by this act are required to perform missioners to any fervices, a majority of faid commissioners shall consti- be a quorum. tute a quorum to do bufinefa.

Sect. 13th. Be it enacted. That the territory eaft of Lin- Territory oncoln, fouth of Bedford, and north of the flate line, fhall be nexed to Frank a part of the county of Franklin, and by this act is attached lin county. to and incorporated with the faid county of Franklin.

Sed, 14th, Be it enacted, That this act That be in farce from the first day of January, in the year one thousand eight

hundred and ten-

JOSEPH DICKSON, \*

Speaker of the House of Representatives, JOSEPH MINN,

14th Nov. 1809.

Speaker of the Senate.

CHAP, XLIX. AN ACT to establish Circuit Courts, and a Supreme Court

of Errors and Appeals. Section 1. BE it enacted by the General Assembly of the State of Tennessee, That this Ruse is hereby divided into five Judicial Circuits - whereof the

into circuits.

counties of Greener Washington, Carter, Sullivan, Hawa sins, Grainger, Larborne and Campbell, shall composed the first circuits the scounties of Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledise, shall compele the lecound circuit: the counties of Smith, Warren, Franklin, Sumner, Overton, White and Jackfon, fhall, compole the third circuit : the counties of Davidson, Wilfon, Rutherferd, Williamson, Maury, Giles, Lincoln and Bedford, fhall compose the fourth circuit: the counties of Montgomery, Dickfon, Hickman, Humphreys, Stewart and Robertson, shall compose the fifth circuit.

Time of holding court in each egunty.

Section 2. Be it enacted, That circuit courts, composed of one judge, shall be held twice annually inteach of the counties composing the aforefaid several circuits, at the following times and places, towit :- In the court-house in the county of Greene, on the first Monday in the months of March and September; in the court-house in the county of Washington, on the second Monday in the months of March and September; in the court-house in the county of Carter, on the third Monday in the months of March and September; in the court-house in the county of Sullivan, on the fourth Monday in the months of March and September; in the court-house in the county of Hawkins, on the first Monday in the months of April and October; in the court-house in the county of Grainger, on the second Monday in the months of April and October; in the court house in the county of Claiborne, on the third Monday in the months of April and October; in the court-house in the county of Campbell, on the fourth Monday in the months of April and October; in the court-house in the county of Cocke, on the fecond Monday in the months of January and July; in the court-house in the county of Jefferson, on the third Monday in the months of January and July; in the court-house in the county of Sevier, on the fourth Monaday in the months of January and July ; in the court-house in the county of Blount, on the first Monday in the months of February and August; in the court-house in the county of Knox, on the second Monday in the months of Februaary and August; in the court-house in the county of Anderfon, on the fourth Monday in the months of February and August; in the court-house in the county of Roane, on the first Monday in the months of March and September; in the court-house in the county of Rhea, on the fecond Monday in the months of March and September; in the court-house in the county of Bledfoe, on the third Monday in the months of March and September; in the court-house insthe county of Smith, on the fourth Monday in the months of March and September; in the court-house in the county of Warren, on the third Menday in the months of February and August; in the court-house in the

sounty of Franklin, on the fecond Moseley in the # of February and August; in the court cold in the Porteres. September; in the court-house in the court of Overset on the fecond Monday in the saouths of The oth and Sep tember; in the court-house in the sounty of Jacksen, De the third Monday in the months of March and September in the court-house in the county of Summer, on the feetons Menday in the months of April and October; in the house in the county of Davidson, on the second Most in the months of March and September; in the court house in the county of Wilson, on the fourth Monday and months of Merch and September; "to the court-by the county of Rutherford, on the feeting is onder in the and October; in the court-house in the court of Bedfore on the fourth Monday in April and October; in the court house in the county of Williamson, on the War Monday in the months of May and November 100 and country in the country of Maury, on the four fractionals in the months of May and November; in the loss theufe in the county of Giles, on the second Monday in the Months of June and December; in the court-house in the county of Lincoln, on the third Monday id the months of June and December; in the court-house in the county of Montgomery, on the third Monday in the months of February and August; in the court-heafe in the county of Dickson, on the first Monday in the months of March and September; in the court-house in the county of Hickman, on the second Monday-in the months of March and September; in the court-house in the county of Humphreys, on the third Monday in the months of March and September; in the court-house in the county of Stewart, on the fourth Monday in the months of March and September; in the court-house in the county of Robertson, on the second Monday in the months of April and October. And the respective sessions of the aforesaid several circuit courts shall continue from day to day, Sundays excepted, until the business thereof is completed, or until the judge shall deem it necessary to rife, that he may go on to the next court in which it may be his duty to prefide.

Section 3. Be if enacted, That where any circuit judge Duty of Clerke shall fail to attend on the first day of any term, the business to Sheriffs on thereof shall stand dejourned until the second day, and if the judges fullthe judge fails to attend on the fecond day, the buliness ing to attend. fhall Rand adjourned until the third day; and if the judge fails to attend, before four o'cleck of the evening of the shird day, it shall be duty of the sheriff of the said court to adjournall fults and causes, therein depending, to the aext faceceding term of the circuit court; and the clerk of fuch court, fiell enter on his docket, a continuance of all fuch fuite

and causes, and shall bind over all witnesses on behalf of the flate to appear at the next term of the faid court : Provided, that nothing herein contained fhall be fo confirmed as to prevent the parties from making up their pleadings

on the appearance caules.

Yurisdiction of the courts.

Their govern-

Parties to cauty courts may remove them by emiserit.

Courses in the superior courts how to be distributed.

Section 4. Be it enacted. That the circuit courts, within their respective circuits, shall have original jurisdiction over all matters and cauf s at common law and a equity. whereof the prefent superior courts of law and equity have jurifd clion; of a exclusive jurifd clion over all criminal causes; likewile shall have concurrent jurifdiction over all civil causes now cognizable in the courts of pleas and quarter feffions; and the faid circuit courts shall also have appellate jurifdiction from the courts of pleas and macter fessions, subject to the same rules, conditions and regulat. ons now in use in appeals from the faid courts to the feperior courts of law and equity. For the full and complete exercise of which jurisdiction, the faid circuit courts are hereby wested with all the rights and powers which belong to the fuperior courts of law and equity, and to the court of pleas and quarter feffions; and the faid circuit courts shall be governed (where provision is not otherwise made) by the same rules and regulations by which the superior courts of law and equity, and the quarter fellion courts are governed fo far as the fame are confiftent and compatible. and where they are inconfiftent, the faid circuit courts shall be governed by the rules 'and regulations of the fuperior courts of law and equity.

Section 5. Be it enacted, That in all causes depending ses in the count in the courts of pleas and quarter fellions, when this act takes effect, and in which the parties concerned are defirous of having a trial in the circuit court, it shall be lawful for the faid parties to enter their agreement on the dockett of the faid court of pleas and quarter fessions, whereupon the clerk of the faid court thall cause the faid fuit to be removed and transferred into the circuit court of his courty. in the same manner as fuits are hereinafter directed to be removed from the fuperior courts.

> Section 6. Be it enacted, That the feveral causes depending in the fuperior courts of law and equity, at the time this act takes effect, fall be removed into the circuit courts, subject to the following order of distribution :- Civil causes removed into the find superior courts by writs of error, appeal or certiorari, shall be returned to the circuit court of the county from which the faid causes were fo removed; vivil causes commenced by attachment, shall be returned to the circuit court of the county in which faid attachment may have been levied; and all other civil causes: shall be removed into the circuit court of the county in which the first named defendant, in each respective cause,

may have been found at the time of being ferred with the original process therein; and the several criminal causes now depending in the faid fuperior courts, thall be removed into the circuit court of the county in which fuch funerior court may have been held. And it flish be the duty of the clerks of the faid superior courts of law, and of the clerks and masters in equity to arange in a seperate parcefull the papers and documents belonging to each cause, with a true and complete bill of the colls which may have accrued thereon, and likewife to make out from the minute book of their respective courts a properly authenticated transcript of the proceedings which may have been had in each of the faid causes; and the papers, so arranged, with the bill of cost and transcript, the faid clerks of the superior courts and clerks and masters in equity, shall hold in readipels to be delivered, on demand to luch of the clerks of the circuit courts as may be authorized to receive them.

Section 7. Be it enaded, That five circuit judges shall Judges le appointed by joint ballot of both branches of the elected. general affembly, and commissioned by the governor, who shall hold the circuit courts by this act established, who shall r side within the circuit for which he is elected, and in case of the removal of any such judge out of the circuit for which he is elected his office shall be vacated thereby; each of whom before he proceeds to discharge the duties of his office, shall, in the prefence of the prefiding justice of the county court, in some one of the counties within the circuit in which it may be his duty to prefide, take the following oath or affirmation : " I A. B. do folemnly Their oath of swear, or affirm, that I will support the constitution of the office. United States, and the constitution of the state of Tennesfee, and that I will administer justice without respect to persons, doing equal right to the poor and to the rich, and that I will faithfully and impartially difeharge and perform all the duties incumbent on me as a circuit judge, according to the best of my skill and ability, So help me God."-And if either of the faid judges shall enter on the discharge of the duties of his office without having taken the faid eath, or affirmation, he shall be subject to the same penalties to which the judges of the fuperior courts of law and equity are now subject for the like offence.

Section 8. Be it enacted, That the Circuit Judge shall appoint a clerk, to each of the courts in which it may be their Clerks. his duty to prefide; the faid clerks to poffefs the fame qualifications which the clerks of the superior courts of law and equity are required to posses; to enter into the same rules and regulations, into which thefe clerks are required to enter; and to be subject to the same penalties, to which these clerks are subjected. And the clerks of the circuit courts, shall possess the office, and discharge the duties of clerk

To appoint

and mafter in equity, within the respective courts to which they belong.

I there courses,

Section 9. Be it enacted, That the clerks of the respect tive circuit courts, within fixty days after their respective appointments, shall demand of the clerks of the superior courts and of the clerks and mafters in equity, all the papers, documents and records, which are directed to be transfered to the circuit court whereof he may be clerk; all of which causes shall be entered on proper dockets, by the clerks of the faid circuit courts; priority and preference of entry being given to fuch causes as may appear to have been of longest standing in the courts from which they come. And when any fuit, transfered according to the previsions of this act, shall be decided in any one of the circuit courts to which the fame has been removed, it shall be the duty of the clerk thereof to include in the bill of cofts, all fuch cofts as may have accrued on the faid fuit, before fuch transfer; and also in addition thereto, the fums of fifty cents, on each fuit, to the use of the clerk of the superior court, or clerk and mafter in equity, from which the faid cause was removed, for his or their trouble in arranging and delivering the papers, documents and records, appertaining thereto.

Section 10. Be it enacted, That the clerks of the superi-Clerks & cierk or courts, and the clerks and masters in equity, within fix masters to months after the passing this act, shall deposit all the books, deposit books. minutes, dockets, &c. belonging to their respective offices, with the clerk of the circuit court, of the county in which the faid clerks of the fuperior courts, and the clerks and

masters in equity, may respectively reade.

Section 11. Be it enacted, That the clerk of any superior Penalty for court, or clerk and master in equity, failing to deliver the papers, or failing to deposit the books of his office according to the directions of this act, shall forfeit and pay the fum of one thousand dollars, to be recovered by action of debt, before any jurifdiction having cognizance thereof, one half to the use of the person suing for the same, the other half to the use of the county in which such suit may be inflituted.

exit courts.

failing.

Section 12. Be it enacted, That the respective circuit Power of cir- courts by this act established, shall have the same power, authority and jurisdiction, over all matters and causes, which may be depending in any of the superior courts of law and equity, at the time this act takes effect, and which by the provisions of this act, have been directed to be removed into the faid circuit courts; and likewife shall have the fame power, authority and jurisdiction, to award execution, and other legal process, on all decrees and judgments of fuch superior court of law and court of equity, as if the fame had been originally commenced in faid circuit courts.

Section 13. Be it enacted, That where the clerk of any Credit to be gracircuit court fast give a certified copy of any decrae, judge ven to transf ment record, or proceeding of any superior cours of law, cripis. or court of equity, the papers and records of which courts may be delivered to him purfsant to the directions of this ack, the same faith and credit shall be given to such sertified copy, as to a certified copy of any record or proceeding of the circuit court to which faid clerk may belong:

Section 14. Be it enacted, That the theriffs of the count ty courts shall be the sheriffs of the circuit courts within their respective counties, and the sheriff of the county in which the supreme court is held, thall also be the theriff of

the faid fupreme court, Section 13. Be it enacted, That the courts of pleas and questa quarter fessions, within the respective counties of this state, at the next fucceeding term after each fellion of the circuit courts, within their respective counties, shall designate and cause to be summoned, by the sheriff of faid county; thirtynine persons, legally qualified to serve as jurges, and the faid persons so defignated and summoned, shall constitute the venire of the next fucceeding term of the circuit court. And the faid courts of pleas and quarter fellions in their discretion, may lay a tax within their respective counties for paying the faid jurors > Provided, furn compensation does not exceed fifty cents per day, to each juror, for his attendance: And provided, a majority of the justices of the county be prefent when fuch tax may be laid.

Section 18. Be it enacted, That the common jail of each Yailse county; shall be the jail of the circuit court, for the faid

Section 17. Be it enacted, That the judges of the cir- Change of the cuit courts within their respective circuits, at or before the nuc. arft trial term of any fuit, civil or criminal, shall have power to change the venue thereof, on a cafe fer forth and duly Supported by eath or affirmation, shewing that a fair and impartial trial cannot be had in the county or circuit in which the faid fuit may have been inflituted. And when a change of venue fhall be allowed in any fuit, the trial thereof shall be adjourned under the direction of the judge, to the nearest adjoining county, which is free from the like exception. And the trial of fuch cause in the court to which it may be adjourned, shall be by a jury of freehold-

Section 18. Be it enacted; That the judges of the circuit Criminal tricourts, within their respective circuits, shall set spart a par- als, and fines. ticular day of each term, for the trial of criminal causes: And all fines inflicted in the feveral circuit courts, shall go to and be applied to the use of the county in which they way be inflicted. And the faid judges shell have power, on the application of any perfon charged with a criminal

offence, to hold a special fession for the trial of such person! and the faid judge that direct the freriff of the county in which, such special session may be sheld, to return thereto twenty four persons properly dualified to drive as jurors; any or all of whom failing to attend, or being challenged and let whide, a jury of the by flanders thall be empanneled for the trial of the caufe.

