

UNIT





ACTS

PASSED AT THE FIRST SESSION

OF THE ELEVENTH

GENERAL ASSEMBLY,

OF THE

State of Tennessee,

Began and held at Nashville, on Monday the
Eighteenth Day of September, One
thousand eight hundred
and fifteen.



PUBLISHED BY AUTHORITY

NASHVILLE,

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Printer to the State,

MDCCCXV.

ACTS

PASSED AT THE FIRST SESSION

OF THE LEGISLATURE

GENERAL ASSEMBLY

State of Tennessee

Enacted by the General Assembly of the State of Tennessee, at its first session, 1875, in the year of our Lord one thousand eight hundred and seventy-five.

APPROVED BY THE SENATE

APPROVED BY THE HOUSE

Printed by T. O. BRADFORD

Printer to the State

1875

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ACTS, &c.

CHAP. I.

An act to make good and lawful the probate and registration of deeds, grants, mesne conveyances, mortgages, bills of sale and powers of attorney and other instruments that have heretofore been proven and registered under the laws of the state of Franklin.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all grants, deeds, mesne conveyances, mortgages, bills of sale, and other instruments of writing, which were proven or acknowledged in court & admitted to record and registration, under what is called the laws of the state of Franklin, shall be as good and valid as if the same had been proven or acknowledged in court and registered under the laws of North Carolina, or of this state, and shall be admitted as evidence in any court of record within this state.

Acts of the Franklin government legalized.

Sec. 2. *Be it enacted*, That if any clerk or register shall have any of the records of said courts or register's books by them kept in their possession, they shall return them to the clerks and registers now in office, for the counties in which each of them have acted, and shall there remain as a record of said office.

Persons having records to return them.

Sec. 3. *Be it enacted*, That any person or persons having any grants, deeds, mesne conveyances, mortgages, bills of sale or any other instruments of writing which appear to

have been regularly recorded and registered under the laws of the aforesaid state of Franklin, and such records are lost, and it appears that the regular probate is entered on the back of said instrument of writing, by the proper officer, that such probate so entered shall be sufficient evidence to have them recorded and registered in the same manner and form that instruments of writing are required to be recorded and registered by the laws of this state.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

September 26, 1815.

CHAP. II.

An act for the benefit of Charles Fain.

Charles Fain relieved Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passage of this act, Charles Fain shall be privileged to retail all kinds of spirituous liquors within the counties of Bedford and Rutherford without paying any state or county tax, or obtaining licence for the same and shall give bond and security as other inn-keepers, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

September 26, 1815.

CHAP. III.

An act for a separate election in the county of Hickman.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the sheriff of Hickman county, by himself, deputy or by the coroner on the constitutional days for holding elections, to open and hold a separate election at the house of Crawford Goodwin on the waters of Tumbling creek in said county, for the purpose of electing a Governor, Members to Congress, Electors to elect a President and Vice President, and to elect Members of the State Legislature and military officers, which said elections shall be held under the same rules, regulations and restrictions as in this district.

Separate election in Hickman.

Sec. 2. *Be it enacted,* That it shall and may be lawful for any person living in Hickman county, who is constitutionally authorized to vote at such election, to give in his vote at the court house in Hickman county or at the place of holding said separate election as may best suit his convenience.

Sec. 3. *Be it enacted,* That at the close of said separate election, it shall be the duty of the judges and returning officers to count out said votes, and on the succeeding day make a return to the sheriff of Hickman county in the town of Vernon, of the number of votes received at said separate place of holding election, for each candidate, which return shall be considered and received as part of the election of Hickman county, and the judges of said election or the judges at the town of Vernon, as the case may be, shall have power to swear each voter that he has not voted at any other place in said county than that at which he is about to vote; and if any such voter shall refuse to swear, being thus requested, it shall be sufficient to preclude him from a vote at such election.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

September 26, 1815.

CHAP. IV.

An act to authorize Samuel Gennings to retail spirituous liquors in the county of Maury.

Sam. Gen. state of Tennessee, That from and after the passage of this act, Samuel Gennings shall be privileged to retail spirituous liquors within the county of Maury, without paying any state or county tax or obtaining any licence for the same, and shall give bond and security as other inn-keepers, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

September 28, 1815.

CHAP. V.

An act to authorize a separate election in the county of Robertson.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That it shall be the duty of the sheriff of Robertson county, by himself or deputy, on the days appointed by law for holding elections, to open and hold a separate election at the house of Charles Miles, Esq, in said county, for the purpose of electing a Governor, members to Congress, electors to elect a President and Vice President, members to the state legislature and field officers, which election shall be held and conducted under the same rules, regulations and restrictions that similar elections are in this state.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the senate

September 28, 1815.

CHAP. VI.

An act to alter the place of holding a separate election in the county of Roane.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the separate election heretofore established by law at the house of Joseph Robinson in the county of Roane, shall hereafter be held at the house of Charles M'Clung on the Flat fork of Emery river, where Moses Wenter formerly lived, under the same rules, regulations and restrictions as are prescribed by law for holding the said separate election at the said former place, any law to the contrary notwithstanding.

Sec. 2. Be it enacted, That the judges of the election herein authorized to be held shall have the privilege of closing the polls and counting out the tickets at two o'clock on the second day of election, any thing in any act to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the senate

September 28, 1815.

CHAP. VII.

An act to authorize the Commissioners of the town of Gallatin, to sell part of the Public Square.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the Commissioners of the town of Gallatin in the county of Sumner, be, and they are hereby authorized to sell at private sale to Joseph Barron, at a fair and reasonable price, part of the north side of the public square and off in said town, not exceeding four feet

Commissioners were permitted to sell 4 feet of ground in Gallatin.

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wide, adjoining and in front of the different lots bounded by said square on the north, and said commissioners are authorized to make a deed or deeds of conveyance therefor to said Joseph Barron.

Sec. 2. *Be it enacted*, That the said Commissioners shall collect and account for said money in the same manner and under the same restrictions that they are bound to collect and account for the proceeds of the sales of the lots in said town heretofore sold.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Sept. 28, 1815.

CHAP. VIII.

An act authorizing the holding of a precinct election at the house of Levy Hinds, in the county of Overton, instead of John Thurman's mill, the present place.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the precinct election now holden at John Thurman's mill in Overton county, shall hereafter be holden at the house of Levy Hinds in said county any law to the contrary notwithstanding.

Seperate election in Overton.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Sept. 28th, 1815.

CHAP. IX.

An act for the relief of Mackness Moore.

WHEREAS it has been represented to the General Assembly that a certain George Guess made an entry in the office of John Armstrong on the 23d day of October one thousand seven hundred and eighty three, of No. three hundred and fifty eight, for one hundred and fifty acres of land, and that the warrant issued on said entry is lost and whereas it is further represented that the interest in said warrant, or in the land called for in said entry, is vested in said Mackness Moore for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner for the adjudication of land claims for East Tennessee be authorized and is hereby required to issue a duplicate land warrant on said entry to Mackness Moore; provided it shall appear to the satisfaction of said Commissioner, that the interest in said warrant or in the land called for in said entry is vested in said Mackness Moore and that no grant has ever been issued on said entry or warrant, and that the consideration for the land was paid to the State of North Carolina.

Mackness Moore relieved.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct. 19th, 1815.

CHAP. X.

An act to tax Billiard Tables in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, any person wishing to erect a billiard table in any part of this state, he shall apply to the Clerk of the county in which he wishes to erect any such table for license for the same.

Billiard tables taxed.

Clerk to issue licence.

Sec. 2. *Be it enacted*, That on the application of any person, wishing to erect a billiard table, it shall be the duty of such clerk to issue a license therefor, for the term of one year: *Provided*, such applicant shall tender to such clerk his bond payable to the governor and his successors, with good and sufficient security, for the payment of one hundred and fifty dollars within six months from the date of such licence.

Clerks to collect the tax.

Sec. 3. *Be it enacted*, That it shall be the duty of the clerk, when the said bond shall become due, to collect and account for the same as other public monies are accounted for by him, and the said clerk shall be entitled to retain out of such monies, the same commissions allowed for collecting and accounting for other public monies.

Clerk's fee.

Sec. 4. *Be it enacted*, That the clerk shall be entitled to demand and receive as a fee, for each licence he may issue under this act, the sum of fifty cents, and for each bond to secure the payment of the tax aforesaid the sum of fifty cents.

JAMES FENTRESS.

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the senate

Oct. 19, 1815.

CHAP. XI.

An act to ratify and confirm the official acts of the person therein named.

Official act of Abiram Caldwell well confirmed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the official acts of Abiram Caldwell of Dickson County, since the time of his qualification as a justice of the peace, be and the same are hereby declared to be good and valid in law, as though his commission had issued in his proper name; and that the Governor forthwith commission him

justice of the peace for the county aforesaid, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 19th, 1815.

CHAP. XII.

An act granting further indulgence to the citizens south of French Broad and Holston, and other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens residing south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, be and they are hereby authorized and permitted to retain in their own hands the whole sum or sums due from them respectively to the state, and interest on any or either of the instalments, the price of the lands by them respectively claimed, under the provisions of the several acts of the General Assembly heretofore passed by said state, providing for the sale of lands in said section of country, until the first day of November one thousand eight hundred and seventeen: *Provided*, nothing herein contained shall prevent any citizen or citizens within said section of country from paying into the Treasury of East Tennessee the whole or any part of the principal or interest by them respectively due or to become due to said state, for said lands.

Citizens allowed to retain the money due for lands south of French Broad.

Sec. 2. *Be it enacted*, That from and after the passage of this act no interest shall accrue to the State on account of any instalments now due or hereafter to become due for

No interest to accrue for said lands for two years.

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The lands in said section of country until the expiration of the time mentioned in the first section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 6th, 1815.

CHAP. XIII.

An act for the benefit of Thomas Crosby.

Thomas Crosby relieved.
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the new cut road so far as it extends through the plantation of Thomas Crosby, on the road leading from Cheeks cross-roads to Dotson's ford on Holston river, shall be considered the line between the counties of Hawkins and Jefferson, leaving the said Thomas Crosby in the county of Hawkins, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 16th, 1815.

CHAP. XIV.

An act for the relief of the securities of Sheriffs and Collectors of public monies.

Securities of sheriff's relieved.
WHEREAS no provision has been made by law for persons who may hereafter become securities for sheriffs

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or the collectors of public money although many cases occur in which such persons should be relieved for remedy whereof;

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passage of this act, in all cases where any person or persons who hereafter may become security for any sheriff or collector of public money in any county in this state, and shall be in danger of sustaining damages by reason of the neglect or misconduct of said sheriff or collector, said security or securities may prefer a petition to the court of Pleas and Quarter Sessions for such county, stating the case and the danger he, she or they may apprehend and praying to be discharged, from further liability on his, her or their bond or undertaking for said sheriff or collector, and if it shall appear to said court that five days previous notice shall have been given to the sheriff or collector of the time of preferring such petition, and that said security or securities are in danger of sustaining damages by the neglect or misconduct of such sheriff or collector they shall and are hereby directed to require said sheriff or collector to give other sufficient security in the place of the person or persons applying to be discharged, immediately; and if such sheriff or collector shall refuse or fail to give such security, he shall, by the judgment of said court, be deprived of the power and suspended from acting any longer as sheriff or collector, and in either case the petitioner or petitioners shall be discharged from all further liability for such sheriff or collector; and in case of a sheriff, the said court shall appoint a successor.

Sec. 2. *Be it enacted,* That if any sheriff or collector shall be suspended from acting any longer as sheriff or collector by the court as pointed out in the first section of this act, then and in that case, it shall and may be lawful for the securities of said sheriff or collector, for the collection and payment of taxes, to receive and collect all the taxes not already paid to said sheriff or collector, which said sheriff or collector was bound by law to collect, and for the collection and payment of which they were securities; and they are hereby authorized and declared to have all the powers, authorities, privileges and emoluments in and for the receipt and collection of said taxes, which the sheriff or collector before his suspension had, possessed, and enjoyed.

Sec. 3. *Be it enacted,* That the clerks and sheriffs shall be entitled to and receive, for the services performed by

In what cases sheriffs removed.

To be suspended in certain cases.

Clerk's fees.

them, the same fees as they are entitled to by law in similar cases.

Take effect. Sec. 4. *Be it enacted,* That this act shall take effect and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro. tem.

Oct. 4th, 1815.

CHAP. XV.

An act granting additional powers to the commissioners of the town of Greenville.

Commissioners of Greenville to appoint a town constable.
Sec. 1. *Be it enacted by the General assembly of the state of Tennessee,* That the commissioners chosen or their successors in office for the regulation of the town of Greenville, in the county of Greene, shall have full power and authority to appoint some fit and proper person of said town, to act as constable in the bounds of said town, who shall hold his office for two years, unless said board of commissioners think proper to remove him, and appoint another in his room; whose duty it shall be to execute all process issued by order of said board of commissioners.

His duty.

Commissioners to regulate said town.
Sec. 2. *Be it enacted,* That said board of commissioners shall have full power to say in what manner the citizens of said town shall keep their fences, gates, doors and bars, and ascertain what damage any person in said town may sustain on account of any of the stock of any town citizen running at large and intruding on their inclosures, and may enter up judgment and issue execution accordingly upon complaint to them made and supported by evidence.

Constable to take oath & give bond.
Sec. 3. *Be it enacted,* That the constable so appointed shall take the same oath as other constables; and shall give bond and security to said board of commissioners as constables do to the county courts, and can be moved against by any citizen of said town for any misdemeanor in his office before said board of commissioners.

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Sec. 4. *Be it enacted,* That the said board of commissioners have full power to cause the inhabitants of said town to work on and keep the public streets in good repair; and also to appoint a suitable person, at any time they may think proper as overseer of said public streets, who shall hold his appointment for one year, and said overseer when appointed and regularly notified by said town constable shall be considered as overseer of said town, and may be compelled to perform his duties as other overseers in said county.

Citizens of said town to work on public roads.

Sec. 5. *Be it enacted,* That the said board of commissioners are hereby authorized to pay said constable for his *ex-officio* services out of any money in their hands not otherwise appropriated, and make all necessary by-laws for the regulation of said town, that are not repugnant to, or in violation of the constitution and laws of this State.

Compensation to constables.

Enact by-laws.

Sec. 6. *Be it enacted,* That it shall be the duty of said town constable to apprehend all negroes living in the country, who may be strolling in or through said town after night or on Sabbath days, unless it appears they are going to or attending on divine service, or have a written permit from such slave's owner or superintendant.

Constables to apprehend negroes strolling in said town.

Sec. 7. *Be it enacted,* That if any negro who lives in the country should be found in said town contrary to the intent and meaning of this act, the said constable may apprehend said negro and take him or her before the chairman or board of commissioners of said town for the examination of such negro or negroes, who are hereby authorized to inflict any number of lashes not exceeding ten on the bare back of such negro or negroes for any offence as herein before stated in the sixth section of this act.

How punished.

Sec. 8. *Be it enacted,* That if any person living in said town, should maim, lame, worry or kill the stock of any other citizen of said town, then and in that case the board of commissioners are hereby vested with full power and authority to ascertain what damage the owner of such stock has sustained, and compel the offender to pay damage for the same to the owner of such maimed stock; *Provided* nothing herein contained shall preclude either party from the right to an appeal, should he consider himself aggrieved by any decision, judgment, order or decree by said board of commissioners, to the county court of Greene county.

Stock of citizens injured to be paid for.

Foot ways au-
thorized.

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Sec. 9. *Be it enacted*, That when a majority of the in-
habitants and freeholders in said town shall deem it neces-
sary and expedient to pave a foot way on each side of the
main streets, then and in that case the said board of com-
missioners are hereby vested with full power to lay and
collect a sufficient tax upon all town lots and personal pro-
perty within the bounds of said town, subject to taxation
by the laws of this state, for the purpose of collecting a
sum of money sufficient to pave a foot way on each side of
the main streets, not exceeding six feet in breadth, with
suitable posts and railing along the same.

Majority a-
quorum.

Sec. 10. *Be it enacted*, That a majority of said board of
commissioners shall constitute a quorum and be consider-
ed a sufficient number to transact business.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 18th, 1815.

CHAP. XVI.

An act for the benefit of David Roling.

David Ro-
ling relieved

WHEREAS in the year eighteen hundred and eight, as
David Roling was ascending the Tennessee river in a boat,
the Indians from the bank of the river fired on the boat,
shot the said Roling through both thighs and in the left
knee, through both arms and several places in the body
hitting him with eleven bullets, some of which remain in
his body at this time, and have rendered him entirely help-
less as to work, but can go about on crutches, and having
a large family of children and being in low circumstances,
for remedy whereof:

Sec. 1. *Be it enacted by the General assembly of the state
of Tennessee*, That David Roling of the county of Hum-
phreys, be and he is hereby authorized and permitted to

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keep an ordinary or house of entertainment at his own
house, and retail spirituous liquors within said county, and
to hawk and peddle in the counties of Humphreys, Stewart
and Hickman without a license or being subject to the
payment of any state or county tax for the same; *Pro-
vided*, that the said David Roling shall give bond and se-
curity as other Inn-keepers in this state, any law to the
contrary notwithstanding.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 18th, 1814.

CHAP. XVII.

An act directing the mode the Treasurer of East Tennessee shall in future give securi- ty.

Sec. 1. *Be it enacted by the General assembly of the state
of Tennessee*, That from and after the passage of this act,
it shall and may be lawful for the Treasurer of East Ten-
nessee, to execute and acknowledge the bond or bonds by
him necessary to be given before any Judge of the su-
preme court of errors and appeals, or before any Judge of
the circuit courts in this state, which bond or bonds so exe-
cuted or acknowledged, shall be deposited as heretofore
directed, and shall be as valid and effectual as if executed
in the manner heretofore prescribed, any law to the con-
trary notwithstanding.

Security
of treasurer
how given.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 16th, 1815.

CHAP. XVIII.

An act authorizing the people of Claiborne county to vote at the different places of election in said county as it may suit their convenience.

Voters of Claiborne to vote where convenient
 Sec. 1. *Be it enacted by the General assembly of the state of Tennessee*, That it shall be lawful for all persons who are authorized to vote for governor, electors to elect a president and vice-president of the United States, members to congress, members of the general assembly and militia officers to vote at the different places of elections in Claiborne county, as may suit their convenience.

Judges to qualify voter
 Sec. 2. *Be it enacted*, That it shall be the duty of the judges of the aforesaid elections, when they judge any person is about to vote more than once, to qualify said person that they have not voted but once in the then election; and if any person shall refuse to be sworn as aforesaid, he shall be prohibited from voting in the then election.

Close polls at 2 o'clock at separate elections.
 Sec. 3. *Be it enacted*, That it may be lawful for the judges at the separate places of elections in Claiborne county to close the election at two o'clock the second day, and proceed to count out the votes, certify and seal up the same, and it shall be the duty of the persons holding the elections at the separate places to return the same to the sheriff in Tazewell on the succeeding day, which return shall be received as part of the election for Claiborne county, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 16th, 1812.

CHAP. XIX.

An act for the benefit of the Step Children of Adam Broil.

WHEREAS Adam Broil of Washington county hath made application to this General Assembly, to have his four step children (to wit) Polly Green, Elizabeth Broil, Leann Vaught and Rosanna Broil made his lawful heirs, therefore:

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Polly Green, Elizabeth Broil, Leann Vaught and Rosanna Broil shall be, and are hereby made the lawful heirs of the said Adam Broil in common with his own children, any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

JOHN GASS,

Speaker of the senate, pro-tem.

Oct. 4th, 1812

CHAP. XX.

An act more effectually enabling creditors to recover their just debts.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, when any justice of the peace shall issue execution against any property belonging to the defendant, it may be lawful for the officer in whose hands said process may come, to summon any person or persons as garnishee or garnishees in writing to appear before said justice to answer upon oath, what he or she is indebted to the defendant, and what effects he or she hath in his or her hands belonging to the defendant at the time of serving said garnishment, and what debts or effects of the defendant there are in the hands of any other and what person, to his

or her knowledge or belief; and it shall be lawful upon his appearance and examination for said justice to enter up judgment and award execution against any such garnishee, for all sums of money due to the defendant from him or her, & for all effects & estate of any kind belonging to the defendant, in his or her possession or custody for the use of the plaintiff, or so much thereof as will be of value sufficient to satisfy the debt and costs, and all charges incident on levying the same, and all goods and effects whatsoever in the hands of any garnishee or garnishees belonging to any defendant shall be liable to satisfy the plaintiff's judgment from the day on which said garnishee is summoned, and so soon as the property is declared to be the property of the defendant, it shall be delivered up to the officer serving the garnishment; and when any garnishee is returned summoned in said manner as contemplated by this act, and shall fail or refuse to appear and discover upon oath in manner aforesaid, it shall be lawful for said justice to have said garnishee solemnly called, and if he does not appear to enter up conditional judgment against said garnishee, and upon such judgment a notice shall issue to such garnishee returnable at such time as the justice may in his discretion require, to shew cause if any he hath, why final judgment should not be entered against him, and upon said notice being duly returned and executed, if such garnishee shall fail to appear at the time required by said notice, and discover on oath in manner above prescribed the said justice shall confirm said judgment and award execution for the plaintiff's whole judgment and costs; and if upon the examination of said garnishee it shall appear to the justice there is any of the defendant's estate in the hands of any other person or persons who have not been summoned such justice shall upon application of the plaintiff or agent issue a summon to garnishee said persons to come forward and declare on oath in the same manner as other garnishees by this act are required to do and shall be subject to the same rules, regulations and restrictions as is prescribed by this act.

Land to be
condemned.

Sec. 2. *Be it enacted*, That in all cases where land may be levied upon by virtue of this act, it shall be taken to the county or circuit court for condemnation as may be most convenient, and be conducted in the same way as other sheriff sales for land.

Justice to is-
sue attach-
ment.

Sec. 3. *Be it enacted*, That when any justice of the peace shall issue an attachment against an absconding debtor, he

shall issue summons for garnishees in the same manner as is prescribed by the first section of this act, and proceed in the same way upon all sums over which he has jurisdiction, to award judgment and issue execution as is there laid down, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct. 11th, 1815.

CHAP. XXI.

An act to appoint additional trustees for Campbell academy, in the county of Wil- son.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William H. Peace, Obadiah G. Finley and Harry L. Douglass be, and they are hereby appointed additional trustees to the Campbell academy in the county of Wilson.

Sec. 2. *Be it enacted*, That the above named trustees be and they are hereby vested with the same powers and privileges, subject to the same rules, regulations and restrictions as the several trustees heretofore appointed for the said academy.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct. 24th, 1815.

CHAP. XXII.

An act to appoint additional trustees for Bradley academy in the county of Rutherford.

Trustees for
Bradley
Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Frederick Barfield, Benjamin McCulloch, William E. Butler, James Manny, William Lytle and William Dickinson be, and they are hereby appointed trustees of Bradley academy in the county of Rutherford.

Sec. 2. *Be it enacted,* That the above named additional trustees are hereby vested with all the authority, powers and privileges of the trustees originally appointed for said institution.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. XXIII.

An act for the benefit of Alexander M. Gray who was wounded on the night of the 23d of December 1814, below New Orleans, in an engagement with his Britannic Majesty's forces.

A. M. Gray
relieved.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act Alexander M. Gray shall be privileged to hawk and peddle throughout this state without paying any tax whatever, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 19th, 1815.

CHAP. XXIV.

An act to authorize the Register of the Land office of West Tennessee to issue a Grant to Burgess Harelson.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the Register of West Tennessee shall make out a grant to Burgess Harelson on his warrant of one hundred acres, No. 1207, which was transferred by mistake in the name of Benjamin Harelson: *Provided* that nothing in this act shall at all effect or destroy any interest which Benjamin Harelson may have in said warrant.

Burgess
Harelson
relieved.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 11th, 1815.

CHAP. XXV.

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 said grants with the name of Willie Blount, Esq. the governor of this state, without having been signed by him previous to his going out of office, and in order that said grants may not be prejudiced thereby:

Grants filled up in
Willie Blount's
name may be
signed by
successor.

Sec. 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 lawful for Joseph M'Minn, Esq. the present governor of this state, and he is hereby required to sign the said grants, whose signature is hereby declared to be as good and valid both in law and equity as if the same had been signed by the said Willie Blount, Esq. while in office.

Sec. 2. *Be it enacted,* That the grants which have been filled up with the name of Willie Blount, and shall be

signed by said Joseph M'Minn, shall vest the legal title in the grantees from their respective dates as they would have done if signed by said Willie Blount while in office, although said Joseph M'Minn was not governor when they bear date.

JAMES FENTRESS,

Speaker of the House of Representatives,

JOHN GASS,

Speaker of the Senate, pro-tem.

Oct. 6th, 1815.

CHAP. XXVI.

An act to establish inspections of Tobacco and other articles in the town of Pulaski and Elkton, at the mouth of Richland creek in the county of Giles.

