

his regiment, and return the same to the brigadier general of his brigade, on or before the first day of June annually.

Fines for not making return.

Sec. 103. *Be it enacted*, That each officer required to make return by virtue of this act, and refusing or neglecting to make return as herein before directed shall be fined if a colonel or commanding officer of a regiment, in a sum not exceeding thirty dollars nor less than fifteen dollars, if a captain or commanding officer of a company in a sum not exceeding twenty dollars nor less than ten dollars, which fines shall be assessed on the delinquents at the discretion of a regimental court martial.

Fines how applied.

Sec. 104. *Be it enacted*, That all fines imposed by this act when collected shall be applied by the commanding officer of the regiment to the use of the regiment to which said delinquents belong.

Sec. 105. *Be it enacted*, That the captain of each company of cavalry shall have power to receive any private into his company, notwithstanding such private may not be equipt as is directed by this act, and give him a certificate to the captain of the company of infantry to which he belonged, and on his producing such certificate the captain of the infantry shall immediately strike him off his list.

Cavalry to choose uniform.

Sec. 106. *Be it enacted*, That it shall and may be lawful for each and every regiment of cavalry in this state to choose the quality of their uniform, for their officers and privates, and they shall be authorized to use domestic manufacture for the same: *Provided nevertheless*, That the coats and small clothes of each officer and private of each regiment shall be of a blue color.

Sec. 107. *Be it enacted*, That each officer of cavalry shall be commissioned by the governor of this state, under the same rules and after the same manner as officers of the infantry are of like grade.

Time allowed for equipment.

Sec. 108. *Be it enacted*, That each officer and private shall be allowed three months after their election & enrolment to equip themselves in the uniform of the regiment to which they belong, and on failure thereof or to attend company musters, each commissioned officer shall forfeit and pay a sum not exceeding ten dollars nor less than five dollars, and each non-commissioned officer or private shall

forfeit and pay a sum not exceeding five dollars nor less than two dollars, to be recovered against the officers at the first regimental court martial, and against non-commissioned officers & privates at the first company court martial. *Provided*, That nothing in this act contained shall be so construed as to compel the officers, non-commissioned officers and privates who have heretofore equipped themselves to procure the uniform prescribed by this act, within the time herein before prescribed.

Sec. 109. *Be it enacted*, That each regiment of cavalry in this state shall hold one regimental muster on the first Monday in October annually, at such place as the commissioned officers of said regiment, or a majority of them may select, at which time and place it shall be the duty of each officer and private of said regiment to attend the general muster of said regiment, that the commissioned officers of each regiment shall on the day succeeding said regimental muster, hold a court martial for the trial of all delinquents, both officers and privates. If any field officers fail to attend said regimental muster, armed and equipped as directed by this act, without a reasonable excuse, they shall each be fined in a sum not exceeding fifteen dollars nor less than eight dollars, if a captain or subaltern officers, they shall each be fined in a sum not exceeding ten dollars nor less than five dollars, if a private, in a sum not exceeding four dollars nor less than three dollars.

Cavalry to hold regimental muster.

Sec. 110. *Be it enacted*, That no private in any company of cavalry shall be permitted to withdraw himself from said company, without the assent of a regimental court martial, and if any private is permitted to withdraw himself from any company as by this act directed the captain of the company of cavalry shall notify the captain of the infantry in whose bounds such private may reside of the proceedings of said court martial, and that said private has been permitted to withdraw himself from the company of cavalry, and it shall be the duty of the captain of infantry in whose bounds such private may reside on receiving such information, to immediately enroll him on his company roster, the first man on the first class destined for actual service.

Privates not to withdraw from cavalry.

Sec. 111. *Be it enacted*, That when any of the cavalry of this state shall be called on for actual service, they shall

Cavalry to be called out by companies.

be called out by companies, and be commanded by their own company officers.

*Cavalry of 6th brigade.* Sec. 112. *Be it enacted,* That when it may be conceived that the public good eminently requires it, the Governor is hereby authorized to call out such parts of the cavalry of this state as he may think proper, and when so called out, they shall be considered, ruled and regulated as mounted gun men, for the time he may so order them.

*Pro tem. of officers to raise cavalry companies.* Sec. 113. *Be it enacted,* That it shall be the duty of the brigadier generals to appoint suitable persons in each regiment within his brigade to raise a troop of cavalry, where the same has not been raised; whenever it may be deemed necessary, and it shall be the duty of the brigadier general, where there are no field officers, to issue writs of elections in the same manner as is prescribed for field officers to do it.

*Cavalry may be called as gun men* Sec. 114. *Be it enacted* That the sixth regiment of cavalry shall hereafter hold their regimental musters on the first Monday in October, at the house of Colonel Michael Molton, on Yellow creek, in Dickson county.

*Repealing clause.* Sec. 115. *Be it enacted* That all laws and parts of laws coming within the purview and meaning of this act, be, and the same are hereby repealed, and 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.*

Nov. 14th, 1815.

# CHAP. CXX.

An act to authorize Lilburn L. Henderson, to build a toll bridge over Obed's river, at the place where the Cumberland turnpike road crosses the same.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Lilburn L. Henderson is hereby authorized to erect a toll bridge across Obed's river, where the Cumberland turnpike road crosses the same, provided he does not obstruct the ford in said river.

*Toll bridge over Obed's river erected.*

Sec. 2. *Be it enacted,* That the following rates of toll shall be demanded for passing said bridge, & that a copy thereof be at all times kept ready for the inspection of passengers, viz: for a four horse team, waggon and driver, and such women and children as compose part of their loading, sixty two and one half cents, for each two horse waggon or cart, and driver, and such women and children as composed part of their load, thirty seven and one half cents, for each single cart, driver, & women and children, as compose part of their load twenty-five cents, for each four wheeled carriage of pleasure with passengers and four horses, one dollar; for each four wheeled carriage of pleasure with passengers and two horses, seventy-five cents; for each two wheeled carriage of pleasure, one horse and driver thirty-seven and one half cents; for each foot passenger, nothing; for each horse and rider, six & one fourth cents; for each loose or lead horse, three cents; for each head of cattle two cents; for each head of hogs and sheep one cent.

*Rates of toll allowed.*

Sec. 3. *Be it enacted.* That the said Lilburn L. Henderson shall receive all the toll from said bridge, for the space of ten years, for his trouble of building the same.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

JOHN GASS, *pro tem.*

*Speaker of the senate.*

Nov. 4th, 1815.

## CHAP. CXXI.

An act regulating turnpike roads, public ferry's and toll bridges, in particular cases in this state.

*Regulating turnpike roads, &c.*  
*Be it enacted by the General Assembly of the state of Tennessee,* That from and after the passage of this act, all regular soldiers singly or in companies, militia men, whilst in actual service, singly or in companies, all wag-gons and pack horses belonging to them, shall pass any turnpike road, toll bridge or public ferry; authorised by the laws of this state, free from the payment of any toll whatever.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 14th, 1815.

## CHAP. CXXII.

An act to amend an act, entitled an act, respecting the improvements of land, passed October the eighteenth, one thousand eight hundred and thirteen.

*Occupant to recover value of improvement.*  
*Sec. 1. Be it enacted by the General Assembly of the state of Tennessee,* That when any person in the possession of land, shall be served with the notice in said act mentioned, and shall think proper to deliver possession to the claimant, such person shall be entitled to recover the full value of her or his improvement, in the same manner, as if turned out of possession, by due process of law, in any court of record, having jurisdiction of the same, and shall have the same lien on the land, for the payment of the land so recovered.

*Sec. 2. Be it enacted.* That when any person has an occupant claim and is in possession of the same, that he or

they shall have all the benefits of the before recited act, and the same shall be considered a good colour of title, to recover the value of his or their improvements, any thing to the contrary notwithstanding.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 14th, 1815.

## CHAP. CXXIII.

An act to alter the manner of dividing real estates.

Whereas it frequently happens that great difficulty arises in the division of real estates, owing to the local situation, and quality of the lands to be divided, for remedy whereof:

*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 and may be lawful for such commissioners as may hereafter be appointed by any of the courts of this state, having authority to appoint the same to divide all real estates within held in joint tenancy, or tenancy in common, and also all the real estate of intestates, in proportions of equal value, and not quantity, as heretofore practised.

*Sec. 2. Be it enacted,* That all laws, and parts of laws heretofore in force, and use within this state, coming within the purview and meaning of this act, be and they are hereby repealed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 14th, 1815.

## CHAP. CXXIV.

**An act for the benefit of those who are or may be assignee or assignees, on the same land warrant.**

Whereas the laws heretofore in use, did not sufficiently protect those from injury who were assignees of the same land warrant, inasmuch as the person having made his, her, or their entry or survey, was not compelled to take said warrant to the registers office, so that those who were assignees, also might have equal benefit, for remedy whereof.

*Be it enacted by the General Assembly of the state of Tennessee,* That hereafter when any person or persons, assignee or assignees as aforesaid shall fail or refuse to lodge such warrant in the register's office within two months after taking the same out of the office of the surveyor of the district in which the same may be placed, then he, she or they shall be, and are hereby made liable to pay and satisfy all damages that may be sustained, by any other assignee or assignees in consequence of such failure or refusal.

JAMES FENTRESS,

*Speaker of the House of Representatives,*

EDWARD WARD,

*Speaker of the Senate,*

Nov. 9th, 1815.

## CHAP. CXXV.

**An act to continue the Penitentiary subscription.**

*Sec. 1. Be it enacted by the General Assembly of the state of Tennessee,* That the clerks of the different courts in this state shall keep open their subscription as heretofore for the building of a Penitentiary in this state:

Penitentiary subscription continued open.

*Sec. 2. Be it enacted,* That it shall be the duty of the justices of the peace, who are appointed to take in the list of the taxable property taxpayers an subscription to each person entitled to pay tax, and shall return the same to the clerk of the court, at the same time as returns the list of taxables.

*Sec. 3. Be it enacted,* That it shall be the duty of each and every clerk to return the amount of all subscriptions taken by himself, or justices of the peace aforesaid, at the next stated meeting of the general assembly.

*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,*

Nov. 10th, 1815.

## CHAP. CXXVI.

**An act for the relief of sundry citizens of the county of Warren.**

Whereas it has been represented to this general assembly, that a number of the good citizens of the county of Warren, who were annexed to the county of Warren, from the county of Franklin, by an act of the general assembly, passed the ninth of November one thousand eight hundred and thirteen, owing to the line not having been run as required by said act, have been compelled to pay taxes in both the said counties of Warren and Franklin, for the years one thousand eight hundred and fourteen and one thousand eight hundred and fifteen, for remedy whereof:

*Be it enacted by the General Assembly of the state of Tennessee,* That as soon as the line shall have been run that annexes part of Franklin county to the county of Warren, all the citizens who may have been thus annexed to

Persons who have paid more taxes than they ought, relief.

the county of Warren, who have been compelled to pay taxes in both the said counties of Warren & Franklin, for the years one thousand eight hundred and fourteen and fifteen, or either of said years, it shall be lawful for such person or persons their agents or attorneys to produce to the court of pleas and quarter sessions for Franklin county, and on the production of the receipts of the sheriffs of Warren & Franklin counties, to the said court of pleas and quarter sessions of Franklin county, it shall be the duty of the said court, if they should be satisfied that said individuals have paid taxes in both said counties, for the years 1814 and 1815, or either of them, to authorize said individual or individuals to draw from the county trustee of said county, the amount of tax laid by said county for said year, & paid by him, and also to have a credit with the collector of public taxes for the amount of the state tax, which may be due or which may hereafter become due, and that the order of the county court of Franklin, shall be a sufficient voucher for said trustee, and sheriff on the settlement of their accounts.

JAMES FENTRESS,

*Speaker of the House of Representatives*

EDWARD WARD,

*Speaker of the Senate*

Oct. 30th, 1815.

#### CHAP. CXXVII.

An act to provide for the payment of state, and county tax.

Bank notes a  
tender for  
taxes.

Be it enacted by the General Assembly of the state of Tennessee, That the sheriffs and collectors of the taxes and other public monies in this state, shall and they are hereby authorised to take and receive notes of the banks in this state, notes of any chartered bank of the states of New-York, Pennsylvania, Maryland, Virginia and Kentucky, and of the state bank of North-Carolina, in payment of taxes, or other public monies, and such notes shall be received from said sheriff and collectors, by the trustee.

of this state, or other persons authorised to receive monies from, or settle with them.

JAMES FENTRESS,

*Speaker of the House of Representatives*

EDWARD WARD,

*Speaker of the Senate*

Nov. 13th, 1815.

#### CHAP. CXXVIII.

An act to explain the duties of overseers of the roads.

Be it enacted by the General Assembly of the state of Tennessee, That in all cases hereafter when an overseer of a road is appointed, he shall be considered as overseer until he returns the order of his appointment, although he may hold said appointment over one year, and he shall be subject to all the pains and penalties, that other overseers of the roads are, any law to the contrary notwithstanding.

Overseers of  
roads consid-  
ered such un-  
til orders re-  
turned.

JAMES FENTRESS,

*Speaker of the House of Representatives*

EDWARD WARD,

*Speaker of the Senate*

Nov. 13th, 1815.

#### CHAP. CXXIX.

An act to authoris the county courts, to issue license for the erection of warehouses, and to establish inspections.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, the county courts, shall have power to fix on any place they shall think proper, for the building of ware-houses, and appoint inspectors, and fix on places for the inspection of

County  
courts to au-  
thorize ware-  
houses to be  
built.

flour, tobacco, hemp, pork and other articles for exportation, any law to the contrary notwithstanding. Which warehouse, when so established shall be under the same rules, regulations and restrictions, as are prescribed by the laws of this state, for warehouses, and Public inspections, and the same rate of toll, and inspection fees shall be allowed, at said warehouses as is now pointed out by law.

Sec. 2. *Be it enacted*, That the clerk of the court, shall be entitled to, and receive the sum of seventy-five cents for entering the order of the court, and furnishing a transcript to the person or persons, authorised to erect such warehouse.

Sec. 3. *Be it enacted*, That there shall be at least nine of the acting justices of the peace present, when any license issues to any person for the erecting a warehouse, and there shall not be more than three warehouses, in any one county of the state.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 6th, 1815.

#### CHAP. CXXX.

An act to authorize the governor of this state, to borrow money for the purposes therein mentioned.

Governor to borrow money.  
Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it at any time hereafter the directors of the state bank of Tennessee, should call on the treasurer of East or West Tennessee, for the payment of any instalment or instalments on account of the shares subscribed by the state, in said bank, and the money in the treasury, on which such call shall be made, shall be insufficient to meet said demand, it shall be lawful for the governor, and he is hereby authorized and required to direct said treasurer, on whom such call shall be made, to borrow such sum or sums, as may be wanting from the state

bank or its branch, provided such sum shall not exceed the sum the state may have paid into the said bank on account of stocks.

Sec. 2. *Be it enacted*, That it shall be the duty of either of the treasurers as aforesaid, upon receiving such directions from the governor, to proceed to borrow from either of said banks such sum or sums, as may be required and specified by the governor, and to enable the treasurer to effect such loan, it shall and may be lawful for such treasurer to pledge to said bank, the capital stock, subscribed for, and owned by said state, to secure the payment of the sum borrowed, provided that the treasurer shall in no case give more than six per cent, for the use of money borrowed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 11th, 1815.

#### CHAP. CXXXI.

An act making it the duty of sheriffs, coroners, constables and justices of the peace, to pay over fines in certain cases.

*Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passing of this act, all fines and forfeitures arising and that may hereafter be collected, pursuant to the judgment or sentence of any justice of the peace, on any penal statute, or to much of such fine or forfeiture, as shall or may accrue to the county, shall be paid into the hands of the trustee of the county, wherein such fine or forfeiture may have arisen, which shall be accounted for, and applied as other county monies are.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

## CHAP. CXXIX

## An act to establish the towns therein named

Lawrence-  
burgh estab-  
lished.

Sec. 1. *Be it enacted, by the General Assembly of the state of Tennessee,* That a town heretofore laid out, on the land of David Campbell in Knox county, be and the same is hereby established, agreeably to the plan of said town, which town shall be known by the name of Lawrenceburgh.

Loveville es-  
tablished.

Sec. 2. *Be it enacted,* That a town heretofore laid off on the land of Robert Love, in Knox county, be and the same is hereby established, agreeably to the plan of said town, which town shall be known by the name of Loveville.

Sec. 3. *Be it enacted,* That the lots in the above named towns which have been sold, or hereafter may be sold by the original proprietors, shall be liable to the same state and county tax, that lots in any other towns in this state are subject to.

Sec. 4. *Be it enacted,* That this act shall take effect from the passage thereof.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th. 1815.

## CHAP. CXXXIII

## An act for the regulation of Kingston.

Sheriff to  
open elec-  
tion at King-  
ston.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the sheriff of Roane county, on the first Saturday in January next, and on the first Saturday in every other January thereafter, to open an election at the court-house in said county, at twelve o'clock, and keep the same open till three o'clock, for the purpose of electing five commissioners for the town of Kingston, and any free white male over the age of twenty-

ty-one years, owning a lot or part of a lot in said town, or having resided within the same six months, immediately proceeding the day of election, shall be entitled to vote, and the sheriff shall receive his ticket, in the presence of two inspectors to be appointed by said sheriff and two free holders in said town, and at the close of said election shall proceed to count out the tickets in the presence of said inspectors and each of the voters as may be chosen to attend, and the persons having the greatest number of votes, and being owners of a lot in said town shall be declared duly elected commissioners of said town for two years, and before entering on the duties of their office, shall take the following oath—I A. B. do swear that I will faithfully discharge the office of commissioner for Kingston, to the best of my knowledge, so help me God.

Sec. 2. *Be it enacted,* That the commissioners of said town shall appoint a person to be their clerk, who may hold his office during good behaviour, and shall be allowed a reasonable compensation for his services by said commissioners, and shall give bond with sufficient securities in the sum of two hundred dollars payable to said commissioners and their successors, for the faithful execution of the duties of his office, whose Books and papers, any person on paying him twenty-five cents, may have access to, and examine.

Commission-  
ers to appoint  
a clerk.

Sec. 3. *Be it enacted,* That the commissioners shall appoint one of their own body to act as treasurer of the town, for two years, who shall receive and account for the town monies, and keep regular accounts thereof, and shall have power to call on any person or persons having town monies in his or their hands, &c to sue for, and recover the same, and upon the appointment of a new treasurer the old one shall immediately deliver up his Books, and pass his accounts with him, and pay him any balance that may be in his hands, and each treasurer before entering on the duties of his office, shall give a bond with two sufficient securities to the other commissioners in the penal sum of three hundred dollars, for the faithful discharge of his duties, by this act required.

Sec. 4. *Be it enacted,* That it shall be the duty of one of the commissioners, who shall be by themselves appointed, to advertise at two public places in said town, five days previous, and to attend at the time and place that shall be

appointed by the justice, for the inhabitants of *Kingston* to give in their list of taxables, to receive a list of the taxable property and polls belonging to the citizens of said town, and if any of the citizens thereof by themselves, their agents or attorneys shall fail to make return of their taxable property, and polls, to said commissioner on said day, or within ten days thereafter, such person or persons, so failing shall pay to said commissioner a double tax, and the commissioner appointed as aforesaid, shall report to the best of his knowledge a list of the taxable property of the person or persons so failing to make return.

Sec. 5. *Be it enacted*, That the commissioners shall have power to make such rules and regulations, as they may deem necessary for the good order of said town of *Kingston*, & the preservation of the health of the citizens thereof, to abate or remove all nuisances whatsoever, at the expense of the party occasioning them, and to pale in the grave yard, which lot or piece of ground is hereby attached to; and shall hereafter be a part of the town of *Kingston*, agreeably to the call in a deed from William Brown; to the commissioner of said town.

Commission-  
ers to lay  
tax.

Sec. 6. *Be it enacted*, That said commissioners shall have power to lay a tax annually, not exceeding on each hundred dollars worth of town property, which they are to estimate twenty-five cents, on each white poll not exceeding twenty-five cents, on each black poll over twelve and under fifty years of age, not exceeding fifty cents, on each store not exceeding four dollars, on each billiard table not exceeding twenty-five dollars, which taxes shall be collected by warrant under the hands and seals of said commissioners, directed to the collector whom they may appoint, and who shall be governed by the rules and regulations established by law, for collecting & accounting for the state tax.