Solicitors gen-

Section 19. Be it enacted. That one folicitor general ral to be elected shall be appointed by the General Affembly, and commiss fioned by the Governor, to each of the circuits by this act elablished, and it stall be the duty of the faid folicitors get neral, to attend the feffions of the circuit courts and of the fupreme courts, within the circuits to which they may belong, and to profecute in behalf of the state, all matters and caules tognizable therein, to which the ftate may be a par-

> Section 20. Be it enacted, That the minutes of the relpeclive courts within this state, for each preceding day of every faffion, shall be read in open court on the morning of the fucceeding day, except on the last day of the terms when the minutes shall be read at the rife of the court, and shall be figned by the judge or judges presiding in said courts.

Practice.

Minutes.

Section 21. Be it enacted, That no fummons, Writ, declaration, return, process or other proceeding, in any civil fuit or action, in any circuit court, or court of pleas and quarter fessions in this state, shall be abated or quashed, for any omission, defect, or imperfection; but the faid courts respectively, shall and may by virtue of this act, from time to time, permit either of the parties to amend any fuch omission, defect or imperfection, upon such terms as the faid courts respectively shall in their discretion, and by their rules prescribe: Provided, the nature of the action shall not be changed by such ameralment, and that all civil causes shall be tried on their merits, without being entangled in the nice formalities of law.

Proviso.

abelished.

Superior court

Section 22. Be it enasted; That the prefent superior courts of law and equity thall be, and the fame are hereby abolished so soon as this act takes effect; and so much of every act or acts as directs superior courts of law and equity to be held within this flate, and fo much of every actas authorifes judges or attornies general to be appointed for faid courts, and to receive any compensation out of the public treafury, shall be, and the same are hereby repealed;

Supreme court established.

Section 23. Be it enacted, That a supreme court of Errors and Appeals, composed of two judges in Error; and one Circuit judge, shall be held anoually at the following times and places, towit: In the court-house in Jonesborough, on the first Monday in the month of May. In the courtificate in Knoxville, on the fourth Monday in the The Same of the state of the property of

month of May. In the court boule in Carthage, on the Its vitting third Monday in the manch of June. In the court-boufe to Nathwille, on the first Menday in the month of July. In the court-house is Clarkfolle, on the usit Monday is the month of August. And the faid judges shall appoint their own clerks, under the fame rules and regulations, and subject to the same negatites, which have been prescribed for the clerks of the circuit courts.

Section 24. Be it enabled, That the aforefaid judges in error, thall be elected by leint ballot of both houses of the elected General Affembly, and shall in the preferce of the Governor of this flate, or in the presence of some one of the cirguit judges, take an eath or affirmation to support the cap- To take Aiturien of this flate, the conflitution of the United States, and to discharge saithfully and impartially, all the duties of their office; and if either of the faid judges in error, hall prefume to enter on the discharge of his duties, before he has taken such oath or affirmation; he shall be subject to the same penalties which have been prescribed for the circuit judges, for the like offence.

Section 25. Be it enacted, That the judge of the first Circuit Puspes circuit, shall fit in the supreme court keld for the second so sit in the sucircuit; the judge of the fecond circuit, shall fit in the fit preme court. preme court held for the first circuit; the judge of the third circuit, shall lit in the supreme court held for the fourth circuit; the judge feathe fearth circuit, thall fit in the furreme court held for the fifth circuit; and the judge of the fifth circuit, shall fit in the supreme court held for

the third-circuit.

Section 26. Be it enocted, That write of error shall lie from the refpective circuit courts, to the courts of Errors and Anneals; and it that be the duty of the judge, or application, to grant such writ of error, and to take good and sufficient security from the party demanding the same, that the faid party shall profecute his writ to effect, and solwer all damages and colts, if he fail to make his plea good.

Section 27. Be it endited, That when any judgment, Causes to be redecifies or decree, of the circuit court, shall be reversed manded. or starmed, in the court of errors and appeals, it shall be the duty of the faid court to bels fuch judgment, decision or decree, so the circuit court frould have palled, except where the damages to be affelled, or matter to be decreed are uncertain; is which case, the said court shall remaid the cause for a final hearing. And in all cases bottomed on a contract, note, agreement or liquidated account, where the judgment of the circuit court may be starmed, twelve and one half per cent damages shall be allowed to the plaintill. Provided, two of taid judges concut in faid decision.

Section 28. Be it enalled, That the judges of the courts aberrors and appeals, as well as the esteuit court judges,

Write of error

in writing.

Judges to file shall, as to the decisions on all material points, file their opia their opinions nions in writing, among the papers of the cause in which fuch opinion may be given, within ten days from the delivering of the same. And where a writ of error shall be allowed to reverse the judgment of any circuit court in any cause, the clerk thereof shall fend a transcript of the opinion of the judge to the court of errors and appeals, with the balance of the record in the cause, properly certified.

Compensation to judges.

To Attornies General.

attendance.

Clerks fees.

Section 29. Be it enacted. That the judges of the fupreme court, shall receive fifteen hundred dollars per annum each; the judges of the circuit courts shall receive one thousand dollars each per annum; the folicitors general shall receive two hundred dollars per annum each, together with the same tax fee on each capital offence by him profecuted, which is now allowed to the attornies general in the fuperior courts; and in all inferior profecutions, the fame tax fee which is now paid to the county folicitors. All of which falaries shall be subject to a proportionate deduction Subject to de- for non-attendance, unless the absence of faid judges, or duction for non folicitors general, shall be occasioned by sickness or unavoidable accidents. The clerks of the circuit courts shall have the same fees, which are now paid to the clerks of the fuperior courts, and to the clerks and mallers in equity for similar services. And all other fees in the circuit courts, and in the supreme courts, shall be the fame that are now paid, for the like fervices, in the Superior courts of law and

> Section 30. Be it enacted, That this act shall be in force from and after the first day of January, in the year one

thousand eight hundred and ten.

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

16 Nov. 1809.

CHAP. L.

AN ACT concerning Executions, Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That each and every person who hath, or hereafter may obtain a judgment or execution in any one of the courts of this state, or before any justice of Plainliffs may the peace, and the same hath been slayed, according to take out Exe- law, or by confent of parties, in either of which cafes, it shall be lawful for the plaintiff to demand from the clerk or justice of the peace, an execution for the full amount of debt, interest and cost, which execution shall be levied on How to be le- the personal estate of the debtor only, provided there be suficient to fatisfy the debt and softs, if not it shall be levied

cutions.

vied.

on the real and personal estate of the debtor and his feeurities if any; nevertheless the faid debt, interest and costs which may or shall hereafter accrue, may be replayed in. the following manner, towit: for all fums of five dollars. and under, fixty days; for all fums exceeding five dollars and under ten, ninety days; for all fums exceeding ten dollars, and under twenty, one hundred and twenty days; for all fums exceeding twenty dollars and under fifty, nine months; for all fums exceeding fifty dollars, twelve months. Provided, the defendant or defendants tender good and fufficient fecurity, to be adjudged of by the fhrriff, coroner or constable, but in case of failure, it shall be the duty of the sheriff, coroner or constable to advertise such property at three of the most public places within the vicini- Appraisers to ty of which such property is to be fold, and shall also, at or be- be summoned. fore the day of fale, summon three men of good character and in all respects unconnected with the parties, who shall, first being sworn by some justice of the peace, sheriff, coroner or constable, immediately preceding the fale, proceed to affels the faid property at its equitable value in money, which property shall be exposed to sale in such lots, parcels and pieces, as they may have been valued, and if no To be tendered person will bid two thirds or more of said valuation, the to plaintiff at theriff, coroner or conflable, shall tender fuch property to two thirds. the plaintiff at the aforefaid two thirds of its value; and if he should refuse to accept of the same, and the defendant or defendants fail or refuse to tender good and fufficient fecurity, for the delivery of faid property, or property of equal value, when called for, then fuch property shall be fold; and if the debt be under five dollars, on a credit of fixty days; if over five and under ten dollars, ninety days; if over ten and under twenty, one hundred and twenty days; if over twenty and under fifty dollars, nine months; il over afty dollars, twelve months, the purchaser giving band and fecurity to be approved of by the officer fellingthe same. And in all cases where any officer shall take insufficient security, the said officer and his securities shall be responsible on the bond given by such officer and his securities, for all cofts and damages which the plaintiff may fultain in confequence of fuch infufficiency, to the original creditor to pay the same at the time it may become due, with interest from the date. And if fold for more than fuch debt and cofts, fuch officer fight also take bond, payable to the owner of fuch property, for the relidue of fuch fale, with interest, to pay the same with interest, and on failing to pay the same, judgment shall be rendered against fuch obligor, and his, her or their lecurities on motion, in favor of the persons to whose use such bond or bonds were taken, before the same court which rendered such judges ment, if fuch judgement was rendered before any court

How replevied

To be sold on credit.

Officer liable if security be insufficient.

fudgm enthere to be obtained.

of record; and if before a juffice of the peace, then before a fullice of the peace, in the fame captain's company to which she justice belonged, who gave the original judgment. which bond or bonds shall be filed in the clerk's whice of the county or circuit, or with the Iullice rendering faid judgment, as the cafe may be, and the creditor, obligee or obligees, in fuch bond or bonds, may immediately obtain execution for the fame, against such purchaser or purchafers, and his; her or their fecurity or fecurities, or in cafe. the money cannot be made out of the property then against the original debter: Provided that if the defendant prefer having his property fold for rath, it thall be fold as if this act had never been paffed.

Sec. 2. Be it enacted, That nothing contained in this act shall be so construed as to govern judgments or executions: which have heretofore, or may hereafter be obtained upon debts contracted, or upon notes or bonds given fince the first day of May last -but all such debts, judgments and execution. ons, shall be proceeded on as though this acl had neverbeen paffed. in a religion of the contract of the

100

Sec. 3. Be it enacted, That this act shall not be so con-Arued as to prevent any therist, coroner, conflable, or colkector of public money, from paying all fums which they are bound to pay on any execution, flate or county tax, under the laws heretofore in ufe.

Sec. 4. Be it enacted, That this act shall be in force from and after the passing thereof, and until the first day of October, one thousand eight bundred and eleven.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN. · Speaker of the Senate,

23d Nov. 1809.

Popiso.

Exceptions.

Boundaries.

## - CHAP, LL -

AN ACT to reduce the limits of Bedford county, and to establish its permanent boundaries.

Sec. 1ft. BE it enacted by the General Assembly of the state of Tennessee, That the lines and boundaries of Bedford county shall be as follows, (to wit :) Beginning on the north eaft corner of Maury county, and running fouth with the eastern boundary line thereof to the extreme height of the ridge dividing the waters of Duck river from the waters of Elk river: thence eastwardly on the extreme height of faid ridge, to the present eastern boundary line of the faid county of Bedford: thence north to the fouthern boundary line of Rutherford county : thence westwardly with the said line to the southern boundary line

of Williamson county: and thence with the faid line of

William fon to the beginning.

Sect. 2nd. Be it enacted. That John Atkinfon, William Woods, Bartlett Martin, Howel Dawdy, Daniel McKiffick, be, and they are hereby appointed commissioners to ax on appointed. a place on Duck river, within two miles of the centre of faid county on a line east and west at the farthest, and as much nearer the actual centre east and west; as a suitable fituation can be procured: and the faid commissioners shall purchase one hundred acres of land at the place which they may fix upon as aforefaid, and thall receive a title to the fame in fee simple, to themselves and their successors in office, and shall lay off the said hundred acres of land into a town, to be known by the name of Shelbupille, referving near the centre thereof a public fonave of two acres, on which the court-house and stocks shall be built, likewise referving any other lot they may think proper, for the purpole of having a Jail built thereon, for the use of the faid county of Bedford.

Sect. 3rd. Be it enacted. That the faid commissioners shall fell the lots of faid town at public sale, on a credit of twelve months, giving due notice thereof in one of the public news-papers printed in Nashville, and shall take bond with sufficient securities from the purchasers of faid lots, payable to themselves and successors in office, and shall make titles, in fee simple, to the respective purchasers of faid lots.

Sect. 4th. Be it enacted. That the proceeds of the fales of the lots aforefaid, thall be a fund in the hands of the faid commissioners, for defraying the expences incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, also for defraving the expences of building a court house, prison and stocks.

Sect. 5th. Be it enacted, That the faid commissioners shall superintend the building of the faid court-house, prifon and flocks, and shall let the court-house to the lowest "Es. bidder, advertifing the same fixty days in one of the newspapers printed in Nashville, setting forth the dimensions of which it is to confill, and the materials of which it is to be built, and shall take a bond with sufficient securities from the perion to whom the fand court-house is let, payable to themselves and successors in office, in the sum of ten thoufand dollars, conditioned for the faithful performance of his contract, and if the proceeds of the fales of faid lots is net fufficient for the purposes above mentioned, it shall be the duty of the county court of Bedford to lay a tax not exseeding the amount of state tan levied in faid county, to beapplied to the objects aforefaid, and to be continued until all arrearages are paid off.

Sect. 6th. Be it enacted. That the faid commissioners,

Commissioners

To procure land & law of

To sell lets on a credit.

Money arising from the sales of loss how to applied.

Public Build

Commissioners to give bond.

To take outh.

before they enter on the duties of their appointment, that give a bond in the fum of five thousand dollars each, payable to the chairman of the county court of Bedford, and his fucceffors in office, for the use of said county, conditioned for the faithful performance of the trust reposed in them, and thall likewife take the following oath: I, A. B. do folemaly fwear (or affirm) that as a commissioner to act for the county of Bedford, I will do equal and impartial justice to the citizens of faid county, to the heft of my skill and ability, So help me God-and the faid bond shall be filed in the clerks office for the county of Bedford, and shall not be fo construed as to make any one of the commillioners fecurity for another.

Holding enurt.

Sec. 7th. Be it enacted, That until the town above mentioned is laid off, the court of Bedford county shall be held at the dwelling house of Amos Balch, and all matters, causes and things, now depending in the county court of Bedford, shall be tried and determined at the house of the faid Amos Balch, in the fame manner as if they had been originally returnable to that place.

Power of commissioners.