Ware-houses
to be erected
in Pulaski &
Elkton,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any person or persons to build and erect one ware-house in the town of Pulaski, and one in the town of Elkton, at the mouth of Richland creek in the county of Giles, and other conveniences fit and necessary for the public inspection and safe-keeping of tobacco and other articles for exportation, under the same rules, regulations and restrictions as provided by an act passed October the twenty-sixth day, one thousand seven hundred and ninety-nine, for the public inspection of tobacco, and such other rules, regulations and restrictions as are prescribed by the laws now in force and use in this state.

Persons
wishing to
build to ap-
ply to the
court.

Sec. 2. *Be it enacted,* That any person or persons wishing to build or erect a ware-house at either of the places named in this act, such person or persons shall petition the county court of Giles county for an order to build and establish the same; and it shall be the duty of said court to issue an order granting such person or persons privilege to

build and erect such ware-house, having due regard to the rights of other individuals.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate

Oct. 11th, 1815.

CHAP. XXVII.

An act to authorize William McGee and others to erect ware-houses and to establish inspections of tobacco and other articles in the counties of Bedford and Rutherford.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall and may be lawful for William McGee, to erect a ware-house and other conveniences, fit and necessary for the public inspection and safe-keeping of tobacco, and other articles in the county of Bedford, on the land of the said William McGee, at or near the junction of the Barren and Garrison forks of Duck river.

Ware-houses
& inspection
at the forks
of Duck river
authorized.

Sec. 2. *Be it enacted,* That it shall and may be lawful for any person or persons to build and erect a ware-house and other conveniences fit and necessary for the inspection and safe keeping of tobacco and other articles on his, her or their own land in the town of Shelbyville, in the county of Bedford.

At Shelby
ville author-
ized.

Sec. 3. *Be it enacted,* That it shall and may be lawful for any person or persons to build and erect a ware-house and other conveniences fit and necessary for the inspection and safe keeping of tobacco and other articles, on his, her or their own land, at or near the fishing ford of Duck river, in the county of Bedford.

At the
fishing
ford author-
ized.

Sec. 4. *Be it enacted,* That each ware-house built and erected agreeable to the provisions of this act, shall be as near as is convenient to the bank of the river under the

Ware houses
to be on the
bank of the
river.

same rules, regulations and restrictions as in the eighth section of an act passed October the twenty-sixth day, one thousand seven hundred and ninety-nine, for the public inspection of tobacco, and such other rules, regulations and restrictions as are prescribed by the laws now in force and use in this state for the inspection of tobacco.

Articles to be inspected. Sec. 5. *Be it enacted*, That all hogs lard, butter, hemp, flour or kiln dried meal, hereafter to be exported from the county of Bedford, may be viewed and inspected at either of the places mentioned in this act for the inspection of tobacco, under the same rules, regulations, and restrictions as heretofore prescribed by law.

Persons wishing to build to apply to the court. Sec. 6. *Be it enacted*, That any person or persons wishing to build or erect a ware-house at Shelbyville, or the fishing ford of Duck river, agreeable to the provisions of this act, such person or persons shall petition the county court of Bedford county for an order to build or erect the same, provided that such court shall not issue an order for the building or erecting more than one ware-house at either of the above places.

Inspection in Jefferson authorized. Sec. 7. *Be it enacted*, That it shall and may be lawful to inspect tobacco, flour, hogs lard, butter, hemp, kiln dried corn meal, and other articles in the town of Jefferson, in Rutherford county, and that it shall and may be lawful for any person or persons to erect a ware-house and other conveniences fit and necessary for the inspection and safe keeping of tobacco and other articles herein before enumerated, on his, her or their land in the said town of Jefferson, as near as shall be convenient to the bank of Stone's river, such person or persons having previously petitioned and obtained an order from the county court of Rutherford to erect the same, provided that such court shall not issue an order for the erection of more than one ware-house at the above place.

Persons wishing to build to apply to court. Sec. 8. *Be it enacted*, That the inspection authorized and the ware-house erected agreeable to the seventh section of this act, shall be under the same rules, regulations and restrictions, as expressed in the eighth section of an act passed on the twenty-sixth day of October, one thousand seven hundred and ninety-nine, for the public inspection of tobacco, and such other rules, regulations and re-

strictions as are prescribed by the laws of this state for the inspection of tobacco.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Sept. 28th, 1815.

CHAP. XXVIII.

An act for the incorporation of the Dickson Library Company.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Michael Molton, Raford Crumpler, John L. M'Rea, Edward Pearsall, Daniel H. Williams, Francis S. Ellis, Abiram Caldwell, Cyprian Farrer and the rest of the share holders who have subscribed or who may hereafter subscribe to the Dickson library shall be a body politic and corporate, by the name and style of the Dickson library company, and by that name have full power to sue & be sued, implead and be impleaded, and to have and make use of a common seal. The share holders of the Dickson library or a majority thereof shall meet at the court-house, in the town of Charlotte, on the third Monday in December, 1815, or at any other time, and may adjourn from time to time, and from place to place, as to them may seem proper. The share holders at their first meeting, and on the third Monday in every year afterwards shall elect five persons of their own body as directors for said company, who shall continue in office one year, and shall take an oath or affirmation faithfully and impartially to discharge all the duties of their office, but in case the said share holders should at any time of the said periods fail to elect their directors, those last elected shall continue in office until an election shall take place; and shall on the same day elect a librarian who shall let out and receive in books and do such other things as the said directors in their regulations may think proper to make relative.

Shareholders to elect directors.

Secretary appointed and
duty.

To said office, and the said directors shall have power to appoint their own chairman and secretary, and the secretary so appointed shall keep a fair record of all orders, resolutions and proceedings of said corporation, which shall be received as evidence both for and against the said corporation in any matter of controversy wherein the said corporation may be concerned, and the said secretary shall, before he enters into the duties of his office, take an oath or affirmation, faithfully and impartially to discharge all the duties of his said office to the best of his abilities; and the said directors shall at all times have, hold, possess, and exercise all the authority vested in them by this act, or articles of association, so long as they continue in office, and have power to fill all vacancies which may happen in their own body, and to call general meetings of the share holders, by public advertisement whenever they may deem it necessary; and shall also have power to form rules and regulations for the government of said library, company, which rules, before they are adopted, shall be sanctioned by a majority of the share holders; and shall have power to make and contract for the use of the said corporation so as not to exceed their funds. And the said directors may sue or be sued, and shall have full power to recover all and any sum of money, &c. now due by any share holder under the articles of subscription to the said library, or which may hereafter become due to the said corporation, in the same manner as debts of the like amount are by law recoverable. Three of the directors of said library company shall be a quorum to proceed to business; and a majority of them shall determine any question. All estates, rights, properties, privileges, debts, and funds of every kind belonging to said library association shall be vested in and belong to the said corporation. There shall be no forfeiture to a greater amount than the share or shares of the delinquents—the amount of each share subscribed shall be five dollars and no more, to be applied solely to the purpose of purchasing a library, and keeping the same in complete repair, and for the procuring of a house and the payment of their officers, if the directors should judge it necessary, and to no other purpose whatever; and if the said directors shall make any contract or exceed their power herewith vested, their own private property shall be subject to the payment thereof.

Secretary & produce re. Sec. 2 Be it enacted, That in all controversies which may arise where the records of the secretary may be re-

quired as evidence, it shall be the duty of the said secretary to produce his records or such attested copy or copies as the case or cases may require, when legally called for, under the penalty of twenty dollars, for failing so to do, and shall have for his services such fees as the said directors shall deem right.

This act shall commence and be in force from its passage.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 11th, 1815.

CHAP. XXIX.

An act to appoint additional Trustees to Woodward academy, in Maury county.

Be it enacted by the General Assembly of the state of Tennessee, That John C. Wormley, Wm. M. Niel, and John Matthews, be, and they are hereby appointed trustees of Woodward academy, in Maury county, in addition to those heretofore appointed, with similar powers, and under similar regulations and restrictions.

Additional trustees to Woodward academy.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro tem.

Oct. 4th, 1815.

CHAP. XXX.

An act for the benefit of witnesses who were summoned on the trial of the Honorable William Cocke, before the Senate of this state.

allowances to witnesses on the trial of judge Cocke.
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all persons who were summoned as witnesses on the trial of the honorable William Cocke, before the senate of this state, shall be, and they are hereby allowed the sum of one dollar for each day they may have necessarily attended said trial, and one dollar for each and every twenty-five miles in going to and returning from the same.

witnesses to prove their attendance.
 Sec. 2. *Be it enacted;* That the said witnesses are hereby authorized and directed to prove their attendance in the said trial before any one of the circuit judges of this state, under the same rules, regulations, restrictions, and penalties, that witnesses are by law bound to prove their attendance in the circuit courts of this state, and a certified copy of the said probate from under the hand of said judge, taking the same with the respective sums specified therein, shall be a sufficient voucher for the treasurer of East Tennessee to pay the same—Provided, That nothing herein shall be so construed as to entitle any member or clerk of either house of the legislature of this state in session at the time of said trial, to pay for his or their attendance therein.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 11th, 1815.

CHAP. XXXI.

An act to provide for the election of electors of President and Vice President.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That this state shall be divided into eight electoral districts, for the purpose of electing electors of president and vice-president of the United States. *into eight electoral districts.*

Sec. 2. Be it enacted, That the districts shall be composed of the same counties as is pointed out by an act of the General Assembly, begun and held at Nashville, on Monday the seventeenth day of September eighteen hundred and twelve, and each district shall elect one elector. *bonade same as before pointed out.*

Sec. 3. Be it enacted, That the election for the said electors shall be and take place on the first Thursday in November, eighteen hundred and sixteen, and the succeeding day, in each and every county in this state, and shall be held at the same places in each & every county where by law elections are held in the same for members for the General Assembly, and shall be conducted under the same rules, regulations and restrictions as is pointed out by the above recited act. *when election to take place.*

Sec. 4. Be it enacted, That each of the electors, who may be elected by virtue of this act, shall convene on the first Wednesday of December eighteen hundred and sixteen, at the then seat of government, for the purpose of voting for president and vice-president of the United States, and shall after giving their votes, seal up and transmit the same agreeably to act of Congress. *duty of electors.*

Sec. 5. Be it enacted; That the said electors shall receive as compensation for their services, the sum of two dollars & fifty cents for each twenty-five miles they may necessarily travel in going to and returning from the said seat of government, and also the sum of two dollars and fifty cents each for each day they may necessarily be engaged in and about delivering their votes so as aforesaid, which said sums of money shall be paid to the said electors by either of the Treasurers of this state, out of any monies *allowance to directors as compensation.*

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not otherwise appropriated, by virtue of a draft or drafts to be drawn by the governor in favor of said electors.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct 11th, 1815.

CHAP. XXXII.

An act making an appropriation to Willie Blount, late governor, & William G. Blount secretary of state.

Office rent allowed the governor.
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Willie Blount, late governor, be allowed the sum of one hundred and ninety-three dollars, thirty-three and one third cents for office rent from the first day of May, in the year 1813, until the twenty-seventh day of September in the year 1815.

Same to the Secretary.
Sec. 2. *Be it enacted,* That W. G. Blount, secretary of state, be allowed the sum of one hundred and sixty dollars for office rent from the first day of September, in the year 1813 until the first day of September in the year 1815.

Receipt of either good.
Sec. 3. *Be it enacted,* That the receipt of the said Willie Blount or William G. Blount shall be good vouchers to either of the Treasurers of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. XXXIII.

An act for the relief of those who have failed to return their plats and certificates for lands south of French Broad and Holston within the time limited by law.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the further time of two years from and after the passage of this act, be allowed for those persons who have failed to return their plats and certificates on their occupant claims south of French Broad and Holston as aforesaid, and it shall and may be lawful for them to return their plats and certificates to the Register's office, at any time previous to the expiration of said term of two years hereafter, and shall be as good and valid as if they had been returned within the time heretofore prescribed by law, any law to the contrary notwithstanding.

Further time allowed for registering plats & certificates.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. XXXIV.

An act to amend an act entitled an act to provide for clearing out Harpeth &c. passed Nov. 17th, 1813, and for other purposes.

Sec. 1. *Be it enacted, by the General Assembly of the state of Tennessee,* That the Harpeth navigation company being a body politic and corporate by that name and stile they are hereby made capable in law to have, purchase, receive, enjoy and retain, to themselves and their successors, lands, rents, hereditaments, goods, chattles and effects to any amount not to exceed fifty thousand dollars, including their capital stock, and the same to sell, grant, demise

Harpeth navigation company incorporated.

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alien or dispose of, to sue & be sued, plead & be impleaded answer and be answered, defend and be defended, in all the courts of law and equity in this State, and also to ordain, establish and put into execution such bye-laws, ordinances and regulations as shall from time to time seem necessary for the government of said company, not contrary to the laws or constitution of this State or the United States.

Five directors to be appointed.

Sec. 2. *Be it enacted*, That a general meeting of the Stockholders shall be held on the second Monday in June annually at which meeting there shall be elected five directors, for the purpose of conducting the affairs of said company, who shall serve one year from the date of their election, and until their successors in office shall be appointed, unless sooner removed by the voice of two thirds of the members or the holders of two thirds of the stock of said company, they shall immediately elect from their own body a president who shall be principal agent under their direction and control for conducting the affairs of the company, and shall receive for his services such compensation as the directors may deem adequate to his services.

To sell 300 additional shares.

Sec. 3. *Be it enacted*, That the said directors be and they are hereby authorized to sell any additional number of shares not to exceed three hundred, which they may think sufficient to complete the clearing out and rendering navigable said river Harpeth, and the subscribers for such additional shares, shall within ten days after subscribing pay to the treasurer of said company, the same amount on each share, that shall have been previously paid by the present stockholders, and shall thereafter be subject to the same rules, regulations and restrictions, and entitled to the same privileges, emoluments and profits with the present stockholders.

Directors to call in instalments.

Sec. 4. *Be it enacted*, That the said directors shall call in instalments at such times and in such proportions as they may deem necessary to effect the objects specified in the act which this intended to amend, and embrace the interest of said corporation, they giving thirty days previous notice by advertisement at the court house in the town of Franklin, and at least three of the other most public places in said town; and on failure or non-payment of the quota demanded, on or before the day specified in such notification, and it shall be optional with said directors to collect

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by warrant or any other summary process, the delinquent quota or quotas with all costs, or the delinquent share of shares shall become forfeited to the use of the company, with the instalments or quotas paid thereon, the forfeiture, to be suspended in case of the death of the stockholders at the discretion of the directors. Provided, such suspension does not exceed six months. The shares so forfeited may be redeemed within sixty days after such forfeiture, by the payment of the quota for which the forfeiture shall have been made, with six per cent. premium thereon.

Sec. 5. *Be it enacted*, That any three of the directors including the president, shall constitute a board, and shall have full power to manage all the concerns of the company in such manner as shall appear most conducive to its interest, and they shall report at each annual meeting of the company, all their transactions of the preceding year, relative to the business thereof. Each director shall be a stock holder, and when he ceases to be a stock holder, shall no longer exercise the powers of director. Vacancies in their board shall be immediately filled by the remaining directors until the succeeding annual meeting.

Three directors to constitute a board.

Sec. 6. *Be it enacted*, That the said directors shall elect one of their own body, or any other stock holder, treasurer, who shall serve one year from the date of his election, and until another election is made, he shall keep the books of the company, which shall exhibit a fair and correct statement of its receipts and expenditures; he shall collect of the stock holders the instalments which the directors may order at the periods prescribed, and transact all other business of that office. Before he commences the duties of his office he shall enter into bond with sufficient security, in such sum as the board of directors may require, conditioned for the faithful discharge of the duties thereof, which bond may be put in suit by the president and directors for any misconduct in the discharge of those duties.

Vacancies how filled.

Treasurer his duties.

To give bond.

Sec. 7. *Be it enacted*, That all the books, papers, correspondence and funds of this company shall be subject to the inspection of the stock-holders, at their general meetings, and with any other property belonging to said company, shall be delivered to the directors, the day after they are elected.

Stockholders may inspect the affairs of the company.

No transfers
of shares,
but no au-
thorised.

Sec. 8. Be it enacted, That no transfer shall be made of any share except upon the books of said company, in conformity to such regulations as the board of directors may establish for that purpose, and no share shall be transferred by any stock holder, who is indebted to the company, until such debt be paid, and any share or shares belonging to any stock holder shall be always liable for the payment of any debt that may be due by such stock holder, and may be sold by the directors in such manner and under such regulations as they may establish. Any person who, not inconsistent with the provisions of this act, shall accept a transfer of any stock, shall be thereafter a member of this company.

Contracts to
be signed by
president &
treasurer.

Sec. 9. Be it enacted, That all contracts and engagements entered into by the board of directors shall be signed by the president and countersigned by the treasurer, and in all contracts and engagements thus entered into it shall be expressly understood that the capital stock of said company alone be liable for the payment, and in no instance shall individual property be liable for them.

General mee-
ting how
called.

Sec. 10. Be it enacted, That a majority of the members or any number of stock holders holding more than one half of the capital stock shall constitute a general meeting, and any number of stock holders possessing shares to the amount of one third of the capital stock, or a majority of the directors, may at any time call a general meeting, by advertisement, specifying the object of the same.

To cut canals
round dams
without pay-
ing damage.

Sec. 11. Be it enacted, That wheresoever it shall be necessary in order to effect the safe passage around any of the mill dams already erected, of all such boats and other craft as can pass in other parts of said river, and also to improve the navigation in other places, the directors of said company are hereby authorized to pass canals through the most suitable ground, and erect locks with gates in the most suitable places for that purpose; and neither said directors or company shall be subject to any damage or costs for the establishment or use of such works.

Obstructions
thrown in to
be paid for.

Sec. 12. Be it enacted, That when said works shall be accomplished, any person filling up or creating, or procuring to be created any obstruction in said locks or canals, or in any other way injuring or causing to be injured, any of them, shall pay the said company double the amount which removing such obstruction or repairing such damages may cost, to be recovered with all costs in any court in this state having competent jurisdiction thereof.

Sec. 13. Be it enacted, That the president and directors are hereby authorized to elect or appoint all such officers, servants as the interest of said company may require, and all such officers when appointed shall give sufficient security, conditioned for the faithful performance of the duties enjoined upon them, and the toll collector or collectors shall receive from the owner or commander of any boat or other craft, the sum determined on by said directors, not exceeding the rates prescribed in the sixth section of the act which this is intended to amend, and any sum not exceeding forty cents per ton on the capacity of any empty boat or other craft descending or ascending, and a reasonable toll on all rafts of timber, plank, or scantling, descending from above any of the mills on said river, all of which money under the direction of the president and directors, he shall pay over to the treasurer, for which services he shall be allowed a reasonable compensation by the board.

Appoint-
ment of offi-
cers and ser-
vants authori-
zed.

Sec. 14. Be it enacted, That a dividend shall be made in the month of June annually, of so much of the net profits on said company's capital stock, as may be deemed consistent with its interest, to be determined by a majority of the directors convened for that purpose.

Dividend of
profits to be
made annu-
ally.

Sec. 15. Be it enacted, That the owners of all mills on said river shall keep their dams in good repair, and about their present height, or they shall be considered public nuisances, and said company shall be authorized to remove any one which shall not be kept up in conformity to the provisions herein prescribed; provided nothing herein contained, shall be so construed as to prevent the owner of such dam from having a reasonable time to repair any damages occasioned by floods or other unavoidable casualties.

Owners of
dams to keep
them in re-
pair.

Sec. 16. Be it enacted, That all suits in which the company may be interested, shall be instituted and defended in the name of the president and directors of the Harpeth navigation company.

Suits to be in
name of pre-
sident and
directors.

Sec. 17. Be it enacted, That any person hereafter felling or causing to be felled, any tree, so that any part thereof fall below the top of the bank of any river or other stream, declared navigable by any existing law of this state, or creating or procuring to be created, any other obstruction in such river or other stream, below the highest point to which it is declared navigable, the person so

Persons fell-
ing trees in
any river to
be fined.

trespassing shall immediately cut away or remove such tree or other obstruction under the penalty of five dollars for every forty-eight hours such tree or other obstruction shall remain, to be recovered by warrant before any justice of the peace in the county where such trespass may be committed, to be applied where any company has been incorporated for the use of such company, and where no company exists, one half for the informer and the other to be paid to the clerk of the county court in which such trespass shall have been committed, for the use of the state.

Sec. 18. *Be it enacted*, That this act shall be in full force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 21st, 1815.

CHAP. XXXV.

An act to repeal that part of the twelfth section of an act of the general assembly, passed at Knoxville November 20th, 1811, entitled "an act to establish a bank, and incorporate the subscribers thereto," which prohibits said corporation from issuing notes or bills obligatory for a sum less than five dollars.

Bank authorized to issue notes not under 1 dollar.

Be it enacted by the General Assembly of the State of Tennessee, That that part of the 12th section of said act which is in the following words- to wit, "the notes or bills obligatory, which it shall be lawful for the said corporation to issue, shall not be for a less sum than five dollars." be and the same is hereby repealed: *Provided nevertheless*, That it shall not be lawful for said corporation

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to issue any note or bill obligatory for a less sum than one dollar.

JAMES FENTRESS,

Speaker of the House of Representatives,

JOHN GASS,

Speaker of the Senate pro tempore.

Oct. 3d, 1815.

CHAP. XXXVI.

An act for the relief of such officers and other persons as did proceed to press arms during the late war.

WHEREAS it has been represented to this General Assembly that a number of officers and other persons did proceed to press arms, under the directions of their superior officers, and that a number of said arms were never returned, for remedy whereof:

Preamble

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for any officer or other person, that may have proceeded heretofore to press arms for the purpose described in the preamble of this act, to make out a fair account of all such arms as may have been pressed by him, and produce the same to the Colonel of the Regiment to which he belongs, whose duty it shall be immediately on the receipt of such account, to cause the person to go before some justice of the peace and take the following oath: I A. B. do solemnly swear or affirm as the case may be, that the above account is just and fair and that none of the arms set forth in this account have been returned to me nor do I know that they have been returned to the owner either directly or indirectly, that I did not sell nor cause to be sold any of the arms aforesaid, to the best of my knowledge or belief, *so help me God*. And that the owner of said gun or guns shall take the following oath, to wit: I A. B. do solemnly swear or affirm as the case may be, that I have never received said gun or guns nor any compensation therefor, either directly or indirectly nor do I know of any person

Persons whose guns were pressed relieved.

from whom I can get said gun or guns or pay therefor, unless from the person who pressed the same, or the officer ordering it to be done, *so help me God.*

Account to be transmitted to governor.

Sec. 2. *Be it enacted,* That as soon as the aforesaid account is fairly made out and the aforesaid oath annexed thereto, that it shall be the duty of the Col. to transmit the same to the Governor within nine months after the passage of this act.

If the United States refuse to pay for the same governor to order it to be done.

Sec. 3. *Be it enacted,* That if the general government fail or refuse within the time of two years from and after the passage of this act, to make provision to pay for said arms, then & in that case it shall be lawful for the Governor to draw from either of the Treasurers of this State the full amount of all such accounts, and pay the same to the persons claiming right to such account, or to any person having proper authority to collect the same, provided that no public or U. States' musket which may have fallen into the hands of any person or persons and been pressed from him or them into the said service and lost or retained shall be paid or allowed for, and provided also that such person applying shall make it appear to the said Colonel of the Regiment, by oath or otherwise, that such gun was not a U. States or public musket, which fact so made appear, shall be certified likewise by such Colonel to the Governor.

Proceedings against officers suspended.

Sec. 4. *Be it enacted,* That all proceedings shall be stopped against officers or others who have legally pressed guns until the expiration of the time named in the last section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 13th, 1815.

CHAP. XXXVII.

An act defining what time executions may issue against executors or administrators.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passing of this act it shall not be lawful for Execution to issue against Executors or administrators until twelve months after the qualification of such executor or administrator, unless judgment is obtained previous to the death of the deceased, any law, usage or custom to the contrary notwithstanding.

Execution in certain cases suspended.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro-tem.

Oct. 6th, 1815.

CHAP. XXXVIII.

An act to authorize the drawing of a lottery for the purpose of building a court House in the County of Stewart and in the town of Dover, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Robert Cooper, John Allen, James Teggart, John Chambers, Thomas Gray, Robert Walker, & James H. Russell, or a majority of them be and they are hereby appointed commissioners, and are fully authorized to draft and publish a scheme of a lottery, on such plan as to them shall seem proper, in one, two, three, or four, classes, for the purpose of raising a sum of money, not exceeding four thousand dollars, for the purpose of building a Court House in the town of Dover, and other purposes.

Lottery to build a court house in Dover.

Sec. 2. *Be it enacted,* That said commissioners before publishing said scheme, shall in the County Court of said

Commissioners to give bond.

county, enter into bond of double the amount of the capital of said scheme, to the chairman of said court, and his successor in office, conditioned for the faithfully delivering of the prizes when drawn, and the punctual payment of the money arising from said lottery, when drawn to the commissioners, that may be appointed hereafter to contract for the building of said Court House, in the town of Dover, or in case of failure to draw said lottery, to refund to such person or persons, the sum or sums of money by them paid, for tickets, and said bond, when executed shall be filed in the office of the clerk of said county.