Sec. 7. *Be it enacted*, That the commissioners shall have power when any citizen or other person shall break or disobey any of the rules or regulations, which they shall make as aforesaid, to levy and collect for each offence a fine not exceeding fifty cents, and if a slave shall break or disobey any of said rules or regulations, such slave shall by order of the commissioners, receive punishment at the public whipping post according to the nature of the offence, which shall not at any time, or for the same offence exceed fifteen lashes, provided nevertheless, that if the owner of said slave

or any person for him will pay said fine, the said slave shall not be subjected to punishment for that offence.

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

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

Sec. 10. *Be it enacted*, That a majority of the commissioners shall have the same power to act, that the whole of them could have were they all convened together.

Sec. 11. *Be it enacted*, That if any of the commissioners, who shall at any time be elected should die, or remove out of said county, or refuse to qualify, the remaining commissioners shall elect others in the room and stead of those dying, removing or refusing to qualify, which commissioner or commissioners so elected and qualified, by taking the oath aforesaid, shall have the same powers as the other commissioners have by this act.

Commission-  
ers refusing  
to qualify  
shall be  
electors.

Sec. 12. *Be it enacted*, That if it should so happen that an election for commissioners should not be held at the time herein contemplated, it shall be the duty of the sheriff of said county, as soon as may be thereafter, to open and hold an election as contemplated in the first section of this act, and in all cases for holding elections for commissioners of said town, it shall be the duty of the sheriff of said county to advertise the same at three of the most public places in said town, at least five days previous to the holding said election.

Sec. 13. *Be it enacted*, That all laws heretofore passed, appointing commissioners for the town of *Kingston*, be and the same are hereby repealed.

Sec. 14. *Be it enacted*, That before any person be subject to a fine or punishment for breaking or disobeying any by-law rule or regulation, which may be made by said commissioners, said by-law, rule or regulation shall be advertised at the court house and two other public places in town, by the clerk to said commissioners, at least ten days previous thereto.

Sec. 15. *Be it enacted*, That this act shall take effect and be in force from and after the first day of January next.

**JAMES FENTRESS,**

*Speaker of the House of Representatives,*

**EDWARD WARD,**

*Speaker of the Senate.*

Nov 14th, 1815.

#### CHAP. CXXXIV.

An act to provide for opening and keeping in repair that part of the road leading from Virginia and North Carolina to Kentucky, which lies between the cross roads at the place called Bean's Station, in Grainger county, and the ford of Sycamore creek in Claiborne county,

Road to be kept in repair

Sec. 1. *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, two suitable persons to open and keep in repair that part of the road leading from Virginia and North Carolina to Kentucky, which lies between the cross roads at the place called Bean's Station in Grainger county, and the ford of Sycamore creek in Claiborne county, crossing Clinch mountain at the three stone gap, and to erect a turnpike thereon, when put in repair, and keep the same for the term of ten years from the expiration of the term for which a turnpike has heretofore been established thereon, at such place on said road as they may deem proper, to be called the proprietors of said road.

Sec. 2. *Be it further enacted*, That Thomas Gill and William Graham be, and they are hereby appointed commissioners of said road, and shall examine the ground over which the present road passes, and whether any better way can be procured for any part or parts of said road, and direct said proprietors in writing what way it shall be opened, but said commissioners shall not have the power

as to alter and change said road as to turn the same from the bridge erected over Clinch river, by George Evans and his associates, in pursuance of an act of the general assembly, at the place where the present turnpike road crosses said river, and when opened and put in good repair, to grant them a license to erect a gate on said road, and to view the same and cause it to be kept in repair after a gate shall have been erected, for the term of ten years from the expiration of the time for which a turnpike has hitherto been established thereon—and said commissioners shall before they enter upon the duties of their appointment, take and subscribe the following oath or affirmation before some one of the circuit judges of this state, to wit: "I ——— do solemnly swear, or affirm, that I will well and truly perform all the duties prescribed for the commissioners, by the act of the general assembly, by which I have been appointed a commissioner of the road therein specified, according to the best of my knowledge and abilities, so help me God."

Sec. 3. *Be it enacted*, That it shall be the duty of said proprietors to open said road over the ground directed by said commissioners, at least thirty-three feet wide, clear of all timber and under growth that might tend to shade or in any manner injure said road, and to clear sixteen and one half feet wide in the centre of said road, of all rocks, stumps and every thing which might impede the passage of carriages or horses, &c. Where the ground on which said road passes will permit, it is to be done with reasonable exertions, and where it will not, then so wide as it will permit, and not less than ten feet wide, and to erect bridges and causeways of the most permanent materials that can be procured near said road, over such creeks, branches and such parts of the road as render them necessary, at least twelve feet wide, and also to make said road as wide as the ground will admit, and keep it in as good repair as the ground over which it passes will permit with reasonable labor, until the expiration of said term of ten years,

Road to be opened thirty three feet wide.

Sec. 4. *Be it further enacted*, That said proprietors shall give notice to said commissioners, when said road shall be completed, and thereupon they shall view the same, and if they should find it in the repair required by this act, shall give said proprietors a license, under their hands and seals, to erect a gate on said road at such place, as they may deem proper, and keep the same for ten years

from the time herein before mentioned, on the terms and conditions in this act specified.

Proprietors to erect a gate.  
 Sec. 5. *Be it further enacted*, That said proprietors after obtaining such licence may, and are hereby authorized to erect a gate on such part of said road as they may deem proper and to demand and receive from persons passing said road, the following tolls, to wit. For each four wheeled carriage of burthen with its load & driver if drawn by four or more horses, mules or oxen, seventy-five cents, if by less than four, sixty two and a half cents, for each two wheeled carriage of burthen, with its load and driver, if drawn by two or more horses, oxen or mules, thirty seven and a half cents, if by one horse or mule only, twenty-five cents: for each four wheeled carriage of pleasure, with its passengers and driver if drawn by four or more horses or mules, one hundred and fifty cents, if by less than four, and not less than two one dollar, and if by one only fifty cents, for each two wheeled carriage of pleasure, with its load and driver fifty cents: for man and horse, twelve and a half cents—for each loose or led horse, mule or ass, not in a drove six and one fourth cents—for each horse, mule or ass in a drove three cents; for each slave over twelve years old six and one fourth cents—for each head of cattle, two cents, and for each hog or sheep one cent—provided that no family moving with not more than two horses, oxen or mules, or two wheeled carriage of burthen, drawn by not more than two horses oxen or mules, and no person travelling with one horse or mule only, shall be detained at said gate, or prevented to pass, if the head or person having the care of such family or traveller will swear that he or she has no money, and is unable to pay the toll, which oath the gate keeper is hereby authorized to administer, and provided, also that no toll shall be demanded at said gate, from any person going to or returning from mill, blacksmith's shop or muster—with not more than one horse, ass or mule, and its load.

Sec. 6. *Be it enacted*, That if any person shall forcibly or secretly pass said turnpike to avoid paying the toll, such person shall forfeit and pay the sum of twenty dollars, to the person so elected, to be recovered by warrant, before any justice of the peace in this state.

Sec. 7. *Be it further enacted*, That it shall be the duty of said commissioners to view said road, at least twice in each year, at such times as they may deem proper, and at any other time when information shall be made to them on

oath, that said road is out of repair, and if said road shall be found at any time out of repair by said commissioners, it shall be their duty to direct said gate, to be opened and kept open until said road shall have been put in good repair, and give notice at the court house in Tazewell, and the tavern at Bean's Station, and at least two other public places near said road, that no toll shall be collected on said road, until it shall have been put in repair and their certificate to that effect obtained, and said proprietors shall not demand or receive any toll, from any person passing said road, from the time such notice may be given until such certificate shall be obtained from the commissioners, and if the said proprietors or either of them, their agents or gate keepers, shall demand or receive any toll from any person within that time, said proprietors shall forfeit and pay for every such offence, twenty-five dollars, to be recovered by any person, who will sue for the same, before any justice of the peace, in this state.

Sec. 8. *Be it further enacted*, That if said road shall remain out of repair, more than three months together, or shall be found out of repair twice in one year, it shall be the duty of said commissioners to report the facts to the general assembly, at their next meeting, and said assembly may declare that all the right or interest which said proprietors may have in, or to said road is forfeited; and elect such other persons as they may think proper to keep said road, the remainder of said time.

Sec. 9. *Be it further enacted*, That if said road shall have been out of repair more than three months together, or shall have been found by the commissioners on reviewing it out of repair twice in any year, and said commissioners shall fail to make a correct report of the facts to the general assembly, at their next session; said assembly may on any other satisfactory proof of said road, having been so out of repair, declare that all the right and interest of said proprietors, in and to said road is forfeited, and elect such other persons, as they may deem proper to keep said road the remainder of said term, and each of said commissioners shall forfeit and pay for every such failure, two hundred dollars, to be recovered in any court in this state, having jurisdiction, of that sum, one half to the state, and the other half to the person who will sue for the same.

Sec. 10. *Be it further enacted*, That if said commissioners shall at any time, fail or neglect on finding said road,

Road out of repair commissioners to make report

out of repair, to direct said gate to be opened, and kept open, and give notice that no toll shall be collected, as by this act directed, each of them so failing or neglecting, shall forfeit and pay for every such failure or neglect, seventy-five dollars to be recovered in any court in this state, having jurisdiction of the sum, one half to the state, and the other half to the person who will sue for the same.

Sec. 11. *Be it further enacted*, That it shall be the duty of said commissioners, to make reports to each stated session of the general assembly, of the condition of said road.

Sec. 12. *Be it further enacted*, That if either of the persons hereby appointed to open said road and keep it in repair, shall die before the expiration of said term, his executors or administrators shall have the same benefit, and be subject to the same restrictions, conditions and penalties to which the deceased was or might have been entitled or subject to and if either of said commissioners shall decline to act, die or remove out of the state during said term, the other shall have power to act alone until the end of the next session of the General Assembly, at which next session another shall be appointed, who shall take the same oath and have the same powers & perform the same duties specified in this act for the commissioners of said road.

Commission-  
ers fees.

Sec. 13. *Be it further enacted*, That the said commissioners shall be allowed each two and a half dollars per day for each day they may be necessarily engaged in examining the ground over which said road should pass and viewing the same, or in any other business respecting said road, to be paid by the persons appointed to open and keep said road in repair.

Sec. 14. *Be it enacted*, That the person keeping said gate shall take and subscribe the following oath before some justice of the peace for Grainger county, (to wit) I A. B. do solemnly swear or affirm (as the case may be) that I will well & truly collect the toll authorized by this act so far as I am able, and that I will not ask or demand any other or greater rates of toll than are authorized by this act, and that I will well and truly account with and pay over to the proprietors of said road all sums of money by

me collected for toll at said gate so long as I shall keep the same, so help me God.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

# CHAP. CXXXV.

## An act for the relief of the heirs of Archibald Lytle.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner in West Tennessee, be and he is hereby authorized to issue to the heirs of Archibald Lytle, deceased; a warrant or certificate for so much of the land contained in a grant, issued by the state of North-Carolina, for three thousand acres of No. 367, as is covered by a grant to John Sevier, and Stokely Denelson, provided the warrant on which said grant No. 367, issued, was originally good and valid, and that no other grant ever issued on said warrant.

Sec. 2. *Be it enacted*, That before the commissioner issues said certificate, it shall be the duty of said heirs, to produce to said commissioner, all the evidence that is required in other cases, of interfering grants.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 9th, 1815.

X

## CHAP. CXXXVI.

An act to provide for the interchange of ridings amongst the circuit judges of this state.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That so much of the laws heretofore in force, as requires the circuit judges to interchange ridings, with each other, throughout this state, be and the same are hereby repealed—and the judges of the first and second circuits, shall hereafter interchange ridings with each other only, and the judges of the third, fourth, and fifth circuits, shall hereafter interchange ridings with each other, in the same manner as heretofore required.

Sec. 2. *Be it enacted*, That in all prosecutions in behalf of the state, whereby the judgment of the court, the defendant is ordered to pay the costs, the attorney for the state, shall receive the sum of five dollars, to be taxed in the bill of costs.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 17th, 1815.

## CHAP. CXXXVII.

An act authorizing the justices of the peace in the counties of Rutherford, Maury and Grainger to hold their courts of pleas and quarter-sessions, for the space of two weeks if it should appear necessary.

Whereas from the multiplicity of business in the court of pleas and quarter sessions, of the counties of Rutherford, Maury and Grainger, it is impracticable that the same can be done within the time now prescribed for holding said courts, for remedy whereof,

*Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passage of this act, the court of pleas and quarter sessions held for the counties of Rutherford, Maury and Grainger shall continue for the space of two weeks if the justices composing said courts should think it necessary, unless the business therein should be sooner disposed of.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

## CHAP. CXXXVIII.

An act to repeal so much of the forty-eighth section of an act now in force in this state, as provides for the trial of slaves for capital offences, and directing the mode of trial in future.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That when any slave is to be tried in pursuance of the mode required by the forty-eighth section of an act of the General Assembly of the state of North Carolina, passed in the year 1741, entitled "an act concerning servants and slaves," the justice issuing the precept shall cause the sheriff of the county where the offence may have been committed, to summon three justices of the peace of said county, and nine freeholders or slave-holders, residents of the same county, which said three justices and nine freeholders or slave-holders are hereby required and empowered upon oath to try all manner of crimes and offences that shall or may be committed by any slave or slaves, and to take for evidence the confession of the offender, the oath of one or more credible witnesses, or such testimony of negroes, mulattoes or indians, bond or free, with pregnant circumstances, as to them shall seem convincing; and the offender being then found guilty, the said three justices

Trial of  
slaves.

and nine freeholders or slave-holders, shall pass such judgment, according to their discretion, as the nature of the crime or offence shall require, and on such judgment to award execution.

Sec. 2. *Provided nevertheless*, That in all cases when the law has already prescribed a specific punishment to be imposed upon any slave for any particular offence, the said three justices and nine freeholders or slave-holders, shall, when organized as aforesaid cause such punishment, and none other to be inflicted.

Sec. 3. *Be it enacted*, That all laws or parts of laws, coming within the purview and meaning of this act, shall be and the same are hereby repealed.

Sec. 4. *Be it enacted*, That should the justices, freeholders or slave-holders, or any of them, fail or refuse to attend, it shall be the duty of the sheriff to summon any other justices or freeholders, as the case may be, of the by-standers to constitute said tribunal, and should it so happen that a sufficient number of justices or freeholders, or either of them, be not present, it shall be the duty of said sheriff to postpone said trial until a sufficient number of justices or freeholders can be had, and if the sheriff or deputy cannot be conveniently had, it shall and may be lawful for any sworn constable to summon said justices and freeholders or slave-holders as prescribed by this act; and in all cases when the offence committed does not amount to a capital offence in its nature; a majority of the said justices and freeholders or slave-holders shall inflict such punishment as they in their discretion may deem just, if it is such an offence as would be capital in its nature, an agreement of the twelve men so summoned shall be requisite.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 9th, 1815.

persons failing to attend others appointed,

## An act to alter the time of holding the courts therein mentioned.

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 circuit courts of the county of Sevier shall commence on the first Monday in April and October in each and every year. Certain courts changed.

Sec. 2. *Be it enacted*, That all writs, bonds, recognizances and other process whatever, made returnable on the second Monday in April next, shall be returned on the first Monday in said month, and shall have the same obligatory force as if the same had been made returnable at that time, any law to the contrary notwithstanding.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 9th, 1815.

## CHAP. CXL.

## An act supplementary to an act entitled "an act to provide for the navigation of the rivers Watauga and Holston."

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county court of Sullivan county are authorized to appoint three disinterested persons of good character, whose duty it shall be, when notified by the directors, to examine the said rivers, and report whether the said rivers are sufficiently improved to authorize the said directors to receive the toll prescribed in the act to which this is a supplement, and the said commissioners shall receive the sum of one dollar per day for their services in reviewing said rivers, any law to the contrary notwithstanding. Commissioners to examine Watauga and Holston.

Sec. 5. *Be it enacted*, That if after reviewing the said rivers agreeable to this act, complaint should be made and information given to the commissioners appointed by virtue of this act, that said rivers are obstructed contrary to the intent and meaning of the act to which this is a supplement, in that case it shall be the duty of said commissioners or any two of them, to proceed immediately to examine such obstructions and make report thereof to the next county court of Sullivan county, who shall thereupon order that the toll of said rivers shall be stopped until such obstructions are removed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 15th, 1815.

#### CHAP. CXI.

An act to authorize a separate election in the county of Anderson, 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 Anderson county, by himself, deputy or coroner, to open and hold a separate election in said county at the house of Timothy Sexton, sen. on the waters of New river, for the purpose of electing a governor, members of the state legislature, members to congress and electors to elect a president and vice president, and field officers of the militia, which elections shall be held under the same rules, regulations and restrictions as similar elections in this state.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any person residing north west of the Cumberland mountain in the county of Anderson, who are constitutionally authorized to vote at such elections, to vote at said place and no other, and when said election is closed and the votes counted out, the returning officer shall return the

votes of said election to the sheriff of said county on the succeeding day in the month of Clinton, which shall become a part of said election.

Sec. 3. *Be it enacted*, That it shall and may be lawful for the regimental court martial of said county, if they shall deem it expedient for the militia of said section of country, to hold musters annually at some place by them appointed, which shall be held in place of a battalion muster under similar rules and regulations of other battalion musters.

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.*

Nov. 15th, 1815.

#### CHAP. CXLI.

An act to empower the court of pleas, &c. for Davidson county, to erect a house for the accommodation of the poor of said county, and other purposes.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the court of pleas and quarter sessions for Davidson county may, and they are hereby empowered at their first or second sessions after the first day of January next, at least nine of the justices being present, to lay a tax on all taxable property in said county, not exceeding the amount of the state tax for the year 1816, and continue the said tax the two succeeding years if necessary to raise funds to procure a site, and erect a house for the accommodation of the poor of said county, which tax shall be collected by the same person or persons who may collect the county tax in said county, and be account-

County  
court of Da-  
vidson to  
build a poor  
house.

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ed for and paid over to the treasurer of said institution, who shall be appointed by said court, and he shall be subject to the same rules and regulations prescribed by law for the collection of other county taxes.

Sec. 2. *Be it enacted*, That said court may at the same time at which the first tax shall be laid, appoint three suitable persons, commissioners of said institution, who shall have power to select a suitable site for a poor house in said county, and purchase at least fifty acres and not more than one hundred acres of land, and take a conveyance to themselves and their successors, for the use of said county, and contract with some proper person or persons, to erect suitable buildings thereon for the accommodation of the poor, on such plan and under such rules and regulations as said county court (at least nine justices being present) may prescribe.

Sec. 3. *Be it enacted*, That at the time said commissioners may be appointed, said court shall designate one of them to be treasurer of said institution, whose duty it shall be to receive all taxes and other monies which may be laid and collected for or in any manner appropriated to the use of said institution, to take care of such monies and pay them to such persons and at such times as said court, at least nine justices being present, may from time to time direct: and such person before he enters upon the duties of his appointment shall give bond in the sum of ten thousand dollars, with two good securities, to the chairman of said court and his successors in office, with a condition thereto annexed, that if he shall well and truly receive all taxes and other monies which may be laid out and collected for or in any manner appropriated to the use of said institution, take care of said monies, and pay them to such persons, and at such times as said court may direct, and in all other respects faithfully discharge his duty as treasurer of said institution, then said obligation shall be void, which bond shall be deposited with the clerk of said county court, and there safely kept; and suits may be commenced thereon as often as occasion may require, and said bond shall not be void on the first recovery, but may be put in suit as often as may be necessary, until the whole penalty shall have been recovered.

Sec. 4. *Be it further enacted*, That each of said commissioners shall before he enters upon the duties of his ap-

pointment, to take an oath before said county court, that he will well and truly discharge the duties prescribed by law for the commissioners of the poor house of Davidson county.

Sec. 5. *Be it further enacted*, That said county court may apply all such county monies not otherwise appropriated, to the use of said institution, that they may deem proper, and may make such compensation to said commissioners and treasurer, for their services as they may deem proper.

Sec. 6. *Be it further enacted*, That so often as the treasurer or either of said commissioners may die, resign, or remove out of said county, said county court shall appoint a successor, who shall have the same power, take the same oath, and perform the same duties; and in the case of a treasurer, shall give the same bond prescribed by this act. In case of death court to appoint a successor.