Sec. 8th. Be it enacted, That a majority of the commisfioners by this act appointed, shall in all cases be competent to perform the duties by this act affigned them, and if any one neglects or refuses to act, a majority of the justices of faid county of Bedford, may appoint another in his place, and when the faid commissioners thall have performed the duties above enjoined upon them, they shall lay before the county court of Bedford a full flatement of all their proceedings, and the faid county court shall make them a reasonable compensation for their services.

Sec. 9th. Be it enacted, That this act shall be in force from and after the first day of January, in the year one

thousand eight hundred and ten.

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

14th Nov. 1809.

## CHAP. LII.

AN ACT for the benefit of students at the different Colleges and Accademies, in this state.

Not less than two thirds can

E it enacted by the General Assembly of the D state of Tennessee, That from and after the expel a student passage of this act, no student shall be expelled from any or either of the colleges or accademies in this flate, unless two thirds of the trultees, which have been, or may hereafter he appointed to superintend said institutions, may be

-79-

present at the time of said expulsion, any law to the contract

ry notwithstanding.

Sect. 2. Be it enasted, That no fludent shall be suspende ed from the privileges he may be entitled to, as fuch, in apy college or accademy in this state, except there be one half of the trustees of such institution present, and that a majority of the truffees fo prefent shall vote for fuch fulpenfion.

Majority only can suspend.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN.

Speaker of the Senate.

14th Nov. 1809.

CHAP. LIII.

AN ACT directing the descent of intestates estates in certain

WHEREAS American citizens are debarred the right Preamble. of fuccession to any real estate which might descend to themby the death of relations, within the kingdom of Great-Britain; and whereas it is inconfiftent with the protection which this state owes to its citizens, to allow British subjects to inherit estates within this state, when American citizens are not allowed the fame right of inheritance within the dominions of the British king; wherefore,

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That in all cases where any perfon within this state, shall die intestate, without iffue, and possessed of any estate, real or personal, the said estate, and Aliens excludevery part thereof, shall descend to such person or persons ed. who are next of kin to the faid decedest, and refident within the United States, to the perpetual exclusion of aliens, who might be related to the faid decedent in a nearer degree. And in all cases where any person dying as aforesaid, thall leave no relations within the United States, then, and in that case, the estate, whereof such decedest may die possessed, shall descend to the trustees of the accademy of the county in which fuch person had his usual place of residence, at or before his death, and the faid estate shall belong to the faid truffees, in trust for the use of the accademy whereof they may have the superintendance,

Sec. 2. Be it enacted, That in all cases where any alien of aliens hath acquired a right of fuccession to the estate of any person or persons, who may have died intestate, without iffue within this state, the faid alien or aliens shall be foreyer barred of succeeding to the faid estate; unless, within twelve months from the passage of this act, the faid alien or aliens, shall remove within the United States, and become a citizen or citizens thereof, in conformity with

the laws of naturalization, prescribed by the congress of the United States, and all and every part of any effate to which any alien or aliens may have a right of fuccession, and which may be forfeited by a non-complyance with the terms of this act, shall dessend to the person or persons who may be next of kin, to the faid decedent, and refident within the United States, to the perpetual exclusion of faid alien or aliens, and in default of kin, who may have a right of fuccession, the estates forseited as aforesaid shall be yested in the trusters of some literary institution as provided for in the first section, of this act.

JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN,

Speaker of the Senate.

14th Nov. 1809.

diction increas

ad to 100 dolls.

Proviso.

CHAP. LIV.

AN ACT increasing the jurisdiction of Justices of the Peace, and regulating their proceedings.

Justices juris- Sec. i. B & it enacted by the General Assembly of the state of this acl, it shall and may be lawful for a justice of the peace in this state, to have jurisdiction of all debts, and demands from fifty dollars to one hundred inclusive, where the balance is due on any specialty, note or agreement, figued by the party, or on a fettled account, figured by the parties, in addition to the jurisdiction heretofere granted to a justice of the peace out of court, and may give judgment and award execution accordingly; Subject neverthe, less to appeal of either party, to be tried in the county courtby a jury as in other cases. Provided always that judgment given by a justice of the peace, by virtue of this act, execution shall and may be stayed, in the following manner, towit: for all fums over fifty dollars, and not exceeding feventyfive, fix months; and for all fums over feventy-five dollars and not exceeding one hundred, nine months, and for the faithful performance of which, with colls, and interest until paid, the party requiring fuch flay of execution shall give sufficient security, and if the judgement shall not be discharged by the time to which the execution may have been flayed, then it shall and may be lawful for the justice. of the peace to iffue execution, in the ufual form, against the principal and his fecurities.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate,

14th Nov. 1809.

CHAPLIV. In passing.

AN ACT to establish a county, south of Maury county, and worth of the southern boundary of the state,

DE it enaded by the General Assembly of the state Boundaries, O of Tennessee, That there be a new county eff tablished within the following described bounds, towist Beginning at the feuth east corner of Maury county, theace due fouth to the fouthern boundary of the flate; thence well, fo far as to form a constitutional county; thence north to the line of Maury county; and with faid line to the beginning, which county shall be known by the name of Gines county.

Sec. 2. Be it enacted, That James Role, Nathaniel Commissioners sody, Tyree Rhodes, Gabriel Bumpals, and Thomas appointed. Whitfon, be, and they are hereby appointed commissioners who, or a majority of them, shall (as feon as the nature of the case will admit) proceed to fix on a place on Richland creek, as near the centre of the county as an eligible felte can be precured, at which frite the faid commissioners shall procure at least one hundred acres of land, for which they shall cause a deed or deeds to be made, to the affelves and land & lay of their fuccessors in office, by a general warrantee, on which a town. they shall cause a town to be laid off, with the necessary fireets, at least eighty feet wide, referving at least two scress for a public fquare, on which shall be built a court-house and flocks, also referving a public lot, sufficient to centein a jail in a convenient part of the town, which town shall be knows by the name of Polassi.

Sec. 3. Be it enacted, That when the town shall have To sell lots on been thus laid of, the aforefaid commissioners are further a credit. required to advertise for sale, is one of the Gazettes, in Malaville, to the highest bidder, giving fixty days previous natice, and allowing twelve menths credit, fuch portion of the lots to laid off, as they may think will be for the benefit of the county, and that they shall take bonds with sufficient fecurity, to themselves and their successors in office; and shall make titles to the purchasers in fee simple.

Sec. 4. Buit enacted, That it shall be the duty of faid Public Build. commissioners to contract with fuitable workmen to build ings. a court house, prilon and flocks ; and the money ariting from the fele of fuch lats, after paying for the land fo purchased, and she necessary expense of laying of said town, shall be applied to the payment of such court-house, prifon and flocks.

Sec. 5. Re is enacted, That should the money arising from the fale of faid lots, be infussiont to pay for fuch court house, prilon and stocks, in that case a majority of the justices of faid county, thall in term time, have nower, and are hereby authorifed to lay a county tax, not exceeding

To procure

Maney arising from the sales i lots how to applied.

Tax.

Court may loy the flate tax, which tax fluid be continued from year to year, until a fufficient fum be collected to pay for fuch public buildings, and shall be collected in the same manner as the state tax, and when collected, the sheriff shall pay the fame over to the commissioners, and be by them applied to the payment of the faid public buildings, and the commiffioners receipt shall be allowed in the fettlement of the sheriff's accounts,

Commissioners to give bond.

Sec, 6. Be it enacted, That before the faid commissioners enter on the duties of their appointment, they shall enter into bond with fufficient fecurity, payable to the Goverpor, for the time being, in the fum of fix thousand dellars, for the faithful discharge of their duty as herein expressed, which bond shall be ladged in the office of the clerk of the faid county of Giles.

To settle with the court.

Sec. 7. Be it enacted, That fo foon as the public build ings shall be completed, the faid commissioners shall lay sefore the court of Giles county a just and fair statement of all the monies by them received, as well as those by them' expended, with fufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reafonable compensation for their services: Provided, there shall be a majority of the justices of the peace of faid cousty prefent, when fuch allowance is made.

Holding court.

Sec. 8. Be it enacled, That for the due administration of justice, the court of pleas and quarter sessions shall be held in and for the county of Giles, on the third Monday in February, May, August and November, in each and every year; and the juffices for faid county shall hold the first court at the house of Lawis Kirk, and they may adjourn their courts from time to time, to fuch place as they may think most convenient, until a court-house be built in and for faid county, and then all causes, matters and things, depending in faid court, and all manner of process, returnable to the same, shall be adjourned to such court-house, and all courts of pleas and quarter fessions, held in and for faid county, shall be held by the justices of the peace, in the same manner, and under the same rules and regulations, and shall have and exercise the same powers and jurisdictions as are or shall be prescribed, by and for the several counties in this state.

Arrearage tax

Sec. 9. Be it enacted, That nothing herein contained, shall be so construed as to prevent the sheriff or collector of Maury county from collecting the taxes within the faid county of Giles, which are at this time due, in the same manner as if this act had not been passed.

Sec. 10. Be it enacted, That the faid county of Giles be a part of the district, for electing an elector to elect a Prefident and Vice-Prefident of the United States, for elects ing a governor, representative or representatives to Con-

grefs, Senator or Senators and representatives in the General Affembly, and field officers; and be annexed to the brigade to which it has heretofore been attached, and the elections be held at the place of holding court in faid county, and Isall be canducted under the fame rules and regulations as are established by law; and that the sheriff or deputy therist of faid county of Giles, shall, on the second Thursday of March next, hold an election at the place above stated, for the purpose of electing the field officers of militia for the faid county of Giles, which election shall be conducted pursuant to the laws now in force and use for the election of field officers, and the theriff or returning officer that 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, to which the faid county is attached.

Sec. 11. Be it enacted, That the militia of faid county No. of Giles shall constitute the thirty-feventh regiment, and ment. shall hold regimental musters on the fourth Thursday in October in each year, and the colonel or commanding officer of each regiment, skall lay off the county into companies, and shall isse his writ, and appoint the place where

elections shall be held for company officers.

Sec. 12. Be it enacted, That this act shall be in force from and after the first day of January next.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH MINN. Speaker of the Senate.

14 Nov. 1809.

CHAP. LVI.

AN ACT to annex to the town of Blountsville certain Lands.

WHEREAS John Tipton hath laid out on both fides of the main freet at the east end of Blountsville, twenty Preamble. feven lots; and also ten lots near the west end of the bridge at Blountsville, and has fold the same to different persons, who are defirous to be annexed to faid town: -- Wherefore.

BE it enacted by the General Assembly of the State of Tennessee, That the above described lots are hereby annexed to, and declared to be a part of the town of Blountsville, in as full and ample a manner in all respects whatever, as though the same had been a part thereof when it was first laid out, and shall be subjected to the fame rules, regulations and restrictions, that is, or hereafter may be made by the commissioners of fuid

EicStions.

Commissioner appointed.

Sec. 2. Be it enacted, That John Anderson, esquire, one of the commissioners of the faid town of Blountsville; be requested to make out an accurate plan of the town aforefaid including the part hereby annexed, which shall be made fe as to include the Jefferson accademy, on the west, and Jacob Storm, George White, Philip Snapp, and all the lands laid out and fold by John Tipton, on the east; which plan, when made out, shall be lodged with the clerk of Sullivan county court, whose duty it shall be to file the fame with the papers of his office, for fafe keeping.

Inhabitants to work on streets

Sec. 3. Be it enacted. That it shall be the duty of the commissioners of the town of Blountsville, to call on all the inhabitants of faid town, from time to time, to work on . the fireets, whose duty it shall be to attend as in other cafes of working on roads; and in cafe of failure, shall be liable to the fine now designated by law. And in case the commissioner, who is appointed to superintend the same, shall fail to have the streets worked on as the law now directs, he shall be subject to the same sines and penalties that overfeers of roads are now liable to.

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH MMINN, Speaker of the Senate.

14th Nov. 1809.

CHAP. LVII.

AN ACT to authorize a seperate election in the county of Williamson.

I leftion ruliere to be held.

Sec. 11. BE it enacted by the General Assembly of the state county of Williamson, shall be opened and held by the sheriff of faid county, his deputy, or coroner, at the muster ground, or place of holding muster for the fecond battallion of the militia of faid county, and any person constitutionally qualified to vote in faid county of Williamson, may appear and vote at the faid feperate election, for governor, member or members of congress, members of the general affembly, or field officers in the militia of faid county; and faid seperate election shall be held on the same elays, and under the fame rules and regulations which have been prescribed, or may be prescribed, for holding elections in the county of Williamson; and the votes given at the faid seperate election shall be counted in the presence of the judges preliding therein, and the state of the poll, exhibiting a true lift of the number of votes given to each

candidate, shall be figured by the theriff, deputy theriff, or coroner, in the presence of the judges of the election, and witneffed by them; and the faid flate of the poll, being fealed up in the presence of faid judges, one of whom at least shell write his name across the faid seal, thall be see turned to the high theriff of faid county of Williamfon, by twelve a clock on the day fucceeding the day on which the faid seperate election may have terminated; and the return of the poll, being fo made, shall be received and counted as a part of the votes of faid county.

Sect. 2. Be it enacted, That any person voting at more Penalty for vethan one voting place in faid county of Williamson, shall forfeit and pay the fum of fifty dollars, to shy perfor who will fue for the same, to be recovered by action of debt .. before any jurifdiction having cognizance thereof.

Sect. 3. Be it enacted, That this act that be in force from and after the first day of January, in the year one thousand eight hundred and ten:

> JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate,

16th Nov. 1899.

CHAP. LVIII.

AN ACT authorising the purchase of a Bell and Clock for the court-house in the town of Columbia.

DE it enacted by the General Assembly of the state of D Tennessee, That the commissioners of the town of Columbia, be authorized to appropriate so much of the money arising from the sale of lots in Columbia, as will purchase a Bell and Clock for the courthouse in said town.

> JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate.

14. Nov. 1809.

CHAP. LIX.

AN ACT to encourage the manufacture of Paper. WHEREAS it is confidered by the present Legislature, that an increase of home manufactures will greatly pro-

BE it enacted by the General Assembly of the State of Paper-Makers Tennessee, That from and after the passing of this exempted from act, all persons immediately in the employment of manu- mustering and facturing paper, in any of the paper mills erected within working on this state, or that may be employed in any mill hereaster roads.

mote the independence of our rifing state : Therefore,

ting twise.

to be crecked, be, and they are hereby exempted from working on roads or high ways, and from attending multers in the companies, regiments or battallions to which they may belong: Previded, that in all cases for calls for militia, they shall be subject in the same manner they would have been had this act never been passed.

> JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate.

14th Nov. 1809.

CHAP. LX.

AN ACT to appoint commissioners for the town of Monroe, in the county of Overton.

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That William Armstrong and George Wallace are hereby appointed commissioners for the town of Monroe, in the county of Overton, in addition to those already appointed by law; and the faid William Armstrong and George Wallace shall possess the same powers and authority as the aforefaid commissioners.

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

JOSEPH-DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN. Speaker of the Senate.

14 Nov. 1809.

CHAP. LXI.

AN ACT for the relief of John B. Gross, sheriff and collector for the county of Overton, and John Gordon of

Smith county.

WHEREAS, it appears to this General Assembly, that John B. Crofs, sheriff and collector of the state tax in the county of Overton, for the year 1807, was charged with thirteen dollars and thirty-three cents, the state tax on 10664 acres of land, which were reported and would not fell for the want of bidders, and which he was prohibited from felling until the first Monday in July, 1808, before which time the Treasurer of West Tennessee, agreeably to law recovered judgment against him, for the whole amount of taxes with which he was charged, the amount of which judgment the faid John B. Cross has paid—And whereas, it also appears to this General Assembly, that the faid John B. Crofs, theriff and collector as aforefaid, for the year

1808, was charged with feventy-four dellars and feventythree cents, as being the flate tax an 33717 5 \$ acres of land, which was reported and would not fell, and which he was not authorized by law to fell until the first Monday in fulv. 1809, before which time the treasurer of West Tene neffee recovered a judgment against him for the whole amount of the taxes due, and has now an execution against him for the fame-For remedy, wherefore,

Sect. 18. BE it enacted by the General Assembly of the State of Tennessee, That the faid John John B. Cross B. Crofs, fheriff and collector as aferefeid, shall be entitled to receive a credit of eighty-eight dollars and fix cents upon the execution new against him an alorefaid, the same being the amount of dehits sencies for the two years afore-

Seel. 2nd. Be it enafted, That the faid John B. Crofs is entitled to and shall receive a further creat on the aforefaid execution, for hingteen dollars and eighty-three cents. being the amount of his commissions on three hundred and thirty dellars and fixty-one and an half cents, the flate fax in the county aforefaid, collected by him and paid into the public treasury for the year 1207.

Sect. 3rd. Be it enacted. That the faid. John B. Crofs shall be allowed a further credit of twenty-fix dollars and fixty eight cents, on the aforefaid execution, it being his commissions on four bundred and forty-four dollars, fixtyseven and three-souths cents, which is the amount of state tax for the year 1808, for the faid county: Provided, the faid John B. Crofs fausties the faid execution by the first

day of January next.

Sect. 4th. Whereas it appears to this General Asiembly, that John Gordon, collector of the public taxes in Smith John Gordon. county, for the year 1802, was prevented from paying into. the treasury the full amount of the fax chargeable on him. Because he was prevented from felling lands of non-resideats by the interference of the laws of the flate, whereby judgment has been rendered against the said John Gordon, and he deprived of his fees for collection, amounting to the fum of forty-three dollars and twenty-one cents-For remedy whereof, Be it enacted, that John Gordon be entitled to draw from either of the public treasurers of this flate, the fum of forty-three dollars and twesty-one cents, and that the speakers of both houses aga a draft for the above amount.

> JOSEPH DICKSON. Speaker of the House of Representatives,

JOSEPH M'MINN. Speaker of the Senate.

2. A. T. S. E. E. E. E. E. C. O. T. E. S. E. E. E.

16th Nov. 1909.

Preamble.

CHAP. LXII.

AN ACT for the relief of the Coroners of this state. BE it enacted by the General Assembly of the State of Tennessee, That from and after the palling of this est it fhall and may be lawful for any Coroner in this state, to demand and receive the fum of five dollars for summidding a jury, and witnesses, if necessary, and holding an inquest over the dead body of any person as required by law, from the county treafurer, out of any county money in his hands; he, the faid Coroner, first producing a certificate from the court of faid county, stating that the fervices contemplated by this act have been schuelly performed; which certificate shall be a sufficient voucher to entitle such treafurer to a credit for the full amount flates in the fame.

> JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN

Speaker of the Senate.

14th Nov. 1809.

### CHAP, LXIII.

AN ACT regulating the manner of praying appeals, and the proceedings thereon.

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That hereafter when any person or persons may be diffatisfied with the judgment of any judice of the peace, in any civil cause, such person or perfors, to diffatisfied, shall have a right to pray an appeal to the next court of pleas and quarter feshoas of the county in which faid judgment was rendered to Provided nevertheless, That it shall not be the duty of any justice of the peace to grant an appeal, when prayed, unless the appellant, either by himfelf, his agent or attorney, enter into bend with good and fufficient fecurity, with a condition to profecute faid appeal.

How prosecutsel.

Appeals how to

be obtained.

Sec. 2. Be it enacted. That hereafter when any perfon, by themselves, their agent or atterney, may have proved an appeal from the judgment of any justice of the peace; to the court of pleas and quarter felbons aforefaid, and hath complied with the requisites contained in the first section of this act, it then thall be the duty of such justice of the peace, within the two first days of the term to which the appeal is made returnable, to transmit to the clerk of faid court, all the proceedings had in the cause; and if the papers in the cause shall not be returned to the clerk aforefaid, within the term aforefaid, it may be lawful for the appellec, on the production of the papers in the cause, to move for judgment against the appellant and his feautisiss. for the amount of debt and cofts, if he should have been

the original defendant; if unt, for inq absorbe of cub and the evidence of the amount, that he the firsterion is the justice of the proces.

Sec. 3. Be it mailed. That hereafter when my appeal shall be returned into the courts of pleas and dustier sedions Practice. from any justice of the peace, then and in that case, she plaintiff in the fuit shall spacer, within the two first days of the term, to which by this act it is many returnsist, ctherwise the defeadant, upon motion made by histelf or counsel, shall have a non pros. entered against him. And if the defendant. Ihould be the appellant, and does not apyear, by him or herfelf or counfel, within the three art days of the terms and profecute his or her appeal, it faul be the duty of the court, on motion of the plaintiff's countel, to enter up the judgment against the appellant and his tecurities, for the amount of the original judgment and colts; and if the plaintiff thould be the appellant, and the defendant does not appear within the three first days of the term to which fuck appeal is returnable, then, and is that cale, the plaintiff thall have judgment, by default, for the amount of the original judgment with interest.

JOSEPH DICKSON. Speaker of the House of Representatives,

JOSEPH M'MINN, Speaker of the Senate.

14th Nov. 1809.

CHAP. LXIV.

AN ACT to authorize a seperate election to be held in the county of Franklin.

Sec. 1. BE is enacted by the General Assembly of the be lewful for a Ceperate election to be held in the county held. of Franklin, at the house of Mojor James Hunt, on the head of Elk river, at which place the people in the upper part of faid county may meet and yote for governor, clestors to elect a prefident and vice prefident, members to the congress of the United States, members to the general asferably of this fiste, field officers of the faid vousty, and commissioners to fix on the permanent less of julice for faid towaty.

Seel. 2. Be it enacted. That the deputy theriff, or coropes of faid sounty is hereby authorized to hold faid es Pells to be comlection, who shall; in all cases whatsoever, he governed by pared. the fame rules and religious as the theriffs of the different counties are in like sales : And the faid deputy theriff, or caroner, final sweet the theriff of faid county, at the court-house, on the evening of the last day of the applicaand there compare the palls, which polls that be resulted by the theriff agreeable to law.

Sect. 3. Be it maded, That this act shall be in force from and after the passag hereof.

> JOSEPH DICKSON, Speaker of the House of Representatives: JOSEPH M'MINN.

> > Speaker of the Senate.

14th Nov. 1809.

#### CHAP, LXV.

AN ACT to repeal the first section of 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 Kentúcky, which lies between the crofs roads, at the place called Bean's Station, in Grainger county, and the ford of Sycamore creek, in Claiborne county," so far as appoints three commissioners.

Section repeal-

Commissioner

appointed.

Be it enacted by the General Assembly of the state of Tennessee, That the first fection of an act entitled " an act for app inting 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 crois roads, at the place called Bean's Station, in Grainger county, and the ford of Sycambre creek, in Claiborne county," be, and the fame is hereby repealed, fo far as appoints three commissioners to superintend the opening and keeping faid road in repair.

Sec. 2d. Beit enacted, That David M'Anally shall be. and he hereby is appointed, the fole commissioner on faid road, and shall have the same powers that were vested in the commissioners heretofore appointed, and perform the same duties, and shall be subject to the same penalties

that they and each of them were subjected to.

Sec. 3rd. Be it enacted, That nothing in this acl shall be confirmed to release any of the former commissioners from any penalty that they may have incured from neglect of their duty, as pointed out in the before recited act, or release the undertakers of faid road from any penalty that they that have, or may hereafter incur, by failing to perform all and every thing requested by faid act.

> JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN. Speaker of the Senate.

16th Nov. 1809.

AN ACT to amend an off for extering a court house and prison in the town of Claresville for the destrict of Roberlsani

WHERE AS the taxes heretofore authorized to be ins. Preamble. poled by the county court of Montgomery, in the different aforefaid, for the purpose of building faid diffrict courts house, will, when faid taxes shall have been calleded, be found to be inadequate to pay for the fame best or remody whereof.

Section 1. BE it enacted by the General Assembly of the state of Tennessee. Thus the justices of the county of atonigomery, a maj new of whom at least being prefent, shall, at the usual times of Laying taxes in faid county, annually lay a tax for the purpose of defraving the expence of erecting the aforefaid cours houfe, and the proportionate expence of Isid county in erecting faid district jail; which tax shall not in any one year, be less than the state tax for the fame year, not exceed double the flate tax for faid year, on each white p. ff, on each flave liable to taxation, on each hundred acres of land, on each hundred dollars worth of town property in faid town of Clarkfulle : on each flud harfe in faid county kept for mares, and on exch merchant in faid town, a tax not exceeding ten dollars per sunum, until by the taxes, which shall have been impaled as aforefaid, faid buildings thalf be fully paid for; which monies shall be collected and accounted for as is directed

by the before recited act.

Section 2. Be it enocied, That it shall be the duty of the jullices of the county courts of the countries of Robertson, Dickfon, Hickman, Stewart and Humphreys, at the ufual Other Texes. time of laying taxes in those counties, respectively to lay a tax in each, for the year one thouland eight hundred and ten, for the purpole of defraying the proportionate expense originally of each of faid counties in erecting the slorefaid district jul, on each white poll, on each slave subject to taxation, on each hundred acres of land; five dollars on each merchant, on each town lot, and on each flue herfe kept for mares, fo as to make up the deficiencies, which they have heretofore omitted to make up, as required to have been made up by the before recited law, of one thoufand eight hundred and fix, for building faid diffrict jail; which monies shall be collected and accounted for in the same manner as is directed in the before recited act. Pro- Provise, wided. That before the tax in the faid feveral counties, in faid diffriet of Roberties, is impased by the respective county courts, it shall be the duty of the commissioners of faid public building, to make a full and exemiste Ratement to the faid county courts, of the amagnat of contract, or fune flipulated to be paid for creeking faid building, the

Duty of clerks.

Duty of commissioners.

Section 3. Be it enacted. That it shall be the duty of each and every county court clerk in the diffrict of Robertfon aforefaid, to make out, and, without delay, transmit to the commissioners of the aforefaid public buildings, a flatement of the amount of taxes laid in his county, regularly certified, and it shall be their duty to transmit a certiheate thereof to faid commissioners immediately after the rife of the court imposing faid tax, under the penalty of fifty dollars for each neglect; and it Mall be the duty of faid commissioners, in case the monies arising from faid tax, should not be punctually paid over to them after collection, by the respective collectors, to move for judgment at the next court, after the same shall have become due, and recover judgment therefor; and it shall be the duty of faid courts respectively to grant judgment on application as aforefaid, for fuch fum as may appear due, according to the aforefaid certified amount of the clerks respectively, and award execution accordingly; and it shall further be the duty of faid clerks, in making out the aforefaid certified amounts, to flate the different species of property given in for taxation, and flate the rate of tax laid, the amount of each species, in dollars and cents, extended in a money column, and also to state all supplementary returns of property, which may, from time to time, be reported for the tax of that year, at the rife of the first coure in his county, after the fame shall have been mide, under the penalty of fifty dollars, to be recovered before any jurifdiction having cognizance thereof, which penalties shall be paid over to the faid commissioners, to be by them appropriated as the county courts may direct.

Section 4. Be it enacted, That the faid jail shall be equally for the use and beneat of the several counties heretofore named as well as for the county of Montgomery.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate.

14th Nov. 1809.

CHAP. LXVII.

AN ACT to establish a town by the name of PETERSBURGH, on a north bluff of the Caney Fork, of the river Cumber-

land, on the land of Joseph Franks, in White county, and for establishing as inspectable of Tabacce Present. Sect. 10. BE it enacted by the General Assembly of the Town to be off on the faid bluff, where the find folcair France was said of. lives, comfitting of hity tots, of half acre each, together with a fourre of two acres, which is to be known and called the public fquare, with the necessary directs and silles, numbered from one to fifty, both numbers reclusive, and is hereby established a town by the name of Peterson and agreeable to the plan of laid town, to to be faid off by the

commilli mers hereafter named.

Sect. 2nd. Be is enacted. That Robert Glen, Totoph Commissioners Fleming, John Walden, Edmund Harrison, and William R bertfon, be, and they are hereby nominated and appointed commissioners for the laying off and superintending the improvement of faid town, and they and their facceflors in office, thall fland feized of an indefeafible effate, in fee ample, of and in the land to to be laid off, to and for the wise and purpoles hereby expressed and declared, and the this commillioners, or a majority of them, thall make and byecute deeds to fuch respective persons as shall become purchalers of any let or lets in laid town, at the cost and charge es of fuch purchaser or purchasers, which lot or lets, by virtue of faid conveyance, thall be held to futh purchaser or purchasers, in see simple, to his or their heirs and affigns for ever. "

Sect. 3rd. Be it enacted, That all monies which may arife from the disposal of the said lots of the faid town he the commissioners, shall be received by them or their filecoffors, and after deducting their reasonable charges and expences, the fame thall be paid by them to the fale Jo-

leph Franks, his executors or administrators. Sect. 4th. Be is enected. That in tale of death, refufal to act or removal of any of faid commissioners out of the county, the furvivors or a majority of them, thall effective and are hereby authorized to nominate and appoint by infirument in writing under their hands, fome other person, being an inhabitant and freeholder of the faid county of White; in the place and recen of him to dead, refuting to ach, or removing out of faid toquety, which faid commitfioner to appointed, thall have and exercise all the fame powers and authorities in all matters hereia contained, as the perion in whose roam and stead he was so appointed had and exercifed-And whereas, the establishment of an inspection of Tabacco in the faid county of White, would encourage, commence, promote industry, and the interest of the citizens of laid county-Wherefore,

Sect 5th Be it enacted. That the easist of pleas and quarter fellions of the faid county of White, fail, and are

appointed.