To give notice before drawing commences

Sec. 3. *Be it enacted*, That when said commissioners shall have sold such portion of the tickets, as shall in their opinion, authorize the drawing of said lottery, or any part thereof, they shall proceed to the same, under the same rules and restrictions as they may have made known, in their scheme, giving notice at the Court House and at the place of holding company musters in each captain's company in said county, and in some circulating newspaper in Nashville, and Clarksville, at least thirty days previous to the time of drawing said lottery, setting forth the time and place the drawing will commence.

To take bond when tickets sold on a credit.

Sec. 4. *Be it enacted*, That said commissioners shall be authorized to take bond and security to themselves from such persons as they may sell tickets to, or deposit tickets with for sale, and in case of failure to comply with said bond, it shall be their duty to sue for, and recover the same in their own name as commissioners of said lottery.

Tickets and prizes to be put in box.

Sec. 5. *Be it enacted*, That said commissioners, or a majority of them when about to proceed to the drawing of said lottery, shall in the presence and under the inspection of three or more of the commissioners appointed to contract, and superintend the building of said Court House, and some justice of the peace of Stewart county, see them put into the box the number of prizes and blanks contemplated in said scheme, and shall appoint a clerk to keep a regular account of the numbers drawn, and the blanks and prizes, who shall take an oath, faithfully, truly, and impartially, to keep a true account of the drawing of said lottery.

Commissioners may purchase tickets

Sec. 6. *Be it enacted*, That said commissioners of the lottery may become purchasers of tickets in said lottery, provided they shall satisfy the aforesaid commissioners of

of the town of Dover, by their purchase that they are fair and just.

Money raised to be paid over

Sec. 7. *Be it enacted*, That all monies raised by the drawing of said lottery be punctually paid over to the said commissioners of Dover, whose duty it shall be to allow the commissioners and clerk of said lottery a reasonable compensation for their attendance and service in and about the management of said lottery.

When money received the court house may be let.

Sec. 8. *Be it enacted*, That it shall be the duty of the aforesaid commissioners of said town of Dover, upon receiving of said money, or any part thereof, a sum sufficient to build said court-house, shall proceed to let the said court-house to the lowest bidder, giving at least thirty days notice of the time and place of letting said court-house, stating the plan of the court-house.

Election of commissioners.

Sec. 9. *Be it enacted*, That on the first Monday in March next, an election shall be held in the county of Stewart, at the several places of holding elections in said county, by the sheriff or his deputy or coroner of said county, under the same rules and regulations as elections are held, for the purpose of electing members of the general assembly, for the purpose of electing five persons who shall be freeholders and residents of said county, as commissioners, shall have full power and authority to contract for and superintend the erecting and contracting of the building of the court-house in said town of Dover, and appropriate the money arising from said lottery in the payment of the same, and to no other purposes whatever.

Commissioners elected, shall before they receive any money arising from said lottery, give bond and security to be approved of by said court, to the chairman of said court, and his successors in office, in the sum of four thousand dollars, conditioned that they will well and faithfully discharge the trust reposed in them as commissioners, and fully account for all monies which may at any time come into their hands by virtue of said lottery, and of their appointment as commissioners aforesaid, and it shall be their duty to settle with the court whenever the said court, or such person or persons as the said court may appoint when called on for that purpose. *Provided*, said commissioners be not called on for settlement oftener than once in each year.

Sec. 10. *Be it enacted*, That said commissioners when elected, shall before they receive any money arising from said lottery, give bond and security to be approved of by said court, to the chairman of said court, and his successors in office, in the sum of four thousand dollars, conditioned that they will well and faithfully discharge the trust reposed in them as commissioners, and fully account for all monies which may at any time come into their hands by virtue of said lottery, and of their appointment as commissioners aforesaid, and it shall be their duty to settle with the court whenever the said court, or such person or persons as the said court may appoint when called on for that purpose. *Provided*, said commissioners be not called on for settlement oftener than once in each year.

Compensation to commissioners

Sec. 11. *Be it enacted*, That said court be, and they are hereby authorized to order such sum or sums of money to

be paid out of the county treasury, to each of the said commissioners as they may deem an adequate compensation for his or their services, in the performance of the duties enjoined on them by this act.

Act to take effect. Sec. 12. *Be it enacted*, That this act shall take effect and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. XXXIX.

An act to amend the laws heretofore passed for the better regulation of the towns of Fayetteville and Shelbyville.

Commis- sioners for Fayetteville appointed. *Be it enacted by the General Assembly of the State of Tennessee*, That John Asher, James Bright, Robert Dickson, William B. Higgins, and Francis Porterfield, shall be and they are hereby appointed commissioners for the town of Fayetteville, from and after the first day of January next, and shall possess the same powers that the commissioners possessed who were appointed agreeably to the provisions of the above recited acts, and shall for every purpose be considered as their successors.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Sept. 25th, 1815.

CHAP. XL.

An act authorizing judgment to be taken against constables in certain cases, and for other purposes.

Be it enacted by the General assembly of the state of Tennessee, That when a constable shall collect any money or monies, by virtue of his office, after a note is put into his hands, without serving a warrant or other process, then & in that case his securities shall be liable for the said money or monies, in as complete and ample a manner, as if judgment had been entered up, by any justice of the peace within the county, and said money or monies, may be collected off his securities in the same manner as prescribed when judgment has been recovered, and execution put into his hands, and the said constable, or his securities, shall be liable for twelve and one half per cent on the sum so detained. Constable bound for money collected without process.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 9th, 1815.

CHAP. XLI.

An act for further adjudication of land claims.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passing of this act, there shall be one commissioner in East Tennessee, and one in West Tennessee who shall be appointed by joint ballot of both houses of this General Assembly, for the purpose of judging, and ascertaining the validity of warrants and other legal evidences of unsatisfied claims to lands within this state. Two commissioners of the land office to be appointed.

Sec. 2. *Be it enacted*, That said commissioners, when appointed in the manner prescribed by this act, shall possess the same power as former ones. To have same power as former ones.

shall use and occupy the same powers, benefits and emoluments that were possessed, used and occupied by the commissioners of the land offices in this state, on the seventeenth day of November, one thousand eight hundred and thirteen.

Take ef. Sec. 3. *Be it enacted*, That this act shall commence and be in force from and after the passage thereof, and until the first day of January, one thousand eight hundred and eighteen.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct 13th, 1815.

CHAP. XLII.

An act for the benefit of Harrison Posey, who lost one of his arms in the late war at Canada.

Harrison Posey relieved.

Be it enacted by the General Assembly of the state of Tennessee, That Harrison Posey, of Claiborne county, shall be authorized to hawk and peddle throughout East Tennessee without paying any tax whatever, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct. 25th, 1815.

CHAP. XLIII.

An act appointing additional commissioners for the town of Morganton, in the county of Blount.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Robert Wear, Joseph Lambart, William Greenway and Alexander M'Colum be appointed commissioners to act with the acting commissioners for the town of Morganton, in the county of Blount, and that they be vested with the same powers as those heretofore appointed. Commissioners for Morganton.

Sec. 2. *Be it enacted*, That five of the acting commissioners shall form a quorum to do business, and any three of them shall have power to appoint a suitable person or persons to fill all vacancies that may happen by death, removal, resignation or refusal to act, as the case may be.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate,

Oct. 25th, 1815.

CHAP. XLIV.

An act to establish inspections in the counties of Maury, Hickman, Humphreys, Lincoln, Williamson, Montgomery and Giles.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That public inspections for the inspection of tobacco, hemp, flour, lard, butter and other articles, intended for exportation, shall be established, and it shall be lawful to erect and establish ware-houses and other conveniences fit and necessary for the reception and safe-keeping of tobacco, and such other articles as may be intended for exportation at the places hereafter specified, viz: In Lincoln at Fayetteville, in Maury at Columbia, twat Wil-

Several inspections established.

liams' ferry, one on the north, the other on the south side of the river; in Hickman's or near the mouth of Lick creek, and at Joseph Ship's in Ship's bend; in Humphreys at Reynoldsburg, in Williamson at Franklin, in Montgomery at Smith's ferry on the north side of red river, and one at the upper Elkton, on Elk river in the county of Giles, all of which establishments shall be subject to the same rules, regulations and restrictions, specified in an act passed the 23d October, 1799, and other subsequent acts establishing tobacco inspections in this state.

Inspectors now appointed.
 Sec. 2. *Be it enacted*, That inspectors shall be appointed for each of the aforesaid inspections, the appointments to be made in the same way, and inspectors when appointed to be subject to the same rules, regulations, restrictions and penalties, and entitled to the same privileges, fees and emoluments as other inspectors in other parts of this state are by law entitled to receive for similar services. The bond to be given by each of the inspectors shall be for safe keeping, deposited with the clerk of the county or circuit courts of the county in which said inspectors reside, any provisions in the fourth section of the act of the 23d October 1799, to the contrary notwithstanding.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 25, 1815.

CHAP. XLV.

An act for the relief of the printer to the State.

For the relief of the public printer.
 WHEREAS it has been made appear to this General Assembly that Thomas G. Bradford, had been required by the legislature of this State at their last session to print the Journals of the Senate and house of Representatives, and that said Bradford in conformity with said requisition

had nearly completed the same, which was destroyed by fire before they were delivered; therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of West Tennessee be and he is hereby authorized and required to pay the said Thomas G. Bradford the sum of five hundred dollars as a compensation for the materials and printing performed by the said Bradford as aforesaid, as a full compensation for the same, whose receipt shall be a sufficient voucher with the said treasurer in the settlement of his account with the State.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 26th, 1815.

CHAP. XLVI.

An act for the benefit of the members of the court-martial and the witnesses attending the same, convened at Nashville on the first Monday in September 1814, by order of the governor of this state, for the trial of Maj. Gen. John Cocke.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the members of the court martial, and to wit: the witnesses attending the same, who were summoned and attended on the trial of major general John Cocke, convened at Nashville, by order of the governor of this state, on the first Monday in September, one thousand eight hundred and fourteen, shall be, and they are hereby allowed the sum of one dollar for each day they may have necessarily attended said trial, and one dollar for every twenty-five miles in going to and returning from the same.

Sec. 2. *Be it enacted*, That the said members and witnesses are hereby authorized and directed to prove their attendance. *To prove their attendance.*

attendance on said trial, before any one of the circuit judges of this state, under the same rules, regulations, restrictions and penalties that witnesses are by law bound to prove their attendance in the circuit courts of this state, and a certified copy of the said probate from under the hand of the judge, taking the same with the respective sums specified therein, shall be a sufficient voucher for either of the Treasurers of this state to pay the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. XLVII.

An act compelling ministers of the Gospel and justices of the peace to return marriage licences to the clerks of the county court.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That where any minister of the Gospel or justice of the peace in this state, shall solemnize the rites of matrimony, it shall be the duty of said minister of the Gospel, or justice of the peace to endorse on the back of said licence, the time of said marriage, and sign his name thereto, and return said licence to the clerk of the county court, within six months thereafter, whose duty it shall be to file said licence in his office, which said licence and certificate shall be considered as competent evidence of the said marriage; any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 10th, 1815.

CHAP. XLVIII.

An act compelling the Treasurers or Trustees for the counties of Greene and Rutherford to keep their respective offices in the towns of Greeneville and Murfreesborough, and other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of January next, the Treasurers or Trustees for the counties of Greene and Rutherford, shall keep their respective offices in the towns of Greeneville and Murfreesborough, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That the Treasurers or trustees of the counties of Bedford and Carter, shall keep their offices in the towns of Shelbyville and Elizabethton, after the first day of January as aforesaid; provided that nothing herein contained shall be so construed, as to compel any of said Treasurers or Trustees heretofore appointed, to remove their offices until the expiration of the time for which they may have been appointed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 18th, 1815.

CHAP. XLIX.

An act to provide for the education of the orphans of those persons who have died in the service of their country.

Sec. 1. *Be it enacted by the General assembly of the state of Tennessee,* That it shall be the duty of each county court in this state, at each and every court after the first day of

Tax to school poor children whose fathers died in the war.

January, eighteen hundred and sixteen, to lay such a tax upon all taxable property in their county, as shall be sufficient to educate and school those poor orphans who have no property to support & educate them, and whose fathers were killed or have died in the service of their country in the late war. *Provided*, That said tax shall not exceed twelve and one half cents on each hundred acres of land, six and one fourth cents on each free poll, twelve and one half cents on each black poll, twelve and one half cents on each town lot, one dollar on each retail store, fifty cents on each pedlar and kawker, and twelve and one half cents on each stud horse kept for the season of mares. *Provided also*, That said tax be collected and accounted for as other county monies are.

Sec. 2. *Be it enacted*, That whenever it shall appear to the satisfaction of the county court, that there are orphan children in their county in the above described situation, it shall be their duty either by themselves or suitable commissioners by them appointed, to make such a contract with any person or persons they may think best calculated for that purpose, to board and educate such children as far as to attain the art of reading, writing, and also the arithmetic as far as the rule of three.

Sec. 3. *Be it enacted*, That this act shall take effect from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 9th, 1815.

CHAP. L.

An act to appoint additional Trustees for Transmontania academy in the county of Sumner.

Trustees to Academy. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That George Crocket, William Hall, William White, John H. Bowen, Samuel K. Blythe, and

A. B. Shelby be and they are hereby appointed additional trustees for Transmontania Academy, under the same rules, regulations and restrictions of those heretofore appointed.

JAMES FENTRESS,

Speaker of the House of Representatives

JOHN GASS,

Speaker of the Senate, pro-tem.

Oct. 4th, 1815.

CHAP. LI.

An act to establish an office in the county of Greene, and town of Greeneville, for the purpose of receiving and keeping all the returns of the proceedings of Justices of the Peace, who may resign, or otherwise vacate their appointment.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander Brown is hereby appointed to receive all the papers of any Justice of the Peace, who has or may resign, or otherwise vacate his appointment, in the county of Greene, who shall keep his office in the town of Greeneville. An office received, in Greenecounty.

Sec. 2. *Be it enacted*, That the county Court of Greene county, when in session, shall elect some fit and proper person to fill any vacancy, that may hereafter happen in said office. Vacancies in county, when in session, shall elect some fit and proper person to fill any vacancy, that may hereafter happen in said office.

Sec. 3. *Be it enacted*, That the person so appointed shall take an oath, well and truly to keep his office, and give true transcripts from the original papers when required; which transcript shall be good evidence before any tribunal having cognizance thereof. Incumbent to take an oath.

Sec. 4. *Be it enacted*, That said officer shall be entitled to the following fees, for each search ten cents; for granting execution, twelve and a half cents; for granting a com- Fees thereof.

plete transcript of all the proceedings in one suit, twenty five cents.

Laws repealed.
 Sec. 5. *Be it enacted*, That all laws and parts of laws, which makes it the duty of Clerks of the county Courts to receive the papers of Justices of Peace, so far as it respects Greene county is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 11th, 1815.

CHAP. LII.

An act to authorize John Miller of Hawkins county to build a grist-mill on his own lands on Beach creek.

John Miller, to build a mill.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That John Miller of the county of Hawkins is hereby authorized to build a grist-mill in said county of Hawkins on Beach creek on his own land, and which mill when built, shall be under the same rules regulations and restrictions that other public mills are under by the laws of this state.

To pay damages if any.

Sec. 2. *Be it enacted*, That nothing contained in this act shall be so construed as to prevent the said John Miller from paying any damages that may be sustained by any person or persons whatsoever from his building a dam & overflowing the water on the lands of any person, which damages shall be awarded as by the laws of this state in similar cases made and provided.

JAMES FENTRESS,

Speaker of the House of Representatives,

JOHN GASS,

Speaker of the senate, pro-tem.

Oct. 4th, 1815.

CHAP. LIII.

An act to authorize justices of the peace to give judgment in certain cases.

Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, it shall and may be lawful for any justice of the peace, where suit may be brought before him, and the defendant shall plead a set off, and on a fair examination of their accounts it should appear to said justice that there is a balance due in favor of the defendant, then and in that case it shall be lawful for him to enter up judgment against said plaintiff for the sum that may appear due to said defendant.

Justices to give judgments to defendants in certain cases.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP. LIV.

An act to authorize a separate election in the county of Stewart.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the sheriff of Stewart county, by himself or deputy, or by the coroner of said county, on the constitutional days for holding elections, to open and hold a separate election at the house formerly occupied by Nathan Ross, near the mouth of the Saline creek, on the north side of Cumberland river, in Stewart county, for the purpose of electing a governor, members of congress, electors to elect a president, vice-president and to elect members to the state legislature, and field officers for said county; which said elections shall be held under the same rules, regulations and restrictions as similar elections in this state.

Separate election in Stewart county.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any person living in Stewart county, who is consti-

Voters may vote at either place.

Conally authorized to vote at such elections, to give in his vote at the court-house in Dover, or at the place of holding said separate election, as may best suit his convenience.

Returns how made.

Sec. 3. *Be it enacted*, That at the close of said separate election, it shall be the duty of the judges and returning officer to count out said votes, and on the succeeding day make a return to the sheriff of Stewart county, in the town of Dover, of the number of votes received at said separate place of holding election, and the number of votes each candidate has received, which return shall be considered and received as part of the election of Stewart county, and the judges of said election, or the judges at Dover and the judges at Roslin, as the case may be, shall have power to swear each voter, that he has not voted at neither of the places of election in said county, than that at which he is about to vote, and if such voter shall refuse to swear, being thus requested, it shall be sufficient to preclude him from a vote at such election.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Sept 28th, 1815.

CHAP. LV.

An act for the adjournment of certain courts holden in Nashville.

Certain courts to be held at or of court-houses

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the judge authorized to hold the circuit court for Davidson county in the fourth judicial circuit, at November term eighteen hundred and fifteen thereof, shall be and he is hereby empowered to adjourn said court from the court house in the town of Nashville to any other house in said town, and hold said November term of said court at the house to which he may adjourn. And that the Justices of the court of pleas and quarter sessions for said county of Davidson shall be & they are hereby empowered to adjourn said court on the first day of the Oct. term eighteen hundred and fifteen thereof from the court-house in said town of Nashville, to any other house in

said town, and to hold said October term of said court at the house to which they may so adjourn.

Sec. 2. *Be it enacted*, That all writs, process and proceedings whatsoever, which have been or shall be made returnable to said November term of said circuit court shall be returned to said court, at the house to which it may be adjourned, and all writs, process and proceedings whatsoever, which have been or shall be made returnable to said October term of said court of pleas and quarter sessions, shall be returned to said court at the house to which it may be so adjourned, and all such returns shall be good and effectual.

process sent turned go on

Sec. 3. *Be it enacted*, That all verdicts, judgments, and other proceedings of said courts that may be rendered, given or had at the house to which said courts may be respectively adjourned, shall be as valid and effectual as they would have been if rendered, given or had, at said court-house, had this act never been passed.

Verdicts declared valid.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Sept. 28th, 1815.

CHAP. LVI.

An act for the relief of Andrew Goldey.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Andrew Goldey shall be and is hereby released from a forfeiture taken against him in the county court of Grainger, for his non attendance as a witness in a suit, the State against Joshua Hukey, which suit was commenced for an assault and battery, any law to the contrary notwithstanding.

Andrew Goldey released.

Sec. 2. *Be it enacted*, That nothing herein contained shall be construed so as to enable the said Andrew Goldey, to recover back any money which has been heretofore collected on said judgment by the Sheriff of Hawkins county.

Not to add cover fine ready paid

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

To pay costs Sec. 4. *Be it enacted*, That nothing herein contained shall be so construed to exonerate said Andrew Goldey from the payment of the costs of said forfeiture, if the same is not already paid.

Sec. 5. *Be it enacted*, That the said Andrew Goldey shall be entitled to a credit for any monies he may have paid as part or whole of the cost against him.

JAMES FENTRESS,

Speaker of the House of Representatives

JOHN GASS,

Speaker of the Senate pro. tem.

Oct. 4th, 1815.

CHAP. LVII.

An act for the relief of John P. Hickman.

Preamble. WHEREAS it has been made appear to this General Assembly that by mistake a grant No. 2373, for 640 acres of land, had been issued by the State of North Carolina, or a warrant numbered 2422 to John Mar Hickman assignee of Michael Phillips instead of John P. Hickman, assignee of Michael Phillips, who in fact was the owner of the warrant on which said grant was founded; and it also appearing to the General Assembly that the land described in said grant cannot be identified for remedy whereof:

Warrant to John P. Hickman. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the commissioner of West Tennessee be and he is hereby authorized and required to issue to the said John P. Hickman a duplicate warrant, for six hundred and forty acres of land, provided it shall appear to said commissioners that no other grant has issued on the same warrant.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD

Speaker of the Senate

Oct. 17 1815.

CHAP. LVIII.

An act to give the county courts equity jurisdiction in sums under fifty dollars.

Whereas there is no tribunal heretofore established which has equity or chancery jurisdiction under fifty dollars; and to prevent a defect of justice.

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January next, the court of pleas and quarter sessions in this state shall have chancery jurisdiction of all sums under fifty dollars, in the same manner and under the same rules, regulations, and restrictions as is had and exercised in the circuit courts in this state.

Chancery jurisdiction to county courts

Sec. 2. *Be it enacted*, That if either party is dissatisfied with the judgment or decree of said court, he, or they shall have a right of an appeal to the circuit court by giving bond and security as in other cases, and the clerk of the county court is hereby authorized and required to act as a clerk and master in chancery, in the same manner and receive the same fees as clerks and masters do in the circuit courts.

Appeal allowed

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 26th, 1815.

CHAP. LIX.

An act for the relief of witnesses.

Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, where any witness is duly notified to give evidence in any

Witnesses to prove allowance in every suit.

suit depending in any court in this state, said witness shall be at full liberty to prove his attendance in each and every suit, he, she or they are legally summoned to attend, any usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 28th, 1815.

CHAP. LX.

An act to amend an act of the general assembly of this state, passed at Knoxville, in the year of our Lord one thousand eight hundred and one, entitled an act to prevent the disturbance of public worship.

Preamble.

Whereas the licentious and disorderly conduct of some of the citizens of this state, who not only regardless of the service and orderly worship of the Deity themselves, but are wickedly and fatally bent to disturb others who are desirous of devoting to his service, and believing that the above recited act is insufficient to prevent the mischief, for remedy whereof,

Disturbance
of public
worship pro-
hibited.

Sec. 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 all justices of the peace in this state, and they are hereby severally required to observe the same, that whenever any wicked or disorderly person or persons shall either by words or gestures, or in any other manner whatever disturb any congregation which may have assembled themselves together for the purpose of worshipping Almighty God, or who shall encourage, aid or assist, in such disturbance, to the violation of any rule or regulation which may have been adopted by them for their own government and good order, provided such rule or regulation be previously made public, whether such offences may have been committed within the pres-

ence of said justices of the peace while said congregation is so assembled or may come to their knowledge by information of others, shall immediately cause such offender or offenders to be apprehended and brought before them or some other justice of the peace for the county in which such offence may be committed, who shall on due proof of the offence, fine them not exceeding five dollars, or bind them in sufficient security for their appearance at the next circuit or county court, where they shall be proceeded against according to the provisions of the above recited act.

Sec. 2. *Be it enacted,* That from and after the passage of this act, it shall be the duty of all coroners, sheriffs and constables in this state, whenever any offence may be committed within the meaning of this act, against the rules or regulations of any worshipping assembly, or to the disturbance or annoyance thereof, and which may happen within their own knowledge or observation, they are hereby authorized and required, forthwith to bring such offenders before some justice or justices of the peace for the county there to be dealt with as required by the first section of this act.

Coroners,
sheriff's and
constables to
prevent it.

Sec. 5. *Be it enacted,* That when it may be necessary for the suppression of such disturbances, and in the absence of regularly appointed officers it shall be the duty of any justice of the Peace, to deputize some proper and fit person to act in that capacity, whose acts shall be good and valid in law.

Justice
deputize.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 28th, 1815.

CHAP. LXI.

An act to appoint additional trustees for the Dickson academy in the county of Bedford, and other purposes therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Daniel M'Kissick, sen. John Thompson, Trustees to
Dickson Aa-
cademy.

men Elijah Parker, Christopher Shaw, James L. Armstrong and Marmaduke Mitchell, be, and they are hereby appointed additional trustees for the Dickson academy in the county of Bedford, and they are hereby vested with the same powers and privileges which are given by law to the trustees heretofore appointed for said academy.

Sec. 2. *Be it enacted*, That a meeting of the trustees of the aforesaid academy, may at any time be called after the passage of this act, by any two of the members on giving ten days personal notice, in writing. *Provided* that at such meeting, not less than a majority of the whole number of trustees shall constitute a board, any law to the contrary notwithstanding.

Sec. 3. *Be it enacted*, That James Craig, William H. Barton and Henry Greer, are hereby appointed additional trustees to said academy, in the county of Humphreys.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP LXII.