Sec. 7. *Be it enacted*, That Aaron V. Brown be authorized to receive from the treasurer of West Tennessee, the sum of ten dollars for his services rendered for sundry engrossing, and that his receipt shall be a sufficient voucher for the treasurer in the settlement of his accounts for the same.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate*

Nov. 17th, 1815.

#### CHAP. CXLIII.

### An act for the relief of the person therein named.

Whereas it is represented to this General Assembly, that Daniel T. Woods hath heretofore been indicted and found guilty in the county of Giles, of having challenged one Tyre Rodes to fight a duel, and hath received the sen-

Treasurer of  
institution to  
appointed

tence of the law in such cases made and provided, from which the said Daniel T. Woods prays to be relieved, for remedy whereof :

For the relief of Daniel T. Woods. *Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the said Daniel T. Woods shall be and he is hereby restored to all the rights and privileges to which he as a citizen of the state of Tennessee was entitled, before said conviction, and shall stand in the same situation as if said conviction had never taken place.*

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 15th, 1815.

#### CHAP. CXLIV.

An act making compensation to the commissioners appointed in the year one thousand eight hundred and thirteen, to fix on a place for building a court house, prison and stocks in Bledsoe county, and for other purposes.

*Commissioners to make statement to Court.* *Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the said commissioners which were appointed in the year of our Lord one thousand eight hundred and thirteen, shall lay before the court of Bledsoe county, a fair statement of their time spent, and services performed in fixing on a place for the seat of justice in said county, and the court shall allow them a reasonable compensation therefor ; Provided, there shall be a majority of the justices of said county present when the same is made.*

*Sec. 2. Be it enacted, That the commissioners who are appointed at the present session of the General Assembly when they shall have fixed on the place for the public buildings in the county of Bledsoe, and the same shall be completed, they shall lay before the court of said county, a just*

and fair statement of all the monies by them received, as well as those by them expended, with good & sufficient vouchers for the same, by virtue of their appointment, and the court shall make them a reasonable compensation for their services ; *Provided, a majority of the acting justices of the county be present when said allowance shall be made.*

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 13th, 1815.

#### CHAP. CXLV.

An act to secure the free navigation of Lick Creek.

*Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That Lick Creek shall hereafter be a public highway, free for the navigation, and use of all persons, who may feel disposed to embark thereon.*

*Sec. 2. Be it enacted, That the honorable William Kelly, James Shields, John Harmen, James Guthrie, Leonard Dell, Simon Pope, William Jones, Christopher Kerby, John Olinger, George Rinker, Thomas Frazier and Seymour Kitchens, be and they are hereby appointed, a board of commissioners to superintend the opening and keeping clear the navigation of said creek, and it shall be the duty of said commissioners, to enter into a bond with approved security in the sum of five thousand dollars, to the chairman of Greene county court, conditioned for the faithful application of all sums, by them received, to the accomplishment of the object contemplated by this act.* *Commissioners to give bond and security.*

*Sec. 3. Be it enacted, That it shall be the duty of said commissioners, to open a subscription, for the purpose of raising a sum sufficient to effect the objects embraced*

within the purview and meaning of this act, & as soon as one thousand dollars shall be subscribed, it shall be the duty of said commissioners immediately to proceed to employ hands, to remove logs and other obstructions, out of the channel of said creek, also around one end of each mill dam, already erected, to cut a canal, and erect locks and gates, one at the upper end, and one at the lower end of the canal. The works to be of sufficient strength and dimensions, as to ensure the safe passage of boats and other water crafts, as can be navigated, and said commissioners shall be entitled to receive, as compensation for their services, six per cent, on all sums, by them received and laid out, to effect the objects contemplated by this act.

*Sec. 4. Be it enacted,* That if any person or persons, shall hereafter build or cause to be built, any dam across said creek, below the highest point, to which said creek is navigable, for the establishment of any manufacturing machinery, they shall at the time of building such dam, erect a slope with a lock and gates, or cut a canal, and erect locks and gates, of such dimensions and strength, as will admit of the easy and safe passage of boats and other water craft, that can ascend or descend in other parts of said creek, and to keep said slope and locks in good repair, so long as said dam shall stand, under the penalty of one thousand dollars, to be recovered by the said commissioners, in any court, having competent jurisdiction thereof, one half to the use of the state, the other half to the use of the commissioners, to be applied to the accomplishment of the objects contemplated by this act.

*Sec. 5. Be it enacted,* That if the sum of one thousand dollars should be insufficient to accomplish all the objects contemplated by this act, it shall be the duty of the said commissioners, to continue the subscriptions open until the additional sum of two thousand dollars is subscribed, and it shall be the duty of said commissioners, as soon the aforesaid sum of two thousand dollars, or any part thereof, shall be subscribed and collected, to apply the same in the way, that to them shall seem most advisable, for the accomplishment of the objects contemplated by this act, and when the same is completed, if any monies so raised should remain in their hands, it may and shall be lawful for said commissioners to apply the same, in the way they may think most advisable, in clearing away the stooping timber, and removing all other obstructions that may tend to impede the navigation of said creek.

*Sec. 6. Be it enacted,* That if any person or persons shall fell or caused to be felled, any timber into the channel, or on the banks of said creek, or otherwise obstruct the navigation of said creek, after the same is made navigable, and suffer such obstruction to remain twenty-four hours, such person or persons so offending, shall for every such offence forfeit and pay the sum of five dollars, to be recovered before any jurisdiction having cognizance thereof, to the use of the commissioners, to be applied as directed in the fourth section of this act.

*Sec. 7. Be it enacted,* That if the said commissioners shall not within five years, from and after the passage of this act, have actually commenced the clearing out the obstructions in said creek, by the employment of a sufficient number of hands for that purpose, this act shall cease & be no longer be in force, and said creek shall thereafter be subject to the erection of any water works thereon whatever.

*Sec. 8. Be it enacted,* That the said commissioners are hereby authorised to receive all sums which they can get, for cash trade or labour, provided also, that a majority of said board of commissioners, shall be competent to transact all things contemplated by this act.

*Sec. 9. 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.*

Nov. 13th. 1815.

#### CHAP. CXLVI.

*An act for the relief of Thomas Bradley, sheriff and collector of Wilson county, and Thomas Shute.*

Whereas, it hath been represented to this General Assembly, that Thomas Bradley, late sheriff and collector of Wilson county, has in many instances failed to collect taxes on lands in said county, owing to a misconstruction of the revenue laws, and has paid the taxes so omitted to

be collected, to the treasurer of the state—for remedy whereof,

*These Brad-  
ley authori-  
zed to sell land.*

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That in all cases where the said Thomas Bradley has failed to collect the taxes on any land, and there is no personal property in said county from which the same can be collected, he may and is hereby authorized to report to the court of pleas and quarter sessions of said county, at their first term after the first day of January next, all such land as the taxes have not been collected on and no personal property can be found in said county, and the said court may at the same term give judgment and order such lands to be advertised and sold as in other cases.

Whereas, the board of commissioners established for the adjudication of land claims for West Tennessee, did adjudge a military land warrant, No. 2883, for six hundred and forty acres of land, issued by the state of North Carolina unto Z. L. L. Stone, and since assigned to Thomas Shute, to be invalid on the ground that the same had passed into a grant; and whereas, it has been represented and made appear to this General Assembly that no grant had issued from the state of North Carolina on said warrant at the time of the adjudication aforesaid.

*These Shute  
relieved.*

Sec. 2. *Be it enacted by the General Assembly of the state of Tennessee,* That the commissioners of East or West Tennessee as the case may be, that it is hereby made his duty, when thereto required, to proceed to adjudge the validity of said warrant as though the same had never been adjudged or acted upon by the board of commissioners aforesaid, and the adjudication of said commissioner shall, and is hereby declared to be good and valid both in law and equity, in the same manner as though said warrant had never heretofore been declared or adjudged invalid by said board of commissioners, any law to the contrary notwithstanding.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 15th, 1815.

### An act for the relief of John P. Houston.

*J. P. Houston  
relieved.*

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That John P. Houston, Brigade inspector for the third Brigade of Tennessee Militia, be allowed the sum of twenty dollars for his services and expenses in arresting Colonel Edwin Allison, by order of Brigadier Gen. James White, and also for serving an arrest on Colonel Joseph Love, and summoning the officers to compose the court martial for the trial of said Col. Joseph Love, which said duties were likewise performed by special order of said general James White.

Sec. 2. *Be it enacted.* That the said John P. Houston be authorized to draw from either of the treasurers of this state, the said sum of twenty dollars, and on receiving the said amount, shall give to the said treasurer his receipt for the same, which said receipt shall be a good voucher to said treasurer in the settlement of his accounts with this state.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 16th, 1815.

### An act authorizing David Allen to build a mill on Stone's river.

*David Allen  
to build a  
mill.*

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That David Allen be and he is hereby authorized to build a mill on Stone's river, at his tract of land lying in the counties of Davidson and Rutherford, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That said mill when finished shall be and the same is hereby declared to be a public mill.

subject to the same rules and regulations prescribed by law for public mills, and entitled to all the benefits thereof.

To build a  
lock or slope

Sec. 3. *Be it enacted*, That the said David Allen, at the time of building his dam, shall cause to be built thereon, a lock and gates, or around one end of said dam cut a canal, and at the lower end of said canal erect a lock with gates, and whether the one or the other be preferred, all the works shall be of such dimensions and strength as to admit of the easy and safe passage around or over said dam of all rafts and flat bottomed boats descending and all barges, keel boats and other craft that may descend or ascend said Stone's river in other parts below Jefferson, and said Allen or his successor shall keep said lock or locks and gates in good repair, and pass around or over said dam free of expence to all such rafts and boats as may descend or ascend said river, under the penalty of ten dollars for every day that any raft or flat bottomed boat descending, or any barge, keel boat or other craft descending or ascending may be detained, to be recovered by the owner of the raft or boat so detained, by warrant before any justice of the peace in Rutherford or Davidson counties, *Provided* such detention does not exceed five days, and if the detention does exceed five days, the recovery shall be had in the county court of either of the aforesaid counties: *Provided also*, That the said David Allen shall not be compelled to erect locks or cut a canal, if he may prefer it, more than twenty feet wide.

Liable for  
damages

Sec. 4. *Be it enacted*, That the said David Allen or his successors shall be subject to all damages occasioned to any raft or boat passing around or over said mill dam, which damages, together with all costs, shall be recovered by the owner or owners of the property so damaged, in the county court of either of the counties of Davidson or Rutherford.

Sec. 5. *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.*

Nov. 16th, 1815.

# CHAP. EXLIX.

## An act for the benefit of John M'Kee and for other purposes.

Whereas a warrant was issued by the secretary of North Carolina, numbered 129, to the heirs of Ambrose Franklin, for four hundred and twelve acres of land on the 16th day of April, 1806, and afterwards sold by said heirs to Stephen Sherlock, and a power of attorney was given by said heirs to said Stephen, to receive said warrant and transfer, or dispose of it as he might deem proper, which warrant said Stephen Sherlock afterwards, on the 9th day of June, 1806, assigned to John M'Kee for a fair consideration, which he received, but in making the assignment used his own name only, and whereas said warrant was adjudged valid by the board of commissioners for West Tennessee, and a duplicate issued by them on the 21st of May, 1807, which duplicate said M'Kee received and caused several entries to be made thereon, in the office of the principal surveyor of the second district, in the name of the heirs of said Ambrose Franklin; said surveyor refusing to let the entries be made in the name of said M'Kee, because the assignment had not been made by said Sherlock, as attorney for said heirs, but in his own name, and surveys have been made on said entries in the name of said heirs, but no grants have been issued on most of said entries; and whereas it would be expensive and difficult for said M'Kee to obtain the legal title for the lands included in said entries and surveys, although he has the equitable title thereto, for remedy whereof:

John M'Kee  
relieved.

*Be it enacted by the General Assembly of the state of Tennessee*, That the register of the land office for West Tennessee, may and he is hereby directed and empowered to make out grants on the surveys which have been or may be made on said duplicate, and no grant has been issued to said John M'Kee and his heirs, on said John filing the plats and certificates of said surveys, and his warrant if not already filed in his office, in the same manner as if said entries and surveys had been made in the name of said John M'Kee, and said warrant or duplicate had been regularly assigned to him, provided that nothing in this act contain-

Z

ed, shall prejudice the right or claim of any other person to said warrant or the land contained in any of said entries.

**JAMES FENTRESS,**

*Speaker of the House of Representatives.*

**EDWARD WARD,**

*Speaker of the Senate.*

Nov 16th, 1815.

### CHAP. CL.

#### An act extending the benefit of a turnpike road for a longer time to Conrad Piles.

C Piles  
relieved.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Conrad Piles is hereby authorized to keep up his turnpike road for five years longer under the same rules and penalties and restrictions as he was bound by law heretofore to do and he is hereby authorized to receive the same amount of toll rate as heretofore has been prescribed by law for him to receive, the ensuing five years, which said turnpike shall be conducted in the same manner in all respects as is prescribed by the law establishing the said turnpike road.

Sec. 2. *Be it enacted,* That Arthur Frogg and John Denton, are hereby appointed commissioners to superintend and overlook the said road in the same manner that the commissioners appointed by the first act was bound to do and shall receive the same compensation only the said commissioners shall examine said road in turn and need not both go at one time.

**JAMES FENTRESS,**

*Speaker of the House of Representatives.*

**EDWARD WARD,**

*Speaker of the Senate.*

Nov. 6th, 1815.

#### An act to alter the time of holding certain courts therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the circuit court for the county of Greene shall commence on the last Monday in February and August, and for the county of Washington, on the first Monday of March and September, and shall continue from day to day (Sundays excepted) until the business thereof is completed, or until the judge shall deem it necessary to rise, that he may go on to the next court, in which it may be his duty to preside.

Time of cer-  
tain courts  
altered.

Sec. 2. *Be it enacted,* That the court of pleas and quarter sessions for Washington county shall commence and be holden on the third Mondays in January, April, July and October, any law to the contrary notwithstanding.

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.*

Nov. 10th, 1815.

### CHAP. CLII.

#### An act for the relief of Ezekiel Norris.

*Be it enacted by the General Assembly of the state of Tennessee,* That the commissioner of West Tennessee be, and he is hereby authorized to issue to Ezekiel Norris, certificates on warrants to the amount of twenty-two hundred and eighty acres, being the amount of two entries, No. 2046, for one thousand acres, and No. 2047, for twelve hundred and eighty acres, on which nowarrant or grants ever issued: *Provided,* That the said Ezekiel Norris shall produce sufficient evidence to said commissioner that the consideration for said entries was paid, and that no warrant or grant ever issued on said entries.

E. Norris  
relieved.

**JAMES FENTRESS,**

*Speaker of the House of Representatives.*

**EDWARD WARD,**

*Speaker of the Senate.*

Nov. 11th, 1815.

An act to annex part of Davidson county to Williamson county.

Part of Davidson county annexed to Williamson

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That that part of Davidson county which lies south of a line drawn due west from the mouth of little Harpeth river to the north west corner of Williamson county be and the same is hereby added to and made a part of Williamson county.

Sec. 2. *Be it enacted*, That it shall be the duty of the justices of the peace for Williamson county at the next term of the court of pleas and quarter sessions held for said county to appoint a skillful surveyor who shall run and mark the aforesaid line from the mouth of Little Harpeth river to the north west corner of Williamson county which said surveyor shall receive such compensation for his services as shall be allowed him by said county court, but nothing in this act shall be construed to prevent the sheriff or collector of Davidson county from collecting the state and county tax due from the persons living within that part of Davidson county which is by this act added to Williamson county.

Sec. 3. *Be it enacted*, That the persons living in that part of Davidson county which is by this act added to Williamson county shall not be subject to the payment of a county tax which now is or may hereafter be laid for the purpose of discharging the expences that have accrued on account of building the court house, jail and other public improvements in Williamson county.

Sec. 4. *Be it enacted*, That the persons by this act added to Williamson county shall not be compelled to open the road leading from Franklin to the town of Charlotte in Dickson county, or a road leading from Franklin to Vernon in Hickman county, or any other new road not heretofore established by law, except those who requested by their petition to be annexed to Williamson county, or shall hereafter sign a petition to the county court of Williamson desiring such road to be opened.

Sec. 5. *Be it enacted*, That the sheriff of Davidson county shall on the last Saturday of December next, open and hold an election at the house of Robert Shannon when every person constitutionally entitled to vote for members

of the Legislature and residing in the section of the county intended to be cut off, shall be authorised to vote at said election when and where the sheriff aforesaid shall put the county of Davidson and the county of Williamson in nomination and if a majority of said voters shall vote for the county of Williamson then this act shall take effect and be in full force, otherwise it shall be void to all intents and purposes whatever. *Provided* that the sheriff for his services in holding said election shall be allowed the sum of five dollars to be paid by the county of Williamson out of any monies in the hands of the trustee of said county on said sheriff making return to Williamson county court at the January term 1816 that he had performed the services required by this act, and when the election so held he shall make a true return of the amount of votes, and how they are, given under his hand and seal, which shall be sufficient evidence of the fact.

Vote to taken.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 2th 1815.

CHAP. CLIV.

An act for the relief of George Wallis.

Whereas George Wallis has met with <sup>an</sup> misfortune of losing his right arm while following a laudable profession therefore :

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That George Wallis is hereby authorized to hawk and peddle any where in West Tennessee, and in the county of Bledsoe, for the term of seven years from and after the passage of this act, without paying any state or county tax for license therefor.

Geo. Wallace relieved.

Sec. 2. *Be it enacted*, That the said George Wallis may employ any young man to vend and sell his goods, *provided* the said goods and every article thereof shall be his own goods, wares and merchandize, and sold for his sole use and benefit : *Provided nevertheless*, That said Wallis shall

not be permitted to employ more than one young man, nor shall be permitted to peddle or hawk himself, during the time said young man is so employed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 7th, 1815.

# CHAP. CLV.

## An act to amend an act, therein mentioned

Whereas John M'Nairy, did purchase all the land reserved with the French lick, except such part as had been appropriated to the town of Nashville, and to the Davidson Academy, and by mistake in surveying said land, a piece of land lying between the town of Nashville, as originally laid out, and the Cumberland river was left out of his survey, and he obtained his grant for two hundred acres, including thirty acres of the land, previously granted to the trustees of the Davidson Academy, for remedy whereof,

John M'Nairy, allowed to amend his grant.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the grant heretofore made to the said John M'Nairy, for two hundred acres, including the French lick, be amended according to the courses and corners herein set forth, to wit; beginning in a southern boundary of said two hundred acre tract, at the north east corner of lot number one, in the original plan of said town of Nashville, running from thence with the east boundary of said lot, and other lots, to the south east corner of lot number eight, thence with the south boundary of said lot number eight, to a point from whence a line drawn south, thirty-five degrees east, will strike the north east corner of lot number nine, thence with the east boundary of said lot number nine, and other lots to the south east corner of lot number fifteen, thence at right angles eastwardly to the Cumberland river at low water mark, thence down the said river at low water mark with its meanders, to a point from

whence a line drawn south, fifty-five degrees west, will go to the beginning.

And whereas said first section, authorizing said amendment, is predicated on an agreement between said John M'Nairy, and the mayor and aldermen of the town of Nashville, and the citizens owning and possessing lots between water street, and Cumberland river, sold by the former commissioners of said town of Nashville, which said agreement is intended hereby to be fulfilled & ratified.

Sec. 2. *Therefore, Be it enacted*, That on such amendment being made, all the right, title and interest, which will be thereby vested by said grant, in said John M'Nairy, his heirs &c. to all the streets and alleys, laid off on the ground between the lots of the town, as originally numbered, and laid off by the commissioners of said town, including what is now water street, and all the lanes and alleys between the same, and the river as laid off, and all the streets and alleys which said M'Nairy has agreed to open, shall be vested in the mayor and aldermen of said corporation and their successors, for the use of said corporation as streets and alleys, and all that part of the ground between water street and the river, which has been sold, in lots to citizens, and purchasers, shall be vested in the proper owners thereof, under said purchase, from the commissioners, their heirs and assigns, and that all that part of said ground, between water street and the river, above the lots sold to individuals, shall be vested in the mayor & aldermen of said corporation, & their successors in office, for the use of said corporation, as estate in fee simple, and all that part between water street & Cumberland river below the lots sold to individuals, shall be vested in said John M'Nairy, his heirs & assigns, as an estate in fee simple.