THE RIGHT

Money arising from the sales of lots how to be applied.

Facancies hero

Ware-House to be erected.

hereby empowered and directed to cause to be built and erected, a Warehouse, as less as the nature of the ease may require it, and other conveniencies fit and necessary for the reception, inspection, and lafe keeping of tobacco. on the public fourre in the faid town of Peterfburgh, and the same when so built, shall, and is hereby declared to be a public Warehouse, for the reception and safe keeping of tobacco, Hour, &t.

Court to appeme Inspectors.

Sect. 6th. Be it enacted, That the court of pleas and quarter fellions of the faid county, shall, from time to time, appoint inspectors to attend the faid inspection, and afcertain their falaries, and order how the faid inspectors shall give their attendance at the faid Warehouse, which faid inspectors shall be under the same restrictions and entitled to the same emoluments, that agreeable to the law heretofore in force in this flate, inspectors of tobacco are under and entitled to.

Court may lay Tax.

Sect. 7th. Be it enacted. That the faid court of pleas and quarter festions of the county of White, are hereby authorized and empowered to lay a tax annually on the taxable property and polls in faid county, whenever they may think it necessary for the purpose of erecting the aforesaid warehouse and other necessaries, for the reception, inspection, and fale keeping of tobacco, and for the purpose of purchasing scales and weights to weigh tebacco, flour, &c. with; which warehouse when built, and scales and weights when purchased. thall be considered as being the property of the faid county, and as fuch shall be under the centroul of the faid county court of pleas and quarter fessions.

Sect. 8th. Best enacted, That the faid Joseph Franks, that make a deed of conveyance, in fee simple, to the chairman of the county, and his fuccessors in office, for the use of the faid county, for the two acres of land, including the aforefaid public square, on which the faid warehouse is to be built, which faid deed shall be proven and registered agrecable to law, for doing which the clerk and register shall

have no fees. JOSEPH DICKSON.

Speaker of the House of Representatives,

JOSEPH M'MINN.

Speaker of the Senate.

14th Nov. 1809.

CHAP. LXVIII.

AN ACT to authorize John Gass, administrator of the estate of William Gass deceased, to draw certain monies from the public Treasury.

WHEREAS William Gals, deceased, late of the county of Greene, did; in the year one thousand eight hus-

dred and nine, shown a licence from the clerk of Greene county court, to retail merchandize for the term of one year, and died in a few days after obtaining faid licence; Wherefore.

DE it enacted by the General Assembly of the state of Tennsesee, That John Gais, administrator of the estate of William Gafs, descased, be, and he is hereby anthorized to draw from either of the public treasuries, the fum of twenty five dollars, the amount paid by faid William Gafa for the licence aforefaid, and his receipt fratt be a good voucher in the fettlement of the treasurers accounts.

JOSEPH DICKSON. Speaker of the House of Representatives. JOSEPH M'MINN. Speaker of the Senate.

14 Nov. 1809

CHAP. LXIX.

AN ACT to amend an all, entitled " an all to empower sea curities to recover damages in a summary way." RE it enacted by the General Assembly of the state of Tennessee, That in all cafes where judgment has heretofore been rendered, or may hereafter be rendered against any person or persons, or the heirs or reprefentatives of any person or persons, who was fecurity in any note, bill, bond or obligation, it shall and may be lawful for fuch fecurity or fecuries, his her or their representatives, to obtain judgment by motion against his, her or their principal obliger or obligors, or their reprefentatives, for the full amount of fuch judgment and colls, before any juriffiction having cognizence thereof, and execution shall iffue accordingly.

Section 2. Be it enacted, That when any motion that Jury to be essebe made agreeably to the previsions of this act, and it ponnelled if en does not appear on the face of the note, bill, bond or curityship is obligation, whether the perfon in whose savour such mo- doubted. tion was made was fecurity or not, the court shall immediately impannel a jury to afcertain the fact, and on the finding that the perion or perions were only fecurity, fuch court shall enter up judgment agreeably to the first fection. of this act, any law to the contrary notwithstanding.

Section 3. Be it enacted, That in all cales where there One security are two openore ferwrities in any note, bill, bond or obli- can obtain jud gation, for the payment of money, or for the delivery of ment against specific articles, and judgment has been rendered only a- others. gainst a part of the securities, or the heirs of representatives of a part of the fecurities, or the money paid by upo or more, or each has not paid his rateable part of faid judge. ment, it shall and may be lawful for each security or securi-

May chiese **Fudgment** 

ties, his or their heirs or representatives, on inction, to have judgment and sward execution against all and every of the securities, their heirs or representatives, in said bond, for their and each of their respective shares and proportions of the said debt, and if it does not appear by said bond whether they were securities or not, a jury shall be empannelled agreeably to the provisions of the second section of this act, to ascertain the sact, and the court shall proceed accordingly.

Speaker of the House of Representatives,

JOSEPH M'MINN,

Speaker of the Senate.

MA Nov. 1809.

CHAP, LXX.

AN ACT granting John Wilkinson and James Lyon, certain privileges therein mentioned.

Section 1. Be it enacted by the General Assembly of the State of Tonnesses, That John Wilkinfon of the town of Maryville, and county of Blount, be and he is hereby authorized to raife by lottery, any fum of money not exceeding five thousand dollars, for the purpose of erecting and establishing a manufactory for making cotton or wool cards, or both, and that the forming of the scheme for such lottery, the selling of the tickets, and payment of prizes, be under the direction, controll and management of the following persons, or a majority of them, towit: James Houston, Barcley McGee, John Lewry, (merchant) John Woods, Pugh Kelsoe, William Gray, James Gillaspie (of Holston) Andrew Bagle, Joseph Tedford, David Caldwell and John Waugh.

Section 2. Be it enacted. That James Lyon, of the country of Warren, be, and he is hereby authorifed to raife by lottery any fum of money not exceeding five thousand dollars, for the purpose of erecting and establishing a Cotton Carding and Spinning Manufactory: and that the framing of the scheme for such lottery, the felling of tickets, and payment of prizes, be under the direction, controll and management, of the sollowing persons, or a majority of them (viz:) Alexander Lowry, Robert Armstrong, Isaac Taylor, junior, Robert G. Foster, John Armstrong, Leerov Mammond and Thomas Mathews.

Section 3. Be it enabled, That the faid John Wilkinson and James Lyon, be bound to give bond and good fecurity to the chairman of the courts of the counties in which they may respectively refide, and filed with the clerk of fully county, in the sum of five thousand dollars each, for the

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faithful appropriation of the money tailed by fuch lettery, to the purpoles contemplated by this set, and for the payment of the prizes, on which bend say period that he at liberty to bring full and recover the penalty, for the tile of the flate, or fuch damages so he or they may have full aloned; and that the faid John Wilkinson and James Lyon, also be bound to give fecurity in the like sum, for the faithful paying over all prizes to the person or persons who may be so sortunate as to draw the same.

JOSEPH DICKSON,
Speaker of the House of Representatives,
IOSEPH M'MINN,

Speaker of the Senate.

14 Nov. 1809.

CMAR. LXXI.

MN ACT to establish public Inspections of Tabacco, in the countries of Compbell and Stewart.

Section 1. B E it enacted by the General Assembly of the State of Tennessee, That it thall and may be In Campbell. lawful, for Samplen David to erect a Ware-notife and other conveniences at and necessary for the public inspection and lafe keeping of Tobacco, in the county of Campbell, on the north side of Powell's river, on the land of Samplon David, under the same rules, regulations and restrictions, as in the eighth section of an act, passed October the twenty faxth day, one thousand seven hundred and ninety-nine, for the public Inspection of Tobacco.

Section 2. Be it enacted, That it shall and may be lawful for any person or persons, to build and erect a warebouse, and other conveniencies fit and necessary for the inspection and safe keeping of tobacco and other articles, in the town of Dover, in the county of Stewart, under the same rules, regulations and restrictions as are prescribed by the laws now in sorce and use in this state.

JOSEPH DICKSON,
Speaker of the House of Representatives.
JOSEPH M.MINN;

Speaker of the Senate.

In Stewart

lith Nov. 1809.

CHAP. LXXII.

AN ACT to enable the Justices of the Petics of Chaiborne sounty court, to lay a tax for the purposes therein mentioned, and to appoint commissioners for a certain purpose.

Section 1. If E it enacted by the General Assembly of the State of Tennessee, Past the justices of the peace, somposing the court of Claiborne county, two-thirds

John Wilkinson authorized to draw a lottery.

Jas. Lyon autherized.

Bonds to be gi-

N

Tax.

Court may lay of them being prefent, are hereby authorized to lar a tax for the term of two years, not exceeding twelve and a half cents, on each hundred acres of land; twelve and a half cents on each town lot; twelve and a half cents on each white poll; twenty-five cents on each black poll fubject to faxation; twenty-five cents on each fluid horse kept for mares; twenty-five cents on each tavern, and twenty-five cents on each flore, for the purpole of discharging arrearages and claims against the county for repairing the courthouse and prison.

appointed.

Section 2. Be it enacted, That the Julices of faid county court of Claiborne, two-thirds thereof being prefent, are hereby authorifed and empowered to appoint three proper perfons as commissioners, to investigate and fettle a claim now existing for the public buildings and fquare in the town of Tazewell in Claiborne county, and to fettle and defermine the right and possession of the public lot and buildings in the town aforefaid in the best manner they can, for the benefit of the county of Claiborne, and make report to court of their proceedings therein, and if their proceedings he allowed and approved of by the court, it shall and may be lawful for faid court to lay a tax of one hundred dollars annually, to enable fuch perfors appointed as aforefaid, to comply with and fulfil any engagement or contract, or to purchase and carry on any measure they may have adopted, for fecuring the right and title to the lot and buildings in the faid town of Tazewell.

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

14 Nov. 1809.

CHAP. LXXIII.

AN ACT for the relief of certain persons therein named.

7ohn Huddles-

Section 1. BE it enacted by the General Assembly of the state of Tennessee, That John Huddleston, of Robertson county, shall be entitled to draw warrant number four thousand five hundred and sourteen, for two hundred and seventy four acres, and shall hereby be vested with the fall right, title, property and interest, in faid warrant, in as full and ample a manner as if the affignments were entered on faid warrant by faid commissioners, and a grant shall iffue thereon under the same rules and regulations, as on other affigned warrants.

Whereas it appears to this General Assembly, that John Rhea is entitled to a land warrant, for fix hundred and forty acres, in confequence of an entry made in John Carter's

entry office, in the name of Landon Carter, for land fourth of French Bread and Hollton rivers, having been located on the tract of land whereon the faid John Rheanow lives ! Therefore,

Section 2. Be it enacted. That from and after the paf- John Rhea. ling of this sel, the commissioner for East Tennessee their, and he is hereby directed to iffue a certificate to John Rhea, of Blount county, for fix hundred and forty acres of

. Section 3. Be it enacted, That the commissioner for East Nathan Ship. Tennessee be directed to iffue a duplicate warrant for one ley. hundred and fifty three acres to Nathan Shipley, on als. making it appear to his fatisfiction that the title of John Bean is velled in himfelf.

Section 4. Beit enacted, That the commissioner for West Tennessee be, and he is hereby directed to iffue a duplicate warrant to John Gray Blount and Edward Harrifs, affiguees of Reuben Rountree, for eleven hundred and furty four as: cres, on their making fufficient proof to the faid committee oner that they are justly entitled to the faid original warrant of number three hundred and eighty eight, issued to Reuben Rountree. A der the Cotton son Take I

Section. 5. Be it enacted, That the commissioner of East William Wards Tennelfee be, and he is hereby directed to iffue a certifi- heirs. cate to the heirs of William Ward for fix hundred and forty acres, in the fame manner as certificates have heretofore been iffued for lands that could not be identified .-Provided, nothing in this act contained shall be fo construed as to affect any adver le claim or claims

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

22 l Nov. 1809.

CHAP. LXXIV.

AN ACT for the relief of the Heirs of Andrew Taylor. WHEREAS it appears to this General Affembly that Premile. Christopher Cunningham entered four hundred and fifty acres of land in Carter's office for Andrew Taylor, which entry was number forty four, and faid entry does not appear on the abstract of Carter's entry books, by which of mission, the heirs of Andrew Taylor are likely to be greatly injured :- For remedy whereof,

IE it enacted by the General Assembly of the state of D Tennessee, That faid entry, number forty four, Entry mede for four hundred and fifty acres of land, thall be as good good. and valid in law and equity as if faid entry did regularly

John G Blouns and Edward

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appear on faid abstract, any law to the centrary notwith-

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,

Speaker of the Senate.

22d New 1809.

CHAP, LXXV.

AN ACT to release John Dudley from a forfeited recog-

Tennesses, That John Dudley, of the State of Tennesses, That John Dudley, of the county of Knox, he, and he is hereby releafed from the payment of a forfeiture entered against him in the county court of Roane, in a case the state against said Budley, wherein he was profesutor against John Dowler, in consequence of the said Dudley failing to make his personal appearance at the term of the aforesaid court, as in and by his said recognizance he should have done: Provided nevertheless, that the said Dudley shall be subject for, to the payment of all cost that may have accrued, or may hereaster accrue in said action.

JOSEPH DICKSON,

Speaker of the House of Representatives.

JOSEPH M'MINN,

Speaker of the Senate.

22d Nov. 1809.

CHAP. LXXVI.

AN ACT to authorize the commissioners of the town of Columbia, to make certain appropriations therein mentioned; also to establish a Military Company by the name of the Columbian Light Infantry.