An act for the benefit of the former sheriff of Bedford county

Sheriff to have credit on settling his account

Be it enacted by the General Assembly of the State of Tennessee, That so soon as Benjamin Bradford, late sheriff of Bedford county, shall offer himself ready to settle up and pay over all such sums of money as he, as collector of the public taxes for Bedford county is by law bound to account for, it shall be the duty of said treasurer to allow to said Bradford, late sheriff as aforesaid, a credit for all such sums of money he may have paid beyond what he was bound to account for, and pay over agreeably to law, and should it appear to said treasurer that said Benjamin Bradford has paid more money than the state had a right to demand of him, it shall be the duty of said treasurer to pay to him said amount.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

65 CHAP. LXIII.

An act laying a tax on Shows.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, that any person having any show or shows of any kind other than such as are manufactured in this state, shall make application to the clerk of the county in which such person is about to exhibit such show or shows of any kind whatever, and the clerk is hereby directed to issue a licence for the term of one year and no longer—*Provided*, that before such licence shall issue as aforesaid, the applicant shall pay to the said clerk the sum of twenty five dollars as a tax imposed on shows, with the additional sum of fifty cents as fees of office, and each clerk receiving any money in behalf of the state, by virtue of this act, shall be bound to account for the same, in manner and form as directed in settling and accounting for the tax on law proceedings—*And provided also*, that such person or persons having any show or shows of any kind shall be compelled to take out licence in each county where he may wish to exhibit any show or shows.

Tax on shows.

Sec. 2. *Be it enacted*, That if any person or persons shall exhibit any show or shows of any kind whatever, other than those manufactured in this state, contrary to the true intent and meaning of this act, he, she or they shall forfeit and pay one thousand dollars, to be recovered by action of debt, one half to the use of the person who will sue for the same, the other half to the use of the state, and that all laws and parts of laws coming within the purview and meaning of this act, be and the same are hereby repealed, any thing to the contrary notwithstanding.

Sec. 3. *Be it enacted*, That this act shall not take effect and be in force until from and after the thirty-first day of December next.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 9th, 1815.

66
CHAP. LXIV.

An act to repeal an act entitled "an act to amend an act establishing circuits and a supreme court of errors and appeals, and also an act supplementary thereto, and for other purposes," passed Nov. 16th, 1813.

Quorum
Court be re-
pealed.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the before recited act be, and the same is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 16th, 1815.

CHAP. LXV.

An act to amend an act, entitled "an act to prohibit the importation of slaves into this State" passed at the second session of the ninth General Assembly of the State of Tennessee, began and held at Nashville, on Monday the seventh day of September, one thousand eight hundred and twelve.

Regroes im-
ported not
to be sold in
less than 20
days.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That no sheriff or other officer shall sell any slave or slaves as is required by the above recited act, without first advertising the sale of such slave or slaves at the court house of the county, and other public places, giving twenty days notice of the time and place, where such slave or slaves shall be sold.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

67
CHAP. LXVI.

An act authorizing a separate election in the county of Bedford and other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the sheriff of Bedford county, by himself, deputy or the coroner, on the constitutional days of holding elections to open and hold an election at the house where Moses Bridges formerly lived, now the property of John Ewell on the road leading from Shelbyville to the pond spring in Franklin county, for the purpose of electing a governor, member of congress, elector to elect a president and vice president, members of the state legislature, and field officers of the militia, which elections shall be held and conducted under the same rules, regulations and restrictions as similar elections in this State.

Separate
election in
Bedford
county.

Sec. 2. *Be it enacted,* That if the judges of said election shall think proper, they may swear any person having a right to vote in such election, that he has not voted at any other place in such election, & if any person shall vote at more than one place, at any election in said county, he shall on conviction thereof forfeit and pay the sum of fifteen dollars recoverable by action of debt before any jurisdiction, having cognizance thereof, to the use of any person who may sue for the same.

Judges
swear voters

Sec. 3. *Be it enacted,* That at the close of the election that shall be held at the place aforesaid, it shall be the duty of the judges and returning officer to count out said votes, and on the succeeding day to make a return to the sheriff of Bedford county, of the number of votes received at said election for each candidate, which return shall be received as part of the election.

Returns
be made.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct 31st, 1815.

CHAP. LXVII.

An act to authorize the drawing of a lottery for the benefit of Maryville female academy, and Porter academy in the county of Blount.

A lottery authorized
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee.* That the trustees of Maryville Female Academy, and the trustees of Porter Academy in the county of Blount, be and they are hereby authorized and empowered to draft a scheme on such plan as to them shall appear eligible, either in one, two or three classes, for the purpose of raising a sum of money by lottery not exceeding eight thousand dollars for the benefit of said academies.

Trustees to give bond.
 Sec. 2. *Be it enacted,* That said trustees previous to publishing said scheme, shall enter into bond in a sum double the amount of the capital in said scheme, to the chairman of the court of pleas and quarter sessions for the county of Blount, and his successors in office, for the fair conducting of the same and the faithful payment of the prizes when drawn, and application of the money arising from the same to the use of said academies, according to the true intent and meaning of this act, or in case of failure to draw the lottery, to return to any person or persons, such sum or sums of money, as they may have advanced for tickets, which bond when executed shall be filed in the office of said court by the clerk thereof.

Give notice before draw.
 Sec. 3. *Be it enacted,* That when such a proportion of the tickets shall have been sold as will in the opinion of said trustees, authorize the commencement of the drawing of said lottery, they shall proceed to draw the same, under such rules, and regulations as they may have adopted, and made known in their scheme, and they shall give at least three weeks notice of the time and place of their commencing, in some news paper most convenient to the place of drawing.

Appoint clerks.
 Sec. 4. *Be it enacted.* That at the time of commencement of the drawing, the said trustees shall appoint two clerks, who shall keep a regular account of the numbers drawn and the blanks or prizes that may be drawn for each number, who shall previously to entering on the

discharge of their duties take the following oath, to wit: I A B do swear (or affirm as the case may be) that I will faithfully, & truly keep an account of the drawing of the lottery without partiality or prejudice so help me God. Said clerks shall be allowed a reasonable compensation for their services to be paid out of the money raised by said lottery at the discretion of the trustees of said academies on presenting a draft to the treasurer of the academies aforesaid signed by the president of the board.

Sec. 5. *Be it enacted.* That when the drawing of the said lottery or either class of the same shall have been completed it shall be the duty of the trustees of said academies to meet and after making a deduction of a reasonable allowance for their expenses and trouble in attending to the said lottery from the amount of money made by the same, the balance shall be paid into the hands of the treasurer of said academies for the uses aforesaid.

Sec. 6. *Be it enacted.* That the trustees of said academies may be purchasers of tickets if they think proper *Provided* they satisfy the managers or superintendents of the drawing that there is no fraud intended or practised of advantage intended to be taken in consequence thereof.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD

Speaker of the Senate

Oct. 30th, 1819.

CHAP. LXVIII.

An act to establish the town of Surgoinesville in the county of Hawkins.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That a town heretofore laid off on the lands of James Surgoine at his present residence, on the north side of Holston river, in the county of Hawkins, shall hereafter be identified and known by the name of Surgoinesville, and the same is hereby established as laid out in the original plan of said town.

Surgoinesville established as a town.

Be it enacted, That Arthur C. Armstrong, Joseph Klepper, Jonas Laughmiller, James Surgoine and Edward Erwin, be, and they are hereby appointed commissioners of said town, and the said commissioners or a majority of them, shall have full power to regulate any matter that may concern them and to adopt such by-laws not inconsistent with the constitution and laws of this state, as may best suit the interest and convenience of the proprietors of the said town of Surgoinesville, provided the said trustees shall before entering upon the duties of their office, take an oath well and truly to discharge the duties of their appointment.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 5th, 1815.

CHAP. LXIX.

An act for the benefit of Pleasant Talley of the county of Davidson.

Pleasant Talley relieved
Be it enacted by the General Assembly of the State of Tennessee, That Pleasant Talley of the county of Davidson be, and he is hereby authorized to retail spiritous liquors in said county without a licence or the payment of any tax for two years from and after the passage of this act.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 27th, 1815.

CHAP. LXX.

An act providing for the appointment of an additional judge to the supreme court of errors and appeals.

Be it enacted by the General Assembly of the state of Tennessee, That there shall be elected by joint ballot of both houses of this General Assembly, and commissioned by the governor, an additional judge to the supreme court of errors and appeals, who shall possess the same power and authority, and be entitled to receive the same compensation which the other judges of said court possess and receive.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 14th, 1815.

CHAP. LXXI.

An act to authorize the treasurer of East Tennessee to receive discharges on the quarter and paymaster's departments, for the instalments which are now due, or may hereafter become due for lands lying south of French Broad and Holston rivers.

Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, it shall and may be lawful for the treasurer of East Tennessee to receive in payment from the citizens south of French Broad and Holston rivers, and between the rivers Big Pigeon and Tennessee for the instalments now due or which may hereafter become due for their land, any discharge or discharges, draft or drafts due from the United States to the citizens of that section of country, or which the citizens thereof may be properly authorized to receive from

Claimant government to be taken for debts of a certain kind.

the paymasters or quarter masters of the district to which they belong, and shall give to such person delivering said discharge or draft a receipt for the same, but shall not give said party any credit for the amount of said money until he shall actually receive the same, and said Treasurer shall be allowed for his trouble in collecting the same, two and one half per cent. to be deducted out of the money so collected, before he shall give the party credit for the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 24th, 1815.

CHAP. LXXII.

An act extending an act passed on the 14th of October, 1813, for the regulation of the town of Murfreesborough, and for other purposes.

Former sections of act repealed. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the first, sixth, seventh and eighth sections of the act passed on the 14th of October, 1813, for the regulation of the town of Murfreesborough be, and the same is hereby repealed.

Sec. 2. *Be it enacted,* That from and after the last Monday in December next, the sheriff of the county of Rutherford, by himself or deputy shall give notice and attend an election to be holden at the court-house in the town of Murfreesborough, on the first Monday of January next, and on each succeeding first Monday in January as aforesaid, in every year, for the purpose of electing seven suitable persons who shall be residents and freeholders in said town, who shall hold their offices for one year only.

Who to vote. Sec. 3. *Be it enacted,* That all citizens, resident of said town being entitled to vote for members of the General Assembly shall be entitled to vote on said election.

Sec. 4. *Be it enacted,* That a majority of said commissioners when elected according to the aforesaid provision shall constitute a quorum to do business, and if by death, resignation, removal or otherwise any vacancy shall happen, it shall be lawful for a majority of the commissioners of said town to fill such vacancy or vacancies by any suitable person or persons being freeholders in said town, who shall hold said office until the first Monday in January next succeeding their appointment.

Sec. 5. *Be it enacted,* That at the election of town commissioners as aforesaid the treasurer for said town shall be elected annually, in the same manner as before prescribed for the election of commissioners of the said town, the said treasurer, being a freeholder in said town.

Sec. 6. *Be it enacted* That the clerk for said board of commissioners shall be appointed by the said commissioners; and the treasurer and clerk shall receive such compensation for their services as the said board of commissioners may deem proper and expedient.

Sec. 7. *Be it enacted,* That the commissioners appointed by the legislature of this state for the purpose of surveying and laying off the town of Murfreesborough, &c. are hereby required forthwith to settle and account with the commissioners for the town of Murfreesborough, & pay into the hands of said town commissioners the money received for the sale of lots in said town, and the said commissioners of the state shall also transfer in legal form all bonds, notes or other securities which they, the said state commissioners may at any time or under any circumstances have received, for the payment of the lots in said town, excepting the sum or sums of money expended for the erection of public buildings in said town, and the said state commissioners on producing sufficient vouchers at the settlement before required, for the expenditures above recited are hereby discharged from further accountability, and the said town commissioners are hereby required on the settlement with the said state commissioners to file the said vouchers together with all the accounts relative to said settlement in the office of the clerk of the county court of Rutherford.

Former commissioners required to settle up

Sec. 8. *Be it enacted,* That the commissioners of the said town of Murfreesborough shall hereafter retain in their possession the sum or sums of money received either for the sale of lots or for town taxes, to be appropriated solely to the improvement of the said town of Murfreesborough, and whatever public expenditures the said town

Commissioners may deem essentially requisite for the well regulating said town.

Sec. 9. *Be it enacted*, That the county commissioners appointed according to the provisions of an act passed on the 11th day of November, 1811, shall ascertain the amount of monies remaining in the hands of the said town commissioners, and report to the county court of said county as provided by the act aforesaid—*Provided*, that the town commissioners after such settlement or examination shall not be required to pay the sum or sums of money so remaining in their hands to the county trustee or trustees as in said act recited, but retain the same for the purpose stated in the eighth section of this act.

To settle with county commission.
Sec. 10. *Be it enacted*, That the said town commissioners shall regularly account to the county commissioners appointed agreeably to the act passed on the 11th of November 1811, once in every year, (to wit) on the first Saturday in December, for all sums of money either remaining in said town commissioner's hands or expended for the benefit or improvement of the said town of Murfreesborough, and the said town commissioners shall produce to the said county commissioners sufficient vouchers, for the several sums of money which they the said town commissioners may have expended from time to time, for the improvement of the said town, as well as all other necessary expenses accruing to the same, which vouchers shall be reported to the said county court by the said county commissioners, and filed in the office of the clerk of the said county court of Rutherford.

Sec. 11. *Be it enacted*, That the commissioners of the said town of Murfreesborough, appointed according to the act passed on the 14th October, 1813, and their successors are hereby fully authorized and empowered to pass or enact any ordinance or ordinances which the said town commissioners may deem necessary and proper for the good and wholesome regulation of the said town, and that all provisions or penalties annexed to said ordinance or ordinances shall be as binding and shall be enforced in the same manner as similar provisions are enforced in this state, and before any court or authority having jurisdiction thereof—*Provided*, such ordinance or ordinances are not contrary to the constitution or laws of this state.

Sec. 12. *Be it enacted*, That the said town commissioners shall annually appoint one of their own body to receive lists

taxable property and polls at the court-house in said town of Murfreesborough on or before the first Saturday in February, and as soon as may be after taking said list, said town commissioners shall appoint three disinterested persons to assess the value of the property given in by said list, and any person failing or neglecting to give in lists of his property to the said town commissioners so appointed to receive said lists, shall be liable to the fines and penalties directed by law in similar cases for the collection of the state tax; and the commissioner appointed as aforesaid is hereby required to report every such delinquent to the board of town commissioners.

Sec. 13. *Be it enacted*, That the said town commissioners are hereby required as far as the funds of said town will admit to have immediately completed the public well already commenced in the public square of said town.

Sec. 14. *Be it enacted*, That the said town commissioners are empowered to enclose by posts and railing or otherwise such part of the public square including the Court-House and public well, as they may deem necessary; to cause a side walk to be laid off, to be at least eight feet in width on each side of the public square, to be paved with brick or stone, to be defended by posts and railing, and also to appoint two or more persons to patrol said town, said patrolers to receive such compensation for their services as said town commissioners may esteem requisite, to be paid from the funds of said town.

Sec. 15. *Be it enacted*, That the commissioners of said town are hereby required on procuring the public stocks to have them erected in the Jail yard and not in the public square as heretofore.

Sec. 16. *Be it enacted*, That the said town commissioners shall be required to lay off on the north and south sides of the public square, as a public street, the same number of feet in width as the public streets on the east and west sides thereof have.

Sec. 17. *Be it enacted*, That if after ninety days notice from and after the passage of this act, the before mentioned state commissioners, who were appointed by the legislature of this state for surveying and laying off the said town of Murfreesborough, shall neglect or refuse to make the settlement required, in the seventh section of this act, or shall neglect or refuse to pay over to the said town commissioners the balance of money remaining

Commissioners to receive tax lists

to finish the public well

To inclose the public square

Stocks to be erected in the Jail yard

Streets to be laid out on the sides of the square

Suit to be instituted if board do not

in their hands, the said state commissioners possession as before provided, the chairman of the said town commissioners is hereby authorized to institute a suit in his own name as chairman of the board of commissioners of said town of Murfreesborough for money had and received to the use of said town, against said state commissioners.

Sec. 18. *Be it enacted*, That all fines and penalties authorized by this act, shall be sued for and recovered in the name of the chairman of said board of commissioners before any tribunal, having competent jurisdiction thereof.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Sept. 28th, 1815.

CHAP. LXXIII.

An act making additional allowance to the Treasurer of East Tennessee.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the treasurer of East Tennessee be, and he is hereby allowed the sum of one hundred dollars per annum, in addition to the per cent. heretofore allowed him, any law to the contrary notwithstanding.

An additional allowance to the treasurer of East Tennessee.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 27th, 1815.

CHAP. LXXIV.

An act to authorize the sheriff and ranger of Sumner county to advertise sales of land on execution and estrays in some paper printed in Nashville.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, the sheriff of the county of Sumner shall advertise all sales of land in execution (which by law he is bound to advertise in some newspaper printed in the third judicial circuit) in some public paper printed in Nashville.

Advertisements from Sumner co. to be printed in Nashville.

Sec. 2. Be it enacted, That after the passage of this act the Ranger of the county of Sumner shall advertise all estrays taken up and posted within that county, in one of the public papers printed in Nashville, any law to the contrary notwithstanding; Provided, that the Ranger shall not be authorized by the provisions of this act to advertise any other strays than such as have been heretofore directed to be advertised.

JAMES FENTRESS,

Speaker of the House of Representatives

EDWARD WARD,

Speaker of the Senate

Oct. 29th, 1815.

CHAP. LXXV.

An act to annex part of the county of Rhea to the county of Roane.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That all that part of Rhea county, lying north and east of the following described line, that is to say, beginning at White's creek, near Matthew English's saw mill, at the mouth of the Crab orchard creek, thence running up said creek, to the mouth of Burke's creek, thence

Part of Rhea annexed to Roane county.

a direct course to the north west corner of Roane county, at the line of Overton county, be, and the same is hereby made part of the county of Roane; Provided that nothing herein contained shall be so construed as to prevent the sheriff of Rhea county from collecting the tax, or arrearages of tax, that is or may be due in that part of Rhea county, which is hereby added to the county of Roane for the year eighteen hundred and fifteen.

Sec. 2. *Be it enacted*, That this act shall be in force from the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 18th, 1815.

CHAP. LXXVI.

An act to authorize the counties of Overton and Smith to lay an additional tax for the purpose of building a jail and stocks in said counties.

Tax for building a jail & stocks.
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county courts of Smith and Overton counties are hereby authorized and expressly required, to lay a sufficient additional tax to raise a sum sufficient in two years to build a good and substantial jail and stocks in said counties, at their respective court-houses, and it shall be the duty of the commissioners in trust for the towns of Monroe and Carthage as soon as the monies arising by virtue of this act are collected, for the first year, to proceed to contract with some builder or builders of said jails upon the best possible terms, in order to have a good and durable prison, which jail and stocks when so built shall be received by men to be appointed by the county court for that purpose, and the said commissioners in trust as aforesaid shall make the second payment as early as it is practicable to do so, by the collection of the second year's taxes, and the said court shall tax every description of tax-

able property in their county, for the purposes aforesaid. The sheriffs of said counties shall have the same fees for the collection of said taxes as they are allowed by law for the collection of other taxes.

Sec. 2. *Be it enacted*, That this law shall take effect and be in force as soon as the general government shall cease to demand a direct tax, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 9th, 1815.

CHAP. LXXVII.

An act authorizing a separate election in the County of Blount.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the Sheriff of Blount county, by himself, deputy or Coroner on the constitutional days of elections to open and hold a separate election at the house of Richard Bearman in the town of Morganton for the purpose of electing a governor, members to Congress, electors to elect a president and vice president, members of the state Legislature and field officers of the militia, which said election shall be held and conducted under the same rules and restrictions as in similar elections in this state.

Separate election of Blount.

Sec. 2. *Be it enacted*, That it shall be lawful for any person living in the bounds of Blount county aforesaid who is constitutionally authorized to vote at such election, to give in his vote either at the town of Maryville or Morganton as may best suit his convenience; provided nevertheless, that if any person should vote at more than one of those places in any election, he shall on conviction thereof forfeit and pay the sum of ten dollars, recoverable by action of debt before any jurisdiction having cognizance thereof, to the use of any person who will sue for the same.

Sec. 3. *Be it enacted*, That at the close of said election it shall and may be the duty of the judges and returning officers to count out said votes, and on the succeeding day make a return to the sheriff of Blount county in the town of Maryville, of the number of votes received at said election for each candidate, which return shall be received as a part of the election of Blount county.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the senate.

Oct. 11th, 1815

CHAP. LXXVIII.

An act to establish a precinct election in the county of Jackson.

Be it enacted by the General Assembly of the state of Tennessee, That a separate or precinct election shall be held at the house of Lemuel Cherry, in the bounds of the first battalion of the forty eighth regiment, in Jackson county, for the purpose of electing a governor, members of congress, members of the general assembly of the state of Tennessee, for militia officers, and electors to elect a president and vice-president of the United States, which election shall be opened and held by the sheriff of Jackson county, or any other person legally appointed, at the same times and in the same manner, and under the same rules, regulations and restrictions, as he is bound by law to hold and conduct other elections in said county.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 6th, 1815.

CHAP. LXXIX.

An act to provide for the safe keeping of the secretary's bond.

Be it enacted by the General Assembly of the state of Tennessee, That the bond given by the secretary of this state, for his faithful performance in office, shall be deposited in the clerk's office of the circuit court of Davidson county for safe keeping; any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro tem.

Nov. 3d, 1815.

CHAP. LXXX.

An act to appoint additional commissioners to superintend the building of a court-house, erecting stocks, and repairing the Jail in the county of Kingston.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Gilbreath Barton, Isaac Cox and Solomon Gerrin be, and they are hereby appointed additional commissioners to superintend the building of a Court-House, erecting stocks and repairing a Jail in the town of Kingston, which commissioners shall be under the same rules, regulation and restrictions, and have the same power and authority as is given to the commissioners appointed for the above mentioned purpose, by an act of the General Assembly, passed November 23, 1809.

Additional
commission-
ers appoin-
ted for King-
ston.

JAMES FENTRESS,

Speaker of the House of Representatives;

EDWARD WARD,

Speaker of the Senate.

Oct. 29th, 1815.

CHAP. LXXXI.

An act to authorize the Treasurer of West Tennessee to receive certain monies therein named.

Treasurer of West Tennessee to receive certain monies. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the treasurer of West Tennessee be authorized to receive from Willie Blount late governor of this state, the sum of two thousand six hundred and twenty two Dollars and eighty six cents; it being the amount of money borrowed by Robert Jarmon from this state, and the said Jarmon having paid the same into the hands of said Willie Blount.

Appropriated Sec. 2. *Be it enacted*, That the said money when received by the treasurer of West Tennessee, shall be appropriated to the use of the state of Tennessee, as other monies that are in the hands of the Treasurer.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. LXXXII.

An act to encourage boring and digging for salt water, and erecting salt works.

WHEREAS, the erecting of salt works is of great utility and importance in every government, and more particularly so in this, where every species of internal improvement ought to be patronized, therefore,

Persons erecting salt works encouraged. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That whenever any person or persons hath heretofore made an improvement, or may hereafter make the same agreeable to the existing laws, giving a preference to occupants, and shall have dug or bored, and procured, salt

water thereon, or may dig or bore and procure salt water on any patented land, or in the district south of French Broad and Holston, it shall and may be lawful for the proprietor, or proprietors of such salt water and works, to exhibit his, her, or their petition to the court of pleas and quarter session of the county, in which such lands may lie as are intended to be appropriated, in the manner hereafter to be pointed out.

Sec. 2. *Be it enacted*, That it shall be the duty of such Court to direct a jury of view, to be summoned by the sheriff, consisting of twelve freeholders, whose duty it shall be after having been duly qualified, to proceed and examine such vacant, and unappropriated lands in the vicinity, of such salt water or works as may be intended to be appropriated, and make report to the next Court whether the same be fit for cultivation, or not.

Sec. 3. *Be it enacted*, That it shall be the duty of said Court on receiving the report of the jury, that the same is not fit for cultivation, to cause the said report to be recorded in the Clerk's office, a copy of which report attested by the Clerk shall be sufficient authority for the surveyor of the county in which such lands may lie, to survey and lay 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 said surveyor to make return of the plat and certificate of survey to the surveyor general's office, whose duty it shall be to receive, & record the same as in other cases of occupancy. 300 acres allowed.

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

Sec. 5. *Be it enacted*, That it shall not be lawful for any person to enter any part of the lands intended to be appropriated, after the petition of the party claiming under this act, shall be exhibited to the court as aforesaid, until after the expiration of said term of five years, any law to the contrary notwithstanding.