Certain spot vested in corporation of Nashville

Sec. 3. *Be it enacted*, That all that piece or parcel of ground between the lots of said town of Nashville as first laid off by the commissioners, including water street, and all the ground between that and the river Cumberland, shall, and is hereby declared a part of the corporation of the town of Nashville.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 16th, 1815.

**An act to amend an act to encourage the building of Iron Works, Passed November 2d, 1809.**

Ten years to locate land allowed iron masters.

*Be it enacted by the General Assembly of the state of Tennessee,* That where any person or persons hath heretofore made an improvement, or may hereafter make any improvement in conformity with an act which this is intended to amend, giving preference to occupants, and shall have built or may build iron works on any patent land, or in the district south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, be and they are hereby allowed the term of ten years from and after the passage of this act, to obtain a grant for the same, nor shall it be lawful for any other person or persons within the term of ten years as aforesaid, to locate, survey, or otherwise appropriate any part of the lands designated by the county court agreeable to the provisions of this act, or the act which this is intended to amend.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 10th, 1813.

CHAP. CLVII.

**An act to prevent entries being made, and grants issuing on warrants and certificates therein specified.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall not be lawful for either of the surveyor's general in this state to suffer any entry to be made, or for the register of East or West Tennessee to suffer a grant to issue on any warrant or certificate issued by Nathan Shipley, late commissioner of East Tennessee

until the same shall be re-examined and declared good and valid.

Sec. 2. *Be it enacted,* That if any person shall have made an entry in this state, on any warrant or certificate issued by Nathan Shipley, late commissioner of East Tennessee, since the first day of January eighteen hundred and fifteen, or that may have been issued by said Shipley, on any claims that have been previously judged invalid by any former commissioner, and on which no grant has issued, it shall be the duty of said enterer to lay before the tribunal which may be established further to adjudicate land claims, said warrant or certificate, and if said certificate should be adjudged invalid, it shall be the duty of said claimant to procure a good and valid warrant, and apply to said entry on which to procure a grant, and it shall not be lawful for any other person to enter the same land for the term of twelve months after said certificate shall be so adjudged invalid.

Warrants issued by N. Shipley to be rejudged.

Sec. 3. *Be it enacted,* That it shall be the duty of each commissioner once in every four months to hold a session for the purpose of receiving and adjudicating land claims of which time at least thirty days notice shall be given in some news-paper published at the place of holding said session, and it shall be the duty of said commissioner to continue said session from day to day until all the claims ready for adjudication are decided on.

Sec. 4. *Be it enacted,* That it shall be the duty of the clerk of the commissioner to receive the same amount of money for each claim for adjudication as is pointed out in an act passed in one thousand eight hundred and eleven, entitled an act to provide for the further adjudication of land claims, except on those claims which were adjudicated by Nathan Shipley, before the first day of January last, which are to be re-examined and decided on without additional expense to the owner of said claims.

Sec. 4. *Be it enacted,* That it shall be the duty of each clerk to the commissioner, to return annually in the first week of December, an account of all claims filed for adjudication which by this act are subject to the payment of costs to the public treasurer of his district, and also to pay to said treasurer the amount of the costs for adjudicating said claims, if any, over and above what is allowed by this

act, as compensation to the commissioners and clerks, and for the faithful performance of the duties enjoined by this act on said clerks, it shall be the duty of the public treasurer to take a bond from the clerk within his district, payable to the governor and his successors, in the sum of one thousand dollars, with good and sufficient security.

**Allowance to commissioners**  
 Sec. 6. *Be it enacted*, That each commissioner shall be allowed the sum of four dollars for each day he may be necessarily engaged in performing the duties of his office, and each clerk three dollars per day for the same number of days, besides fees of office, for searching & copies, and if the sums arising on the claims for adjudication should not be sufficient to pay said commissioners and clerks, the deficiency shall be paid by either of the public treasurers, on a certificate of the commissioner or clerk of the number of days, sworn to before any circuit judge, or judge of the court of errors and appeals in this state, which certificate shall be a good voucher in the settlement of his accounts.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 17th, 1815.

CHAP. CLVIII.

**An act for the relief of Robert Wear and William Gibbs.**

**Warrant given Wear & Gibbs.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the commissioner for East Tennessee to issue a certificate to Robert Wear and William Gibbs, on grant No. 3077, issued by the state of Tennessee to Reuben Charles and James Pearce, for two hundred acres; also a certificate to Robert Wear and William Gibbs on grant No. 3093 issued by said state to Reuben Charles and James Pearce for one hundred acres, on the ground that said grants are taken away by the interference of an occupant claim held by Joseph Baker,

for three hundred and seventy-six and an half acres, lying south of French Broad and Holston rivers.

Sec. 2. *Be it enacted* That it shall be the duty of said claimants, to produce to said commissioners such evidence as heretofore required by law for other interferences.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 16th, 1815.

CHAP. CLIX.

**An act to provide for taxing lands in certain cases.**

Whereas sundry persons in this state, hold more land in their grants, and deeds of conveyance, than therein expressed, and return for taxation, no more than the number expressed—for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That hereafter all persons who hold lands in this state, shall in person or by their agents, return for taxation the real number of acres contained in their respective grants, or deeds of conveyance, and if any person shall fail or refuse to return the real number of acres, it shall be the duty of the justice or commissioner appointed, to receive and return a list of the taxable property, in the captains company or district in which the land may lie, and of the collector of the public taxes for the county, to give information in writing to the county court, at their next, or any subsequent term within one year, of any tract of land, the real number of acres, of which may not have been returned, and it shall be lawful for any other person to give such information in writing, within the same time. But when such information is given by any other person it must be by oath or affirmation.

All land in grant taxed.

Sec. 2. *Be it enacted*, That it shall be the duty of each county court, to which such information may be given, on

five days notice, being given to the owner, if in the county and where the owner may not reside in the county to his agent or attorney, or his tenant of said land, where either may be in the county, to ascertain by any means in their power, the number of acres which said tract may contain, & if it shall appear to the satisfaction of said court, that such tract of land contains more than ten acres in the hundred, over the quantity of acres, which may have been returned, to direct the surveyor of the county or district, in which said land may lie, to make a survey and return, a fair plat of such tract of land, with a certificate of the real number of acres it may contain, and thereupon the owner shall be subjected to pay a double tax, for the number of acres not returned, which shall be collected in the same manner and under the same rules, regulations and restrictions prescribed by law, for collecting a double tax on lands, which have not been returned for taxes.

To give judgment in favor of surveyor

Sec. 3. *Be it enacted*, That on any such plat and certificate being returned, it shall be the duty of the court, on motion, and it appearing to the court that ten days notice has been given to the owner of such land, or the agent or attorney of such owner, where not a resident of the state, of the time of making such motion to give judgment in the name of the surveyor, against the owner or owners, for the fees and expences of making the survey and the costs of the motion.

Sec. 4. *Be it enacted*, That hereafter it shall be the duty of justices or commissioners, who may be appointed to take and return lists of taxable property, where the owner or his agent shall fail to return any tract of land, for taxes, to report the real number of acres contained in any such tract of land, from the best information they can obtain, and it shall also be the duty of collectors to report the real number of acres contained in any tracts of land, not returned as aforesaid, from the best information they can obtain.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 6th 1815.

## CHAP. C.

### An act for the benefit and relief of Alexander Coulter.

Whereas the commissioners appointed to fix on the place for erecting a court house, prison and stocks in the county of Blount in the year 1811 agreed on a part of the plantation of Alexander Coulter, as being the most eligible spot in said county and in consequence thereof the said Alexander Coulter gratuitously conveyed to said commissioners (by general warranty) forty acres of land on which was laid out a town, and a court house, prison and stocks erected and whereas by a subsequent act of the Legislature the seat of justice was removed from the place aforesaid: therefor,

Allowance to A Coulter.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*. That it shall and may be lawful for the justices of the court of pleas & quarter sessions of the county aforesaid if they may think proper (a majority thereof being present) at the next court of pleas and quarter sessions, or at any subsequent court to lay a tax not to exceed the state tax from year to year until a sufficient sum be raised to make to said Alexander Coulter a reasonable compensation for the forty acres of land conveyed as aforesaid.

Sec. 2. *Be it enacted*, That it shall be the duty of the sheriff to collect the same under the same rules as other taxes and pay the same to the treasurer or trustee who shall pay the same to the said Alexander Coulter under the direction of the court aforesaid.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

## CHAP. CLXI.

### An act for the relief of William Hainey.

Whereas William Hainey has met with the misfortune

of losing his right leg in such a manner as to deprive him of the benefit of using a wooden leg, whereupon,

*Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, William Hainey is hereby authorised to hawk and peddle throught Winchester district for the term of seven years without paying any state or county tax therefor, any law to the contrary notwithstanding.*

JAMES FENTRESS,  
*Speaker of the House of Representatives.*  
EDWARD WARD,  
*Speaker of the Senate.*

Nov. 13th, 1815.

#### CHAP. CLXII.

**An act to authorize the sheriff and ranger of Franklin county to advertize sales of land on executions and estrays in some paper printed in the fourth judicial circuit.**

Advertise.  
ments to be  
published.

*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 Franklin shall advertize 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 in the fourth judicial circuit.*

*Sec. 2. Be it enacted, That from and after the passage of this act the ranger of the county of Franklin shall advertize all estrays taken up and posted within that county (which by law he is bound to advertise in some newspaper printed in the third judicial circuit) in some of the public papers printed in the fourth judicial circuit. any law to the contrary notwithstanding.*

JAMES FENTRESS,  
*Speaker of the House of Representatives.*  
EDWARD WARD,  
*Speaker of the Senate.*

Nov. 9th, 1815.

#### CHAP. CLXIII.

**An act prescribing the duty of the treasurer of West Tennessee in certain cases, and for other purposes.**

*Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That it shall be the duty of the treasurer of West Tennessee, to be attendant on the legislature, during their sessions, and be prepared to pay and satisfy all drafts or demands of money which they may make, to the amount of money which he as treasurer may be in possession of.*

*Sec. 2. Be it enacted, That should an act, entitled an act, to annex, part of Davidson county, to Williamson county, passed at the present session, of this General Assembly, take effect according to the provisions therein contained, then and in that case, all civil and military officers residing within the part of county, by said act added to Williamson county, shall be and remain officers in and for the county of Williamson, and shall have and exercise the same powers, authorities and rank in Williamson county, that they now have in Davidson county, and the Governor is hereby authorized to commission them accordingly.*

JAMES FENTRESS,  
*Speaker of the House of Representatives.*

EDWARD WARD,  
*Speaker of the Senate.*

Nov. 17th, 1815.

#### CHAP. CLXIV.

**An act to authorize a separate election in the counties of Maury and Bedford.**

*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 and may be lawful, & it is hereby declared to be the duty of the sheriff of Maury county, his deputy or he coroner of said county on the lawful days for holding*

elections, to open and hold a separate election at the house of Jonathan Pickens, on silver creek in said county, for the purpose of electing electors, to vote for President and vice President of the United States, Governor, Representative to congress and members to the state Legislature, and field officers, which said election shall be held and conducted under the same rules, regulations and restrictions that similar elections are held in this state.

Sec. 2. *Be it enacted*, That it shall and may be lawful for any person or persons who reside in said county, and who are by the constitution authorized to vote at said elections to vote at said house of Jonathan Pickens.

Sec. 3. *Be it enacted*, That at the close of said election, 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 said county of Maury, in the town of Columbia, of the number of votes received at said election, for each candidate, which return shall be received as part of the election in Maury county, and the judges of said election, shall have power to swear each voter, that he has not given his vote in said election, at any other place than that, at which he proposes to vote, and if any such voter shall refuse to swear, being thus requested, it shall preclude him from a vote at said election.

Sec. 4. *Be it enacted*, That it shall be the duty of the sheriff of Bedford county, by himself, deputy or coroner, on the days appointed by law for holding elections, to open and hold a separate election at the house of Robert Adams on rock creek, in said county, for the purpose of electing electors to elect a President, and vice President, a Governor and members of congress, members of the state Legislature and field officers of the militia, which election shall be held and conducted under the same rules, regulations and restrictions as other elections in said county, any law to the contrary notwithstanding.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 13th, 1815.

CHAP. CLXV.

**An act to authorize the county court of Davidson to lay a tax for the support of Rebecca Akins.**

Whereas it has been represented to this General Assembly that the aforesaid Rebecca Akins did lose her husband during the late war, and that she is left with a large family, which she is unable to support.

*Be it enacted by the General Assembly of the state of Tennessee*, That the county court of Davidson is hereby authorized to lay a tax for the support of the said Rebecca Akins, which money shall be collected by the sheriff of said county, & shall be paid to said Rebecca, under the direction of the county court of Davidson. B. Akins relieved

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 16th, 1815.

CHAP. CLXVI.

**An act to amend an act, entitled "an act to establish circuit courts and a supreme court of errors and appeals, passed the 16th day of November, 1809, and an act supplementary thereto, passed the 23d day of November, 1809," and for other purposes.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of all the judges of the supreme court of errors and appeals to attend each term of said court, in the different circuits in which it may be holden, but two of said judges may constitute a court to Two judges to form a court.

B b

do business, and in all causes now pending in, or hereafter commenced in or removed to said supreme court, either on the law or equity side thereof, at least two of the judges must concur in opinion in any final judgment, sentence or decree which may be given or pronounced by said court.

And whereas it may happen that some of the judges of said supreme court cannot sit on the trial of some causes which are or may be depending in said court, by reason of their connexion, by affinity or consanguinity with one of the parties, being interested in the cause or question, having been counsel or attorney for one of the parties, either in that court or the court from whence the cause was removed, or having decided the case in the circuit court from whence it was removed, and that the decisions of said court may be as unexceptionable as possible,

If necessary  
governor to  
commission

Sec. 2. *Be it enacted*, That in all cases where at least two of the judges of said supreme court cannot sit on the trial of any cause in said court, for any of the above-mentioned reasons, it shall be the duty of the governor for the time being, on the same being certified to him by any two of the judges, to specially commission some fit person or persons, learned in the law, to sit with the judge, who can sit in such cause, or to hear and determine the cause, as the case may be.

Sec. 3. *Be it enacted*, That where only two of the judges of said court shall sit on the trial of any cause in said court, and they cannot agree in opinion, upon the same being certified as aforesaid, to the governor of this state, it shall be his duty specially to commission some fit person, learned in the law, to sit with the said judges of said court and hear and determine such cause.

Sec. 4. *Be it enacted*, That any person or persons who may be commissioned by the governor of this state, by virtue of this act, for the time being, shall have all the privileges and immunities by law appertaining to the judges of the supreme court of errors and appeals of this state, and shall receive as a compensation for his or their services the sum of six dollars for each and every day he or they may sit as a judge or judges of said court, and at the rate of six dollars for every twenty-five miles he may necessarily travel in going to and returning from the place of holding said court.

Sec. 5. *Be it enacted*, That any two of the judges of the supreme court of errors and appeals of this state shall have power to licence any person to practice law in the different courts of this state in the same manner and under the same rules and regulations as the judges of the circuit courts of this state are by law authorized to grant such licence. Judges to licence any person to practice law.

Sec. 6. *Be it enacted*, That the judges of the supreme court of errors and appeals of this state, shall have power to frame such rules and regulations relative to the time, manner and course of study or previous qualifications of a person before he shall be licensed as an attorney at law in this state, as to them shall appear wise and necessary: *Provided*, the same be not inconsistent with any law heretofore passed in relation to the licensing of attorneys at law.

Sec. 7. *Be it enacted*, That the different causes which were before a special court of errors and appeals held at Nashville and composed of the honorable William Kelly, Archibald Reane and Bennet Searcy, Esquires, which were not finally determined by said court, shall be heard and determined by the supreme court of errors and appeals, in the circuit in which they were formerly depending, any law to the contrary notwithstanding. Special court

Whereas no change of venue is allowed in suits in the circuit courts after the first trial term, which in many cases causes great delay, and in some great injustice, for remedy whereof:

Sec. 8. *Be it enacted*, That hereafter the judges of said courts may in all cases now pending or hereafter to be commenced, at any time either before or after the first trial term, so long as the suit may be in a state to be tried by a jury, be & are hereby authorized to change the venue on a sufficient case set forth and supported by oath or affirmation, shewing that a fair and impartial trial cannot be obtained in the county in which such suit may be pending.

JAMES FENTRESS,  
Speaker of the House of Representatives.

EDWARD WAID,  
Speaker of the Senate.

Nov. 17th, 1815.

## CHAP. CLXVII.

**An act to appoint commissioners for the town of Reynoldsburgh, in the county of Humphreys, and for other purposes.**

*Commissioners of Reynoldsburgh.*  
 Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the following persons, viz. Francis Murry, Michael Dickson, James Gordon, Joshua Williams and Burwell Lasly, be and they are hereby appointed commissioners for the regulation of said town.

Sec. 2. *Be it enacted,* That a majority of said commissioners shall constitute a quorum to do business, and whenever a vacancy may happen by death, resignation or otherwise, it shall be the duty of three or more of said commissioners to appoint a fit person or persons to fill such vacancy.

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

Sec. 4. *Be it enacted,* That said commissioners shall have power to call on all the inhabitants of said town, that are liable to work on roads, to work on and keep in repair the streets of said town, to appoint an overseer thereof, who shall collect fines from those who refuse or neglect to work on said streets, as are directed in similar cases respecting roads, to prevent encroachments on the street, and to abate or remove any nuisance whatever at the expense of the party occasioning the same.

Sec. 5. *Be it enacted,* That they shall have power and are hereby directed to lay a tax annually on each town lot, not exceeding fifty cents for each hundred dollars worth of said lots, on each white poll not exceeding twelve and one half cents, on each black poll not exceeding fifty cents, which said tax shall be collected by distress, as the state and county tax are collected, by a warrant under the hand and seal of said chairman, directed to the collector, whom they may appoint, who shall be governed by the rules established by law in similar cases, for collecting and accounting for state and county tax. To lay a tax

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

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

Sec. 8. *Be it enacted,* That where recoveries are not provided for in this act, it shall be lawful for said commissioners to sue for the same before any authority having cognizance thereof.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 16th, 1815.

## CHAP. CLIX.

## An act prescribing the duties of judge advocates in certain cases.

Whereas it appears to this General Assembly, that fines imposed on persons for a failure or refusal to perform military services under a requisition of this state, during the late war, were collected and paid into the hands of the judge advocate of the regiments, in which such fines were imposed, and whereas it appears that such fines were not appropriated as directed by law, (in hiring substitutes) & that no provision exists for any other disposition of said fines, therefore,

*Duty of Judge Advocate.* Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the several judge advocates in this state, to pay to one or the other treasurers of this state, on or before the first day of March next, all such monies as may have been received by them on account of fines imposed for a failure, or refusal to perform military service, under a requisition of this state during the late war.

Sec. 2. *Be it enacted,* That it shall be the duty of said judge advocates to make out two fair reports of the amount of fines so received, one of which shall be deposited with the treasurer, at the time such fines are paid over, the other it shall be his duty to lay before the general assembly, within the first six days of its next stated session.

Sec. 3. *Be it enacted,* That it shall be the duty of the treasurers of this state, in case either of the judge advocates aforesaid shall fail or refuse to pay over the monies directed by this act, to cause suits to be commenced against them, on their bonds in the courts of pleas and quarter sessions, or in the circuit courts of the county, in which such judge advocate may reside, and the said court shall, in addition to the amount which may be proven to have been received by such judge advocate, give judgment against him, for the further sum of one hundred dollars, which is hereby declared a penalty for the non-performance of the duties hereby enjoined.

Sec. 4. *Be it enacted,* That when such fines have been appropriated by the commandants of regiments, under the direction of the regimental court martial for regimental purposes, it shall be the duty of the judge advocate of such regiments, to pay the amount of such fines to either of the treasurers, out of any other regimental fines, that are now or may be hereafter in their hands, and it is hereby made the duty of the judge advocates of such regiments as have made such appropriation to report to one or the other of the treasurers that fact, and transmit therewith all the monies in the regimental fund, provided they do not exceed the amount of the fines by this act directed to be paid into the treasury.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 14th, 1815.