WHEREAS, Peter R. Booker, Gideon Pillow, Joseph B. Porter and John Lindsey, have stated to this General Assembly, that in the summer of eighteen hundred seven, they employed Henry Ruthersord to lay off the bounds of Maury county, and make a plat of the same, for the purpose of having the said county established, for the payment of which they drew up a sufficient bond, and had the amount subscribed by the inhabitants, and which subscription have become last or missaid—Therefore,

Section 1. BE it enacted by the General Assembly of the state of Tennessee, That the commissioners of the town of Columbia are hereby authorised to pay usto the above named men, the sum of eighty dollars, so soon as they can conveniently collect the same: Provided.

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that any money which then have been on may be excelled by therabove named men be virtue of the above named his feription, that he by them rebuiled to the different or flow, from which the fame was received.

from which the fame was received.

Section 2. Be is the left. That the community stew of the town of Columbia are hereby authorized to assembly its is unfold, for a burying ground, church, &c.

Section 3. Be it enacted. That the commissioners of the town of Columbia, be, and they are hereby kuthorized to build the jail for the country of Maury, in forme convenient part of the town of Columbia, that have be vet unfold, and not on the public square, any law to the Contrary notions standing.

Section 4. Be it enaded. That the commissioners of the town of Columbia, be authorifed to appropriate to much of the money arising from the fale of the lots, he will build a market house on the public square.

Section 5. Be it enacted, That the uniform Light Infantry Company, which is attached to the twenty it continged ment of Multia, be, and they are hereby known by the name of the Golumbian Light Infantry, and that they be indulged with the privilege of making choice of their own uniform.

JOSEPH DICKSON,
Speaker of the House of Representatives,
JOSEPH M'MINN,

Speaker of the Senate.

14th Nov. 1809.

CHAP. LXXVII.

AN ACT to establish Accademies in the sounties of Maury, Giles, Lincoln, Bedfard, and Humphreys.

Be it enacted by the General Assembly of the state of Tennessee, That William Berryhill, Wolfiam W. Thompson, Ludwell B. Eftes, Isaac Roberts, Cask William Bradsaw, Joseph Brown, William Dooley and Samuel Witherspoon, shall be and they are hereby constituted a body politic and corporate, to be known by the name of the Trustees of Woodward Accademy in the country of Maury. That John Sapaington, Ness a Patterson, Tyree Roudes, Samuel Jones, Somersett Moore, Charles Pull Busord and Charles Neely be and they are hereby constituted a body politic and corporate to be known by the name of the Trustees of Pulaski academy in the country of Giles. That Wright Williams, John Whitaker, sen, Williams Dickson, and John Greer, be, and they are hereby constituted and the Trustees of Pulaski academy in the country of Giles.

Church, Ste.

presidentes the

Jail.

Market-House

Militia compa-

S. S. Dill

Woodward en

Pulaski accade-

Fayette acca-

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Nancy accada-

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Additional com

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Bedford court-

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Dickson acca- coln. That Bartlett Martin, Benjamin Bradford, John Atkinfon, and John Lane, be and they are hereby appoint. ed a body politic and corporate to be known by the name of the Trusteen of the Dickson accodemy (in honor to gen, Joseph Dickson) in the county of Bedford. That John Aulkone, Robert Germine, Charles Yeas, Michael Dickfon, and David H. Burton, shall be and they are hereby constituted a body politic and corporate to be known by the name of the Trustees of Tast accademy in the county ci Humphreys: 1114 - 1

Sec. 2. Bett enacted, That the afore faid feveral accademiss, by this act established, shall be placed under the fame rules and regulations, thall 'p sless the same rights and duties, and shall be conducted by their respective truftees in the fame manner which has been preferibed for the accademics heretolore established in this state, by an act entitled " an act to establish accademies in the several counties in this state, and for the appointment of Trustees thereof," paffed September 13th, 1803.

Sec. 3. Be it enacted, That James P. H. Porter, John Cannon, Spencer Clack, and Alexander Preston, be and they are hereby appointed Truffees to the Nancy accademy, in the county of Sevier, in addition to their hereto; fore appointed for faid accademy...

See. 4. Be it enacted, That Stephen Childress, Charles Boyles, John Hardiman, and Robert P. Curran, be appointed additional truffees for the accademy of Harpeth, with the same rights and powers which belong to the trustees heretofore appointed for faid accademy of Harpeth.

Sec. 5. Be it enacted, That Benjamin Bradford and John Lane be appointed additional commissioners for fixing the permanent feat of justice for the county of Bedford under the same conditions and penalties, and with the same powers which belong to commissioners originally appointed for that purpose, and it shall not be lawful for a less number than a majority of the whole number of commissioners. so appointed to perform any part of the duties assigned

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senate.

231 Nov. 1809.

CHAP. LXXVIII.

AN ACT to establish the permanent seat of Justice in the county of Franklin.

Sec. 1. BE it enacted by the General Assembly of the state of Tennessee, That it shall be the day of the

theriff of Franklin county to open and holdren election at Commissioners the present place of holding court in faid county, on the first Thursday and Friday of February next, for the purpole of electing feven it and proper persons, as commitfioners to fix on and finally establish a permanent feat of justice in and for the faid county of Franklin; which faid election shall be advertised by the sher if of said county, at three of the most public places, in each captains company, at least fifteen days previous to the time of holding faid election, and every free male person above the age of twenty-one years, actually relident in faid county at the time of fuch election, shall be permitted to vote: and the feven perfors who have the highest number of votes, shall be the commissioners for the purpole aforefaid.

Sec. 2. Be it enasted, That it shall be the duty of said To take outh. commissioners, when so elected, before they enter on the duties of their appointments, to take the following oath, to wit: I, A. B. do Iwear that I will well and truly execute and perform all the duties enjoined on me by law, as a commissioner to fix on a permanent leat of justice in the county of Franklin, to the best of my skill and ability, So help me God.

Sec. 3. Beit enacted, That it shall be the duty of faid To fix on seat commissioners, and they have full power and authority to of justice. hx on a proper place for the feat of fulfice in and for faid county, which scite shall be as near the centre as a due regard for timber and water will permit.

Sec. 4. Be it enacted, That a majority of faid commiffioners shall constitute a board to transact business, and it shall be their duty, so soon as they have fixed on a place for the feat of fulfice in fald county, immediately to proceed to obtain a tract of land, not lefs than forty acres, to be conveyed to them by general warrantee deed, in trult, for the purpole of laying off a town thereon, and they shall lay off the same into convenient lots, lanes, streets and allies, referving therein, in the most convenient and eligible place, two acres in a fquare form, to be called the Public Square, on which to erect the public buildings, and faid commissioners shall fell the lots fo laid out to the highest bidder for the fame, at public fale, giving a credit to the purchaser or purchasers, of twelve months from the day of fale, and make deeds of conveyance to the purchafers refpectively, but faid fale of lots shall not take place until the time and place of fale shall have been advertised at four of the most public places in said county, and in some news-paper printed at Carthage or Nashville, two months at least before such sale thall be made, and in all cases of sales of 1988, the faid commissioners shall take notes under hand and feal, to themselves as commissioners aforelaid, with good

Duty of com-

Town to be

Lots to be sold.

101and fufficient fecurity, for the payment of the purchase to ney of the respective purchasers.
Sec. 5. Be it closted, That the faid commissioners that

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Man of

Money arising from the sales, of loss how to be applied.

Court to lay Tax.

And i

Provise.

Commissioners to give bond.

Their compensation.

laid off.

Money arising

from the sales

Court to lay

Tax.

be applied.

let out the building of the court houle, prifon and flocks in faid town, to the lowest bidder, and appropriate the money arising from the fales of lots, in payment for the fame, and to no other purpose whatever, unless the monies arifing from the fales of lots thould be more than fufficient to pay for the public buildings, then and in that cafe, they finall deposit the residue in the county treasury, to be appropristed as other county monies; but in cafesthe monies ari-

fing from faid fales, thould be found infufficient, it shall be the daty of the court of faid county, a majority of the jultices being present, on application to them made by faid commissioners, to lay a tax bot exceeding the amount of the flate tax, to be raifed from the fame property and polls, and be collected by the same persons and in the same mans . per as the flate tax, which tax is to be laid annually for the term of three years, from the first imposition thereof, if faid buildings thall not have been I oner paid for : Previded, faid hutdings shall not be let out until the time and. place of letting out the same shall have been duly advertifed at four of the most public places in said county, and in some news-paper at Carthage or Nashville, at least three months previous to the day of letting out the fame. Sec. 6. Be it enexted, That the faid commissioners shall,

before entering on the duties of their office, give bond to the chairman of the faid court, and his fuccessors in office, with fecurity to be approved of by the court, in the fum of five thousand dollars, conditioned that they will faithfully discharge the trust reposed in them by this act, and fairly account for all monies that may at any time come to their hands, by virtue of their appointment as commissioners as forefaid, and it shall be their duty to settle with the court, when called on for that purpole : Provided, faid commisfioners be not called on for a fettlement offener than once

Sec. 7. Be it enooted, That the faid court are hereby authorifed to order such sum or sums of money to be part out of the county treasury, to each of faid commissioners as they may deem an adequate compensation for his fervice and expences in the performance of the duties enjoined on him by this act.

Sec. 8 Be it enacted. That the town herein directed to be laid off, shall be called and known by the name of Winchester, and the same shall be the place of holding court for faid county of Franklin, as foon as a majority of the magilirates of faid county in court, may be of opision that the imprevements will authorite an adjournment.

2. Be it coulded, That this act that commence and be in force from and after the palling thereof.

JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M:MINN, Speaker of the Schute:

22nd Nov. 1809.

CHAR LXXIX.

AN ACT for reducing the limits of Warren county, and for appointing commissioners to purchase kind, to lay out a town and to creet a court-house, prison and stocks, in said county.

See. 1. BE it endered by the General Assembly of the state of Tennessee, That from and after the passing of this act, the bounds of Warren county shall be as follows, (towit?) Beginning on Quiffberland mountain at the fouth west corner of White educity, thence westwardly along the top of faid mountain to a point just twenty poles further than a place opposite where Avent, a forein-law of Thomas Vining now lives, thence a direct course by the house spring on the head of Stones river, to the east boundary line of Hutherford county, thence along the lines of Rutherford, Wilson, Smith and White counties, to the Beginning; and that the country taken from Warren country by the reduction of it as aforefaid, shall be and the fame is hereby declared to be attached to and held to be a part of Franklin county, any former law to the contrary notwithstanding.

Sec. 2. Be is enacted, That the fheriff of Warren coun. ty shall hold an election on the second Monday in March next, at the court-house in faid county, for the purpose of electing five commissioners to fix on a fuitable place for the permanent leat of juffice in faid county, at which faid election every free man of the age of twenty-one years and upwards, who may have been a refident of the county for the space of three months, immediately preceeding the election, shall be entitled to a vote, and five persons thus elected, shall be, and they are hereby appointed commitfioners, and they or a majority of them, are authorifed to purchase forty acres of land, on the most reasonable terms, having special regard to situation, water and timber, for the purpose of creeking a court house, prison and stocks for the use of the county, and the said commissioners or a majority of them, first take a deed in fee fimple, in trust for the faid county of Warren, to themselves and their successors in office, for the use and benefit aforefaid, and shall as soon as may be after purchasing and obtaining a fine thereto as

Bounda ries

Commissioners to be elected.

fixing the same: Provided, in my opinion it does not accord with the interest of the county, and that I will to the best of my judgment perform from time to time, all other duties enjoined upon me by the act appointing me commissioner, So help me God.

Sec. 6. Be it enasted, That the faid commissioners shall at the same time of being qualified as aforesaid, enter into To give bond. bond to the chairman of Warren county court, and his successors in office in the sum of five thousand dollars, conditioned for the due and faithful performance of the duties enj rined upon me by this act, which bond shall be deposited in the clerks office of faid county.

Sec. 7. Be it enacted, That the faid commissioners shall Duty of comkeep a fair and regular flatement of all modey by them re- missioners. ceived and expended in the execution of their official duties, which flatement shall be Taid before the county court at least once in every twelve months without being required f) to do, and oftener if required by the court.

Sec. 8 Be it enacted, That it shall be the duty of the Duty of sheriff sheriff of Warren county, as soon as he shall be furnished with a copy of this act, to notify the aforefaid commissioners of their appointments, requiring them to attend at the next fucceeding court after fuch notification, for the purpose of being qualified, and in order that they may proceed to the discharge of the duties herein assigned to and required

Sec. 9. Be it enacted, That in case of refusal to ach, death, refignation, or the happening of a vacancy in any other manner, fuch vacancy shall be filled by the county court at their succeeding term, which appointment shall be made on the fecond day of fuch term, and the vacancy filled by a perfon refiding within five miles of where the former commissioner refiled.

Sec. 10. Be it enacted, That when the buildings afore- Settlement to be faid are completed, the faid commissioners shall lay a fair made. statement of the money by them received and expended for the purpole aforefaid, before the court aforefaid, who shill allow the commissioners a real nable compensation for their fervices: Provided, two-thirds of the justices be present; and if after the completion of the laid buildings there be any furplus money in the hands of faid comm si mers, it shall be paid to the county trustee for county purpofes.

Sec. 11. Be it enacted, That the therist or collector of Warren county shall be permitted to collect any taxes now due him from any person or persons who may reside within the former bounds of the faid county of Warren, any thing in this act to the contrary notwithstanding.

Sec. 12. Be it enacted, That the court of Warren coun- Holding court ty shall be held at the present place of holding it, until a

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Vacancies how to be filled.

Arrearagetax

Town to be aforesaid, proceed to lay off a town thereon, to be called and known by the name of M. Minnville, referring two acres for public ule in or near the centre thereof, which shall be denominated the public square.