Sec. 6. *Be it enacted*, That the lands so laid off for the purposes expressed in this act, shall be exempted from the payment of public taxes, for the term of five years. *Provided*, The persons intended to be benefited by this act shall fail to procure salt water, and erect works within

Exempt from taxation.

two years after obtaining an order, for laying off said land; or shall suffer those that are built to be neglected or go into a state of decay, so as not to be of public utility; then and in that case, the said lands shall become subject to taxation as other lands in this state. *Provided also,* That the provisions of this act shall not be construed so as to effect the interfering claims of any occupant or occupants whatsoever, who have made an improvement on such lands previous to the condemnation, of such land for the purposes in this act contemplated.

Sec. 7. *Be it enacted,* That the costs of every petition preferred under this act, as well as the surveying, and obtaining a grant for such lands, as are directed to be granted by this grant, shall be paid by the party making such application.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 31st, 1815.

CHAP. LXXXIII.

An act for the relief of John M'Donald and Benjamin Totten.

Whereas the commissioner of West Tennessee has refused to issue a land warrant to John M'Donald and Benjamin Totten, in consequence of his supposing the grants of John Sevier, the older interfering grantee, to be void for remedy whereof,

John M'Donald, & Benjamin Totten relieved.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of the land office of West Tennessee is hereby authorized and required to issue a land warrant or certificate to John M'Donald and Benjamin Totten, for three thousand acres, upon their producing to said commissioners a fair copy of the interfering grants, properly certified, together with the surveyor's certificate of survey, and shewing the interference therein.

any law to the contrary notwithstanding. *Provided,* that said M'Donald and Totten produce to said commissioners the original grant for said three thousand acres, and the conveyance vesting the title in them, or copies if they or any of them should be lost, duly certified, and it shall appear that said grant was founded on a genuine warrant for three thousand acres and that no other grant has issued on the same warrant.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro tem.

Nov. 3d, 1815.

CHAP. LXXXIV.

An act to amend an act entitled an act to incorporate the inhabitants of the town of Nashville, in the county of Davidson, passed Sept. 11th, 1806.

Be it enacted by the General Assembly of the state of Tennessee, That all the right, title and interest in and to the land and lots in the town of Nashville, which was heretofore vested in the commissioners of said town, by the laws of North-Carolina, or of this state, be and the same are hereby vested in the mayor and aldermen of said town and their successors in office, for the use of said corporation.

Lots vested in mayor and aldermen.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. LXXXV.

An act to amend an act, entitled "an act to regulate the descent of real estates, to do away entails, to make provision for widows and to prevent frauds in the execution of last wills and testaments.

Preamble.

Whereas by the above recited act no provision is made to compel the attendance of jurors when summoned by the sheriff, to lay off the dower of widows and their proportionable part of their husbands personal estate, to the great injury of widows, for remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all sheriffs to whom writs are directed, in pursuance of the ninth section of the act which this is intended to amend, shall in summoning jurors, give said jurors at least ten days notice of the time and place, when and where they are required to attend, and shall be allowed the same fees as for like services to be paid by the person at whose instance such writ may issue.

Jurors fail- ing to attend how fined. **Sec. 2.** *Be it enacted,* That if any juror so summoned as above directed shall fail to attend agreeably to said summons, it shall be the duty of the officer executing the same, to make return to the court from which such writ issued, of such delinquency, whereupon a judgment *ni si*, shall be entered up by said court against said juror for the sum of twenty-five dollars, on which judgment a scire facias shall issue, commanding said juror to attend and shew cause if any he can, why final judgment should not be entered thereon, which said forfeiture shall accrue to, and be applied as other county monies are.

Petitioner to pay costs.

Sec. 3. *Be it enacted,* That if any petitioner under this act, and the one which this is intended to amend, should fail to pay the amount of the costs occasioned by their petition, upon the return of the writ, shewing that dower had been allotted, it shall be the duty of said court to enter judgment against said petitioner for the amount of said costs.

Courts to have a jury pointed.

Sec. 4. *Be it enacted,* That the several county courts in this state, when application shall be made, agreeably to the

provisions of this act, and that which it is intended to amend, to have a jury appointed to lay off dower, and on the return of the sheriff, that dower had been laid off, it shall be the duty of said court to make to said jurors such allowance for their services therein, as shall seem just and proper.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 18th, 1815.

CHAP. LXXXVI.

An act to amend an act passed the 9th day of November, 1813, entitled an act to annex part of Franklin county to the county of Warren.

WHEREAS by the before recited act, Alexander Perryman was appointed to run and mark the dividing line as described by the said act, and said Alexander Perryman has failed to run and mark said line, and has since removed out of the state, for remedy whereof:

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That John M'Gowan be, and he is hereby appointed to run and mark the dividing line between the county of Franklin and Warren count, agreeably, to the same rules, regulations and restrictions as prescribed by the act which this is intended to amend, *Provided,* the said John M'Gowan before he commences to run the said line, shall take the necessary oath prescribed by law, for surveyors to take in similar cases.

Part of Franklin annexed to the county of Warren.

Sec. 2. *Be it enacted,* That the said John M'Gowan shall be allowed the same fees for his services that was allowed Alexander Perryman in the second section of the act this act is intended to amend, and the expences to be

Fees allowed surveyor.

paid in the same way and manner as prescribed in the aforesaid act any thing to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 26th, 1815.

CHAP. LXXXVII.

An act remitting the interest on six hundred dollars borrowed by Joseph Dickson, for the use of Bradley academy.

Interest remitted,

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Joseph Dickson be, and he is hereby released from the payment of any interest that has accrued on his bond, given for six hundred dollars, borrowed of the commissioners who were appointed by law to loan the monies on interest, belonging to the colleges and academies in this state, and that his bond be given up when the full amount of the same is paid—*Provided*, that the said Joseph Dickson will receipt to the commissioners or either of them appointed to receive monies arising from the sales of lands south of French Broad and Holston, for the full amount of the interest which has accrued on his the said Joseph Dickson's bond, and the same shall be admitted by the trustees of the Bradley academy as a set off to any subsequent claim upon the commissioners aforesaid, until it shall appear that each academy in this state has received from the commissioners or either of them two hundred and sixteen dollars, the full amount of the interest which has accrued thereon previous to the passage of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 26th, 1815.

CHAP. LXXXVIII.

An act to fix the seat of Justice in Campbell County.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the sheriff of Campbell county shall by himself, deputy, or Coroner, open and hold an election at the usual places of holding elections in said county, on the second Thursday, and succeeding day of March next where all persons who are constitutionally authorized to vote for governor, members of the state Legislature, &c. may vote for the place where the permanent seat of Justice of Campbell county, is to be fixed, viz. whether it shall remain at Jacksborough the present seat of Justice of said county, or be removed within the following bounds, viz. beginning on the south west side of Indian creek, where the main road leading up Powells valley from Jacksborough, crosses Thomas Campbell's spring branch; thence with the main road crossing Indian creek to the top of a knob or rising ground; thence a northwardly course running through Phillip Brooks' land to a point on a ridge above the head of a large spring, thence running in the direction with the lane that passes through Richard Linville's plantation, crossing Indian creek again; then on through Thomas Campbell's plantation near the head of the spring branch; thence with the meanders of the branch to the beginning, where the most eligible site may be procured.

Seat of justice in Campbell county established.

Sec. 2. *Be it enacted*, That the sheriff of Campbell county shall put the town of Jacksborough, and the bounds aforesaid in nomination for the permanent seat of justice for said county, and in counting out the votes on the second day of the election, if the bounds aforesaid shall have a majority of seventy-five votes then and in that case the permanent seat of justice of Campbell county shall be fixed some where within the bounds aforesaid, where the most eligible site can be procured, and that the said election shall be conducted under the same rules, regulations and restrictions as other elections are in this state.

Sheriff to put two places in nomination.

Sec. 3. *Be it enacted*, That if the site be settled by a majority of seventy-five votes as aforesaid, then and in that case, Joseph Hart, Benjamin Wheeler, Daniel Martin,

If moved who to be commissioners.

Andrew Hatfield, Absalom Morris, Robert Glens and Robert Duke be, and they are hereby appointed commissioners, who, or a majority of them shall as soon as the nature of the case will permit, proceed to fix on a place within the bounds aforesaid.

Oxford established

Sec. 4. *Be it enacted*, That when the site is thus found to be within said bounds contained within the lines aforesaid, said commissioners shall procure at least thirty acres of land for which they shall procure a deed or deeds to be made to them and their successors in office, with general warranty, on which they shall cause to be laid off a town with necessary streets and alleys reserving at least one acre for a public square, on which to erect a Court House, prison and stocks in a convenient part of the town, which town shall be known by the name of Oxford.

Sec. 5. *Be it enacted*, That the inspectors of said election shall be appointed in the same manner as is prescribed for the appointment of inspectors of elections.

Sec. 6. *Be it enacted*, That when the town shall have been thus laid off, the said commissioners shall advertise in the Knoxville Gazette, the time when the lots shall be sold at least thirty days before the sale shall take place and shall proceed to sell said lots on a credit of twelve months, taking bond with good security for the purchase money, and shall make deeds to the purchasers in fee simple.

Sec. 7. *Be it enacted*, That it shall be the duty of said commissioners, or a majority of them, to contract with suitable workmen to build a court house, prison and stocks, and the money arising from the sale of said lots, shall be applied to the payment of building the same, after payment for the purchase of the land so to be procured by said commissioners.

Sec. 8. *Be it enacted*, That if the money arising from the sale of lots be insufficient to pay for building said court house, prison and stocks, it shall and may be lawful for the county court of said county, provided a majority of the acting justices be present to lay a county tax not exceeding the state tax, which may be continued from year to year, until a sufficient sum be raised to pay for said buildings, which tax shall be collected by the sheriff, under the same rules and regulations as other taxes, and

shall by him be paid over to said commissioners for said purpose, and if the sheriff shall fail to pay over the same he shall be liable to judgment on motion against him and his securities, in the name of said commissioners, in the same manner as for failing to pay over other taxes.

Sec. 9. *Be it enacted*, That before said commissioner shall proceed on the duties of their office they shall enter into bond to the governor for the time being, and his successors in office, in the penal sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the clerk of the county court, and by him be recorded.

Sec. 10. *Be it enacted*, That so soon as said court-house shall be erected and received by said commissioners, the justices of the county court for said county, shall adjourn said court and all proceedings therein to said place, and from thence forth the same shall be the seat of justice for said county, and that all laws and parts of laws coming within the purview and meaning of this act, be and the same are hereby repealed, so soon as said court-house shall be erected and received by said commissioners.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Nov. 1st, 1815.

CHAP. LXXXIX.

An act to fix the seat of justice in Bledsoe county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the seat of justice of Bledsoe county shall be permanently fixed within the following described bounds, viz: Between parallel lines crossing Sequatchee valley at right angles, one running through the lower end of the plantation of Joseph M. Reynolds, where he now lives, the other line through the upper end of the

Seat of justice established in Bledsoe county.

plantation of Elijah Hicks, where he now lives at the Big Spring.

Sec. 2. *Be it enacted*, That Timothy Hixon, John Douthet, William Christian, Eli Thurman, Aquilla Johnson, Joseph Peters and Adam Sherrill, be and they are hereby appointed commissioners, who or a majority of them shall as soon as the nature of the case will permit, proceed to fix on a place for the seat of Justice within the bounds aforesaid.

Pikeville
laid off.

Sec. 3. *Be it enacted*. That when the site is fixed within the bounds aforesaid, said commissioners shall procure at least thirty acres of land, for which they shall procure a deed or deeds to be made to them and their successors in office, with general warranty on which they shall cause to be laid off a town with necessary streets and alleys reserving at least one acre for a public square, on which to erect a court-house, prison and stocks in a convenient part of the town, which town shall be known by the name of Pikeville.

Sec. 4. *Be it enacted*, That when the town shall have been thus laid off, the said commissioners shall advertise in the Knoxville Gazette the time when the lots shall be sold, at least thirty days before the sale shall take place, and shall proceed to sell said lots on a credit of twelve months, taking bond with good security for the purchase money, and shall make deeds to the purchasers in fee simple.

Sec. 5. *Be it enacted*, That it shall be the duty of said commissioners or a majority of them, to contract with suitable workmen, to build a court house, prison and stocks, and the money arising from the sale of said lots shall be applied to the payment of building the same after paying for the purchase of the land so procured by said commissioners.

Sec. 6. *Be it enacted*, That if the money arising from the sale of lots be insufficient to pay for building said court house, prison and stocks, it shall and may be lawful for the county court of said county, provided a majority of the acting justices be present, to lay a county tax, not to exceed the state tax, which tax may be continued from year to year until a sufficient sum be raised, to pay for said building, which tax shall be collected by the sheriff under the same rules and regulations as other taxes, and shall by him be

paid over to said commissioners, for said purpose, and if the sheriff shall fail to pay over the same, he shall be liable to judgment on motion against him and his securities, in the name of said commissioners, in the same manner as for failing to pay over other taxes.

Sec. 7. *Be it enacted*, That before said commissioners shall proceed on the duties of their office, they shall enter into bond to the governor for the time being, and his successors in office, in the penal sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the clerk of the county court and be by him recorded.

Sec. 8. *Be it enacted*, That so soon as said court-house shall be erected and received by said commissioners, the justices of the county court for said county shall adjourn said court and all proceedings therein to said place, and from thenceforth the same shall be the seat of justice for said county.

Sec. 9. *Be it enacted*, That the said commissioners previous to entering upon the duties of their appointment shall take the following oath, viz: "I A. B. do solemnly swear or affirm (as the case may be) that I will without favor or partiality fix on the most eligible and convenient place for the court-house of said county, within the line as described in this act, according to the best of my knowledge,— So help me God."

Sec. 10. *Be it enacted*, That an act entitled an act to fix the seat of justice in Bledsoe county, passed October 14th, 1813, be and the same is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 1st, 1815.

M

CHAP. XC.

An act for the relief of imprisoned debtors,
and other purposes.

Enacted by the General Assembly of the state of Tennessee. That when the person of any debtor shall here-
after be confined in execution for the space of twenty
days, and the plaintiff and his attorney resides out of the
county in which said debtor is confined, it shall be lawful
for the sheriff of said county to give thirty days notice, by
advertisement, in some newspaper published in the district,
that if any person comes forward and enters into bond with
security, for the payment of the prison fees, then
in that case it shall be lawful for the sheriff to dis-
charge and set at liberty such debtor or debtors, any law
to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 27th, 1815.

CHAP. XCI.

An act to compel clerks to collect a uniform
tax on grants, deeds and mesne conveyances.

It is represented to this General Assembly,
that the clerks of the different courts in this state, do not
collect a uniform tax on grants, deeds and mesne conveyances,
and it is the duty of the General Assembly to provide a
uniform, for remedy whereof:

*Be it enacted by the General Assembly of the
state of Tennessee,* That from and after the first day of
January next, no clerk of any court in this state, shall col-
lect for the use of the state, for more than ten cents
per hundred acres of land, either by original grant or
conveyance, except deeds for town lots and parts

of lots, which shall be twenty cents, any usage to the
contrary notwithstanding.

Sec. 2. Be it enacted, That all laws and parts of laws
which come within the purview and meaning of this act,
are hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Oct. 27th, 1815.

CHAP. XCII.

An act to amend an act entitled "an act to
amend the laws respecting strays," passed
the eighteenth of November, one thousand
eight hundred and thirteen.

Whereas, by the third section of the above recited
act, the ranger is authorized to sue for all violations of
stray law, but does not prescribe how the monies so
recovered, shall be appropriated:

*Sec. 1. Be it enacted by the General Assembly of
the state of Tennessee,* That all recoveries had by virtue
of this act, shall be paid to the county trustee for the use
of the county, after the ranger has deducted five per cent.
of said recovery for his trouble.

Sec. 2. Be it enacted, That all monies which have been
received or which may hereafter be paid, into the hands of
the county trustee, on account of strays not having been
claimed within twelve months, after being taken up, shall
be accounted for in the same manner as other county mo-
nies are—*Provided,* that nothing in this act shall take from
the owner of any stray or strays the benefit of the first sec-
tion of this act which this is intended to amend—*And, pro-*

also, that the county trustee shall receive but two and one half per cent. on receiving and accounting for said mortgages.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD

Speaker of the Senate.

Nov. 6th, 1815:

CHAP. XCIII.

An act making compensation to constables in certain cases.

Compensation to constables.
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passage of this act, whenever any constable or constables, who may be appointed by the county court, and summoned by the sheriff to attend at their county or circuit court as constable to the grand or petit jury of any court, said constable shall receive one dollar per day as full compensation for his services, for every day he attends the same, and said constable shall prove his attendance, and his ticket from the clerk shall be sufficient authority to the county trustee to pay the same, and a sufficient voucher to him in the settlement of his accounts.

Sec. 2. *Be it enacted,* That when any constable who may be summoned as contemplated by the first section of this act, shall fail to attend or when they should be nominated and not summoned, and any other constable who not summoned should be sworn and required to attend on any petit or grand jury, said constable shall receive the same compensation and under the same rules, regulations and restrictions as provided for by the first section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP. XCIV.

An act to authorize George Wallis to erect a ware-house at the mouth of Obed's river in Overton county.

Ware house on Obed's river.
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That George Wallis is hereby authorized to erect a ware-house at the mouth of Obed's river, for the purpose of inspecting and safe keeping of tobacco and other merchantable commodities, which ware house and inspection shall be conducted according to the provisions of the act of Assembly passed in this state on the twenty sixth of October one thousand seven hundred and ninety nine, and the act of Assembly passed the eleventh of September one thousand eight hundred and six, and the act of Assembly, passed the fourteenth of November one thousand eight hundred and one, and be under the same rules regulations and restrictions as is there laid, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP. XCV.

An act for the relief of the heirs of Wright Williams.

Preamble.
 WHEREAS it is represented to this General Assembly that Wright Williams, on the second day of January one thousand eight hundred and nine, by virtue of certificate No. 92 for ninety seven acres made an entry for one hundred acres by entry, No. 1077 and had the same surveyed and a plat and a certificate of survey returned into the office of the surveyor of the second district on the ninth day of November, one thousand eight hundred

and nine, on which plat and certificate the Register has refused to issue a grant, for remedy whereof:

Survey to be made. *Be it enacted, by the General Assembly of the state of Tennessee,* That the surveyor of the second district shall and he is hereby authorized and required to cause a survey to be made for ninety seven acres on said entry No. 1077 for one hundred acres, agreeably to the number of acres he is entitled to in certificate No. 92, and that the register shall issue a grant on the same, in the same manner as if said entry had been made for ninety seven acres, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. XCVI.

An act to amend an act entitled an act authorizing Moses Fisk, to open a turnpike road, passed October the nineteenth, one thousand eight hundred and twelve.

Turnpike opened. *Be it enacted by the General Assembly of the state of Tennessee,* That said Fisk may open said road so as to cross Roaring River, either above or below its junction with spring creek, the same restrictions and regulations to be observed in other respects as in said act provided.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP. XCVII.

An act regulating the mode of licensing attorneys in certain cases, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter no person shall be permitted to practice law in this state who has originally been licensed to practice in any other state, until he shall have been examined by two or more of the judges of the circuit courts or of the supreme court of errors and appeals and shall have produced to them a certificate of the county court of the county where he shall have resided immediately previous to his removal to this state, certifying that such person is of good moral character.

Sec. 2. *Be it enacted,* That if any person shall prefer to the judge of any circuit court or to either of the judges of the court of errors and appeals in this state, a charge in writing against any attorney who may practice in any of the said courts of any misdemeanor, it shall be the duty of such judge to furnish such attorney with a copy of the charge alleged against him, and cite such attorney to appear before him in open court and answer said charge; and if upon investigation it shall appear to the satisfaction of the judge that such attorney has been guilty of any misdemeanor which ought to disqualify him from practicing as an attorney, it shall be the duty of the judge before whom such investigation is had, to strike his name from the Rolls; and it shall not be lawful for any attorney so disgraced, to practice as such, in any court of record in this state. *Provided,* That in case such attorney shall conceive himself injured by the decision of any circuit judge, he shall have the right of appeal to the court of errors and appeals of the circuit in which such decision is had.

Sec. 3. *Be it enacted,* That all former laws coming within the purview and meaning of this act are hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 1st, 1815.

An act to authorize William Houston, Jacob Baker and William Reynolds, to alter the turnpike road leading from Sherrills cove to the Paint Rock, on the French Broad river, established by an act of the general assembly, passed at Nashville, the seventeenth of November one thousand eight hundred and thirteen, entitled "an act to authorize the erection of a turnpike gate on a certain road therein mentioned."

amble

Whereas it has been represented to the General Assembly that the said turnpike road may be greatly improved by altering a part of said road, and erecting bridges across the fords of Paint Creek on said road. Therefore,

Duty of com-
missioners

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That on the application of the said William Houston, Jacob Baker, and William Reynolds, proprietors of the said road to any three of the commissioners of said road, suggesting, that they have discovered a better way than that on which the road now passes, it shall be the duty of said commissioners to proceed without delay to view such new way, and report the same to the board of commissioners, and if the report be favorable, it shall be the duty of said board to authorize said undertakers to open and put in repair such better way.

Old turnpike
discontinued

Sec. 2. *Be it enacted*, That when notice shall be given to a majority of the acting commissioners, by said undertakers, that said road is completed and all necessary bridges erected at the fords of Paint creek, it shall be the duty of said commissioners so notified, to proceed forthwith to view said road and report the same to the county court of Greene county, whereupon if the report be favorable, it shall be the duty of said court, there being present at least ten of the acting justices to discontinue the old turnpike road, and the new way shall be considered and received as the public road under the same rules, regulations and restrictions as heretofore prescribed by the act authorizing the erection of a turnpike on said road.

Sec. 3. *Be it enacted*, That when the new road is received as aforesaid, it shall be the duty of said undertakers to enter into a new bond, with approved security, to the chairman of the county court of Greene county, and his successors in office, in the sum of one thousand dollars, conditioned for the keeping said new road & bridges in good repair, for the term of fifteen years, to commence at the expiration of the term heretofore granted, which bond shall be deposited in the clerk's office of Greene county court, for the benefit of any person or persons who may be injured in consequence of neglect or other misconduct of said undertaker & said bond shall not become void on the first recovery, but may be sued on by the party injured until the whole penalty is recovered; and upon the receipt by the chairman of the county court of the bond given as aforesaid by the new undertakers, the bond or bonds originally given by the first undertakers shall be void.

Bond and
security giv-
en.

Sec. 4. *Be it enacted*, That the commissioners heretofore appointed by law shall continue in office and view and report said new road for the said additional term of fifteen years, under the same rules, regulations and restrictions as are provided for in the before recited act.

Commission-
ers contin-
ed.

Sec. 5. *Be it enacted*, That the undertakers of the new road authorized by this act, shall be entitled to and receive the same toll the former undertakers of the old road were entitled to and received.

Sec. 6. *Be it enacted*, That this act shall take effect and be in force from and after its passage.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 25th, 1815.

N

CHAP. XCIX.

An act for the relief of Tandy Walker.

Preamble. Whereas it has been made appear to this general assembly, that Tandy Walker had bestowed great labor and expence in regaining Mrs. Crawley, a citizen from Humphreys county, in this state, from the hostile Creek Indians at the great hazard of his life; and it also appearing to this general assembly that said Walker never has received any compensation for the same, for remedy whereof,

Tandy Walker relieved. *Be it enacted by the General Assembly of the state of Tennessee,* That the treasurer of West Tennessee be, and he is hereby authorized to pay to the said Tandy Walker the sum of three hundred dollars as a full compensation for the above mentioned services and expenditures, out of any money in the treasury not otherwise appropriated and the receipt of said Walker for the same shall be a voucher for said treasurer in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 9th, 1815.

CHAP. C.

An act authorizing William Chilton to erect a Ware House at the mouth of Eagle creek in Overton county.

Ware house on Eagle creek. *Be it enacted by the General Assembly of the state of Tennessee,* That William Chilton is hereby authorized to build and erect a ware-house on the north side of Obed's river, and near the mouth of eagle creek, on his own land, for the purpose of receiving and inspecting tobacco, and other merchantable commodities, which ware-

house shall be under the same rules, regulations, and restrictions as other public ware-houses are by the laws of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 31st, 1815.

CHAP. CI.

An act to authorize John Niblet sen. to build a Ware-house on his lot in the town of Clarksville, and for other purposes.

John Niblet authorized to build a ware house. *Sec. 1. Be it enacted by the General Assembly of the state of Tennessee,* That John Niblet sen. be and he is hereby authorized to build a ware-house on his lot No. 22 in the new addition of the town of Clarksville, for the safe keeping of tobacco, and other articles of exportation, under the same rules, regulations and restrictions, agreeable to an act passed October twenty sixth, one thousand seven hundred and ninety nine, and an act, fourteenth November one thousand eight hundred and one.

Inspection established at Weakly's Ferry. *Sec. 2. Be it enacted,* That an inspection of tobacco and other articles shall be established at Weakly's ferry, on the south side of Cumberland river in Dickson county, and one at M-Carty's landing, in Stewart county, under the same rules, regulations and restrictions as other places that are established by Law in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Nov. 7th, 1815.

CHAP. CII.

An act making an allowance to William C. Mynatt, clerk to the commissioner in East Tennessee.