## CHAP. CLXIX

## An act for the benefit of Mount Pleasant Academy in Montgomery county.

Whereas there is a piece of vacant land adjoining the lands of Mount Pleasant Academy in the county of Montgomery, on which has been erected a church and public burial, and whereas it is the wish of this General Assembly to give every encouragement to the literary institutions of this state, not inconsistent with the constitution and laws of thereof, therefore

*Be it enacted by the General Assembly of the state of Tennessee,* That the trustees of said Academy shall have a preference of entering surveying, and perfecting a title to all that tract of vacant land and unappropriated land adjoining the lands of John M'Carroll, John Smith, John Shelby, Elisha Willis, Mathew Barnes and John M'Bee for the exclusive use and benefit of said Academy, church and public burial, for the term of ninety nine years from

and after the passage of this act, provided the same shall not exceed eighty acres.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

CHAP. LXX.

An act to authorize the treasurer of East or West Tennessee to pay the witnesses in the case the Governor against the late treasurer of Mero district, and his securities.

*Be it enacted by the General Assembly of the state of Tennessee,* That the witnesses in the case, John Sevier, Governor, against Robert Searcy, late treasurer of Mero district, and Andrew Jackson and William Dickson, his securities lately determined in the circuit court for Davidson county who have not proved their attendance and obtained a certificate of their attendance, mileage &c. may prove their attendance melage &c. and obtain a certificate from the clerk of said court within twelve months from the passing of this act, and either of the treasurers of this state, may and are hereby directed to pay said witnesses or their assigns on the production of the certificates of said clerk, which certificate shall be a sufficient voucher for said treasurers in their settlement.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

Witnesses  
paid

cc

collected by the sheriff or collector of said county, and paid over to the said commissioners or their successors in office for the purposes aforesaid, and the sheriff or collector shall receive the same fees, and be subject to the same proceedings & penalties as for the collection of other taxes.

When collected to be laid out in opening said river.

Sec. 4. *Be it enacted*, That so soon as the first years tax shall be collected and paid over to said commissioners by the sheriff or collector, they shall immediately proceed to the improvement of said river—either by employing hands and furnishing tools, &c. themselves, or by letting the same to the lowest bidder, and in the latter event they shall give at least thirty days notice, by advertisement of the time and place of letting the same, and in case they let it out to the lowest bidder, they shall pay over to the undertaker at least one half of the money then collected, to enable him to proceed with the business and shall pay him the balance of the money for which he may contract to clear out said river, at such times and in such proportions as may appear expedient, and by them agreed upon by said commissioners, and said undertaker, provided that said commissioners may take bond with sufficient securities, from said undertaker, for his faithful performance of his undertaking.

Sec. 5. *Be it enacted*, That said commissioners shall keep a fair and correct statement and account of the expenditures of money by them received, by virtue of this act, and shall once in every six months after they enter upon their duties, settle with the county court of Bedford, and show how they have appropriated the money by them received, which settlement shall be recorded by the clerk of said court, and the court may make to each of said commissioners, such compensation for their services in this behalf as may be deemed adequate, to be retained by said commissioners, out of the monies raised by the authority of this act.

Vacancies how filled.

Sec. 6. *Be it enacted*, That if any of said commissioners, should refuse to act, or his place otherwise become vacant, then and in that case said county court of Bedford, shall have power to appoint a fit person to supply such vacancy, there being at least six of the acting magistrates present, when such appointment is made, and such person so appointed, shall have the same powers and be subject to the same rules and restrictions as those appointed by this act.

Sec. 7. *Be it enacted*, That on said commissioners representing to the said court of Bedford county, that the obstructions in said river are removed, and the same is in complete order for navigation, it shall be the duty of said court to direct the commissioners appointed by them, to view the situation of said river, again to review it and make report on oath, of the improvements made by said navigation commissioners, and whether or not the obstructions are completely removed, and the said river within the bounds aforesaid rendered fit and safe for navigation, and if the report be favourable, then and in that case said navigation commissioners shall be discharged from all further liability on their bond.

Allowance to commissioners.

Sec. 8. *Be it enacted*, That the commissioners to be appointed by said court, shall be allowed one dollar each per day, for every day they may be necessarily engaged in the business, enjoined on them by this act, to be allowed by the court, and paid by the county treasurer or trustee of Bedford county.

Sec. 9. *Be it enacted*, That no mill dam shall be erected across said Duck river, for any mill or other water works, from the ford above Shelbyville on said river, where the road leading from Shelbyville to Fayetteville, and Columbia, crosses the same, to the town of Columbia, but that said river within the bounds aforesaid, shall be considered a navigable stream, and any person or persons erecting any such dam or dams or other obstructions, shall be liable to indictment in the said manner, as persons are for obstructing public highways, and on conviction, shall be fined in a sum not less than five nor more than ten dollars, for every twenty-four hours, such obstructions may remain.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 16th, 1815.

## CHAP. CLXXII.

**An act to authorize the drawing of a Lottery for the benefit of Tait Academy in the county of Humphreys.**

Commission-  
ers of lottery  
for Tait A-  
cademy.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Francis Maury, William H. Burton, John Lane, James Craig, John Holland, William Leggitt and Michael Dickson, be, and they are hereby appointed trustees of a lottery for the benefit of Tait Academy in the county of Humphreys.

Sec. 2. *Be it enacted*, That said trustees are hereby authorized and empowered to draft and publish a scheme of a lottery on such plan as shall seem to them most eligible, either in one, two, three or four classes, for the purpose of raising a sum of money not exceeding three thousand dollars.

Sec. 3. *Be it enacted*, That said trustees previous to their publishing said scheme, shall enter into bond in double the capital in said scheme, to the chairman of said county court, conditioned for the faithful payment of the prizes when drawn and for the faithful application arising from the same to the use of said academy, or in case of failure to draw said lottery, to return to such person or persons such sum or sums of money as they may have advanced for tickets, which bond, when executed, shall be by them filed in the clerk's office of said county.

Sec. 4. *Be it enacted*, That when said trustees have sold such a portion of the tickets as would in their opinion authorize the commencement of the drawing of said lottery, they shall proceed to draw the same under the same rules and regulations as they shall have made known in their scheme, giving notice of the time and place they will commence drawing, at least thirty days previous to the time, in some paper published in Nashville.

Sec. 5. *Be it enacted*, That when the drawing of said lottery or either class is completed, it shall be the duty of the trustees of Tait Academy to meet and make a reasonable allowance to the trustees, managers and clerks for their services performed, and after deducting such allowance from the amount of money made to the trustees of the lottery by the trustees of said academy.

Sec. 6. *Be it enacted*, That the trustees may purchase tickets if they think proper, first satisfying the managers or superintendents of the drawing, that there is no fraud or advantage intended to be taken in consequence thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 16th, 1815.

## CHAP. CLXXIII.

**An act to authorize the building of a circuit & county court clerk's office, in the town of Pulaski, in the county of Giles.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passage of this act, Tyre Rodes, Gabriel Bumpass, Nathaniel Moody, Samuel Jones, and Maximilian H. Buchanan, commissioners appointed to let the public buildings of said county, or a majority of them, be and they are hereby authorized and required to let to the lowest bidder, the building of two clerk's offices one for the use of the circuit court clerk the other for the use of the county court clerk of said county.

Commission-  
ers to build  
clerk's offices  
in Giles co.

Sec. 2. *Be it enacted*, That said commissioners shall previous to letting said buildings, advertise the same at least thirty days in the Western Chronicle, printed in Columbia.

Sec. 3. *Be it enacted*, That said commissioners or a majority of them be authorized to have erected said buildings either on the public square in the town of Pulaski, or on the lot on which the Jail of said county is built as they may think proper.

Sec. 4. *Be it enacted*, That said commissioners be authorized to pay for said buildings & the necessary expenses attending the carrying into effect this act, out of any monies arising from the sale of the lots in said

Sec. 5. *Be it enacted*, That after said buildings are completed the said commissioners may present their accounts to the county court of said county, who are authorized to allow said commissioners a reasonable compensation for their trouble, *Provided* a majority of the acting justices of said county be present when said allowance is made.

JAMES FENTRESS,

*Speaker of the House of Representatives,*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 14th, 1815.

#### CHAP. CLXXIV.

An act to amend an act entitled "an act to prescribe the duties of the different surveyors in this state" passed Nov. 12 1813.

Entries here-  
made in 12  
months.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That all entries heretofore made in the office of any of the principal surveyors of this state, which have not been surveyed within the time prescribed by the act which this is intended to amend, may be surveyed at any time within twelve months after the passage of this act, although the time limited by law for surveying the same may have expired, *Provided*, that no entry shall have been made on the land covered by such entry after the time limited for surveying the same may have expired, and all surveys so made shall be good and valid and the grants obtained on them shall have relation to the dates of the entries respectively in the same manner they would have had if the survey had been made within the time prescribed by law.

Sec. 2. *Be it enacted*, That no entry shall be made after the passage of this act, on any land heretofore entered in any of said offices within one year from the passage of this act, and if any entry shall be made on land so entered such entry and any survey made or grant obtained thereon shall be absolutely void to every intent.

Sec. 3. *Be it enacted*, That all entries hereafter made shall be surveyed within one year after the date of such entry, and it shall be the duty of the principal surveyor of the district in which any entry shall have been made, or the deputy for the district in which the land may be, on the request of the enterer, his agent or attorney, to appoint a day not more than six weeks from the time of such request for making the survey, and if a deputy shall attend on the day appointed, and if the principal surveyor, he or his deputy shall attend on that day, and proceed with the survey till finished, and it shall be the duty of the enterer, his agent or attorney to attend at the time fixed to make such survey with chain carriers & a marker, and if any surveyor shall fail to make any survey at the time fixed, or so soon after as it can be done, such surveyor shall be liable to pay the owner or owners of such entries all such damages, be, she or they may sustain by such failure, *Provided* such owner or owners, his, her, or their agent or attorney shall have attended at the time appointed with chain carriers and a marker.

Sec. 4. *Be it enacted*, That so much of the act as this is intended to amend as comes within the purview & meaning of this act is hereby repealed.

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

Sec. 6. *Be it enacted*, That Moses Fisk have liberty to lay before the commissioner of West Tennessee certain land warrants issued to the said Fisk by the late William Machin, as secretary of state, in consequence of losses by prior claims out of grant No. 230 to the amount of three thousand one hundred acres, together with such evidence as he may have procured for that purpose, conformably to the act of 1816 and 1817 and if in the opinion of said commissioners, the said warrant were fairly and legally issued, he shall proceed to certify the same in the regular form of valid warrants and for the legal fees, and such certificates shall entitle the said Fisk, or his heirs or assigns to enter and obtain grants for the quantity of land called for in each respectively, in the same manner as other certificates on warrants of whatever species.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 17th, 1815.

## CHAP. CLXXV.

An act to repeal part of an act entitled an act to secure the free navigation of Elk river, passed Oct. 11th, 1813.

Navigation  
Elk river  
repealed

Be it enacted by the General Assembly of the state of Tennessee, That so much of the above recited act as compels the navigation of said river to be kept open above the mouth of the Boiling Fork of Elk be and the same is hereby repealed, and any person or persons may have the liberty of building any mill or mills above said Boiling Fork, by complying with the laws of this state as in other cases of public mills.

JAMES FENTRESS,

[Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 14th, 1815.

## CHAP. CLXXVI.

An act to amend an act entitled "an act to authorize George Evans and his associates to build a toll bridge over the river Clinch at Evans's ferry, where the Kentucky road crosses said river," passed September 17th, 1812.

Geo. Evans  
to keep ford  
clear of rub-  
bish.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That it shall be the duty of the said George Evans and his associates, and such person or persons as keep and superintend said bridge, from time to time to remove and clear away the drift wood and other materials from the upper side of said bridge, so often as the same shall be collected, and to keep the ford on the bar immediately above said bridge, clear of obstructions from the same at all times when said river is sufficiently low to be forded.

Sec. 2. Be it enacted, That the said George Evans and his associates, and the keepers of the gate on said bridge shall be subject to the same penalties, and liable to be proceeded against in the same manner for any violation of the first section of this act, as persons are subject to for obstructing the public roads by the laws of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 17th, 1815.

## CHAP. CLXXVII.

An act to confirm the grants therein named, and secure the claimants under said grants.

Whereas many warrants for military service, guard right, and service right warrants, issued under the authority of North Carolina, have been located or surveys made thereon, out of the bounds laid off and reserved by law for the officers and soldiers of the North Carolina line, and grants have been made by said state, for the lands so located or surveyed, and grants have also been made by said state, on warrants issued to the officers and soldiers of Evan's battalion, for lands within the bounds so laid off and reserved, and whereas said grants have been considered valid and sufficient to vest the title to the land covered by them in the grantees or those claiming under them respectively, where no other entry or survey had been made on the same land, by virtue of a warrant which by the laws of North Carolina might have been surveyed in the same section of country, before the sixth day of September, one thousand eight hundred and six, and whereas this General Assembly have been advised that many entries have been made on lands covered by such grants, and on some, grants have been issued by this state, and whereas it is unjust and inconsistent with the provisions of former acts of the General Assembly of this state, that the claimants under

Preamble

D d

such grants should be deprived of the lands covered by the same, for remedy whereof:

*Grants out of certain bounds declared good.* Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That all grants issued by the state of North Carolina on warrants for military service, guard right, & service right warrants, for lands out of the bounds laid off and reserved by law for the officers and soldiers of the North-Carolina line, & grants made by said state on warrants issued to the officers and soldiers of Evans' battalion, for lands within the bounds so laid off and reserved, be & the same are hereby confirmed and declared as good and sufficient to vest the title in and to the lands covered by them respectively in the grantees, or those claiming under them, as if, said grants had been respectively issued on warrants directed to be laid or surveyed on the lands covered by them, against all other titles or claims which may have originated since said sixth day of September one thousand eight hundred and six.

*Entries on such declared null.* Sec. 2. *Be it enacted,* That all entries, surveys and grants that have been made or obtained for lands covered by any such grants from the state of North Carolina, since the said sixth day of September one thousand eight hundred and six, shall be, and the same, and each of them, are hereby declared to be absolutely null and void, and of no effect, and in cases where no grants shall have been obtained, the enterer may withdraw his or her warrant, and enter on any vacant land, and where a grant may have been obtained, the grantee, his, her or their heirs or assigns may obtain a certificate from either of the commissioners in this state, as in other cases of land taken by an older or better title; *Provided,* That nothing in this act contained shall be construed to make good any grant for land within any section of this state, in which entries could not be made, or grants obtained by the laws of North Carolina, or any grants declared void by the laws of that state, or to effect any title or claim to lands lying south of French Broad and Holston rivers and between the rivers Tennessee and Big Pigeon.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 17th, 1815.

## An act further to provide for the adjudication of land claims.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That if any person shall be desirous of obtaining a certificate for lands that cannot be identified in consequence of grants issued by the state of North Carolina or this state, it shall be the duty of such person or persons to produce to the commissioner, to whom he may apply to procure such certificate, the affidavits of the original surveyor, chain carriers and grantee, proving that the land called for in said grant cannot be identified, and the affidavits of such other persons as are required by law, & if such original surveyor, chain carrier & grantee are alive, and reside within the limits of this state, and will give such affidavits, but if they or any of them reside beyond the limits of this state, or refuse on application to give such affidavit, or if the grantee be a female it shall be the duty of such commissioner to issue a certificate without the affidavit of such original surveyor, chain carriers, and grantee, under the same rules, regulations and restrictions, in all other respects as are provided for by law. *Provided,* That the applicant produce to such commissioner satisfactory evidence that the original surveyor, chain carriers and grantee reside out of the limits of this state, or have refused to give such affidavit, or are dead, as the case may be, which oath shall be in the following form, to wit: "I A. B. do solemnly swear or affirm, as the case may be, that I have used all the exertions in my power to procure the affidavit of the original grantee, surveyor and chain carriers, that said land cannot be identified, and that I have not directly or indirectly taken any step to prevent the grantee, surveyor or chain carriers, from giving his or their affidavits, and it has been out of my power to get said affidavits, so help me God." And said applicant shall make oath in writing before some justice of the peace, that said grantee, surveyor and chain carriers live out of the state, if the case is so, and if any person or persons shall swear falsely to obtain a land warrant under this act, he shall be liable to all the pains and penalties of perjury, and shall be liable to an indictment before any tribunal having cognizance of perjury.

If surveyor, grantee or chain carrier refuse to give information about lost land, how to proceed.

Surveyors to  
measure line  
in certain ca-  
ses.

Sec. 2. *Be it enacted*, That in all cases where applications are made to either of the commissioners for certificates, on account of losses by interfering grants, there shall be endorsed on the back of the plat of interference, the affidavit of the surveyor, that he hath faithfully surveyed and measured as many of the lines of the several tracts represented in said plat as has enabled him to ascertain with accuracy the interference, and that the plat by him returned, contains a true representation of the several tracts, and the said commissioners are hereby authorised to receive as evidence of inferior titles, grants of older date, founded on elder entries, where by the operation of law, such grants have become the losing claims.

Certificates  
allowed  
when land  
taken by ol-  
der grants if  
they were  
not founded  
on warrants.

Sec. 3. *Be it enacted*, That when any person or persons claim a tract of land which may be wholly or in part covered by a grant of prior date to the grant or entry where the land may have been specially entered, under which such person or persons claim, he, she or they may obtain a certificate for the whole or part so covered, as the case may be, although said prior grant may have been founded on a warrant previously satisfied, provided the young grant shall have been founded on a valid warrant not previously granted, on the same evidence of interference required in other cases.

Certificates  
when not as  
much land  
as called for  
in old grant

Sec. 4. *Be it enacted*, That in all cases where grants have issued for the full quantity of the warrant or entry on which said grant is founded, if it shall be found on an actual survey that there is not so much land contained in the bounds of said grant as called for, it shall be lawful for either of the commissioners to issue a certificate to the lawful owner for the quantity so found to be deficient, under the same rules, regulations and restrictions as heretofore provided for deficient grants, provided the quantity of acres called for in said grant does not exceed the quantity of acres called for in the warrant on which said grant was founded.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 16th, 1815.

An act to provide for the proving and registering of grants, deeds of conveyance and other instruments required by law, to be registered.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That all persons holding deeds for the conveyance of land of trust, and mortgage and bills of sale, which have not been proved and registered within the time heretofore prescribed by law, shall be allowed the further time of two years, from the passage of this act, to have the same proved and registered, and all such deeds and bills of sale, which has not been proved and registered within the time above mentioned, shall be void against all persons but the grantor, bargainor, or maker.

Two years  
longer allow-  
ed to prove  
grants, &c.

Sec. 2. *Be it enacted*, That all deeds of conveyance for land, deeds of trust or mortgages, and bills of sale, for slaves, which shall hereafter be executed, shall be proved or acknowledged in the manner now prescribed by law, within twelve months from the date thereof, or the same shall be void against all persons except the grantor bargainor or maker thereof.

Sec. 3. *Be it enacted*, That all deeds of conveyance for lands and other instruments required by law, to be registered, which were executed under the law requiring but one subscribing witness, and which may have been proven by one witness in any court of record in this state, and registered in the proper county, within the time then prescribed by law, for proving and registering the same, shall be as good and sufficient as if the same had been proved in the county where such land might lie.

Deeds pro-  
ved by one  
subscribing  
witness de-  
clared good.

Sec. 4. *Be it enacted*, That all grants required by law, to be registered may be registered in the proper county, at any time within two years from the passing of this act, and if the original grant shall have been lost or destroyed, a copy from the proper office, where such grant may have been recorded, duly certified, may be registered within the same time, and shall have the same effect as if the original had been registered.

*Deeds, &c. proved may be registered in any court.* Sec. 5. *Be it enacted,* That where any deed of conveyance of trust or mortgage, bill of sale, or other instrument authorized or required by law, to be registered, has heretofore been proven or acknowledged in any court of record, or before any judge in this state, in the manner prescribed by law, at the time of such probate or acknowledgement, and the witness or witnesses are dead, or may have removed out of the limits of the United States, such deed, bill of sale, &c. may be registered in the proper county, at any time within twelve months after the passing of this act, on proof being made in some court of record in this state, of the death or removal of such witness or witnesses, and such registration shall be as good as made on a probate in conformity to the law now in force.