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Sec. 3. Be it enacted, That the faid commissioners, or a majority of them, be, and they are bereby authorifed and Lots to be sold. required to advertise and fell the lots in faid town to the highest bidder, on a credit of twelve months for one half of the purchase money, and eighteen months for the other half, taking bond with good and fufficient fecurity from each and every purchaser, to themselves and their successors in office, to and for the use of the said county, and they are hereby authorifed to execute deeds to the purchasers, which shall be good and valid in law to all intents and purpeles, and the money arising from the fale of faid lots shall be applied to the payment of the land as by them purchased as aforefaid, and the residue thereof to the building. of lots how to of the faid court-house, prison and stocks, and they are hereby authorised and required, first advertising the same in the Carthage Gazette and at the court-houses of Warren, White, Jackson, Smith, Overton and Franklin, at least To contract for thirty days, to proceed to let out the building of the courtpublicbuildings house, prison and stocks, to the lowest bidder, on such condition as may be approved of by faid commissioners,

Sec. 4th. Be it enacted, That in case there shall not be money fufficient arising from the sale of the land so purchased, that the county court have power to lay a tax not exceeding twelve and an half cents on each hundred acres of land, fix and one fourth cents on each white poll, twelve and an half cents on each black poll, one dollar on each flud horse kept for mares, five dollars on each retail flore, five dollars on each pedlar or hawker felling goods in faid county, and not exceeding twenty five cents on each town lot; and in case the tax aforesaid for one year shall not be fufficient to complete the faid buildings, it shall and may be lawful for the faid county court to continue the fame tax from year to year, until the fame are completed, which tax shall be collected by the sheriff of the said county of Warren, under the same rules, regulations and restrictions, as other taxes are and shall be by him paid to faid commisfioners, to be applied as aforefaid.

Sec. 5th. Be it enacted, That faid commissioners, or a majority of them, shall before they enter on the duties affigned them by this act, take in open court the following oath or affirmation: I, A. B. do folemnly fwear or affirm (as the case may be) that in fixing on a suitable place for the permanent feat of justice in Warren county, I will faithfully endeavour to have it as near the centre of the county as a due regard to fituation, water and timber will permit, and that I will not be influenced by any private interest in

Commissioners To take oath.

majority of the magifirates of the county in court may think the improvements at M'Minnville have for far progreffed as to afford fufficient accommodations for holding court there at which time they may adjourn there, and forever alterwards the town of M'Minnville shall be the place of holding court for Warrencounty.

Sec. 14. Be it enasted, That all laws or parts of laws, coming within the purview and meaning of this act, be,

and the fame hereby are repealed.

Sec. 13. Be it enacted, That this all shall be in force fr. m and after the passing hereof.

> JOSEPH DICKSON, Speaker of the House of Representatives.
>
> JOSEPH M'MINN, Speaker of the Senate.

221 Nov. 1809.

CHAP. LXXX.

AN ACT to establish at Roadye's Ferry, on Powell's river, in Caiborne county, a place of public inspection;

Place of inspec Section 1. tion.

BE it enacted by the General Assembly of the State of Tennessee, That James Rockdve's Ferry on Powell's river in Claiborne county, is hereby declared a place of public inspection under an act entitled "an act to prevent the expiritation of unmerchantable commodities," paffed November the fourteenth, one thoufand eight hundred and one.

Ware House.

Sect. 2. Be it enacted, That by the permission of the faid James Roddye, any perion or perious, is or are hereby authorifed to build a Ware Flouse at faid Roddye's ferry, for the reception and fafe keeping of fuch merchantable produce as may be brought there for inspection ..

Sect. 3 Be it enacted, That the builder or keeper of Reeper's Fees, the faid Ware house, shall be entitled to the following fees for receiving, fafe keeping and delivery, of the following articles, towit: for each hogihead of tobacco, one dollar and fifty cents; for each double barrel of spirit, seventyfive cents; for each fingle barrel of the fame, fifty cents; for each barrel of beef or pork, twenty-five gents; for each barrel of flour, twenty-five cents; for each keg of butter or lard, twenty-five cents; for each bale of hemp, thirtythree and one third cents; and for each bale of cotton, twenty-five cents. .

JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN,

. Speaker of the Senate.

231 Nov. 1809.

CHAP. LXXXI.

AN ACT to authorize the courts of the several courties in this state to key a tex for building and repairing the court-houses, prisons and stocks in their counties.

Section to B Est enacted by the General Assembly of the Courts may buy leveral counties in this state, a majority of the justices of the county being prefent, shall have power from time to time to lay a tax on all taxable property in their county, that is by law made taxable, but shall not lay a greater fum on any taxable property than the amount of the flate taxe

Section 2. Be it enacted, That the tax when laid shall How to be colo be collected in the fame manner, and at the same times lected. that other public taxes are collected, and fhall be accounted for, and paid into the county treasury as other county ma-Dies.

Section 3. Be it enacted. That the money to collected shall be applied to the uses above mentioned, and to no o- How to be applied ther purpoles whatever; and the faid county courts may plied. likewife-appoint commissioners, where the same may be wenting, to superintend the buildings or repairs by this act directed to be made.

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

22d: Nov. 1809.

CHAP, LXXXII.

AN ACT for opening a Turnpike Road from White court house to intersect the road leading from South West Point to Carthage, at Daddys creek, so as to pass by the reviewers camp on the Caney Fork.

DE it enacted by the General Assembly of the Commissioners B state of Tennessee, Trat Alexander Lowry, John Walden and Turner Lane, are hereby appointed commilli mers for the purpole of viewing the most eligible way to open a public road from the present place of holding court in White county, the nearest and best way, by the reviewers camp, on the Caney Fork, to interfect the road leading from South-West Point to Carthage at Daddy's creek. And when the find commissioners shall have delignated the mailt eligible way to open faid road, they thall be authorized to let the opening and repairing faid road to fome fit person, who will be authorized to erect a Turapike thereon, fo loop as the faid road is in fit and proper condition for the passage of waggens, carts and travel-

appointed.

Opening of the roud to be les

Rate of Toll.

iers, and receive toll at the rate of twelve and one half cents for each man and horfe, one half dollar for each waggon and team, twenty five cents for each two wheel carriage or cart and team, one dellar for each four wheel pleafure carriage and team," and fix and one fourth cents for each taxable flave, for the term not exceeding ten years.

Notice to be gi-Den.

Sec. 2. Be it enacted, That on or before the first day of March next, the faid commissioners thall proceed to give notice, by advertising the same in two newspapers, one at Knoxville and one at Carthage, that they will receive propolals, at the place of holding court in White county, for opening in repair faid road the shortest period of time, not exceeding ten years; and the person prop fing to open and keep faid road in repair for the toll, for the fh rteft period of time, shall immediately give bond with approved fecurity, to be approved of by the commissioners aforefuld, for the faithful discharge of the duties hereby imposed on him or them, in the fum of five thousand dollars, payable, to the governor for the time being, and his furceffors in office, to be lodged by faid commissioners in the office of the fecretary of State.

opened.

Sec. 3. Be it enacted, That the person undertaking said Roadhow to be road, thall immediately proceed to open faid road, and to build bridges and cauleways over the water courfes and fwamps, to open the road at least twenty feet wide, and where the same is bridged and causwayed to be at least twelve feet in the centre, clear of flumps and rocks; and when the same that be opened agreeably to the provisions or this act, the faid commissioners are hereby authorized to grant license to faid perf in to erect a turnpike thereon at any place on faid road most convenient, and receive for the time he shall have to hold faid road, the toll herein before named.

Tobe viewed by Commissioners

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

Their compensation.

Sec. 5. Be it enacted, That faid commissioners be entitled to receive, for each day by them employed in viewing faid road, the fum of two dollars per day, to be paid by the undertaker; and the faid undertaker shall not be entitled to receive any toll as aforefaid, until he or they takes and

Subscribes, before some one of the judges of the circuit Oath of sall gacourts, or fome justice of the peace in this state, the fol- therer. lowing oath : " I, A. B. do fwear, or affirm, as the cafe may be, that I will not sik or demand directly or indirectly, from any perion polling through faid turnpike any greater toffage than is by law directed. So help me God !"

Sec. 6. Be it enacted, That faid commissioners before Oath of comentering on the duties of their appointment; fiell take and missioners. fubscribe the following oath before some justice of the peace of White county: I do (wear, or affirm, as the case may be, that I will do equal and impartial justice to the public, to the belt of my fkill and knowledge. So help me

Sec. 4. Be it enoticed. That if any person shall arbitra- Penalty on evarily, or claudestinely, pass the said turnpike within two ding payment miles, in order to evade payment of the toll prescribed by of Tell. this act, he, she, or they shall forfeit and pay the sum of five dollars, for every fuch effence, to the keeper of faid turnpike, recoverable before any magistrate in this state.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN. Speaker of the Senate.

23d Nov. 1809.

## CHAP. LXXXIII.

AN ACT to authorise Charles Newton to build a Toll Bridge across Holston river.

Section 1. BE it enacted by the General Assembly of the Tall bridge. state of Tennessee, That it shall be lawful for Charles Newton to build a bridge across Helston river, to abut his own lands on either fide of faid river near Shout's ford, but not fo as to obstruct faid ford, nor to impede the navigation of faid river.

Section 2. Be it enacted, That faid bridge shall be com- Rate of Toll. pleated within the term of four years from and after the paffage of this act, and when compleated and in a fituation to afford a fate pallage over faid river for wheel sarriages, equestrian passengers, borses, &c. it shall be lawful for the faid Charles Newton to demand and receive the following tolls, towit: for a man and borfe, fix and a fourth cents; for every led or loofe horse, three and so cienta cents; waggon and team, fifty cents; for every coachi chariet, or other four wheel carriage of pleasure and driver thereof, feventy-five cents; for every cart and load, twenty-five cents; for every two wheel carriage of pleafure, twentyfive cents; for every head of cattle, one cent; and the lame for every hog, and no more, until the Leg flature

Penalty on demandingillogal 80ll.

shall again think proper to regulate the tells of said bridge. Section 3. Be it enabled. That if in any case the keeper of faid bridge shall demand any fum over and above the tolls allowed by this act, he shall for every such offence, forfeit and pay the fum of fifty dollars, to be recovered before any jurisdiction having cognizance thereof, one half to him or her who may fue for the fame, the other half to the use of the Jefferson Academy in the county of Sulli-

Section 4. Be it enacted. That the proprietor of faid bridge, when the fame thall be compleated, shall be accountable for all damages that may be fullained in confequence of any neglect of the owner in keeping the fame.

> JOSEPH DICKSON, Speaker of the House of Representatives, JOSEPH M'MINN.

> > Speaker of the Senate.

22d Nov. 1809.

#### CHAP. LXXXIV.

AN ACT respecting Sheriffs. Sec. 1. BE it enacted by the General Assembly of the state of Tennesste, That where any sheriff hath heretofore, or hereafter may go out of office not having executed deeds for land fold by him while in office? it shall be the duty of the fuccesfor or fuccessors of fuch the riff or theriffs, to make out and execute fuch deed or deeds for land fold by the former theriff or theriffs, which deed or deeds shall be as good and valid in law and equity as if the same had been executed by the sheriff or sheriffs which fold the fame, any law, ulage or cuftom to the contrary notwithflanding.

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

22d Nov. 1809.

CHAP. LXXXV.

AN ACT concerning the delivery of property levied on by execution of attachment.

BE it enacted by the General Assembly of the State of Tennessee, That when any therist or conftable shall hereafter levy an execution or attachment on any personal property, and shall take bond and fecurity for the delivery of the fame on the day of fale, if fush defendant, or his fecurity, fail or neglect to deliver fuch property, or to pay and fatisfy fuch execution on or before the day fet

forth in faid bond, he or they fasil forfeit twelve and as has per centum damages, to the use of the plaintiff, and Houble coks to the theriff or other officer.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN, Speaker of the Senute.

23d Nov. 1809.

CHAP. LXXXVI.

AN ACT to amend the thirty-fourth section of the Land Law, passed in the year 1207.

E it enacted by the General Assembly of the state of D Tennessee, That the provisions of the above recited thirty-fourth fection of the Land Law of 1807, be, and the fame is hereby amended fo as to allow two years from the discovery of such fraud or neglect, within which to procure a valid warrant or certificate, cause an entry to be made, procure a grant, &c. instead of two years from the passing of the law, any thing to the contrary notwithstanding: Provided, fuch land hath not been previously granted or entered.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN. Speaker of the Senate.

23d Nov. 1809

CHAP. LXXXVII.

AN ACT to authorise the Register of the Land Office of East Tennessee, to issue grants to the citizens south of French Broad and Holston, and for other purposes.

Section 1. BE it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, it shall be the duty of the Register of the Land office for East Tennessee, and he is hereby authorifed and required to iffue Grants to the citizens reading fouth of French Broad and Holston; and west of Big Pigeon rivers, for their rights of occupancy and pre-emption, agreeably to the law, and agreeable to their leveral plats of furvey, particularly nothing in the face of faid Grants whether any and if any, what installments may have been paid on each and every right of occupancy and preemption to which grants are intended to be issued by vir- Provise. the of this act. Provided, such grant shall not affect any hen the state bath on any claim to granted for the fecuring the payment of the infiallments and interest due, or that thay become due for fuch right of occupancy.

Grants to issue

On transfers.

Section 2. Be it enacted, That where any person or perfons may have fold or disposed of his, her, or their right or rights of occupancy and pre-emption, and may have executed any inftrument of writing tellifying the fame, on producing the fame in the court of the county in which faid tract of land may he, and having faid instrument of writing proven in open court by the fubfcribing witness or witneffes thereto, or acknowledged by the party making fuch transfer, it shall be the duty of the clerk of such county court to take such probate, and certify the same in his official capacity, which certificate shall be held and deemed as fufficient evidence to authorife the faid register of the land office to iffue a grant to the person or persons to whom fuch tract of land may feem to have been fold and conveyed by faid inflrument of writing, in the fame manner and under the fame conditions that he could have iffued a grant for the fame to the original occupant.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN,

DE it enacted by the General Assembly of the

Speaker of the Senate.

23d Nov. 1809.

#### CHAP. LXXXVIII.

AN ACT to fix on seats of justice in the counties of Rhea and Bledsoe, and for appointment of commissioners to superintend the same.

Commissioners appointed.

D state of Tennessee, That John Tollit, John Narrimore, Michael Rawlings, John Anderson, William Robertson, James Standifer and Thomas Coulter, be, and they are hereby appointed commissioners, who, or a majority of them, shall as foon as the nature of the case will admit, proceed to fix on a place as near the centre of the county of Bledsoe, as an eligible scite can be procured, at To fix on seat which seize the said commissioners shall procure at least thirty acres of land, for which they shall cause a deed or deeds to be made to themselves and their successors in office, by a general warrantee, on which they shall cause a To lay of town town to be laid off with necessary freets and allies, referving at least one acre for a public square, on which shall be built a court house, prif n, and flocks, in a convenient part of the town, which town shall be known by the name of

MADISON.

of justice.