Be it enacted by the General Assembly of the state of Tennessee, That William C. Mynatt clerk to the Commissioner in East Tennessee, be allowed the sum of fifty dollars, to be paid out of either of the treasuries of this state for his services in making a report of the proceedings of the late commissioner for East Tennessee and attending the General Assembly with the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate, pro tem.

Nov. 9, 1815.

CHAP. CIII.

An act to alter the place of holding a separate election in the county of Warren.

Be it enacted by the General Assembly of the state of Tennessee, That the place authorized formerly for holding a separate election at the house of James Hill, now the house of Isham Chiney, in Warren county, near the head of Stone's river, shall hereafter be held at the house of John Woods, any thing to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 7th, 1815.

CHAP. CIV.

An act to authorize David Russell, Nicholas Byers, Arthur H. Hanley, John Lowry and Russell Goodrich, to open a road from Samuel Thompsons, on nine mile creek in Blount county, to the southern boundary line of this state, so as to intersect a road said company has cut out, leading to the highest point of navigation on the Tugula river, and to incorporate themselves a company by the name of the Unica Turnpike company.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That David Russell, Nicholas Byers, Arthur H. Hanley, John Lowry and Russell Goodrich, and their heirs and assigns be, and they are hereby incorporated into a company, by the name of the Unica Turnpike company and by said name shall have full power to sue and be sued, plead and be impleaded in any court of record in this state.

Unica turnpike established.

Sec. 2. *Be it enacted,* That said company are hereby vested with full power and authority from time to time to adopt such regulations and concert such measures as to them shall seem useful for the institution, not inconsistent with the constitution and laws of the state.

To adopt laws.

Sec. 3. *Be it enacted,* That the aforesaid company or their heirs or assigns are hereby entitled to occupy and enjoy all the privileges and advantages arising from said road for the term of twenty years, to commence after the same may be in complete operation, agreeably to their treaty with the Cherokee Indians on that subject—*Provided,* that said road is made complete within twelve months from and after the passage of this act.

Sec. 4. *Be it enacted,* That the aforesaid company are hereby authorized to erect a Turnpike at such place on said road within the chartered limits of this state, as to them shall seem most suitable and convenient, and establish a ferry at the crossing of Tennessee river on said road.

Rates of toll
allowed com-
pany for the
passage of
persons, &c.

Sec. 5. *Be it enacted*, That said company shall be entitled to receive the following toll and rates at said Turnpike for the passage of any person or thing, (that is to say) for every man and horse, twelve and one half cents; for every led horse not in a drove six and one fourth cents; for every loose horse in a drove four cents; for every footman six and one fourth cents; for every waggon and team one dollar; for every coach or chariot or other four wheeled carriage of pleasure one dollar and twenty-five cents; for every two wheel chaise, chair or other carriage of pleasure seventy-five cents; for every cart & team fifty cents; for each head of cattle two cents; for each head of sheep, goats or lambs one cent; for each head of hogs one cent.

Sec. 6. *Be it enacted*, That said company shall be entitled to receive the following toll and rates, at said ferry on Little Tennessee river, (to wit) for every man and horse twelve and one half cents; for every loose or led horse not in a drove six and a fourth cents; for every loose horse in a drove four cents; for every waggon and team one dollar; for every cart and team fifty cents; for every coach, chariot or other four wheel carriage of pleasure one dollar and twenty-five cents; for every two wheel chaise, chair or other carriage of pleasure seventy-five cents; for every head of cattle two cents; for every head of sheep goats or lambs one cent, for every head of hogs one cent.

Sec. 7. *Be it enacted*, That if any collector of tolls at said places shall demand and receive from any person greater rates than are hereby allowed for the passage of any thing herein named, he, she or they for every such offence shall forfeit and pay to the party grieved, not only the toll demanded and received, but the further sum of ten dollars, to be recovered before any jurisdiction having cognizance thereof.

Persons re-
fusing to pay
toll how
fined.

Sec. 8. *Be it enacted*, That if any person or persons shall refuse to pay any or either of the foregoing rates or shall use force or violence to evade the payment thereof, he, she or they so offending for every such offence shall forfeit and pay a sum not exceeding twenty dollars, and in the latter case be liable to an action or indictment, in any court in this state having cognizance thereof.

Sec. 9. *Be it enacted*, That the company aforesaid are hereby required and bound to open said road and build bridges and cause-ways over the water courses and swamps if necessary, and to open said road at least twenty feet

wide, and where the same is bridged and causewayed to be at least twelve feet in the centre, clear of stumps and rocks if the same will permit, and when opened to keep the same in good repair, and in case of failure to be liable to a fine of five dollars for every forty-eight hours said road is impassable for carriages of any description (except in cases of high water) to be recovered before any justice of the peace, in this state, in the name of and for the use of the person suing for the same, and to be further liable to an indictment as overseers of public roads are in such cases, any law to the contrary notwithstanding.

Sec. 10. *Be it enacted*, That nothing contained in this act shall be so construed as to authorize any person or persons to intrude on the lands of the Cherokee Indians contrary to the intent and meaning of this act, or contrary to the laws of the United States. Cherokee
Indians' land
protected.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 25th, 1815.

CHAP. CV.

An act to authorize Stokely D. Mitchell, clerk of the court of pleas and quarter sessions of Hawkins county to build and erect an office on some part of the public square in Rogersville.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Stokely D. Mitchell be privileged to build an office on some part of the public square in Rogersville. Office to
be erected in
Hawkins
county.

Sec. 2. *Be it enacted*, That the said Stokely D. Mitchell before he proceeds to build said office, apply to the county court. To apply to
county court.

court, and there shall be at least nine of the acting judges present, and the said court shall proceed to designate the spot where said office shall be erected.

To remain as a clerk's office.
 Sec. 3. *Be it enacted*, That when said office shall be built that it shall be & remain as the office of the clerk of the court of pleas and quarter sessions, and shall be for that use and no other.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. CVI.

An act for the relief of Samuel H. Laughlin, judge advocate at the trial of General John Cocke.

Samuel H. Laughlin relieved.
Be it enacted by the General Assembly of the State of Tennessee, That Samuel H. Laughlin, be and he is hereby authorized to receive from the treasurer of West Tennessee the sum of seventy-five dollars, out of any money in his hands not otherwise appropriated, and his receipt for the same shall be a sufficient voucher to said treasurer on the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 7th, 1815.

CHAP. CVII.

An act to authorize a separate election in the county of Greene.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That on the first Thursday and Friday in August, in the year one thousand eight hundred and seventeen, and on the same days in every second year thereafter the sheriff shall by himself, deputy or coroner, hold an election at the house of Col. John Newman, which place shall hereafter be known by the name of Newmansville, at which time and place votes shall be received for governor, members of congress and members of the senate and house of representatives in the state legislature, also for electors to elect a president and vice-president of the United States, and field officers of the militia, and said elections shall be conducted under the same rules, regulations and restrictions as elections are holden at the court house in similar cases.

Separate election in Greene county.

Sec. 2. Be it enacted, That it shall be the duty of the sheriff of Greene county by himself, deputy, or coroner, on or before the succeeding day of said election, to make return of the number of votes given at Newmansville, to the officer holding the election at the court house, who shall receive the same as part of the election, and make return thereof in the same manner as though they had been given in at the court house.

Sec. 3. Be it enacted, That the judges appointed to superintend the election at the court house and at Newmansville may tender an oath to any person offering to vote who may be suspected by any of them, to have voted at any of the other places of holding elections in said county, and if said person to whom said oath is so tendered, shall refuse to swear, or after having sworn, answer that he has voted elsewhere, his vote shall be rejected, and if the person so challenged and put on his oath shall swear falsely and in consequence thereof vote a second time in the county at the same election, such person so voting shall and he is hereby declared to be liable to all the pains and penalties of corrupt perjury.

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Sec. 4. Be it enacted, That no person shall be entitled to vote at the elections held at Newmansville, except those persons living in the bounds, and belonging to captains Henry Bowman's, Frederick White's and Elijah Mehtany's companies.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. CVIII.

An act for the relief of John W. Simpson.

Preamble.

Whereas John W. Simpson has been at considerable pains, trouble and expense in opening and clearing out a turnpike road on Cumberland mountain, from Sparta to the great Cumberland road, which is found to be highly beneficial to travellers, for the prevention of abuses,

John W. Simpson relieved.
Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That if any person or persons shall attempt to go through said mountain within one mile of said gate, for the purpose of evading the payment of said toll, he, she or they shall forfeit and pay for every such offence the sum of twenty dollars, recoverable before any jurisdiction having cognizance thereof, to the said John W. Simpson.

Commissioner appointed.

Sec. 2. Be it enacted, That from and after the passage of this act, Turner Lane alone shall be appointed and continued a commissioner to view said road as prescribed by the act of assembly establishing said road, with the compensation of two dollars per day, as usual, and he shall be bound by the same duties.

Sec. 3. Be it enacted, That for every loose or led horse, three cents shall be exacted by and paid to the said John

W. Simpson as toll, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 7th, 1815.

CHAP. CIX.

An act for the relief of Isaac H. Ward.

WHEREAS it appears to this General Assembly, that Isaac H. Ward, was appointed by Col. Thomas Clinton, commandant of the 26th Regiment in Stewart county, in obedience to an order from Brigadier General Thomas Johnson in the year 1808 commanding Col. Clinton to furnish Thomas Swan with a pilot to accompany and conduct said Swan through any part of the frontier and Indian lands on the western frontiers of this state, for the purpose of making discoveries of the hostile Indians who were committing depredations on the frontiers of Stewart county & whereas it appears that the said Isaac H. Ward in performing said tour of duty had his horse drowned, worth fifty dollars, also that the said Isaac H. Ward was twenty six days in performing said service and has never received any compensation therefor; therefore,

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the said Isaac H. Ward shall be and he is hereby allowed the sum of sixty three dollars as a full compensation, and the governor is hereby authorized and requested to draw a warrant on either of the treasurers of this state for the said sum of money in favor of said Isaac H. Ward, which warrant shall be received as a good voucher in the settlement of said treasurers account with the state.

Isaac H. Ward relieved.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. CX.

An act giving costs and prescribing the mode of recovering the same in cases of impeachment.

*Compensation on im-
peachments.*
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That hereafter any person who may be summoned to give evidence before the Senate on the trial of an impeachment shall be allowed one dollar per day for every days attendance, on such trial, and one dollar for every twenty five miles such person, may necessarily travel in going to and returning from the place of trial; and that the sergeant at arms, or such other officer as may be appointed shall be allowed two dollars for every arrest under process from the Senate, and five cents a mile for each mile he may travel in going and returning from said arrest; for executing each subpoena fifty cents, and for each day he may attend the Senate or any such trial two dollars.

How paid
Sec. 2. *Be it enacted*, That the sergeant at arms or other officer and each and every witness who has attended on such trial shall prefer his account on oath to the Clerk of the Senate whose certificate annexed thereto shall enable either or any of them to collect the same of the person impeached in case he be found guilty, but if acquitted the same shall be recovered of the state and paid by either of the treasurers, upon the production of the amount certified as aforesaid.

Sec. 3. *Be it enacted*, That the amount of said atten-

ance shall be recovered before any tribunal having cognisance, and in case the impeached shall be found guilty as aforesaid and unable to pay the same after due course of law has been had thereupon; then and in that case either of the treasurers shall pay the witnesses who have attended in behalf of the state, as also the sergeant or other officer upon the production of their certified accounts as aforesaid. *if persons be solvent states to pay costs.*

Sec. 4. *Be it enacted*, That if any such witness shall willfully swear to a greater number of days or miles than he or she may have attended or travelled, or any such sergeant at arms or other officer, shall willfully swear to more services than he has really performed before said clerk such witness or officer shall be guilty of perjury & suffer the same pains and penalties as prescribed for the commission of perjury, on the conviction thereof. *if more days proven than right perjury*

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the senate.

Nov. 2th, 1815.

CHAP. CXI.

An act to incorporate the inhabitants of the town of Franklin, in the county of Williamson.

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

Sec. 2. Be it enacted, That the corporation aforesaid shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of the town, prevent and remove nuisances, to establish night watches or patrols, to ascertain when necessary, the boundary and location of streets, lots and alleys, to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing, regulating or restraining theatrical or other public amusements within the town, to pave and keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within the town, to erect and regulate markets, to appoint a Recorder and High Constable, to provide for the licensing and regulating a fire company, the sweeping of chimneys, by the neglect of which the safety of the town may be endangered, to establish and regulate fire wards and fire companies, to erect and regulate pumps on the public square, streets, lanes and alleys, or convey water from the vicinity into the town, to impose and appropriate fines, penalties and forfeitures for the breach of their bye-laws or ordinances, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, to regulate and restrain tipping houses, and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect. *Provided,* they are not incompatible with the constitution and laws of this state.

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

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

Sec. 5. Be it enacted, That the sheriff of Williamson county shall hold an election at the court house in the town of Franklin, on the last Saturday in October in each and

every year, for the purpose of electing seven persons to serve as aldermen of the corporation of said town of Franklin, for one year commencing on the first day of November next thereafter, and all persons owning a freehold within said town, & also, all persons residing within said town who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for aldermen, and no person shall be eligible to the appointment of alderman unless he be a citizen and freeholder of said town of Franklin:

Sec. 6. Be it enacted, That the seven persons, qualified as aforesaid, having the highest number of votes, at any election held as aforesaid, shall be taken to be duly elected and the sheriff of the said county of Williamson shall, within two days thereafter, certify the same to the recorder of the said corporation, who shall thereupon summon the said aldermen to meet at the court house in the said town, on the Saturday next succeeding the day of their election, and the said aldermen shall there meet as aforesaid, and any number not less than five shall be a quorum, and they shall then proceed to elect by ballot one of their own members to be Mayor, and the person so elected shall accordingly be Mayor of the said corporation, for the same time for which the aldermen were elected as aforesaid, and whenever any Mayor of the said corporation shall die, remove out of the said town, or resign, another election shall be made by the aldermen in the manner aforesaid, of another person for the time then unexpired until the next general election of aldermen, and whenever any alderman shall die, remove or resign, such vacancy may be filled up by the Mayor and aldermen of the said town, at any regular meeting, and the person or persons by them appointed, shall serve until the next election.

Sec. 7. Be it enacted, That all laws and parts of laws heretofore made for the regulation of the town of Franklin, be, and the same are hereby repealed, and this act shall commence and be in force from & after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

EDWARD WARD,

Speaker of the Senate.

Oct. 9th, 1813.

Those to
meet & choose
Mayor

Authorized
to enact by
laws

Not to be
binding on
nonresidents

Fines how
recovered

Sheriff to
hold election

CHAP. CXII.

An act supplementary to an act passed the ninth day of October, eighteen hundred and fifteen, entitled, "an act to incorporate the inhabitants of the town of Franklin, in the county of Williamson."

Sheriff to
notify Alder-
men elected

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any election for aldermen shall take place in said town of Franklin, and there shall be a vacancy in the office of recorder, then and in that case the sheriff of the county of Williamson shall notify the persons having the highest number of votes, that they are elected aldermen of said town, and it shall be the duty of the persons notified as aforesaid, to meet at the time and place mentioned in the sixth section of the act to which this is a supplement.

Sec. 2. *Be it enacted*, That this act, and the act to which this is a supplement, shall have effect and be binding upon all persons and property being within the following described boundary to wit: Beginning in the centre of the old Natchez road, where a small branch crosses the same, about one hundred and fifty yards from the margin of said town, thence a direct line to Big Harpeth river, so as to include the houses where Nicholas Perkins, Jr. now lives, thence down the middle of said river with its meander to the mouth of Sharp's Branch, thence up said branch until it receives another small one on the east side, thence up that small branch to the beginning. *Provided*, That no land or lots of ground included within the above described bounds, and not within the limits of the original plan of said town, shall be subject to pay a greater tax to said corporation than what said land or lots pay at present to the state, until such land or lots shall be laid off and sold out in town lots, except such as now are or may hereafter be improved, in that case the whole of the improvements with one acre of ground may be taxed by said corporation as other town property.

Sec. 3. *Be it enacted*, That when any tax or duty shall be imposed upon any real property lying within the bounds of said corporation, and not paid by the owner or occupi-

of the same, and there should not be any personal property of the owner or occupier of said lot within the limits of said corporation upon which the same could be levied, when it shall be the duty of the recorder to certify the same to the county court of Williamson, at the term to which the sheriff of said county is required to report lands in his county on which the state and county tax has not been paid, and upon said report at said term, it shall be the duty of said county court to enter judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non payment of tax due the state and county upon lands lying in the said county, and the same shall be sold at the same time and in the same manner, and subject to the same rules, regulations and restrictions that are by law required for the sale of lands lying within said county on which the state & county tax is not paid, which tax when collected by the sheriff as provided for in this section, shall be paid by him into the hands of the recorder for the use of said corporation, and which sale when made in manner aforesaid, shall vest the same right and title in the purchaser as if the sale had been made for taxes due the state.

Sec. 3. *Be it enacted*. That the money and other property if any, in the hands of the commissioners heretofore appointed by law for the town of Franklin, shall belong to, and be vested in the mayor and aldermen of said corporation for the use of said town and the said commissioner or commissioners are hereby authorized and required to pay the same to the mayor and aldermen of said corporation, within ten days after they shall be elected, whose receipt shall be good to the said commissioner or commissioners for the same, and shall exonerate said commissioner or commissioners from paying the same to any other person, or in any other manner whatsoever, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 25th, 1915.

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CHAP. CXIII.

An act for the better regulation of the Town of Pulaski in the county of Giles.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That Henry Hagan, German Lester, Alfred M. Harris, Andrew Rogers, John McCracken, Samuel Y. Anderson and James Doran be, and they are hereby appointed commissioners, to form and put in force rules and ordinances for the regulation of the town of Pulaski, in the county of Giles.

Sec. 2. Be it enacted, That a majority of the said commissioners, shall constitute a quorum to do business, and whenever any vacancies may happen by death, resignation refusal to act, or otherwise, it shall be the duty of said commissioners, or any three of them, to appoint another person to fill such vacancy.

Sec. 3. Be it enacted, That said commissioners, before they enter upon the duties of their appointment, shall take an oath, well and truly to demean themselves as commissioners of said town.

Sec. 4. Be it enacted, That said commissioners shall choose one of their own body for chairman, to preside at their meetings, they shall also appoint one of their own body to act as clerk, whose duty it shall be to keep a fair and regular account of all the proceedings of said commissioners, and shall put up at the court-house a fair copy of such rules, regulations and ordinances, as said commissioners may adopt, at least once in every twelve months, said commissioners shall also, appoint a treasurer, who shall keep a fair and regular account of all monies by him received and expended, and before he enters upon the duties of his appointment, shall give bond and security to the chairman of the court, in the sum of five hundred dollars, for the faithful performance of all the duties appertaining to said appointment, and said commissioners shall make to such treasurer, and clerk, such compensation for their services as may to them seem just.

Sec. 5. Be it enacted, That said commissioners shall have power to compel all the inhabitants of said town who are liable to work on public roads, to work on and keep in

repair, the streets and alleys of said town in such manner as they may direct, and for that purpose shall appoint an overseer thereof who shall be bound to serve one year, under the same rules, regulations and restrictions as overseers of public roads, now are & who shall have the same power to compel all persons, liable to work on public roads to work on said town, in its streets and alleys, and shall also have power to abate for & remove nuisances, at the expense of the party occasioning the same.

Sec. 6. Be it enacted, That for the purpose of carrying the provisions of this act into effect, said commissioners shall have power to lay and collect a tax annually, on each Pay a tax. one hundred dollars worth of town property, not exceeding twenty-five cents, on each slave not exceeding fifty cents, on each white poll not exceeding twelve and one half cents, on each stud horse or jack kept for mares not exceeding one dollar.

Sec. 7. Be it enacted, That said commissioners shall appoint some suitable person in said town as town constable. Town constable. who shall hold his appointment, for one year or during good behavior, and whose office and duty it shall be to collect the taxes provided for by this act, and in all cases to carry into effect the ordinances, and regulations, which the commissioners aforesaid may adopt, and it shall be the duty of said constable, to collect the taxes provided for by this act, under the same rules, regulations and restrictions as collectors of public taxes now are, and shall account for the same to said commissioners, at such times as they shall require, and for failure in compliance therewith, shall be liable to be proceeded against, in the courts of pleas and quarter sessions, in the same manner that collectors of public monies now are. Provided, That if said court should give judgment against said constable, it shall also give judgment for twelve and one half per cent on the amount so recovered.

Sec. 8. Be it enacted, That no appropriation of money shall be made by said commissioners except for the benefit, or improvement of said town, and for the defraying the expenses necessary for carrying this act into effect and as therein specially provided for.

Sec. 9. Be it enacted, That said commissioners shall appoint some suitable person in said town to receive lists of taxable property, and polls, who shall return the same at such time as the said commissioners may direct, who in

mediately after his appointment shall proceed to advertise at the court-house door, the time which he intends to receive the same, giving at least five days notice thereof; it shall also be the duty of said person so appointed, to attend at the house of each individual or his place of residence for the purpose of receiving lists of taxable property and polls; and it shall also be his duty to enter on his list of taxable property, all such property as he may know not to have been given in by the owner thereof, and if said individual so appointed to take in lists of taxable property should fail from any cause to proceed as by this act directed, said commissioners shall proceed to appoint another in his stead, and if any person so appointed shall fail or refuse to act agreeably to the directions of this act, he shall forfeit and pay five dollars to be recovered in the name of the chairman of said commissioners, for the use and benefit of said town, before any justice of the peace for said county; *Provided*, it shall be the duty of said commissioners to make a reasonable allowance to said person so appointed to take in lists of taxable property.

Sec. 10. *Be it enacted*, That said commissioners immediately after the return of the lists of taxable property by the person appointed to take the same, shall appoint three judicious freeholders of said town, whose duty it shall be to assess the value of said town property and make return thereof to said commissioners at such time as they shall direct.

Sec. 11. *Be it enacted*, That said commissioners so soon as said assessment is returned, they shall proceed to lay a tax on the same agreeable to this act, and shall make out a duplicate of said tax list, which shall be signed by the clerk and tested by the chairman of said commissioners, and shall be sufficient authority for the constable to proceed to collect the same, after giving ten days notice of the same at the court house door.

Sec. 12. *Be it enacted*, That it shall be the duty of the said town constable, at the first meeting of the commissioners before the court of pleas and quarter sessions to which it is made the duty of the sheriff to report taxable property for not being listed and for non payment, to report to said commissioners all such taxable property as may come to his knowledge which has not been listed for taxes, as also, all such as the tax on which is unpaid, and for which he can find no personal property belonging to the

owner thereof to detain for the same, and it shall be the duty of said commissioners to make out a duplicate of said return under the hand of the clerk, and return the same to the court of said county at the term which it is made the duty of the sheriff to report, which said return shall be proceeded on in the same manner as the reports by the sheriff, except in this, that said town constable shall make sale of such property, and the order of sale shall be directed to him and advertisements shall be made in his name.

Sec. 13. *Be it enacted*, That it shall be the duty of said town constable, before he enters on the duties of his appointment, to enter into bond with said commissioners to the chairman of the county court, for the time being and his successors in office, in the sum of five hundred dollars for the faithful performance of all the duties of his appointment.

Sec. 14. *Be it enacted*, That the commissioners shall be, and they are hereby fully authorized and empowered to pass any ordinance or ordinances which they may deem necessary and proper for the better regulation of said town, and shall be authorized, if necessary, to cause said town to be re-surveyed agreeably to the original plan thereof, and to fix a stone at each corner of the lots thereof, and that all provisions and penalties annexed to any of the ordinances or regulations they may deem necessary to adopt, shall be as binding and shall be enforced in the same manner that similar provisions in the laws of this state are enforced, and that a justice of the peace shall have cognizance of all causes to the extent of their jurisdiction as in other cases & shall be authorized to enforce the same: *Provided*, said rules and ordinances be not inconsistent with the constitution and laws of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD

Speaker of the Senate.

Nov. 6th, 1845.

An act to provide for the navigation of the rivers Watauga and Holston.

A company authorized to open Watauga & Holston. Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That where any number of persons shall form themselves into a company, and by subscription create a stock of twenty thousand dollars, to be in shares of fifty dollars each, said company shall be and they are hereby made a body corporate, to be styled the Watauga and Holston navigation company, and be authorized to elect directors not exceeding ten, who shall at the time of their election, enter into bond with approved security to said company or any one of them, in a sum to be settled on by the said share holders, for the faithful application of all monies by them received to the accomplishment of the objects embraced within the purview of this act, and immediately proceed to the collection of the first instalments, not to exceed ten dollars on each share severally subscribed, and the remainder of said shares shall be in such instalments as a majority of the directors in their discretion may think proper, to embrace the interest of said company, and effect the object contemplated by this act.