*When witnesses are dead hand writing may be proved.* Sec. 6. *Be it enacted,* That where all the witnesses to any deed of conveyance of trust, or mortgage, bill of sale, or other instrument required or authorized by law, to be registered heretofore executed are dead, or may have removed out of the limits of the United States, such deed or other instrument, may be registered in the proper county, on proof being made in any court of record in this state, of the hand writing of the bargainor, grantor, or maker and the witness where only one, and of at least two subscribing witnesses, where more than one, within twelve months from the passing of this act, and such registration, shall be as effectual as if the probate had been made in conformity to the laws now in force—provided the execution of such deed, or other instrument may have been attested by the number of witnesses requisite at the same time it was made.

JAMES FENTRESS,

*Speaker of the House of Representatives,*

EDWARD WARD,

*Speaker of the Senate,*

Nov. 17th, 1815.

## CHAP. CLXX.

### An act for the benefit of James M'Cullough.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That James M'Cullough, is hereby authorized and empowered to advertise and expose to sale (after giving ten days public notice,) at the court house in the town of Knoxville, the public powder deposited with him, by the secretary of state, of this state. *James M'Cullough directed to sell public powder.*

Sec. 2. *Be it enacted,* That the said James M'Cullough, be allowed the sum of twenty-three dollars, as compensation in full, for the storage and selling of the said public powder, and that he procure certificates from the persons or persons to whom said powder was sold, of the amount of said sale, and deliver the same with the residue of said sale, to the treasurer of East Tennessee, after deducting the amount aforesaid, for his services aforesaid.

JAMES FENTRESS,

*Speaker of the House of Representatives,*

EDWARD WARD,

*Speaker of the Senate,*

Oct. 27th, 1815.

## CHAP. CLXXXI.

### An act for the benefit of Colleges and Academies.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That it shall be the duty of the commissioners heretofore appointed by law to receive the monies heretofore collected for the sales of the land south of French broad and Holston and between Big Pigeon and Tennessee rivers, heretofore sold by virtue of an act of the General Assembly of this state, and in pursuance of an act of Congress of the United States, within six months from and after the passage of this act, to pay to the *colleges and academies may be distributed.*

suror of East Tennessee one moiety of the money in their hands collected for the use of Colleges, also to pay to said treasurer of East Tennessee the proportion which East Tennessee is entitled to, (to wit) the seventeen thirty eighths of the amount of monies in their hands heretofore collected for the use of Academies in this state, and also to pay to the treasurer of West Tennessee one moiety of the monies in their hands collected for the use of Colleges, also to pay to said treasurer of West Tennessee the proportion which West Tennessee is entitled to (to wit) the twenty one thirty eighths of the amount of monies in their hands heretofore collected for the use of Academies in this state, together with their and each of their ratable proportions of the interest arising on said monies respectively, and it shall be the duty of said commissioners to pay to the treasurer of East and West Tennessee in the proportion herein before mentioned all the monies which have been by them heretofore collected for the use of colleges and academies which payments from time to time shall be made by said commissioners to said Treasurers respectively in the shortest practicable time after they shall have received the same.

The treasurer to collect from commissioners the college and academy money

Sec. 2. *Be it enacted*, That the said treasurers respectively, shall demand of said commissioners, said monies within the time herein before mentioned, and it shall be the duty of said treasurers so soon as they shall have received said monies respectively, to give notice thereof to the trustees of the Colleges and Academies by public advertisement in some Newspaper printed at Knoxville & at Nashville, or otherwise that they have received said monies and it shall be the duty of said treasurers of East and West Tennessee, if the same shall be applied for to pay the monies collected for the use of Colleges to the trustees of Cumberland College, and Blount College for the use of said Colleges, *Provided*, said trustees shall execute a bond to said treasurers respectively in double the amount to be by them received, conditioned that they will not waste the principal monies so received for the use aforesaid, and it shall be the duty of said treasurers respectively, if the monies collected for the use of Academies shall be applied for by the trustees of the Academies respectively, to pay said trustees of each and every Academy established by law in this state under and by virtue of the acts of Congress in that case made and provided, the one thirty eight part of all said monies so as aforesaid

central...  
treasurers...  
manner...  
direct...  
be...  
new...  
can...

Sec. 3. *Be it enacted*, That...  
them...  
of the...  
prepared...  
confer...  
all or any part of...  
they shall be...  
or bonds...  
unless such recovery shall be for the full amount...

Sec. 4. *Be it enacted*, That where any of the monies belonging to academies shall or may be...  
either of said treasurers in consequence of their being...  
Academy established by law in some of the...  
ties of this state, it shall be the duty of said treasurers...  
the case may be, to proceed to borrow the said money on...  
the best terms he can procure and at the least of highest...  
interest he can get, so that it be not less than six per centum nor more than ten per centum per annum, taking bond and good security payable to himself as treasurer or his successors in his office.

To leave out money.

Sec. 5. *Be it enacted*, That Randall McCracken, John Anderson and Edward Ward be and they are hereby appointed...  
pointed...  
fore appointed to receive the monies heretofore collected...  
for the sales of lands south of French Broad and Holston...  
and between the...  
to divide the same...  
each of them so appointed...  
are hereby...  
announced...  
amount of the...  
be the duty of...  
those appointed...  
next session of the General Assembly of this state...

Additional commission...

and fair account of all the monies by them received for the use of colleges and academies, and how said monies have been disposed of from the date of the receipt thereof to the time of making and returning said account.

Sec. 6. *Be it enacted*, That nothing herein contained shall be so construed as to defeat the provisions of an act passed at the present session of this General Assembly, granting further indulgence to the citizens south of French Broad and Holston, and between the rivers of Big Pigeon and Tennessee, neither shall it be so construed to authorize the collection of monies arising from the sale of lands south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, from the citizens thereof, in any way than is heretofore pointed out or hereafter may be appointed by law.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 15th, 1815.

CHAP. CLXXXII.

An act to annex part of the county of White to the county of Bledsoe.

Part of  
White co an-  
nexed to  
Bledsoe.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all that part of White county, lying east and south of the following described lines, that is to say; Beginning on the old Cumberland road, where the line of Rhea county strikes the same, thence with said road to the ford of Obed's river so as to include all the citizens on each side of said road, in Bledsoe county, thence a direct line to the cross road near Simpson's stand, on the new road leading to Sparta, so as to include said stand in Bledsoe county, thence a direct line to a point two miles north-west of Peter Hoodenpyles, thence a direct line to the ford of Brush creek where the Madison road crosses the same so as to include Archibald Beard

in Bledsoe county, be and the same is hereby made a part of Bledsoe county.

Sec. 2. *Be it enacted*, That nothing herein contained shall be so construed as to prevent the sheriff of White county from collecting any tax or arrearages of tax that is or may be due from those who are by this act added to the county of Bledsoe, for the year 1815.

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

Sec. 4. *Be it enacted*, That all settlements left out of White county, lying on Cumberland road, by the establishment of the above line shall be included in White county. *Provided nevertheless*, That the settlements on Cumberland mountain called Anderson's and Robertson's settlements, and a settlement near Crance's shall still be considered a part of White county.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 6th, 1815.

CHAP. CLXXXIII.

An act to run out Jackson county, ascertain the centre, and remove the seat of justice therein.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That so soon as the boundary line shall be settled between this state, and the state of Kentucky, either by Congress or by an adjustment by the respective states, the county court of Jackson county, shall appoint some good mathematician to run out said county, & make three fair & distinct plats of the same, according to the lines and courses thereof, which said mathematician or surveyor shall have two sworn chain carriers with him, and when the said county shall be so run out, and the plats so made

Jackson co:  
to be run out

out, if there should not be a sufficient extent of territory, to comply with the requisition of the constitution, then and in that case the said surveyor shall immediately proceed to detach, as much of that of the county of White, lying most convenient, and which was taken from Jackson county, and add the same to Jackson, in order to make the same a county of constitutional limits, and when said plats are made of the whole county, which shall comprehend said detached part, if any, said surveyor shall designate the centre of said county in said plat, the water courses &c. whereon it lies, and return one of said plats, to the county courts of Jackson, to be lodged in the clerk's office, one plat to be given to the commissioners hereafter to be appointed by this act, and the other shall be preserved by the surveyor, which said surveyor and chain carriers shall be allowed the following fees, for their compensation, viz: two dollars and a half per day to the surveyor, and one dollar per day to each chain carrier.

*Fixonockire* Sec. 2. *Be it enacted*, That when the centre is so ascertained, it shall be the duty of the commissioners or a majority of them, as shall be hereafter appointed by this act, to select the most eligible situation, and as near the centre as practicable to get good water, to lay off a county town for the seat of justice in Jackson county, and when they shall ascertain in manner hereinafter pointed out, that a majority of the voters are in favour of moving said seat of justice, they shall immediately proceed to procure from any person or persons who own the land where the site of said town is so settled, a good and sufficient title for forty acres of land, for the purpose of laying off said town which said commissioners shall do accordingly.

Sec. 3. *Be it enacted*, That when the town shall be thus laid off, the said commissioners shall advertise the same, in the Carthage 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. 4. *Be it enacted*, That it shall be the duty of said commissioners or a majority of them, to contract with some suitable person, to build a court house, prison and stocks, and the money arising from the sale of lots, shall be applied to, the payment of building the same, after paying

for the purchase of the land, to be procured by said commissioners.

Sec. 5. *Be it enacted*, That if the money arising from the sale of lots, be insufficient to pay for the building of a 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 shall be raised, to pay for said public buildings, which tax shall be collected by the sheriff, under the same rules, regulations and restrictions as other taxes, and shall be paid by him 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 securities, in the name of said commissioners in the same manner as for failing to pay over other taxes.

If necessary  
to lay tax to  
build public  
buildings.

Sec. 6. *Be it enacted*, That before said commissioners shall proceed on the duties of their appointment, they shall enter into bond to the governor, for the time being and his successors in office, on the sum of six thousand dollars, conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the county court clerk, and by him be recorded.

Sec. 7. *Be it enacted*, That the sheriff of Jackson county is hereby authorized & expressly required on the first Thursday & Friday in August next to open & hold an election at all the places of holding elections in Jackson county, under the same rules, regulations and restrictions as he is bound by law to hold other elections for members to the General Assembly, Congress, President, Vice President, Governor &c. and all persons allowed by law to vote for the above officers, shall be entitled to vote at said election and the said sheriff shall put Williamsburg the present place of holding court in said county and a new court-house in nomination on the day of election, and the free electors of Jackson county, shall vote for the said places so nominated and when the votes for the whole county are collected and counted out in the same manner as is provided for other elections, if a majority should be in favour of moving the seat of justice by giving the greatest number of votes to the new court-house, then and in that case the seat of justice shall be removed to the place designated

by the commissioners & upon that event the commissioners shall immediately proceed to put the provisions of the second, third and fourth sections of this act into operation, and lay off a town on said land, as soon as purchased, which town when so laid off, shall be named *Gainesborough*, in honor of Maj. General Edmund P. Games of *Fort Erie* memory, and said commissioner shall appoint a chairman to their body, whose duty it shall be to take bonds of all the purchasers of public lots in the town of Gainesborough in his name as chairman of the board of commissioners for the town of Gainesborough, who shall sue for and recover any money or monies arising from the sale of said lots.

Sec. 8. *Be it enacted*, That Jacob Bennet, Philip Mulky, William Scandling, James Terry, James W. Smith, James Vance, Joseph Hawkins, and Joseph Shaw shall be, and they are hereby appointed commissioners to carry this act in to effect, and a majority of them shall be competent at all times to act, and before they enter upon the duties of their appointment, they shall take an oath or affirmation, to act to the best of their skill and judgment in all the duties imposed upon them.

Gainesborough established as the seat of justice for Jackson co.

Sec. 9. *Be it enacted*, That as 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 the proceedings therein to the said town of Gainesborough, at the court-house, and which place from thenceforth shall be the seat of justice, and place for holding courts for Jackson county, and all elections that are now directed by law, to be holden at Williamsburg shall be holden at Gainesborough forever after.

Sec. 10. *Be it enacted*, That when the county is centred according to the provisions of this act of an eligible situation cannot be found nearer the centre than Williamsburg, then and in that case the seat of justice shall be, remain at Williamsburg.

Sec. 11. *Be it enacted*, That all laws, and parts of laws which are contrary to the intent and meaning of this act shall be, and the same are hereby repealed.

Sec. 12. *Be it enacted*, That if the Kentucky line should not be defined and established in time sufficient for the surveyor to run out the county and make out plats aforesaid, before the first Thursday and Friday in August next, then and in that case the election for and against the removal of

the seat of justice shall not take place until the first Thursday and Friday in April eighteen hundred and seventeen, when the sheriff is hereby required to hold the said election in the same manner prescribed by this act, as he was required to hold the same for the first Thursday and Friday in August next, which election on the 1st Thursday & Friday in April 1817, shall be as good to all intents & purposes as if the same had come on the days first provided in this act.

Sec. 13. *Be it enacted*, That in case of death, resignation or removal of any of the commissioners appointed by this act, or in case of their refusal to act, then and in that case the balance of the commissioners may fill up such vacancy by ballot, and when so elected and sworn, shall possess the same privileges, powers, and capacities as the commissioners first appointed by this act.

If not constitutional limits to take part of White

Sec. 14. *Be it enacted*, That if there are not constitutional limits in Jackson county when the surveyor undertakes to detach as much of that part of the county of White as was taken from Jackson—he shall do it in such a way as not to take that part which runs up in a point in White county, if he can get constitutional limits without, but take it along the broad side of that part of Jackson county as near as may be.

Sec. 15. *Be it enacted*, That the county trustee of Jackson county, shall pay said chain carriers and surveyor, the amount of their services when finished and sworn to, out of any monies in his treasury, and their receipt shall be a sufficient voucher in the settlement of his accounts; provided nevertheless if there should be an overplus of monies in the hands of the commissioners, after paying for the public buildings, then and in that case, the said commissioners shall pay said surveyor, and chain carriers out of the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

JOHN GASS,

Speaker of the Senate pro tem.

Nov. 14th, 1816.

CHAP. CLXXXIV.

An act to annex a part of the county of Wilson to the county of Rutherford.

Part of Wilson co. annexed to Rutherford.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That from and after the passage of this act, the dividing line between the counties of Wilson and Rutherford shall be as follows: Beginning two and an half miles north of the south west corner of Warren county on the dividing line between the said counties of Wilson and Warren, on the ridge that divides the waters of Stones' river and those of the Cumberland, thence with the top of said ridge so as to include William Ray's present place of residence, Charles Porterfield's old place, and the plantation whereon captain John McKnight formerly lived, thence due west to the now dividing line between the said counties of Wilson and Rutherford.

Sec. 2. *Be it enacted*, That all that part of the county of Wilson lying south of the said line shall be and is hereby annexed to the county of Rutherford, provided that nothing herein contained shall be so construed as to prevent the sheriff of Wilson county, or the collector of the fourth collection district of Tennessee, from collecting any arrearages of taxes which may be due to the county of Wilson or to the United States within the before described bounds.

Sec. 3. *Be it enacted*, That Jesse Brashear is hereby appointed to run and plainly mark the said dividing line as described in the first section of this act, for which he shall be entitled to two dollars per day for each day he may be necessarily engaged therein, which shall be paid by the persons residing within the limits of the territory hereby annexed to the county of Rutherford.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 30th, 1815.

CHAP. CLXXXV.

An act to establish and confirm a bridge across Powell's River, in Claiborne county, and the rate of toll

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the bridge belonging to John Lee and John Roddy, across Powell's river, in Claiborne county, be and the same is hereby established and confirmed. Bridge over Powell river confirmed

Sec. 2. *Be it enacted*. That the said John Lee and John Roddy be authorized to demand and receive the following rates of toll, viz: For each four wheel pleasurable carriage seventy-five cents, for each wagon and team and driver, and such women and children as compose part of their load and family, slaves excepted, seventy-five cents, for each two wheeled pleasurable carriage fifty cents, for each cart and driver, and such women and children as compose part of their load and family, slaves excepted, thirty-one and a fourth cents, for each horse and rider twelve and an half cents, for each loose or led horse six and one fourth cents, for each foot passenger over the age of twelve years six and one fourth cents, for each head of cattle three cents, for each head of hogs or sheep one cent.

Sec. 3. *Be it enacted*. That the said John Lee and John Roddy shall not demand nor receive any toll from any person going to nor returning from any musters or elections that are authorized by law in this state.

Sec. 4. *Be it enacted*. That if at any time the county court of Claiborne, a majority of the acting justices being present, should think the toll herein named to be too high, they shall proceed to lower said rates.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Oct. 26th, 1815.

F f

## CHAP. CLXXXVI

## An act extending the term of Franklin county court.

Whereas it is found to be impracticable to transact the business of Franklin county court, in the time heretofore allowed by law, for remedy whereof:

*Term of Franklin co court extended.*  
 Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That hereafter Franklin county court, or two terms thereof, shall commence and be holden by said court, on the last Monday in June and December, and continue for two weeks, the other two terms of April & October, shall continue & be holden as they are at present appointed by law to be holden, and the clerk of said county court shall make all process returnable to the terms established and arranged according to the provisions of this act, and shall make out his trial and return docket according to the terms aforesaid, which shall be good and valid to all intents and purposes, and it shall be the duty of the sheriff of said county to execute and return all process which is now or hereafter may come into his hands, to the term of the county courts so arranged by this act, and said returns shall be good and valid to all intents and purposes, in as full and ample a manner as if they had been directed to be returned by said clerk to the said court.

Sec. 2. Be it enacted, That this act shall take effect from and after the fifteenth of January next, and all bonds, recognizances, and other process, which may be in the hands of the sheriff or coroner at the time this act takes effect, shall be returned by the said sheriff or coroner to the sessions of said court, as prescribed by this act, and shall be as good and valid to all intents and purposes, as if the sessions of said court had always been held on the day above stated.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 17th, 1815.

## CHAP. CLXXXVII

## An act incorporating the towns of Cairo and Gallatin, in the county of Sumner.

Be it enacted by the General Assembly of the state of Tennessee, That from and after the passage of this act, the towns of Cairo and Gallatin, in the county of Sumner, be and the same are hereby declared incorporate, under the same rules, regulations, restrictions and privileges of the town of Franklin in this state. *Cairo & Gallatin incorporated.*

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 7th, 1815.

## CHAP. CLXXXVIII

## An act appointing additional commissioners for the town of Rutledge.

Be it enacted by the General Assembly of the state of Tennessee, That Joshua Hickv, Jacob Cline and Sterling Cocks, be as they are hereby appointed additional commissioners for the town of Rutledge in the county of Grainger, and the said Joshua Hickv, Jacob Cline and Sterling Cocks are hereby vested with all the privileges, powers and authorities that the commissioners heretofore appointed by law for said town possess. *Commissioners for Rutledge.*

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 6th, 1815.

## CHAP. CLXXXVIII.

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

*Commissioners for Greenville,*  
 Sec. 1. Be it enacted by the General Assembly of the state of Tennessee. That the commissioners for the town of Greenville, shall at all times have full power to appoint trustees for the regulation of the school in said town.

Sec. 2. Be it enacted, That the commissioners of said town are hereby authorized and empowered to sell and convey to the trustees of said school, for the use of said school, part of an alley in the place of said town adjoining lots No 78 and 67 not to exceed more than three poles in width, provided always, that said three poles shall be considered not to injure said alley, nor any persons private property and provided also that the money arising from the sale of said piece of ground shall be appropriated to the use of said school.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Oct. 25th, 1815.

## CHAP. CLXXXIX.

## An act to authorize Walter Eady to retail spiritous liquors in the county of Warren.

*Water Eady relieved.*

Whereas it has been represented to this General Assembly, that Walter Eady, of Warren county, has by the act of God become so decrepid and infirm that he is unable by bodily labor to support his family of children which are small and helpless, and the said Walter being now willing that he should become a public charge, and the legis-

lature being willing to afford him every relief in their power. Therefore,

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the said Walter Eady, be and he is hereby authorized to retail spiritous liquors of all kinds any where within the county of Warren, without being subject to the payment of any state or county tax, or obtaining license for the same, provided that the said Eady shall give bond and security as other innkeepers, any law to the contrary notwithstanding.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Oct. 27th, 1815.