Sect. 2. Be it enacted, That when the town shall have Lots to be so'd. been thus laid off, the aforefaid commissioners are requested to advertise for fale in the Gazette of Knoxville, to the highest bidder, giving fixty days previous notice, and allowing twelve months credit, such portion of the lots so

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laid off as they may think will be for the benefit of the county, and they shall take bends with sufficient security, to themselves and their successors in office, and shall make titles to the purchasers in fee simple.

Sect. 3. Be it enacted. That it shall be the duty of faid Public buildcommissioners to contract with fuitable workmen to build ings. a court-house, prison and Rocks, and the money arising from the fale of fuch lots, after paying for the land to purchased, and the necessary expences of laying off faid town, shall be applied to the payment of such court-house, prilon and flocks:

Sec. 4. Be it enacted, That should the money arising, Court to lay a from the fale of faid lots, be infufficient to pay for fuch court-house, prison and stocks, in that case a majority of the justices of faid county, shall in term time have power, and are hereby authorised to lay a county tax not exceeding the flate tax, which tex shall be continued from year to year, until a sufficient sum be collected to pay for such public buildings, and shall be collected in the same manner that other tax are, and when collected the theriff thall pay the same over to the commissioners, and he by them applied to the payment of the faid public buildings, and the commissioners receipt shall be allowed in the settlement of the theriffs account.

Sec. 5. Be it enacted, That before the faid commissioners ers enter on the duties of their appointment, they shall en- to give bond. ter into bond with fufficient fecurity, payable to the governor for the time being, and his fuccessars, in the fum of three thousand dollars, for the faithful discharge of their duty as herein expressed, which bond shall be ledged in the office of the clerk of the faid county of Biedfoe.

Sect. 6. Be is enacted, That fo f. on as the public huildings shall be completed, the faid commissioners shall lay before the court of Bledfoe county a just and fair statement of all the 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 a reasonable compensation for their services: Provided, there shall be a majority of the justices of the peace of said county prefent, when fuch allowance is made.

Sed. 7. Be it enacted, That Jeffee Roddy, Alexander Commissioners Ferguson, James Campbell, Azariah David, Daniel Raw- appointed lings, Robert Patterson and David Campbell, be, and they. are hereby appointed commissioners, who, or a majority of them, shall as soon as the nature of the case will admit, proceed to fix on a place as near the centre of the county of Rhea as an eligible scite can be procured, at which scite faid commissioners shall procure at least thirty acres of land, for which they Thall cause a deed or deeds to be made to themselves and their fuccessors in office; by a general

Their compen.

off.

Town to be laid warrantee, on which they shall cause a town to be laid off, with necessary streets and allies, referving at least one acre for a public fquare, in some convenient part of the town, on which that be built a court-house, prifor and flocks, which town that be known by the name of WASHINGTON.

missioners.

Sect. 8. Beit enacted. That the aforefaid commifhoners Power of com- appointed for the county of Rhea, shall have the fame powers and privileges, fubject to the fame rules, regulations and reffrictions, as the commissioners by this act appointed for the county of Bledfoe are, that the justices of the peace of Rhea county, shall have the same power that is by this act vested in the justices of the peace of Bledfue county.

Holding courts

Sect. 9. Be it enacted, That the courts of Pleas and Quarter Seffions, as well as the circuit courts, shall be held at the prefent places of holding courts in the faid counties of Rhea and Bledfoe until the court-houses be built in and for the faid counties, and then all causes and matters depending in the aforefaid courts, and all manner of process returnable to the fame, shall be adjourned to such courthouses.

Commissioners to take oath.

Sec. 10. Be it enacted. That the commissioners by this act appointed, before they enter on the duties of their appointment, shall, before some justice of the peace, take an oath or affirmation well and truly to discharge the duties. by this act imposed on them.

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

23d Nov. 1809.

## CHAP, LXXXIX.

AN ACT to amend the Militia Laws of this state.

Regiments numbered.

BE it enacted by the General Assembly of the state of Tennessee, That the militia of Campbell county hall compose the thirty-third regiment. That the militia of Rhea county shall compose the thirtieth regiment. That the militia of Bledfoe county faail com-

pose the thirty-first regiment.

Sec. 3. Beit enacted, That each regiment of militia aforefaid, shall hold a regimental muster at the place of holding court in their respective counties (or such other place as the field officers of faid regiment may agree upon) annually, and at fuch times as heretofore preferibed by law.

Fourth brigade

Musters.

Sec. 3. Be it enacted, That the militia of the counties of Summer, Wilson, Smith and Jackson, shall compose the fourth brigade, and that the counties of Overton, White,

Warren and Franklin, faail confthule the feventh brigade; 7:n brigade. and that an election shall be held by the field officers of the last mentioned brigade as White county court-house, to

elect their brigadier general,

Sec. 4. Be it enacted, That when any regiment shall regiments may contain fixteen companies, exclusive of volunteer or cavalry companies, it shall be divided into two seperate and distinct regiments by the regimental court martial, in such manner as they or at leaft two-thirds of them may direct. and the regiment to established shall be under the fame. rules, regulations and refirictions that the other militia of this state are under, and shall constitute a part of the brigade that the regiment from which it was taken did be-

Sec. 5. Be it enabled. That the commissioned officers of the feveral regiments in this frate, thall meet at she places of holding their regimental multers, armed with a good Training and rifle or fraooth bore gun, and dreffed in the military mai- cers. form prescribed by the laws of this state, for the purpose of being trained and infructed in their duty by the brigade inspector; the senior officer present shall call the roll and report all delinquents to the next regimental court-martial, and every officer failing to attend or not appearing armed and dreffed as aforefaid, without a reafonable excuse to be adjudged of by the court-martial, shall be fined in a furn not exceeding five dollars, nor less than two dollars, to be appropriated as other fines are, agreeable to the directions of the act which this is intended to amend; and faould the faid fenior officer negled or refule to call faid roll and report the delinquents as aforefaid, he shall for every such offence, be fined in a fum not exceeding ten dollars nor left than five dellars by the court-martial, to be collected and appropriated as aforefaid.

Sec. 6. Beit enacled, That if any militia officer aul fail Officers. or refuse to take the necessary oaths prescribed by law for the space of one month from the receipt of his commission, his appointment thall become void, and another election shall be held to fill the vacancy.

Sec. 7. Be it enacted, That if the judge advocate of any Judge regiment of militia in this Rate, thall fail or refule to at- cate. tend the courts martial of which they are judge advocate, and there perform the duties enjoined on him by law, they Chall for every fuch omission, be fined at such court martini at which they have failed to give their attendance and perform their duties as aforefaid, in a fum not exceeding sea dollars nor lefs than four dellars, to be appropriated as other militia anes are directed by law to be appropriated.

Sec. \$. Be it enacted, That it shall not be lawful for the commanding officers of companies to draw any menies for the use of the company, until they produce an order of

their company court-martial, stating for what purpose it is to be expended, which order shall be filed with the judge advocate of the regiment to which he may belong.

Resignations.

Sec. 9. Be it enacted, That when the commanding officer of a company is about to refign his command, it shall be his duty to make out a complete roll or lift of his company, and return the same with his refiguation to the commanding officer of the regiment, who in all cases where he may deem it necessary, shall appoint some officer of his regiment to take the command of any company that may be destitute of a commissioned officer, whose duty it shall be to perform all the duties that the commanding officer of fuch company would be bound to perform, until fuch vacancy may be filled agreeable to law, any law to the contrary notwithstanding.

Courts-martial

Sec. 10. Be it enacted, That hereafter the regimental and battallion courts-martial shall be held on the days immediately fucceeding their respective musters.

Cavalry.

Sec. 11. Be it enacted, That the regiments of cavalry of the feyeral brigades in this state, shall be divided into two fquadrons, to be divided by the field officers of the regiments to which they belong, and when to laid off and divided, the commissioned officers of each squadron shall fix on the place of holding musters in each, where they shall hold musters on the first Monday in September annually, and shall hold courts martial on the succeeding day for trying delinquents, at which musters it shall be the duty of one of the majors of the regiment to attend and review.

Their musters

Sec. 12. Be it enacted, That the several regiments of cavalry shall, on the first Monday in every second year, at the place fixed on by the officere of each regiment, hold a regimental muster on the first Monday in October annually when it shall be the duty of the general of the brigade to attend and review, and the officers of fairl regiments shall hold courts-martial for the purpole of trying delinquents : and where there is or may be any regiment that the time of holding musters is not by law provided, in that case the held officers of fuch regiment shall fix on the time of holding multers in fuch regiment.

Sec. 13. Be it enacted, That the companies of cavalry shall each hold three private musters annually, and the captains of companies shall at every muster have an inspection roll and make a proper return to the court-martial.

8th brigade.

Sec. 14. Be it enacted, That the third brigade shall be. and the same is hereby divided into two seperate and diftinct brigades: that the counties of Sevier, Blount, Knex and Campbell, shall compose the third brigade, and that the counties of Anderson, Roane, Rhea and Bledsoe, shall compose the eighth brigade.

Sec. 15. Be it enacted, That the field officers composing

the counties of Anderson, Roads, Rhea and Bledsoe, shall Election of brimeet at the court-house in Kingston, on the last Saturday gadier general in February next, for the purpose of electing their brigadier general; which election finall be conducted under the fame rules, regulations and reffrictions, as elections in fimilar cales afe.

Sec. 16. Be it enasted, That the fixth, feventh, eighth Repealing and and ninth fections of an act, passed at Knexville on the reviving clause third of December, 1807, entitled " an act supplementary to an act, entitled "an act for the better establishment and regulation of the militia of this flate, be, and the fame is bereby repealed; and that all laws and parts of laws by faid fections repealed, which are not inconfiftent with this act, be, and the same are hereby revived.

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

23d Nov. 1809.

CHAP. LXL.

AN ACT to repeal the first and seventh sections of an act passed at Knoxville the fourth of December, one thousand eight hundred and seven, entitled "an act providing for the election of Commissioners in the town of Kingston, and other purposes," and to appoint commissioners for the town aferesaid.

BE it enacted by the General Assembly of the State of Tennessee, That the first and feventh fections of an act, passed the fourth of December one thousand eight hundred and seven, entitled " an act providing for the election of commissioners in the town of Kingston, and for other purposes, be, and the same are hereby repealed.

Section 2. Be it enacted, That John Purris, William D. Commissioners Neilson, Matthew Neilson, Noah Athley, Thomas Brown, appointed. Merriwether Smith and William Brown, be, and they are hereby appointed commissioners for the town of Kingston, and the aforefaid commissioners by this act appointed, shall be vested with the same power, exercise the same privile. ges, shall be subjected to the same rules, regulations and restrictions, as the commissioners which were to be elected by the before recited act could or would have poffeffed.

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

22d Nov. 1899.

Sections repeal

CHAP, LXLL

AN ACT to annex part of Blount county to that of Sevier. DE it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this. act, that part of Blount county included within the following lines, to wit: Beginning at the extreme height of the round top mountain near William Davis's in Weir's cove,. from thence running due fouth until the faid line interfects. the Indian boundary line, thence along the faid line until it interfects Sevier county line, thence along faid line to the beginning, he, and the same is hereby annexed to and shalf in every respect whatever compose part of the said county of Sevier: Provided, the aforefaid location may not include any of the citizens of Tuekulechy cove in the county of Sevier: And previded alse, that nothing in this law contained, shall prevent the theriff of Blount from making fuch collections as he is authorifed to make under the laws in force, previous to the passage of this act.

> JOSEPH DICKSON, Speaker of the House of Representatives. JOSEPH M'MINN, Speaker of the Senate.

22nd Nov. 1809.

CHAP, LXLII.

AN ACT to prohibit the registers of the land offices for East and West Tennessee, or either of them from issuing a grant or grants to Thomas Dillen, his assignee or assignees, on a certificate issued to said Dillon by the commissioner for West Tennessee from a grant of No. 346, obtained in the name of Stockley Donelson.

WHEREAS it hath been made appear to this General Affembly, that Thomas Dillon filed before the commiffioner for West Tennessee, a grant issued from the state of North-Carolina to Stockley Donelfon, for five thousand acres of No. 346, dated the eighth day of June, one thous fand feven hundred and ninety-feven, from which grant a sertificate was iffued to the faid Dillon, on the ground that the land described therein could not be identified -- And whereas it appears that faid grant originated from an entry of No 2562, made in John Armstrong's office, which entry is only for hive hundred acres, and that the certificate iffued from faid grant ought to have been for five hundred acres, inflead of five thousand acres-Therefore.

BE it enacted by the General Assembly of the Land Offices for East and West Tennellee, or entrevel

them, are hereby enjoined, forthis and problibles, to illus Broblishess to the faid Thomas, his offigues or asigness, any group of grants founded on any entry or location made on faid cera tificate, or which betrafter may be made on the fame for a greater quantity than five hondred scree, and the figurery. ors of the different diffrides in this flate, where it may to already have been done, are bureby frielly fithed tex permit any entry or entries to be made on faill criticate for a prester quantity than five hundred sen s, any law, ufage or cultum, to the contrary not withflunding.

> JOSEPH DICKSON. Speaker of the House of Representatives, JOSEPH M'MINN Speaker of the Senate.

23d Nov. 18d9.

CHAP, LXLIII.

AN ACT to regulate the time of holding the courts of Pleas and Quarter Sessions, in the several counties within this state.

RE it enacted by the General Assembly of the state Time of holdof Tennessee, That the courts of Pleas and ing court in Quarter Sellions in the feveral counties within this state, each county. Thall commence and be holden at the times following, to wit: In the county of Greene, on the fourth Monday in the months of January, April, July and October. In the county of Wallington on the first Monday in the months of February, May, August and November. In the county of Carter on the second Monday in the months of Februsty, May, August and November. In the country of Sullivan, on the third Munday in the months of Pebruary, May, August and November. In the country of Hawking on the fourth Monday in the minths of February, May, August and November. I know county of Grainger, on the third Monday in the mouths of February, May, Rus gult and November. In the country of Claittone, on the toursh Monday in the choaths of February, May Adgust and November. In the county of Campbell, on the fifth Monday in the months of March, June, September and December. In the country of Cocke, on the first Monday in the months of March June, September, and December! In the county of lefferion, on the legont Wonday in the months of March, June, September and Devember. And the county of Sevier, in the third Monday in the montas of March, Time, September and December. In the county of Blount on the fourth Bonday in the resists March, June, September and Dept. where I is the reserved Read on the first Monday in the months of April, July, Ostober

# Preamble.