Sec. 2. *Be it enacted,* That immediately after the receipt of the first instalments, said directors shall proceed to employ hands to remove the rocks & other impediments out of the channel of said rivers, so as to ensure the easy and safe passage of all flat bottomed and keel boats and barges, and other water crafts as can be navigated in said rivers, and when said obstructions are properly removed, it shall be the duty of said directors to keep said channel in good repair from the lower end of the poor valley shoals, up Holston river to the mouth of Watauga river, then to continue up Holston river to Rockhold's mills, and from the mouth of Watauga to Elizabethton in the county of Carter, so long as they continue a company, as a body politic and corporate, by the name and style of the Watauga and Holston navigation company, & by that name & their successors shall have continual succession, and shall be persons capable in law of suing and being sued, pleading and being impleaded, answering and being answered, unto, de-

sending and being defended in all courts and places where socver.

Sec. 3. *Be it enacted,* That any person or persons hereafter erecting or causing to be built, any dam or other obstructions across said channel, or to interfere with the said channel or navigation of said rivers, in the bounds above stipulated as to be opened by said company, so as to interrupt the passage thereof either in descending or ascending said rivers, under the penalty of fifty dollars for every week any such obstruction may continue, contrary to the provision of this act, shall be recoverable by any person who will sue for the same, before any authority having competent jurisdiction thereof, one half to the person suing therefor, and the other half to the use of the company.

Sec. 4. *Be it enacted,* That when said rivers Watauga and Holston shall have been so cleared out and improved as to admit of the free passage of boats and other crafts, as contemplated by this act, the directors of said company or an agent employed by them, for that purpose shall be authorized to receive from the owner, or commander of each boat or other craft ascending or descending a toll not to exceed six & one fourth cents for every hundred weight of product or merchandize that may be conveyed in boats or crafts descending or ascending as aforesaid. Toll to be collected,

Sec. 5. *Be it enacted,* That all those persons who have heretofore become subscribers to the Watauga and Holston navigation company, under the act of one thousand eight hundred and thirteen, for the opening of said rivers Watauga and Holston, shall have the privilege of withdrawing said subscription, or may continue said subscription and become share holders in said company. *Provided,* any subscription heretofore amounts to the sum or sums named for share holders to subscribe, the said directors shall be authorized by themselves or their proper agents, to administer an oath to the owner or owners, commander or commanders of boats, or other water crafts, respecting the amount of weight of their loading, and such owner or commander as aforesaid failing or refusing to give a correct account of the weight of their loading as aforesaid, shall forfeit and pay to said company the sum of fifty dollars, to be recovered by a warrant before any justice of the

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effect as other debts are recovered by the laws of this state.

Sec. 6. *Be it enacted*, That an act to incorporate the Watauga and Holston navigation company, passed at Nashville the eighteenth day of November one thousand eight hundred and thirteen is hereby repealed, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.

EDWARD WARD,
Speaker of the Senate.

Oct. 31st, 1815.

CHAP. CXV.

An act further to explain the duties of justices of the peace.

Justices to report orphan children.
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of each and every County court within this state upon information given to them by any one of the justices of the peace in their respective counties, that there is in the bounds of their county any orphan child or children whose situation requires the interference of the court to make such disposition of them as they are now bound and required to do by the provisions of the several acts of the General Assembly of this state, making it the duty of the grand juries at present, such orphan child or children to the county courts for their notice and interference.

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Sec. 2. *Be it enacted*, That it is hereby enjoined and made the duty of each and every justice of the peace within this state to give information to the courts of pleas and quarter sessions in their respective counties of any orphan child or children within their knowledge, whose situation requires the interference of their respective county courts.

Sec. 3. *Be it enacted*, That the county solicitors are hereby directed in discharge of their official duties, to attend to the provisions of this act, which duties are to be included in their ex officio services. Solicitors duty.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 7th, 1815.

CHAP. CXVII.

An act to authorize a separate election in the county of Knox.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the sheriff of Knox county, by himself, deputy, or by the coroner, on the days appointed by law, for holding elections, to open and hold a separate election at the house of Jacob Gibbs, on Beaver creek, for the purpose of electing a governor, members to congress, electors to elect a president and vice president, members of the state legislature, which said election shall be held and conducted under the same rules and restrictions as similar elections in this state. Sheriff, to hold elections.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any person living in the county, who is constitutionally authorized to vote at such elections, to give in their vote at said Jacob Gibbs's, as aforesaid. Persons authorized to vote.

Sec. 3. *Be it enacted*, That at the close of said elections, it shall be the duty of the judges and returning officers, to count out said votes and on the succeeding day make a return to the sheriff of Knox county in the town of Knoxville, of the number of votes received, at said election for each candidate, which return shall be received as part of the election of Knox county, and the judges of said elections shall have power to swear each voter, that he has not given in his vote at any other place in said election, than that at which he is about to vote, and if any such

shall refuse to swear being thus requested, it shall preclude him from a vote at said election.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. CXVIII.

An act for the relief of Constant Hardeman.

Preamble.

Whereas it appears to the general assembly, that in the year of our Lord one thousand eight hundred and nine, a resolution was adopted by the legislature of this state, directing the attorney general to obtain as far as in his power a contract with some suitable person to procure at the expence of this state the necessary testimony to be adduced in behalf of the state, in a suit then pending in Hamilton district, against Robert Searcy and his securities; and it also appearing to this general assembly, that the attorney general of West Tennessee, did contract with Constant Hardeman to procure said testimony, and that said Hardeman had performed the same, and had never received any compensation therefor, for remedy whereof:

Be it enacted by the General Assembly of the state of Tennessee, That the treasurer of West Tennessee be and he is hereby authorized and required to pay Constant Hardeman the sum of forty-five dollars, as a full compensation for the aforesaid services, whose receipt shall be a sufficient voucher for said treasurer in the settlement of his accounts with the state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 27th, 1815.

CHAP. CXIX.

An act for the better establishment and regulation of the Militia of this state.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That all free men & indentured servants from the age of eighteen to forty five years shall compose the militia of this state; Judges of the superior courts of law and equity, secretary of state, treasurers, attorney generals, ministers of the gospel, of every denomination, public ferrymen, justices of the peace, post officers who have the care of the mail of the United States, and post riders, shall be exempt from militia duty, except in case of eminent danger insurrection or invasion. Who compose the militia.

Sec. 2. The militia of this state shall be divided and designated as follows, (to wit) Different regiments &c.

The militia of Washington county shall compose the first regiment.

The militia of Sullivan county shall compose the second regiment.

The militia of Greene county shall compose the third regiment.

The militia of Hawkins county, shall compose the fourth regiment.

And the militia of Carter county, shall compose the fifth regiment--which regiments shall constitute the first Brigade.

The militia of Jefferson county shall compose the sixth regiment.

The militia of Grainger county shall compose the seventh regiment.

The militia of Cocke county shall comprise the eighth regiment.

And the militia of Claiborne county shall compose the ninth regiment--which regiments shall constitute the second Brigade.

The militia of Knox county shall compose the tenth and 40th regiments.

The militia of Sevier county shall compose the eleventh regiment.

The militia of Blount county shall compose the twelfth regiment.

And the militia of Campbell county shall compose the thirty third regiment—which regiment shall constitute the third Brigade.

The militia of the county of Anderson shall compose the thirteenth regiment.

The militia of the county of Roane shall compose the fourteenth regiment.

The militia of the county of Rhea shall compose the thirtieth regiment.

And the militia of the county of Bledsoe shall compose the thirty first regiment, which regiments shall constitute the 7th Brigade, which Brigades, shall constitute the 1st division.

The militia of the county of Sumner shall compose the fifteenth and forty third regiments.

The militia of the county of Smith shall compose the sixteenth & forty first regiments.

The militia of the county of Wilson shall compose the seventeenth & forty second regiments.—which regiments shall constitute the 4th brigade.

The militia of Lincoln county shall compose the 39th & 49th regiments.

*Different
regiments &c* The militia of Maury county shall compose the 27th 46th & 51st regiments.

The militia of Bedford shall compose the 28th and 47th regiments. The militia of Giles county shall compose the 37th and 52nd regiments, which regiment shall constitute the fifth brigade.

The militia of Robertson county shall compose the 23rd regiment.

The militia of Montgomery county shall compose the 24th & 50th regiments.

The militia of Dickson shall compose the 25th regiment, Stewart the 26th, Humphrys the 38th and Hickman the 56th regiments—which regiments shall constitute the 6th brigade.

The militia of the county of Overton shall compose the 35th regiment, of White, the 36th of Warren the 29th, of Franklin the 32nd, of Jackson the 18th, and 48th, which shall constitute the 8th brigade.

The militia of the county of Davidson shall compose the 19th and 20th regiments, of Williamson the 21st and 44th regiments, of Rutherford the 22nd and 45th regiments, which regiments shall constitute the 9th brigade, which brigades shall constitute the second division.

Sec. 3. Be it enacted, That each regiment shall be composed of two battalions, and each battalion shall be formed into companies, to consist of not less than forty privates, two musicians, three sergeants, three corporals, one captain, one lieutenant and one ensign. *Members to compose a company*

Sec. 4. Be it enacted, That each division shall be commanded by one major general, who shall appoint his aid-de-camp, one assistant adjutant general and one assistant-quarter master general—each brigade by one brigadier general, who shall appoint his aid-de-camp, one brigade major and one brigade quarter master—and each regiment by one lieutenant colonel and two majors, the lieutenant colonel commandant shall appoint one adjutant, one quarter master, one surgeon, one sergeant major, and one drum and one file major. *Commanders.*

Sec. 5. Be it enacted, That the Governor shall appoint one adjutant and one quarter master general with the rank of lieutenant colonels. *Governor's staff.*

Sec. 6. Be it enacted, That the division staff shall rank as majors, the brigade staff as captains, and the regimental staff as lieutenants. *Rank of.*

Sec. 7. Be it enacted, That it shall be the duty of each major general to receive from the adjutant general, copies of requisition of men made by the government on his division, and shall, without delay, make a detail on the brigades in his division, agreeably to the returns made by the brigade majors, and shall issue his orders to the brigadiers accordingly—whenever the major general may choose, he may attend at any muster or review whatever, and give any order for the disciplining of the troops he may deem expedient. *Requisitions how made.*

Sec. 8. Be it enacted, That it shall be the duty of the brigadier general to receive from the adjutant general or major general, copies of requisitions on his brigade and shall make a detail on the regiments in his brigade agreeably to the returns made by the adjutants of regiments and give orders to the commandants of regiments accordingly—and whenever he may be present at any muster in his brigade, he may order and direct the discipline and exercise thereof, if he may think it necessary—he shall order the officers, non commissioned officers and musicians, of one or more regiments in his brigade, to be trained together, at some place within the bounds of his

command, to continue not less than two nor more than four days at his discretion, which training shall be in the month of September annually, and whose duty it shall be to encamp the troops on the ground and superintend such training in person; of which training he shall give the commandants of regiments at least twenty days notice.

Requisitions on their regiments. Sec. 9. *Be it enacted*, That commandants of regiments shall receive from the brigadier copies of requisitions made on their regiments; who shall make the detail on the several companies of said regiment agreeable to the strength of the companies, and issue his orders to the several commandants accordingly, he shall at all trainings call the rolls and note and report the delinquencies, to the judge advocate of his regiment, or if a field officer, to the brigadier general; and if the commandant is a delinquent, the adjutant shall return him accordingly; it shall be his duty to attend the regimental and battalion musters; he may also attend the company musters when he may choose, to do so; and give such orders as may think proper.

of in- Sec. 10. It shall be the duty of the major generals, brigadier generals and commandants of regiments, upon receiving notice of an invasion, or insurrection, immediately to embody such a force as they may deem competent for the emergency, giving the earliest notice thereof to their next superior officer and the governor.

Commandant to exercise. Sec. 11. It shall be the duty of commandants of regiments & battalions, to exercise their regiments and battalions, on their days of muster, and when they may be present at any company muster, they may superintend their exercise if they think proper.

Roster how made. Sec. 12. It shall be the duty of the commanding officer of each company, to make out a fair roster of his company, placing all those who have not performed duty, on the lowest number; and when a detail is made on the company, the captain shall draft the number required, from the whole who have not served a tour of duty. And when any person arrives at the age of eighteen, it shall be the duty of the captain within whose bounds he lives, to give to such person at least three days notice of the time, & place of holding the next company muster—who shall be enrolled on the roster of said company, by lot among those who have served a tour of duty, or those who have not served; and when any person moves into the bounds of

company he shall within ten days, if a citizen of this state, if a citizen of another state within thirty days, produce a certificate from the captain to whose company he formerly belonged, shewing whether he has performed a tour of duty or not; and in case he fail to produce such certificate the officer shall place him first for service.

Substitutes. Sec. 13. Where marching orders are given, the captain may designate some place within the bounds of the regiment or regiments, from which his company was detailed where he may receive substitutes, in the place of those detailed for service, *Provided*, They are able bodied men, well armed, and such as the captain will approve of; and if approved of, he shall receipt to the person furnishing such substitute, which shall be evidence to the officer from whose company such detail is made, that such person is entitled to a credit, which credit shall be entered in such company book, after such troops are discharged from service, for the time the detachment has served, and no longer, and if the substitute enlists in the service of the United States the credit shall be given for the time such detachment was detailed for service, and each and every one furnishing such substitute, shall be bound to attend all the musters directed by this act, & if such substitute should be called on to perform a tour of duty during his substitution, the person for whom he is a substitute shall be bound to serve in his stead, and if any person who may furnish a substitute should be called upon to serve in the room of such substitute, said substitute shall refund to said person the full amount which he may have received for performing said substitution.

Sec. 14. It shall be the duty of Lieutenants and Ensigns to assist in the exercise and discipline of their companies, and report every defalcation or disobedience in the government and exercise thereof.

Orders to obey ed. Sec. 15. All officers of every grade shall implicitly obey the orders of their superiors; and in case of the absence, death, or inability of any officer, the next in rank shall take the command, and discharge all the duties required by this act of his superior, during such vacancy, absence or inability.

Adjutant Gen. Sec. 16. The adjutant general shall keep his office at the seat of government: he shall keep a fair record of all orders & duty and communications he shall receive, from the commander

in chief of the state, and obey all orders from him relative to the duties of his office: he shall receive the annual returns from the brigade majors and assistant adjutant generals from which he shall make out a general return of the whole strength of the militia of the state, which he shall lay before the commander in chief of the state on or before the first monday of September in each year, a duplicate of which return he shall without delay forward to the secretary of war of the United States; he shall furnish blank printed forms of annual returns of divisions, brigades, regiments, battalions and companies, on or before the first day of March annually, which when made out shall shew the strength, arms and accoutrements, & the number of men who have performed a tour of duty, and the number subject to the next call to be made on the militia; and shall cause the same to be printed, for which the public printer shall receive the same fees as for similar services to be paid out of any monies in the hands of either of the treasurers of this state on the draft of the governor, and he shall perform such other duties as are enjoined on him by the laws of the United States & of this state.

Quarter master Gen.

Sec. 17. The quarter master general shall keep his office at the seat of government, or such other place as the governor may direct—he shall keep a record of all orders and communications he shall from time to time receive from the commander in chief of the state and obey all orders relative to the duties of his office; he shall collect and keep safely all arms and military stores, belonging to the state, which shall be subject to the orders of the governor; he shall furnish blank printed forms to the division, quarter masters and others while in service, which when made out shall shew the quantum of arms, camp equipage &c.

Party of staff
Sec. 18. Aid-de-camps shall carry and execute the orders of their generals. Assistant adjutants general shall execute the orders of their generals, and adjutant general, assistant quarter-master general shall execute the orders of their generals and quarter-master general, brigade quarter-master, the orders of their generals and assistant quarter-master general; regimental quarter masters, shall execute the orders of their commandants and of their brigade quarter-masters. Adjutants and sergeant majors, shall execute and carry the orders of their field officers.

Sec. 19. It shall be the duty of brigade majors to at-

and the several brigade drills, to superintend the exercise, to receive from the adjutants or commandants of regiments the annual returns of the militia, and make out three fair brigade returns, agreeable to forms furnished by the adjutant general, and lay the same before the brigadier general, on or before the 1st monday of June, in each year, for his examination and signature, and transmit one copy to the adjutant general and one to the major general, on or before the 1st Monday of July in each year. And when details are made on the militia, he shall make out muster rolls and transmit the same to the adjutant general's office if directed, and shall perform such other duties as are required by the laws of this State and of the United States.

Sec. 20. There shall be one judge advocate appointed by the commandants of each regiment, whose duty it shall be to attend the regimental courts martial or assessment to take and keep safely a true statement of all proceedings of the court: he shall keep a book in which shall be recorded by him, the proceedings in all cases which may come before said courts.

Judge Advocate for each regiment.

Sec. 21. Judge advocates and provost marshals, shall be appointed to the several courts martial by said courts hereafter ordered. The Judge advocate shall take and keep safely a true statement of all proceedings, whether pleas, evidence or defence, made before a court martial, a fair copy of which after being signed by the president shall be delivered to the Governor, or officer ordering such court martial (as the case may be) within twenty days, after their adjournment, and prosecute for the state. The provost marshal shall attend and execute the orders of the court.

How appointed and duty.

Sec. 22. Courts martial shall be ordered for the trial of all officers, for neglect of duty, disobedience of orders, or disorderly and ungentlemanly behaviour.

Courts martial.

Sec. 23. General courts martial shall be ordered by the Governor, when he may think it necessary; where a major general shall preside, if convenient—if not a Brigadier, and be composed of twelve members in addition, two of whom at least shall be brigadiers, and the others field officers.

Sec. 24. Division courts martial shall be ordered by the major general when necessary; where a brigadier general

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shall preside, and be composed of twelve additional members, two of whom at least shall be colonels and the balance field officers.

Sec. 25. Brigade courts martial shall be ordered at the discretion of the brigadier general, where a colonel shall preside, and shall consist of twelve additional members, two of whom at least shall be field officers and the others not under the grade of captains.

Sec. 26. Regimental courts martial shall be appointed at the discretion of commandants of regiments, where a major shall preside, and be composed of twelve additional members, two of whom at least shall be captains.

Challenges
to members
how made.

Sec. 27. In all courts martial, whether general, division, brigade or regimental, when the full number of officers summoned shall fail to attend, the court shall proceed to trial, provided a majority of the officers summoned are present. The president or any member may be challenged on, cause shewn to the satisfaction of the court. The decision of any of the courts martial, ordered under the authority of this act, shall be approved or disapproved, by the officer, ordering the same, and in case the sentence is disapproved he shall return the proceedings to the president of the court, with his objections within twenty days, who shall again convene the court and reconsider the same, and thereupon if they adhere to their former opinion, the sentence shall stand confirmed, and the officer ordering said court, shall dissolve said court, and publish the sentence thereof; subject however to an appeal, to the officer next in rank, and in case of a division court martial, to the governor, for their final affirmation or reversal. Provided that the sentence of no court martial shall be revised or set aside for the want of any formality.

Sec. 28. In general courts martial, none shall be tried below the grade of a general officer, or the adjutant or quarter master general. In division courts martial, none shall be tried below the grade of a field officer or division staff, in a brigade court martial, none shall be tried below the grade of field officer or brigade staff, or a captain, on good cause shewn; in regimental courts martial, all officers below the grade of field officers, shall be tried, and regimental staff officers.

Oaths of
officers of
court and duty.

Sec. 29. When either of the courts herein directed to be organized is convened the president thereof shall administer

oath to the judge advocate thereof, the following oath—
“I do solemnly swear, or affirm, that I will truly and faithfully execute the office of judge advocate to this court, so long as I remain in office, to the best of my abilities and according to the laws of this state, and of the United States; and that I will not when secrecy is required disclose or discover the sentence of said court, unless to the commanding officer, until he has approved or disapproved thereof; nor will I disclose or discover the sentence or opinion of any particular member of said court unless required to give evidence in a court of justice. The judge advocate shall then proceed to qualify the president and members of said court by administering to them the following oath—“you and each of you do swear or affirm that you will well and truly try and determine according to evidence and the laws of this state and of the United States, between the state of Tennessee and the prisoner to be tried, and you will not disclose the sentence of this court martial when secrecy is required, until the same is made known by proper authority, nor will you disclose or discover the opinion of any particular member of this court, unless required to give evidence thereof, in a court of justice; the proceedings of the court shall be correctly taken down by the judge advocate, until the trial is finished, when a complete record of the trial and sentence, shall be signed by the president—and the court adjourned. Upon the disclosure of the sentence of any court martial, any person may according to the directions of this act, appeal therefrom by filing a written notice with the officer, to whom the appeal is made, at any time before the expiration of twenty days whose duty it shall be to order up before him the proceedings of such court, for final decision, which shall be given within thirty days thereafter.

Sec. 30. When any person may have cause of complaint against any commissioned officer, he shall lodge with the governor, major general, brigadier general or commandant of a regiment, the charges certified in form, and make oath before some justice of the peace, that such charges are true to the best of his knowledge and belief, and thereupon an arrest or enquiry may be awarded, at the discretion of such officer, within twenty days thereafter, the court martial shall be ordered; of the time and place of which the officer arrested, shall have at least fifteen days notice as well as a copy of the charges exhibit.

Complaints
how received

ed against him: If it should appear to the said court, when convened, that from the absence of witnesses or any other cause, a fair and impartial trial cannot be had, they may adjourn to some future day, provided the time shall not exceed three months.

Courts have called.
 Sec. 31. The commandants of regiments are hereby authorized and directed to call courts martial, or courts of enquiry, at any time when they may think it necessary, to try persons failing to do their duty, or delinquents of any kind, or persons failing to perform a tour of duty when called on, or for the trial of any non-commissioned officer, or private, who may desert from the service, or to excuse any person disabled, or for other cause, from doing militia duty during their disability.

Court of assessment to be held annually.
 Sec. 32. A court martial for the assessment of fines, and receiving the returns of delinquents, shall be held for each regiment annually, on the 1st Thursday in December, which shall be composed of a majority of the captains of such regiments, the eldest of whom shall preside when present, if not the next eldest, which together with the regimental judge advocate and provost marshal, may proceed to business; in case the judge advocate fails to attend, any court of assessment; one may be appointed by the court present. All other company commissioned officers may attend, who ex officio shall be members of said court. This court is to examine all returns laid before them, to have all delinquents called, to shew cause why judgment should not be entered against them. This court shall also have power to exempt from duty, aged and disabled persons, during their disability. They shall have power to adjourn from day to day, to compel the attendance of absent members, and when the business is completed, the president shall sign the record of their proceedings and the court shall be dissolved, previous to their proceeding to business, the president shall administer to the judge advocate the following oath. "I — do swear that I will truly and faithfully execute the duties of judge advocate, to this court, so long as I may remain in office, to the best of my abilities and according to the laws of this state." The judge advocate shall proceed to qualify the members by administering to them the following oath. "You and each of you do swear (or affirm) that you will truly and diligently enquire of, and decide upon, the several delinquencies reported to you, and in every case decide according to law, and the best of your understanding, so help you God."

Sec. 33. Within thirty days after the sitting of every regimental court of assessment, the judge advocate thereof shall make out a complete list of the fines assessed, and deliver the same to the sheriff of the county, and take his receipt therefor, which fines shall be collected and accounted for according to the provisions of this act; any judge advocate failing to make out within the time prescribed by this act, the list of fines herein required, shall be fined by a regimental court martial, in a sum not exceeding one hundred dollars and be dismissed from office. It shall be the duty of each and every sheriff or deputy sheriff, under the penalty of one hundred dollars to be recovered on motion of the judge advocate, in the county court to receive all lists of fines against all delinquents as adjudged by any court of assessment or court martial, and the said sheriff shall have power to apply for the same, levy & make distress therefor as in cases of county tax, for which he shall receive the same per centum and fees for distress, as are allowed for the collection of the public revenue. On or before the first Monday of May in each and every year the said sheriffs shall pay over to the regimental judge advocate, all sums by them collected as aforesaid, and return upon oath an account of all insolvents and delinquents to the annual court of assessment for their examination; and such of the insolvent lists as the court shall approve of, the sheriff shall be allowed for on his settlement with the judge advocate: And in case the said sheriff shall fail or refuse to settle with the judge advocate as aforesaid, the said judge advocate shall at the next ensuing county court proceed to recover the money due from said sheriff, his deputy or either of them, by motion in the county court; and the said court shall proceed to give judgment in the same manner that judgments are given against collectors of state and county taxes.

Sec. 34. The judge advocate of each regiment shall before he enters on the discharge of his official duties, enter into bond with good and sufficient security to be approved of by the court martial, in the penalty of one thousand dollars, conditioned for the faithful performance of the duties herein required of him, and the said bond shall not be void on a first recovery.

Sec. 35. It shall be the duty of the field officers of each regiment to settle with the judge advocate at least once in every year, which settlement signed by themselves they shall cause to be recorded in the county court at the next year.

Judge Advocate to make out lists of fines and put them in the hands of sheriff.

Judge Advocate to give bond & security.