## CHAP. CXC.

## An act to empower the court of pleas and quarter sessions for Lincoln county, to appoint commissioners to contract for and superintend the building of a bridge over Elk river.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee. That the court of pleas and quarter sessions for Lincoln county, may and they are hereby authorized, should they think proper, (a majority of said justices being present at the time they proceed to lay the county tax in said county) to lay a tax on all the taxable property in said county, so that said tax shall not exceed the state tax in said county for the same year, which tax when collected shall constitute a fund in the hands of commissioners to be appointed to contract for and superintend the building of a bridge over Elk river, below the mouth of Norris' creek. A bridge to be built over Elk river.

Sec. 2. Be it enacted, That it shall be the duty of the court of pleas and quarter sessions of Lincoln county, (a

majority of the justices of said court being present) at the first session of said court after the first day of February next, to appoint three suitable persons to contract for and superintend the building of a bridge over Elk river, at such place as said commissioners or a majority of them may select as the most suitable, below the mouth of Norris's creek, and above the town ford.

Sec. 3. *Be it enacted*, That it shall be the duty of said commissioners, so soon as convenient after their appointment, to proceed to select and procure (if to be had on reasonable terms) by purchase or otherwise the banks of said river, at the place most suitable whereon to erect said bridge, and shall take from the owner or owners thereof, a title for said banks to the chairman of the county court for the time being, and his successors in office, in trust for the use of said county forever.

Sec. 4. *Be it enacted*, That it shall be the duty of said commissioners to appoint one of their own body to act as treasurer or receiver of the monies provided for in this act, who before he enters upon the duties of said appointment shall enter into bond with security in the sum of five thousand dollars, to the chairman of the county court and his successors, conditioned for the faithful discharge of the duties of his appointment, whose duty it shall be to demand and receive of the collector of the taxes provided for by this act, in the same manner as the trustee of Lincoln county is authorized to demand and receive the county taxes from the same.

Sec. 5. *Be it enacted*, That it shall be the duty of the collector of the public and county taxes for Lincoln county, at the same time he collects the public and county taxes for said county to collect the taxes provided for by this act, and account for and pay over the same to the treasurer herein provided for, under the same rules, regulations and restrictions, as they are bound to account for and pay over county monies to the county trustee of said county.

Sec. 6. *Be it enacted*, That it shall be the duty of the treasurer or receiver of monies as provided for by this act, to procure a book, in which he shall receive the subscriptions of individuals for any sum or sums of money, any person may subscribe, towards raising a fund in addition

that contemplated in the first section of this act; payable at such times as said commissioners may require and prescribe.

Sec. 7. *Be it enacted*, That it shall be the duty of the commissioners appointed by this act, to report annually or oftener if the county court of Lincoln county should deem it necessary, the progress they may make in completing said bridge, and the situation and amount of the funds by this act provided, and it shall be the duty of the county court, to make such compensation to said commissioners as to said court, may seem equitable and just.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Oct. 30th, 1815.

#### CHAP. CXCI.

### An act to establish & confirm the boundary line between the state of Kentucky and this state,

Whereas some difficulty has existed between the state of Kentucky and this state respecting the boundary between them, and whereas it is essential to the harmony & interest of both states, that the line commonly called Walker's line, heretofore considered, and acted on, as the boundary between them, should be established as the boundary between the two states, therefore :

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the line commonly called Walker's line be, and the same is hereby established and confirmed as the true boundary between the state of Kentucky and his state.

Boundary  
line between  
Kentucky &  
Tennessee.

Sec. 2. *Be it enacted*, That all entries & grants which may have been made or issued for land on the south side of said line, at any time before the first day of November one thousand eight hundred and fifteen, either under

Com-  
missioners to ap-  
point trea-  
surers &c.

the authority of the state of Kentucky or of this state be, and the same are hereby established & confirmed to the claimants under such entries & grants respectively, according to the priority of the dates of said entries and grants, and where entries may have been made under the authority of the state of Kentucky, grants may be issued thereon by said state in the same manner as if the land lay within said state of Kentucky, provided such entries and grants would have been valid by the laws of the state under which they were made or obtained.

Governor to appoint commissioner-  
618,  
Sec. 3. *Be it enacted*, That the governor shall, and he is hereby empowered to appoint some suitable person a commissioner to attend the general assembly of the said state of Kentucky, at their next session, and present to them a certified copy of this act, and request them to pass an act confirming the said line, and confirming the titles obtained under the authority of this state or Kentucky, for land on the North side of said line, according to the priority of their dates, as provided for by this act, and to appoint a commissioner on the part of said state to act with the commissioner on the part of this state, in running and marking said line. And if the legislature of said state shall pass such an act, then the commissioner on the part of this state shall have power to act with the commissioner on the part of Kentucky, in running and marking said line, or such part thereof as they may deem necessary to run and mark, and shall have power to appoint one surveyor and as many chain carriers and markers as may be necessary.

Sec. 4. *Be it enacted*, That the commissioner on the part of this state shall be allowed five dollars per day, the surveyor four dollars per day, and each chain carrier and marker one dollar per day for each day they may respectively be necessarily engaged in the business prescribed by this act, to be paid by either of the treasurers of this state, the commissioner on the certificate of the governor of his appointment, and the number of days he may have been engaged, and the surveyor, chain carriers and markers, on the certificate of the commissioner of their employment and the number of days they may have been respectively engaged in said business.

Sec. 5. *Be it enacted*, That if the legislature of Kentucky shall refuse to pass such an act as above stated, this act shall cease to be in force from and after the time

of such refusal, except so much thereof as provides for the payment of said commissioner.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 17th, 1815.

## CHAP. CXCH.

### An act for the relief of Richard B. Dewitt.

Whereas it has been represented to this General Assembly that Richard B. Dewitt was appointed sergoant at arms by the court martial which was convened by the governor of this state on the trial of Major General John Cocke, to summon witnesses to attend the trial aforesaid, therefore,

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Richard B. Dewitt be allowed the sum of one dollar for each day he may have been necessarily engaged in summoning said witnesses, and one dollar for every twenty-five miles in travelling to Nashville to make his return to said court martial, also one dollar for every day he was necessarily detained to attend said court.

Sec. 2. *Be it enacted*, That the said Richard B. Dewitt shall prove his attendance and the distance of his residence from Nashville, before some circuit judge of this state who shall give him a certificate thereof, and either of the treasurers of this state are hereby authorized to pay him the amount of said certificate, which shall be good to either treasurer in the settlement of his accounts.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 7th, 1815.

## CHAP. CXIII.

An act to provide for the erection of a bridge over Richland creek in the town of Pulaski, in the county of Giles, and for other purposes.

Bridge over Richland creek in Giles county authorised.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Tyre Rodes, Ralph Graves and John Hicks, be and they are hereby appointed commissioners to contract for and superintend the building of a bridge over Richland creek, at or near the shoals in said creek, in the town of Pulaski, in the county of Giles.

Sec. 2. *Be it enacted*, That said commissioners, or a majority of them shall immediately after the first day of January next, proceed to select the most suitable place for the erection of said bridge, and shall contract with some suitable person for the erection of the same, by letting it to the lowest bidder, or otherwise, having first advertised the letting of the same at least three months.

Sec. 3. *Be it enacted*, That said commissioners shall and they are hereby authorized to demand and receive from the commissioners appointed to lay off the town of Pulaski, so much of the money arising from the sale of the lots in said town, as may be necessary to carry into operation the objects contemplated by the preceding sections of this act, and that the receipts of the commissioners hereby appointed, or the persons who may act in their stead, agreeably to the provisions of this act, shall be a sufficient voucher for said commissioners appointed to lay off said town in the settlement of their accounts with the county of Giles.

Sec. 4. *Be it enacted*, That Aaron Brown, Nelson Patterson and William Philips, be and they are hereby appointed commissioners to provide for and superintend the opening and improvement of the navigation of Richland creek, from the shoals in the same, to its confluence with Elk river, and to remove all obstructions in the same.

Sec. 5. *Be it enacted*, That said Aaron Brown, Nelson Patterson and William Philips shall and they are hereby

authorized to demand and receive from the commissioners appointed to lay off the town of Pulaski, so much of the money arising from the sale of the lots in said town, as shall be sufficient to carry into effect the fourth section of this act.

Sec. 6. *Be it enacted*, That if any vacancy should happen in any of the appointments made by this act, by death, resignation, refusal to act or otherwise, it shall be their duty, provided a majority continue to act, to appoint some person to act in such vacancy, until the next county court, whose duty it shall be, provided a majority or nine of said justices be present to fill all such vacancies as may happen.

Sec. 7. *Be it enacted*, That before any of the commissioners appointed by this act, shall presume to carry into effect the provisions thereof, it shall be the duty of said commissioners in each appointment separately to enter into bond to the chairman of the county court, and his successors in office, in the sum of three thousand dollars, and shall take an oath truly and impartially to discharge the duties of their appointment.

Commissioners to give separate bonds.

Sec. 8. *Be it enacted*, That it shall be the duty of the county court, provided nine justices be present, from time to time to make to the commissioners appointed by this act, such compensation as shall appear reasonable and just.

Sec. 9. *Be it enacted*, That the trustees of the Academy in the county of Giles, be and they are authorized to draw from the commissioners appointed to lay off the town of Pulaski, any money which may be in their hands, arising from the sale of lots in said town, not exceeding four thousand dollars, and it shall be the duty of the commissioners, so soon as conveniently they can, to collect so much of the money arising from the sale of the lots in said town, as will be sufficient to meet the expenditures contemplated by this act.

Sec. 10. *Be it enacted*, That German Lester and Buckner Harwell, be and they are hereby appointed commissioners to settle with the commissioners appointed to lay off the town of Pulaski, and report to the county court of Giles county the progress of said commissioners in erecting the public buildings, collecting monies, &c.

Sec. 11. *Be it enacted*, That that it shall be the duty

Bridge com<sup>rs</sup> of the commissioners appointed by the tenth section of this act, to call upon the commissioners appointed to lay off the town of Pulaski, so soon as practicable after this act takes effect and at least once in each and every year thereafter, until the business of said commissioners last mentioned, shall be completed, and should either of the offices of the said German Lester or Buckner Harwell, become vacant by death, resignation, refusal to act, or otherwise, it shall be the duty of the county court to fill such vacancy, provided that said commissioners appointed by the tenth section of this act, or that may be appointed agreeably to the provisions of this section shall before they enter upon the duties of their appointment take an oath well and truly, to discharge the duties of their appointment.

Sec. 12. *Be it enacted*, That the commissioners to be appointed agreeably to an act passed eighteen hundred and fifteen, to contract for and superintend the building a bridge over Elk river near Fayetteville, shall erect said bridge across said river as early opposite to the centre of the public square in the town of Fayetteville as practicable.

Sec. 13. *Be it enacted*, That the county court of Giles county, at least a majority of said justices being present shall and they are hereby authorized to make to Archibald Alexander the undertaker of the building of a court house and Philip Maury the undertaker of the building the jail of said county, such additional compensation for said work as they or either of them may be entitled to, for the building of said court house or jail, or either of them, so soon as the commissioners appointed by law to let said buildings, shall inform said court that the buildings aforesaid are finished according to contract, which additional compensation shall be paid by said commissioners, on the said Archibald Alexander and the said Philip Maury, or either of them, producing the order of said court to that effect, out of any money in their hands not otherwise appropriated.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 18th, 1815.

# CHAP. CXCIV.

## An act to authorize the sale of two public cotton gins in this state.

Whereas it is well known to this General Assembly, that the two public models of the cotton gin is injuring by rust, and decaying by length of time, and whereas it appears that there is no necessity of retaining said models as there are so many gins in operation in this state, and so many mechanics who understand the erecting of gins of the same description, wherefore,

Public cot-  
ton gins to be  
sold.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the sheriff of Knox county, and the sheriff of Davidson county shall advertise in each captains compass in said counties, giving sixty days notice, that the public model of the cotton gins in their respective counties is to be sold to the highest bidder, and upon such sale being made by the respective sheriffs as aforesaid, the proceeds thereof shall be paid over to the treasurer of East or West Tennessee, and accounted for as other public monies.

Sec. 2. *Be it enacted*, That the sheriff shall be entitled to the same collecting fees as in other cases.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Oct. 27th, 1815.

# CHAP. CXCV.

## An act to amend an act entitled an act authorizing three separate elections in the county of Giles.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the sheriff

of Giles county, by himself or deputy, or the coroner as as the case may be, to hold elections at the different places appointed by law for holding separate elections in Giles county for militia officers, when necessary, under the same rules, regulations and restrictions as similar elections are held.

**JAMES FENTRESS,**

*Speaker of the House of Representatives.*

**EDWARD WARD,**

*Speaker of the Senate.*

Oct. 30. 1815.

**CHAP. CXCVI.**

**An act encouraging a seminary of learning in the county of Rutherford.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the old court house in the county of Jefferson, together with the public square thereto belonging, be appropriated to the use of a seminary of learning, and John Coffee, Peter Legrand, Shelton Crosswait, George Simpson and Walter Kibble are appointed trustees for said seminary, and are authorised to adopt such laws as to them may seem proper and expedient for the government of said seminary of learning.

seminary at  
Jefferson

Sec. 3. *Be it enacted,* That the said seminary of learning shall be called and known by the name of the Jefferson seminary of learning, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted,* That said trustees, or a majority of them, shall be empowered to receive subscriptions for the benefit of said seminary, and are hereby authorized and empowered to sue for, and recover any monies so subscribed, before any tribunal having jurisdiction thereof.

**JAMES FENTRESS,**

*Speaker of the House of Representatives.*

**EDWARD WARD,**

*Speaker of the Senate.*

Nov. 6th, 1815.

**CHAP. CXCVII.**

**An act to appoint additional commissioners for the town of Monroe and for other purposes.**

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Joseph Harris, Henry H. Atkinson, John W. Fleece and George Waters, be and they are hereby appointed additional commissioners for the town of Monroe, in the county of Overton, and shall be vested with all the powers, privileges and capacities that the former commissioners have and possess.

Commissioners of Monroe

Sec. 2. *Be it enacted,* That if any vacancy should happen by death, resignation, removal or refusal to act, the balance of said commissioners or a majority of them may proceed to choose by ballot any person or persons to fill such vacancy who shall be qualified and act accordingly.

Sec. 3. *Be it enacted* That said commissioners in addition to the powers heretofore possessed shall have full power and authority to make such orders, rules and bye laws, for the regulation of said town as shall appear necessary, not contrary to the constitution and laws of this state, and cause their clerk to place the same on the court house door.

Sec. 4. *Be it enacted,* That said commissioners shall choose one of their body as chairman and shall also choose a treasurer and clerk; said treasurer shall keep a fair and regular account of all monies by him received and expended, and shall give bond and security to the chairman in the sum of five hundred dollars to discharge his duty faithfully, said clerk shall keep a fair and regular account of all the proceedings of said commissioners and the said clerk and treasurer shall receive such compensation as the commissioners may deem 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 roads, to work and keep in repair the

Overseer of streets, his duty

streets and alleys of said town, in such a manner as they may direct, and shall appoint an overseer thereof, who shall be bound to serve one year under the same rules, liabilities and restrictions, as overseers are subjected to by the laws of this state, and shall have the same power to enforce the working of hands on the said streets and alleys, and recover from the delinquents in the same manner as other overseers of public roads in this state, and in order to enable said commissioners to carry this act into effect, they shall have power to lay a tax annually on each hundred dollars worth of town property, not exceeding twenty cents, on each slave not exceeding fifty cents, on each white pole not exceeding twelve and one half cents, on each merchant, peddler or hawker, not exceeding five dollars, which shall be collected by a town constable, in the same manner as public taxes are collected by the sheriff, and he shall receive the same fees.

Sec. 6. *Be it enacted*, That said commissioners shall appoint one of their own body to receive lists of taxable property from the citizens of the town, and shall return the same to the commissioners, who shall proceed to appoint three disinterested free holders to ascertain the value of said town property returned as aforesaid, who shall value the same on oath, and make return thereof to said commissioners, and if any person or persons shall fail or refuse to return their taxable property, they shall be liable to all the pains and penalties that are prescribed by law for delinquents in other cases.

Sec. 7. *Be it enacted*, That no appropriation of money shall be made unless it is for the improvement of said town.

JAMES FENTRESS,

*Speaker of the House of Representatives*

EDWARD WARD,

*Speaker of the Senate*

Nov. 14th, 1815.

CHAP. CXCIV.

An act to incorporate three banking associations, one in the town of Fayetteville, under the name and style of the Fayetteville Tennessee Bank, and one in the town of Jonesborough, under the name and style of the Holston Tennessee Bank, and one in the town of Franklin, in the county of Williamson, under the name and style of the Franklin Tennessee Bank.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all and every person or persons who are or shall become subscribers to the Banking association to be established in the town of Fayetteville in the state of Tennessee, under the name and style of the Fayetteville Tennessee Bank, who are or shall be proprietors of the capital stock thereof, shall be, and they, and their successors and assigns are hereby declared to be one body politic and corporate by the name, style and title of the Fayetteville Tennessee Bank, upon the conditions herein after specified, & by the same name shall be continued until the first day of January in the year one thousand eight hundred and forty, and shall be liable to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have and to hold receive, possess, enjoy and retain, to them and their successors and assigns, lands, tenements, hereditaments, rents, chattels, goods and effects, of whatsoever nature, kind or quality, to an amount not exceeding four hundred thousand dollars, including the amount of the capital stock of said company, (except such as may be held in security or for the payment of debts) and the same from time to time to sell, grant, demise, alien or dispose of, and also, to make, to have and use a common seal, and the same to break, alter & renew at pleasure, & also, to ordain, establish and put in execution, such bye-laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to the fundamental articles thereof, or to the constitution and

laws of the United States, or this state & generally to do and execute all acts, matters and things consistently with the provision of this act, which a corporation or body politic in law may or can lawfully do and execute.

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

*Article first*—The capital stock of the said company shall consist of two hundred thousand dollars, in money of the United States of America, to be divided into shares of fifty dollars each, ten dollars on each share shall be paid at the time of subscribing, in current coin of the United States, the further sum of five dollars on each share shall be paid within ninety days succeeding the day on which the said company shall commence its operations under this act, of which notice shall be given in the Nashville newspapers for six weeks and the remainder of each share, after the foregoing payments shall have been made, shall be paid at such times and in such proportions as the board of directors shall order and appoint, not exceeding five dollars on each share for each payment, giving thirty days between such payment so to be called for, under pain of forfeiting to such company the said shares and all payments previously made thereon, but no payment shall be required unless by a notice of three weeks published in the Nashville newspapers. Three hundred shares of the above capital stock of said company shall be reserved to be subscribed for by the government of this state, for the space of two years from and after the commencement of the operation of the affairs of said company, of which notice shall be given to the governor for the time being, by the board of directors & if the whole or a part of the said three hundred shares should not be subscribed for by this state, at the expiration of two years, then and in that case it shall be lawful for the board of directors to receive subscriptions for the whole or such part thereof as this state shall refuse to subscribe for.