Officers to settle with judge advocate every year.

court succeeding such settlement, for which services the clerk shall be entitled to twenty-five cents per page, to be paid out of any money in the hands of the judge advocate, and the receipt of the clerk shall be a sufficient voucher for the judge advocate on the settlement of his accounts. The money collected and funded with the judge advocate shall be subject to orders drawn by the commandant of the regiment for the following purposes, to wit: The purchase of regimental and battalion standards, drums, files, &c. the purchase of arms, and teaching of military music; all which orders shall be filed and preserved by the judge advocate as vouchers in his annual settlement: *Provided*, That the judge advocate shall retain in his hands six per cent. as a commission to be deducted out of all monies so paid out.

Captain to inform men of the fines against them
 Sec. 36. The judge advocate shall on the application of the commanding officer of any company within his regiment, furnish him with a list of fines assessed on each member of his company, at the preceding court of assessment, which the said commanding officer shall make known to his company at their next muster succeeding his receipt thereof.

Sec. 37. Where any person who has been fined by any court of assessment shall remove into any other county in this state, it shall be lawful for the commanding officer of the regiment where the fine was imposed, to send a certified copy of such fine to the sheriff of the county to which he shall have removed, who shall collect and account for the same as heretofore directed in this act.

Adjutants to report delinquents.
 Sec. 38. It shall be the duty of adjutants of regiments at the regimental and battalion musters, to notice and report all delinquencies of captains, subalterns, or staff officers, which may happen, and shall return such lists of delinquents to the next court of assessment held in his regiment, who shall have power to fine such delinquents for their neglect.

Certain fines to go to the public treasury.
 Sec. 39. All fines assessed under any of the provisions of this act on any general, field or staff officers, other than regimental staff, shall be paid into the public treasury—it shall be the duty of all officers ordering such courts martial, to place a list of fines so assessed in the hands of the sheriff of the county in which such delinquents shall reside, within thirty days after a final decision is had, and take duplicate receipts of the sheriff therefor, one of which

he shall transmit to the treasurer, who shall compel such sheriff to account for such fines as other public monies are accounted for, within six months after such list shall have been placed in his hands.

Court may be adjourned
 Sec. 40. Whenever a sufficient number of officers fail to attend the annual court of assessment on the day appointed, it shall stand adjourned from day to day until a sufficient number do attend, and those attending shall have power to send for absent members and award such fines as they may judge reasonable, for non attendance not less than five nor more than ten dollars a day on each.

May Summons be issued
 Sec. 41. All courts martial, and of assessment, shall have power to issue summons for witnesses, or previous to the sitting thereof, the president of such court, or any field officer, may issue such subpoena, the process to be served by the provost marshal or any sheriff or constable; and either of the courts aforesaid shall have power to fine witnesses for non attendance a sum not exceeding three dollars, without a reasonable excuse.

Appeals, how made.
 Sec. 42. That any person fined at the annual regimental court of assessment, conceiving himself aggrieved thereby, shall and may, at any time before the first monday of January next after the sitting of such court, appeal therefrom to the field officers of his regiment, who, or a majority of them, are hereby constituted a court of appeal, who having taken an oath to act impartially, shall have power to remit such fine or fines, if in their opinion the same shall have been unjustly assessed. In all appeals the following method shall be pursued; the person complaining shall make oath before some justice of the peace for his county, that he considers himself aggrieved by the sentence of the court of assessment, and state on oath his defence or excuse, which shall be certified by the said justice and filed by the appellant with the commanding officer of his regiment, and the commanding officer of the regiment shall thereupon issue his order to the sheriff of the county suspending the collection of such fine or fines, until such appeal can be heard by the court of appeals. The regimental judge advocate shall attend said court of appeals and record their proceedings, and shall within ten days after its rise, certify to the sheriff of his county, the decision of said court in all appeals brought before it, whether confirmed or reversed.

Sec. 43. That hereafter no person shall be permitted to

Volunteer companies how formed join a volunteer company, whether of cavalry, light infantry or riflemen, from any company which contains a less number of men than sixty four, rank and file; and if at any time a company should be reduced to a less number than forty men, exclusive of officers, it shall be dissolved and incorporated with adjoining companies in such proportion as may be deemed necessary by the commandant of the regiment. The field officers of each regiment shall when necessary, alter and regulate the boundaries of the battalions and companies within their respective regiments, so as to make them contain as nearly as possible the same number of privates, and that where there may be two or more regiments in the same county, it shall be the duty of the brigadier general commanding the same to divide the said regiments as near equal as to him may appear reasonable.

Parents &c. liable for fines assessed on minors. Sec. 44. Parents, guardians, and masters shall be accountable for and pay the fines of their children, wards or servants, who are under twenty one years of age; *Provided*, That parents shall only be responsible where their children live with them.

Allowance to brigade inspectors. Sec. 45. Brigade inspectors shall be allowed the sum of two and a half dollars for each and every day, and for every twenty five miles riding, they may be employed in, the discharge of the duties enjoined on them by this act: provided that they shall produce an account of the services rendered, sworn to, together with the brigadiers certificate of a faithful discharge, of such duties, to the governor for his examination, and if such account is approved the governor shall certify his approval thereof; and the same shall be paid by either treasurer.

Captains to release men from service. Sec. 46. It shall be lawful for commandants of companies, to discharge any person from militia duty, upon his producing an affidavit from some justice of the peace, within the county, that he believes he is forty-five years of age.

Sec. 47. The residence of every militiaman in this state shall be considered to be at the place where he has his lodging.

Non-commissioned officers to serve 3 years. Sec. 48. Non-commissioned officers when elected shall serve two years, unless permitted to resign, by a majority of the company officers.

Sec. 49. It shall be the duty of each captain annually to

furnish the sergeant major of his regiment, with the list of the names of the sergeants and corporals of his company, which shall be done, on or before the first day of April, & such sergeant major shall keep a roster thereof, by which the detail of their duty shall be regulated.

Sec. 50. The commandants of companies shall make their annual company returns, on or before the first day of April, in each and every year, agreeably to forms which shall be furnished them by the adjutant general; in which shall be expressed the military strength, arms, &c. and deliver the same to the adjutant or commandant of his regiment.

Sec. 51. The commandants of regiments shall cause their adjutants to make out from the company returns on or before the fifteenth day of April, in each year, two regimental and battalion returns, agreeably to forms prescribed and furnished by the adjutant general, and lay the same before them for examination; and it shall be the duty of the said commandants after signing said returns, to cause the adjutants to forward one of said returns, to the inspectors of their respective brigades, on or before the first day of May in each year, and retain the other for the use of the commandants.

Sec. 52. It shall be the duty of major generals to cause their assistant adjutant general, to make out from the brigade returns, two forms of division returns, agreeable to forms furnished by the adjutant general, and lay the same before them, on or before the first day of August in each year, for their examination and signature, one of which the assistant adjutant general shall forward to the adjutant general's office, on or before the fifteenth day of August in each year.

Sec. 53. It shall be the duty of the adjutant general to make out from the division returns, two general returns, one of which he shall lay before the general assembly at each and every stated session.

Sec. 54. There shall be a regimental muster held on the second Saturday of October, in each year, at such place as a majority of the commissioned officers of such regiment may direct. Where every field, staff and regimental commissioned and non-commissioned officer, musician and private, shall attend, armed and equipt according to law.

Battalion musters when held. Sec. 55. There shall be a battalion muster in each battalion, in the month of April in every year, the first battalion in each regiment shall hold its muster on the first Saturday, and the second battalion on the second Saturday in said month at such place within their bounds as a majority of the officers may direct. Where every officer, non-commissioned officer, musician and private shall attend, armed and equipt according to law

Company musters. Sec. 56. There shall be four company musters held in each year, to be appointed at the discretion of the commanding officers of companies, within the months of March, May, August and November, where every commissioned officer and non-commissioned officer, musician and private, shall attend, armed and equipt according to law.

What hours troops to be exercised. Sec. 57. At the several musters herein directed to be held, the troops shall be exercised at least three hours in each day, and agreeably to Duane's hand book for infantry, or such other system of discipline as may be adopted by the United States infantry. The rolls shall be called at each muster or review, and the delinquents noticed by the commandants of companies, both as to absence, and arms and accoutrements.

Improper behavior in privates punished. Sec. 58. If any non-commissioned officer or soldier, shall behave himself disobediently or mutinously when on duty, or before any court directed by this act, the commanding officer, or said court, may confine him during the parade, or during the setting of the court; and he may be fined by a court martial or by the court of assessment, in any sum not under five nor more than ten dollars, to be collected as other fines under this act: and if any bystander shall attempt to molest or insult any officer or soldier while on duty, or shall be guilty of like conduct before any court, the commanding officer, or such court may inflict similar punishment.

How privates armed. Sec. 59. That each company officer and private, shall be armed in the following manner to wit, each company officer with side arms, each non-commissioned officer and private with a musket and cartridge box, or rifle pouch and horn in good condition, and every officer, non-commissioned officer, musician and private, shall attend at the muster ground and answer to his name, by eleven o'clock A. M. on the day appointed for regimental, battalion and company musters.

Arms and equipments exempt from execution. Sec. 60. The arms and equipments of any militia man shall be exempted from execution at all times, and their persons from arrest or the service of civil process while going to, continuing at or returning from musters, or any military court.

Resignations not to be received in less than five years. Sec. 61. No officer now holding a command in the militia shall be permitted to resign until he shall have held his commission the time required by the laws heretofore in force, and no officer hereafter elected shall resign within five years from the date of his appointment unless permitted by his superior officer, if a field officer and if a company officer by the field officers of his regiment: and if any person should offer and refuse to act after he is elected and commissioned, he shall be fined by the proper court in a sum not less than twenty nor more than one hundred Dollars.

Resignations how made. Sec. 62. The resignation of all officers in the militia shall be as follows. All company officers and regimental staff shall resign to the commandants of regiments. Regimental, field and brigade staff officers, to the brigadier generals. Brigadier generals and division staff to the major generals; the adjutant and quarter master general to the governor, and all vacancies shall be filled in the following manner:

If the command of a major general shall become vacant the governor shall issue a writ of election, if a brigadier the major general shall issue a writ of election, if a field officer the brigadier shall issue his writ, and for all company officers, the vacancies shall be filled, by the writ of the colonel or commandant.

Oath of militia officers. Sec. 63. It shall be the duty of every person hereafter elected to a command in the militia of this state, before he enters on the discharge of the duties of his command, to take and subscribe the following oath which shall be entered on the back of his commission. "I ——— do solemnly swear that I will support the constitution of the United States and of the state of Tennessee, and that I will faithfully discharge the duties of ——— in the militia of Tennessee as prescribed by law to the best of my abilities."

Officers absentsenting themselves. Sec. 64. If any commissioned officer shall absent himself from the duties of his command for more than twelve

months, unless employed in public business, it shall be considered a removal, and measures shall be taken by the proper officer to fill such vacancy. And if any commissioned officer in the militia of this state shall labor under any incurable bodily infirmity, mental disability, or shall be guilty of habitual drunkenness, the proper officer on information thereof shall order a court of enquiry to consist of five members; and if on testimony or personal observation they shall report to the officer ordering such court, that such person does labor under mental disability, bodily infirmity, or shall be guilty of habitual drunkenness, so as to disqualify him for the faithful discharge of his duty: and if the officer ordering such court shall approve said report, the office thereafter shall be considered vacant, and the proper officer shall proceed to have said vacancy filled as directed in other cases. *Provided always*, That the officer so tried shall have the right of appeal to the next superior officer for approval or disapproval of said report.

Officers to
draw out mil-
itia to repel
invasion.

Sec. 65. *Be it enacted*, That in case of actual invasion, or an invasion premeditated or threatened against this state or any part thereof, it shall and may be lawful for the governor or any officer by him directed, to order into actual service all or such parts of the militia of this state as he shall deem expedient, and to discharge such troops as soon as he may judge it consistent with the safety of the state. *Provided always*, That the requisition shall be made in the different divisions, brigades, regiments and companies in proportion to their numbers, who have not performed a tour of duty.

Sec. 66. That every non-commissioned officer, musician or private who shall neglect or refuse to appear by himself or substitute at such time & place as shall be appointed out by his commanding officer or appear and not armed with a good musket and cartridge box, or rifle, pouch and horn, in condition for actual service, such person on conviction shall forfeit and pay a sum not less than one hundred dollars, which sum shall be adjudged against him by a court martial, and shall be collected as heretofore directed, and paid into the public treasury, and if any commissioned officer shall be guilty in like manner, he shall be subject to a penalty not less than one hundred dollars, be reduced to the ranks, and ordered immediately for service, and in case of refusal shall be liable to the same penalties that other privates are by this act, each of which last men

tioned penalties shall be assessed and paid over as heretofore directed by this act.

Sec. 67. *Be it enacted*, That the requisition of the governor, on the militia of this state, shall be deemed evidence of an invasion or insurrection, or an invasion threatened or premeditated, and thereupon it shall be lawful for the proper officers to enrol all such persons who are exempted from militia duty by this act, except in such cases.

Example
when enlist-
ed.

Sec. 68. That all commissioned officers shall take rank according to their commissions, and the dates of their commissions, and when two or more officers of like rank shall have been commissioned on the same day, their rank in the brigade or regiment, shall be determined by lot, to be drawn before their commanding officer.

Sec. 69. *Be it enacted*, That the uniform of the general field & staff officers of the militia of this state, shall be the same as that of officers of the same grade, in the United States army. Uniform to be same as U. States troops

Captains and subaltern officers the same, or a deep blue hunting shirt, and pantaloons, with white trimmings, half boots or gaiters, a round black hat, black cockade and red plume. Subaltern officers shall not be compelled to wear epaulettes.

Sec. 70. *Be it enacted*, That the fines inflicted under this act, shall be as follows, without a reasonable excuse. Fines on officers.

On a major general or division staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten, nor more than fifty dollars.

On a brigadier general or brigade staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten nor more than fifty dollars.

On field officers or regimental staff, for failing to perform any of the duties enjoined on them by this act, a sum not less than ten nor more than forty dollars.

On captains or subaltern officers, for failing to perform any of the duties enjoined on them by this act, a sum not less than five nor more than twenty dollars, to be collected and paid over as heretofore directed in this act: *Provided*, That nothing in this section shall be so construed as to effect the fines heretofore directed in this act to be assessed and collected in particular cases therein mentioned.

Fines on privates. Sec. 71. *Be it enacted*, That non-commissioned officers, musicians and privates for failing to perform any of the duties enjoined on them by this act, except such as are heretofore provided for, shall be fined in a sum not less than one dollar nor more than five dollars.

Persons entitled to tour of duty. Sec. 72. Persons who have served tours of duty in the United States army as officers, and have since resigned or been arranged out of service, and have returned to the ranks as privates, and all persons who have enlisted and been discharged, after a service of six months or more, shall be entitled to credit for a tour of duty in the militia of this state.

Volunteer light infantry authorized. Sec. 73. *Be it enacted*, That it shall and may be lawful for a volunteer company of light infantry to be raised in each regiment where it has not already been done, and the commandants of regiments are hereby authorized to appoint persons pro. tem. to raise such companies, which shall not consist of less than forty nor more than sixty-four privates, one captain, one lieutenant and one ensign, three sergeants, three corporals and two musicians.

Privates how armed. Sec. 74. The commissioned officers shall be armed as other officers of the same grade, and each non-commissioned officer and private with a good musket, smooth bore, or rifle, cartridge box or pouch and horn, and shall hold company muster four times in each year at the regimental muster ground, in the months heretofore designated for holding company musters, and shall attend the battalion and regimental musters most convenient, and shall be subject during said musters, and at all other times, to the orders of the commandant of the regiment or battalion.

Volunteer rifle men authorized. Sec. 75. *Be it enacted*, That it shall and may be lawful for a volunteer company of rifle men to be raised in each regiment where it has not been done, under the same rules, after the same manner, and to be under the same restrictions as companies of light infantry. The commissioned officers shall be armed as other officers of the same grade, the non-commissioned officers and privates, with good rifles, pouches and horns, and shall muster at the regimental muster ground in the same months that have been heretofore directed, four times in each year, and shall attend the battalion and regimental musters of the battalion and

regiment most convenient, and be subject to the orders of the commandant, during said musters, and shall at all other times be subject to the orders of the commandant of the regiment.

Not to reduce militia companies. Sec. 76. *Be it enacted*, That it shall not be lawful for any officer of light infantry or rifle companies to enrol any non-commissioned officer, musician, or private, who has been enrolled by any militia officer of this state, unless such person shall produce a certificate from the commandant of the company to which he belonged, certifying that his company will not be reduced below its proper number by such enrolment.

To serve by entire companies. Sec. 77. *Be it enacted*, That the companies of light infantry and riflemen herein directed to be raised, shall be distinguished by the number of the regiment to which they belong; and when details are made on the militia of this state, they shall be ordered into service by entire companies, which shall be determined by lot drawn by the adjutant general in presence of the governor.

No private to withdraw without leave. Sec. 78. *Be it enacted*, That no person shall be permitted to withdraw from a company of light infantry or riflemen, under five years, without the consent of the commandant, or unless he shall remove out of the regiment to which said company belongs.

Uniform of riflemen. Sec. 79. *Be it enacted*, That the uniform of the rifle companies shall be as follows: long black hunting shirt and pantaloons, fringed with yellow, round hat and red plume for commissioned officers and a round hat & black plume for non commissioned officers musicians & privates.

Do of light infantry. Sec. 80. *Be it enacted*, That the uniform of the light infantry shall be as follows long blue hunting shirts and pantaloons, fringed with red, round hat and red plume for commissioned officers and round black hat and white plume for non commissioned officers and privates.

Elections contested. Sec. 81. *Be it enacted*, That all elections for officer of light infantry & Riflemen shall be held under the same rules, regulations, and restrictions, as elections for other militia officers.

Sec. 82. *Be it enacted*, That the courts martial for the determination of contested elections shall be ordered in the same manner as by this act, directed for the trial of officers.

and the party contesting the election of any officer shall immediately notify the returning officer in writing of his intention to contest, who shall not make return of such election to the governor until further orders—and the party so contesting shall within fifteen days make application to the proper officer furnishing him with a fair statement of his reasons in writing supported by oath or affirmation upon the receipt of which such officer shall order a court martial immediately as aforesaid—and if it shall appear to the satisfaction of said court, that the officer whose election shall have been contested did receive a number of illegal votes, which when deducted would give a majority of legal votes to any other candidate—then such court shall report to the returning officer in favour of the candidate having the greatest number of legal votes, and the governor shall commission him accordingly—and in all cases of illegal proceedings the election shall be declared void, & the court shall order the proper officer to issue a writ of election to fill the vacancy giving legal notice of the time and place—and if the party contesting such election shall fail to establish his charge or cause of contest in that case the court shall report to the returning officer in favour of the person whose election was contested, who shall be commissioned by the governor.

Writs of election for field officers.

Sec. 83. All writs for the election of general or field officers shall be directed, to some sheriff within the bounds of the command, for which such officer is to be elected; and such sheriff, shall for the election of a major general, advertise the time and place of holding such election, in some paper printed in the division at least forty days previous thereto, and when two or more candidates, have an equal number of votes, the governor shall determine by his vote who is elected.

Elections for brigadier generals advertised forty days. Sec. 84. Elections for brigadier generals shall be advertised at least forty days in the most public places in each county composing the brigades, and when two or more candidates have an equal number of votes, the major general shall determine by his vote, who is elected.

Elections for field officers advertised thirty days. Sec. 85. *Be it enacted*, That elections for field officers shall be advertised at least thirty days in each battalion of the regiment for which such officer is to be elected, and when two or more candidates for field officers have an equal number of votes, the brigadier general shall determine by his vote who is elected.

Sec. 86. That all elections for captains, lieutenants and ensigns, shall be held at their respective muster grounds in the manner following: the justice of the peace, of whom the writ of election is issued, after giving fifteen days notice, shall appoint and qualify two men of good character as judges, and when two or more candidates have an equal number of votes, the commandant of the regiment shall determine by his vote who is elected.

Sec. 87. *Be it enacted*, That it shall be the duty of the sheriffs, to certify all elections, by this act directed, to be holden by them, under their hands and seals, and transmit the same to the governor, who is hereby directed to commission the person elected.

Sec. 88. *Be it enacted*, That justices of the peace, shall certify all elections by them held, to the commandant of the regiment, on whose certificate the governor shall commission the person elected.

Sec. 89. *Be it enacted*, That if any militia officer heretofore elected shall resign his commission before the time heretofore directed by law, he shall be subject to the fine imposed by the act of 1803, and all officers hereafter elected that shall resign before the time, and otherwise than as directed by this act, shall forfeit and pay—if a general or general staff officer, one hundred dollars, if a field or regimental staff officer, fifty dollars, and if a platoon or subaltern officer thirty dollars.

Sec. 90. *Be it enacted*, That the militia of this state when called out in the service of the state, shall not be bound to serve longer than six months, from the time of their arrival at the place of rendezvous.

Sec. 91. *Be it enacted*, That captains, subalterns and non-commissioned officers, shall be elected by those citizens in their respective districts, who are subject to military duty.

Sec. 92. All field officers of the militia shall be elected by those citizens in their respective regiments, who are subject to military duty.

Sec. 93. Brigadier generals shall be elected by the field officers of the different brigades.

Sec. 94. Majors general shall be elected by the brigadier generals and field officers of each division.

Religious
persons ex-
empt.

Sec. 95. *Be it enacted*, That no person known to belong to any religious denomination, the tenets of which are opposed to the bearing of arms, shall be fined for not attending regimental battalion or private musters, but shall nevertheless be classed, drafted and ordered on duty, as other privates in all other cases; and in case of non-performance be subject to the same penalties.

Sec. 96. *Be it enacted*, That all commissions shall issue in the form heretofore in use in this state.

Militia of a
county how
divided into
regiments.

Sec. 97. Whenever a county contains twenty-four militia companies, exclusive of volunteer companies, the colonels commanding the regiments, or either of them, shall have power, and they are hereby authorized to convene the officers composing the regiments, at the most central place within the two regiments, or at any other place, they may agree on, first giving the officers ten days previous notice, of his or their intention. When and where they may sever, eight militia companies, from the aforesaid regiments, which said companies shall be adjoining each other, in such manner that no company belonging to either of the regiments from which they have been separated, shall intervene between them. And the companies so detached shall be considered as a regiment, and are hereby authorized to elect all officers necessary for their regimental government.

Volunteer
militia are
credited.

Sec. 98. *Be it enacted*, That if any young man under the age of eighteen years, has or may volunteer in the United States service, and shall have performed or may hereafter perform a tour of duty, before he becomes subject to military duty, he shall be entitled to a credit for said tour of duty, after he arrives to the age of eighteen years, unless he performs said tour as a substitute, then and in that case he shall not be entitled to a credit for said tour, as aforesaid.

Persons not
able to pro-
cure arms
relieved.

Sec. 99. *Be it enacted*, That whenever any militiaman, shall make oath before the court of assessment of his regiment, that he is unable without injustice to his family, to purchase the arms and equipments, directed by this act, it shall and may be lawful for said court in its discretion to exempt such person from the necessity of appearing armed and equipt as heretofore directed in this act, at company, battalion and regimental musters, and whenever the regimental fund, in the hands of the judge advocate, is sufficient to authorize it, arms shall be purchased by the com-

mandant of the regiment, for the use of persons so exempted, which shall be deposited by such persons at the close of each muster day, at some place within the bounds of his regiment, which shall be designated by the commandant.

Sec. 100. *Be it enacted*, That there may be one company of cavalry in each regiment, together with those volunteer companies which are established by law in this state, to be raised by voluntary enrolment; and shall consist of one captain, one lieutenant, one cornet, three sergeants, three corporals and one trumpeter, and not less than thirty nor more than forty privates; and the cavalry of each brigade shall constitute one regiment, and be commanded by a lieutenant colonel commandant and two majors, who shall be elected by the commissioned officers of their regiment; and the regimental courts martial of said cavalry shall be conducted under the same rules, regulations and restrictions as infantry courts martial of like grade—and each company of cavalry shall, on three several days annually, hold three company musters at the court house of their county, or such other place as the officers may agree on, which said company musters shall be held on the first Saturday in the months of April, August and November, and shall hold courts martial on delinquents in the same manner as is directed for holding company courts martial of infantry; and it shall further be the duty of each company of cavalry to attend the infantry regimental musters of their county, and when at said musters shall be under the direction and command of the commanding officer of the regiment.

Sec. 101. *Be it enacted*, That every officer and private belonging to each troop of horse, shall appear, when on parade, with a strong serviceable horse, at least fourteen hands and a half high, with a good saddle, bridle, holsters and one pistol at least, and horseman's sword, cap, a pair of shoe-boots and spurs, with a cartouch box and cartridges in good order and dressed in the uniform of the regiment to which he belongs.

Arms of
horsemen.

Sec. 102. *Be it enacted*, That the captain or commanding officer of a company of cavalry, shall make out a fair statement of the strength and condition of their companies and return the same to the commanding officer of the regiment on or before the first day of May annually, who shall make out a fair statement of the strength and condition of

Captain of
cavalry to
make return