*Article second*—The affairs of said company shall be conducted by nine directors, who shall elect one of their own number to be president thereof, and five directors of which the president or his representative duly appointed in writing under his hand shall be one, shall form a board or quorum for transacting all the business of the company

ordinary discounts, may be done by the president, and any three of the directors; in case of his sickness or necessary absence, the place of president may be supplied by any other director whom he by writing under his hand, shall nominate for that purpose and until the first Monday in January in the year of our Lord one thousand eight hundred and eighteen, Charles Boyles, Robert Dickson, Francis Porterfield, Brice M. Garner, John V. McKinnel, James Bright, John Asher, Elliot Hickman and John Greer, shall be directors of said bank, the directors from and after that period, shall be elected for one year by the stock holders, at the time being at the place where the concerns of affairs of said bank are carried on, on the first Monday in each and every year during the continuance of this association. The directors chosen at such meeting shall take their seats at the board on the second Monday in January in each and every year as aforesaid, and until the next directors take their seats, the former board and president shall continue to manage the affairs of the company in the same manner as before such election, so that no risk shall be run of the affairs of said company being improperly managed, until the new directors form a board; from and after the said first Monday in January in the year one thousand eight hundred and eighteen, all directors shall have been a citizen of this state at least twelve months immediately preceding his election, and shall also be a stockholder; and he shall cease to be a director as soon as he ceases to be a stockholder; the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in proportion following, (to wit), for one share and not more than two shares, one vote for each share; for every two shares above two and not exceeding ten, one vote; for any four shares above ten and not exceeding thirty one votes for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred one vote; but no person copartnership or body politic or the state shall be entitled, either in his or their own rights or as a proxy to a greater number than thirty votes; and no share or shares shall confer the right of suffrage, which shall not be holden at least two calendar months previously to the day of election, all stock holders may vote at elections, or any other question touching the bank by proxy, provided the proxy be derived directly from such stock holders, be voted by a person being a citizen of this state, and be made in such form as the board of directors may appoint; provided that

Pro tem directors of bank.

two months public notice shall be given in the newspapers by the directors of the mode or manner of appointing proxy before the day of election, and the same publication shall be made whenever any alteration shall be made in the mode of appointing proxy; provided always nevertheless, that in case it should at any time happen that an election of directors should not be made upon any day when in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any other day within ten days thereafter, to hold and make an election of directors, in as much as it said election had been made on the day appointed by this act for holding such election, and, in case of a vacancy in the directors by death resignation or otherwise, the residue of the directors for the time being shall immediately elect a director to fill said vacancy until the next stated election of directors—a fair and correct list of the stockholders shall be fixed up a least one month before any election of directors in the common hall of the said bank, and in case this state becomes a holder of stock in the said bank, the directors for the time being shall give the governor of this state for the time being, a list of the said stockholders in writing, at least thirty days before the day on which said election shall take place.

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

*Article fourth*—The said board of directors shall have power to appoint a cashier, and all other officers, clerks and servants, necessary for executing the business of said corporation and take security for their good behaviour, respectively, in such sum and sums as the by-laws of the corporation shall prescribe, and to establish the compensation to be paid to the president and other officers, and servants of the corporation respectively, which together with all other necessary expenses shall be defrayed out of the funds of the corporation.

*Article fifth*—No director shall be entitled to any emolument unless the same shall have been allowed by the

stock holders at a general meeting. The stock holders shall make such compensation to the president for his extraordinary attendance at the bank, as shall appear to them reasonable.

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

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

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

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

*Article tenth*—The shares of capital stock, at any time owned, by any individual stockholder, shall be transferable only on the books of the company, according to such rules as conformable to law, may be established on that behalf, by the board of directors; but all debts actually due or payable to the company, days of grace being past, by a stockholder requesting a transfer, must be satisfied before

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

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

Bills assign-  
able.

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

*Article thirteenth*—The directors shall keep fair and regular entries in a book to be provided for that purpose, of their proceedings, and in any question where two directors shall require it, the yeas and nays of the directors voting shall be duly inserted in their minutes, and their minutes shall at all times on demand, be produced to the

stockholders, when assembled at a general meeting, who shall require the same.

*Article fourteenth*—The lands and tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be required for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchase at sales, upon judgments which shall have been obtained for such debts; and more than ten thousand dollars shall be expended in procuring ground and erecting a suitable building for the accommodation of the bank; The time for such purchase and building shall be at the discretion of the directors, for the time being; and until such building is provided, it shall be lawful for the directors for the time being to rent or lease a convenient house for the purpose of the bank.

Limit as to  
real property

*Article fifteenth*—The said corporation shall not directly nor indirectly deal or trade in any kind of stock, except bills of exchange, gold or silver, bullion, or in the sale of goods, really and truly pledged for money lent, and not rendered in due time, or of goods which shall be the produce of its lands; it may invest its contingent funds in the public stock of the United States, or any incorporated institution in the United States; may lend money, but shall not take more than at the rate of one half per cent for thirty days, for or upon its loans or discounts, & if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares and merchandize, or commodities, whatever, contrary to the provisions of this act, all and every person or persons who shall have given any order or directions for so dealing or trading, and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and lose capable the value of the goods, wares, merchandize or commodities, in which such dealing and trade shall have been, one half thereof to the use of the informer and the other to the use of the state, to be recovered with costs of suit.

Specific Limit.

*Article sixteenth*—Dividends of the profits of said company or of so much of said profits as shall be deemed expedient and proper shall be declared and paid half yearly, during the months of January and July in every year,

and shall be determined from time to time by a majority of said directors, at a meeting to be held for that purpose, and shall in no case exceed the amount of net profits actually acquired by the company, so that the capital stock of the company shall never be impaired by the dividends, and at the expiration of every three years, from the first Monday in January, in the year one thousand eight hundred and eighteen, when the first dividend only shall be declared and paid, a dividend of surplus profits shall be made, but the directors shall be at liberty to retain at least one per cent upon the capital as a fund for future contingencies.

If dividend  
too large di-  
rectors liable

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

If improper  
debt made  
directors  
liable.

*Article eighteenth.*—The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed their capital, unless the contracting of any greater debt shall have been previously authorized by a law of this state, in case of excess the directors under whose administration it shall happen shall be liable for the same in their individual and private capacities, an action of debt may in such case be brought against them or any of them, or their heirs or administrators, in any court of record in this state or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding, but this shall not be so construed as to exempt the said corporation or the lands, tenements, goods or chattels of the same, from being liable for, or chargeable with the said excess. Such of the said directors who have dissented from the resolution or acts whereby the same was so contracted may respectively exonerate themselves from being so liable, by forthwith giv-

ing notice of their dissent to the stockholders at a general meeting, which they shall have power to call for that purpose.

*Article nineteenth.*—Bills, notes or other contracts for the payment of money shall not be received in any court in this state, until they have been first presented to the cashier or treasurer of the Fayetteville National Bank.

*Article twentieth.*—Immediately on the dissolution of the association or corporation, all the assets shall be taken by the directors and officers administering the affairs of the company, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests.

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

Directors  
charged with  
procuring  
subscrip-  
tions.

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

*Sec. 4. Be it enacted.* That every cashier or treasurer of said bank, or other officer entrusted with the money concerns of the bank, or with paying out and receiving

Cashier his  
duty.

the same, shall before entering on the duties of his or their appointment, take an oath before some person authorized to administer the same, truly, honestly and impartially to discharge the duties of his or their appointment, as well to said company as to any other person or persons who may have dealings with said company, without favor or partiality; and if any such cashier or treasurer, or other officer intrusted with the money concerns of said bank, or with paying and receiving the same, shall at any time refuse to pay any bill, bond, note or other security which shall have been signed and executed in manner prescribed in the articles of incorporation herein contained, as a true and genuine bill, bond, note, or other security of said bank, and to be paid by said bank, alleging that such bill, bond, note or other security is base and counterfeit, or shall brand or mark any such bill, bond, note, or other security, as counterfeit, knowing the same not to be base and counterfeit, but to be true and genuine, every such cashier or treasurer, or other officer entrusted with the money concerns of said bank, being thereof convicted, shall be sentenced to stand in the pillory for two hours and be declared incapable of holding any office of trust or profit under this state or said bank.

Bank in  
Jonesboro-  
rough.

Sec. 5. *Be it enacted*, That there shall and may be a bank established in the town of Jonesborough, with the same capital and under the same rules, regulations and restrictions as the Fayetteville bank,

Sec. 6. *Be it enacted*, That David Deaderick, John M'Alister, John G. Eason, Adam M'Kee, James V. Anderson, Samuel Jackson, John Kennedy, Edward Mackin, and Mathew Aikin, shall be directors of said bank, until the first day of January, one thousand eight hundred and eighteen.

Sec. 7. *Be it enacted*, That at any time a majority of the directors of the state bank, may think proper, the aforesaid banks or either of them, shall become a branch or branches of the state bank, under the rules, regulations and restrictions, heretofore prescribed by law, for establishing the state bank.

Bank in  
Franklin.

Sec. 8. *Be it enacted*, That a bank shall be established at Franklin, by the name of Franklin Tennessee bank, the original capital stock whereof, shall not exceed two hundred thousand dollars, and shall be divided into shares of

fifty dollars each share; and the subscriptions towards constituting the said stock, shall on the first day of January next, be opened at Franklin, under the supervision of Messrs. Kinney Pettway, Robert P. Curran, Turner Saunders, Charles M'Alister, George A. Grant, James Gordon, John White, Andrew Campbell and John Sample, which subscriptions shall be filled in the same manner, and the corporation and stockholders shall be subject to the same rules, regulations and restrictions, and entitled to the same privileges as prescribed for the Fayetteville Tennessee bank.

Sec. 9. *Be it enacted*, That the said Franklin bank shall become a branch of the state bank of Tennessee, if the president and directors of said state bank will consent thereto, within eighteen months after the passage of this act, and the said bank in Franklin, shall thereafter be a branch of said state bank, subject to the same rules, regulations and restrictions, and the stockholders entitled to the same privileges and emoluments as other share holders in said state bank.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD WARD,

Speaker of the Senate.

Nov. 17th. 1815.

## CHAP. XCIX.

An act to establish a town by the name of Hestersville in the county of Sevier.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That a town be established on the land of Ferril Hester in the county of Sevier, to consist of thirty lots, to contain one half acre each, to be laid out in proper streets and alleys under the direction of Ferril Hester, who is hereby declared a commissioner for laying out and regulating the said town, which town shall be called and known by the name of Hestersville.

Hestersville  
established.

Sec. 2. *Be it enacted*, That when any of the lots are sold in the aforesaid town, they shall be liable to taxation as other town lots in this state.

Sec. 3. *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.*

Nov. 9th, 1813.

### CHAP. CXCIX.

An act to authorize the drawing of a lottery to raise money to build a court house in the town of Springfield in the county of Robertson.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That John Hutchinson, William Laid, Benjamin Tucker, Jack E. Turner, William L. Armstrong, Thomas Kilgore, and James H. Bryan, or a majority of them, be and they are hereby authorized to draft a scheme of a lottery and superintended the drawing of the same for the purpose of raising a sum of money, not exceeding four thousand dollars to be employed in building a court house in the town of Springfield in the county of Robertson, on such plan as they shall think proper, either in one, two, three or four classes.

Sec. 2. *Be it enacted*, That said commissioners previous to their publishing said scheme shall enter into bond in double the amount of the capital in said scheme to the chairman of the court of pleas and quarter sessions of Robertson county, for the faithful payment of the prizes when drawn and for faithfully applying the money arising from said lottery to the use of said court house, or in case of failure to draw the lottery to return to such 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 clerk's office of said court.

Sec. 3. *Be it enacted*, That when said managers shall have sold such a proportion of the tickets as would in their opinion authorize the commencement of the drawing of said lottery or any part thereof, they shall proceed in the same, under such rules and regulations as they shall have made known in their scheme, giving notice of the time and place they will commence at least twenty days previous to the commencement in the public newspaper printed nearest said place.

Sec. 4. *Be it enacted*, That the money arising from said lottery shall be paid over by the commissioners of said lottery into the hands of the commissioners of the town of Springfield, whose duty it shall be under the directions of the court of Robertson county, to lay the same out in building a court house for said county, and the court is hereby authorized to make to said commissioners a reasonable allowance for their services.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Oct. 5th, 1813.

### CHAP. CC.

An act to amend an act entitled "An act to extend the jurisdiction, and to ascertain the bounds of the counties therein mentioned," passed November the 14th, 1801.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the bounds of Rice county shall be extended as follows—to wit. Beginning at the mouth of White's creek and running south to the southern boundary line of said state, then west with the state line to the Tennessee

river and present boundary line of Rhea county—That the county of Roane be extended to the southern boundary of this state as follows, to wit; from the point and bluff of rocks in the bend of Tennessee opposite the mouth of Town creek, along the extreme height of the ridge that divides the waters which fall into Tennessee river above the mouth of Holston from those which fall into said river below the mouth of Holston to the southern boundary of this state, then west with the state line to a point due south of the mouth of White's creek, thence north to the mouth of White's creek, and present boundary of Roane county. That the county of Blount be extended from the junction of Holston and Tennessee rivers across Tennessee river to the point and bluff opposite the mouth of Town creek, then southwardly on Roane county line to the southern boundary of this state, then East along the state line to where Blount county line joins the same.

Sec. 2. *Be it enacted*, That nothing in this act contained shall be so construed as to authorize any person whatever to violate the laws of the United States as it relates to such parts of said counties lying within the said Indian boundary; *Provided nevertheless* That nothing herein contained shall be so construed as to authorize the sheriff of either of the aforesaid counties to levy executions or sell any real property lying within the Indian boundary until the same is extinguished, any law to the contrary notwithstanding. *Provided nevertheless*, That nothing herein contained shall entitle any person now living or who may hereafter live within the Indian boundary to any privilege whatever that he or she would not have had if this act had not been passed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov. 2th, 1815.

An act to amend an act, entitled "an act to condense and bring into view the revenue laws of this state," passed at Nashville, in the year one thousand eight hundred and thirteen.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That all lands to which the Indian title has been extinguished, & not exempt from the payment of public taxes held by grant, deed, entry, dower, occupancy & pre-emption, and all free male between the age of twenty-one and fifty years; all slaves between the age of twelve and fifty years; all town lots, stud horses or jacks, kept for mares, all retail stores, as well medicinal as merchandize, all taverns or retailers of spirituous liquors, all pleasurable carriages, all pedlars and hawkers, except such as are exempt by law, shall be subject to the payment of public taxes.

Sec. 2. *Be it enacted*, That the public taxes on such property and polls shall be in the following proportion, to wit; on each hundred acres of land eighteen and threefourth cents; on each town lot thirty seven and one half cents; on each white poll twelve and one half cents; on each slave between twelve and fifty years old, twenty five cents; on each stud horse or jack, the price of the annum of one mare, on each retail store fifty dollars; for license to keep an ordinary or house of entertainment, or to sell spirituous liquors by a less quantity than a quart, five dollars; on each four wheel carriage of pleasure five dollars; on each two wheel carriage of pleasure two and one half dollars; on each deck of cards imported into this state twenty-five cents; on each hawker and pedlar not exempt by law, fifteen dollars in each county.

Sec. 3. *Be it enacted*, That each and every person who shall, after the first day of January next, import any playing cards into this state, shall before he exposes the same to sale, return on oath the amount or number of decks he may so have imported, to the clerk of the court of the county in which he proposes to sell the same, and receive from the clerk for the amount of the tax laid on

cards by this act, and it shall thereupon be the duty of said clerk to give to such importer a receipt for said tax, specifying the amount or number of decks of cards, the tax on which has been so accounted for without fee therefor: & at the time when the clerk shall be required by each merchant, hawker or pedlar, to issue to him a licence to sell, hawk or peddle in his county, it shall be the duty of the clerk issuing the same, to swear said applicant that he hath not imported into this state any cards for playing, since the passage of this act, or within twelve months preceding such application, on which he had not accounted for the tax as laid by this act on the same, and should any person swear falsely, either in making his return to the clerk, or when sworn that he has not imported any cards but for the tax on which he has accounted, he, she or they shall be guilty of perjury, and on conviction thereof, shall suffer accordingly, and if any person shall sell or offer to sell, any deck or decks of cards, without having first accounted for the tax on the same, as above directed, he, she, or they shall for every deck of cards so sold or offered for sale, forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, in any court having jurisdiction thereof, one half to the use of the state, the other half to the use of the person who will sue for the same.

*Sec. 4. Be it enacted.* That in all cases where any person after legal notice given by himself, his agent or attorney, shall fail to return a list of his or her taxable property and polls, and where there shall be no account thereof, in the tax list furnished the sheriff or collector by the clerk, the sheriff or collector shall collect a double tax, and shall have the same power and authority to collect said double tax, that he now has to collect the tax on property and polls regularly given in, to a justice of the peace appointed to take in lists of taxable property; provided nevertheless, that any person who may fail to return his or her list of taxable property to the justice, may return the same to the clerk of the court, on paying him twenty five cents, at any time before the first day of May, and said clerk is hereby authorized and required to take in said list, and insert the same in the collectors list for books; and return an account thereof, the same as if it had been given in to the justice, provided also that it shall not be lawful for any sheriff or collector, to report any list for

Persons failing to give in property, same liable to double tax.

The taxes, until after the first day of November, in each year.

*Sec. 5. Be it enacted.* That it shall be the duty of the sheriff at the last court, that shall be held in his county, in each and every year, to make out a fair list of all taxable property and polls, liable to a double tax in his county, which he may have collected, or believe it in his power to collect for that year, according to the best of his information, and belief therein, stating the person's names who have paid, or from whom the same may be due, which list and return shall be made on oath, and it shall be the duty of the clerk to record the same, and post up a copy thereof, in some conspicuous place, in the court house at the succeeding court, and also to return the amount thereof, stating that the same is liable to a double tax, to the public treasurer of his district, & to the county trustee, within thirty days after the rise of said court, and also to the next stated session of the General Assembly, under the same penalties as are already pointed out by law, for clerk's failing to make returns of the amount of taxable property, and said sheriff shall be charged with, and liable to pay the amount of said double tax; and if any sheriff shall fail to make such return, he shall be subject to the payment of four hundred dollars, for the use of the state, to be recovered on motion of the solicitor, whose duty it shall be to make the same in any court in the county, in which said sheriff may reside. And if any sheriff shall collect any tax on any property or polls, not inserted in the tax list, furnished said sheriff by the clerk, and shall fail to return to the court an account thereof, as herein before directed, said sheriff shall forfeit and pay four times the amount of said tax, to be recovered before any justice of the peace, one half to the person from whom he collected said tax, in case he may think proper to sue for the same, if not to any person who will sue, the other half to the use of the state, to be paid to the clerk of the county court & to be by him accounted for and paid in the same manner as tax fees; provided that nothing herein contained shall be so construed as to prevent said sheriff from being allowed for insolvencies to be by him returned as already pointed out by law.

Duty of sheriff and clerks in certain cases

*Sec. 6. Be it enacted.* That it shall be the duty of every justice of the peace & every other officer in each and every county in this state, to give information to the

sheriff or collector of public taxes of all such polls and other taxable property as may come within their knowledge and which has not been listed by the owner, his, or her or their agent or attorney for taxes for said year.

Clerk to  
make out  
tax lists,

Sec. 7. *Be it enacted*, That it shall be the duty of the clerk to make out the tax lists, with the amount of each person's tax therein named, & have them ready to deliver to the sheriff on the fifteenth of May in each and every year.

Sec. 8. *Be it enacted*, That the ninth section of the act which this is intended to amend and such acts and parts of acts as come within the purview and meaning of this act, be and the same are hereby repealed.

Sec. 9. *Be it enacted*, That this act shall take effect and be in force from and after the first day of January next.

JAMES FENTRESS,

*Speaker of the House of Representatives*

EDWARD WARD,

*Speaker of the Senate*

Nov. 27th, 1815.

## CHAP. CCH.

### An act to incorporate the inhabitants of the town of Knoxville in the county of Knox.

*Inhabitants  
of Knoxville  
incorporated.*  
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Knoxville, in the county of Knox, and the inhabitants thereof are hereby constituted a body politic & corporate, by the name of the mayor and aldermen of the town of Knoxville, 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, personal & mixed property, or dispose of the same for the benefit of said town, and 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 location of streets, lots and alleys, to establish new streets, lanes, & 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 a market house, to provide for the licensing and regulating a fire company, the sweeping of chimnies, and establish and regulate fire wards and fire companies, to impose and appropriate fines, penalties and forfeitures for the breach of the by-laws and ordinances, to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town, to regulate and restrain tippling 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.

Power & au-  
thority of  
the corpora-  
tion.

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

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

Sec. 5. *Be it enacted*, That the sheriff of Knox county shall hold an election at the court-house in the town of Knoxville, on the first Saturday in January in each and every year, for the purpose of electing seven persons to serve as aldermen of the corporation of the said town of Knoxville, for one year after their election, and all per-

and owning a freehold 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 aldermen unless he be a citizen and freeholder of the said town of Knoxville.

Aldermen to  
be elected.

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 duly elected, and the sheriff of the said county of Knox shall within two days thereafter certify the same to the persons so elected, who shall at the court-house in the said town, on the Saturday next succeeding the day of their election, and the said aldermen shall then meet as aforesaid, and any number not less than five be a quorum, and they shall then proceed to elect by ballot one of their own members to be mayor of the said corporation, for the same time for which the aldermen were elected as aforesaid, and the aldermen shall appoint a recorder and high constable, and whenever any mayor of the said corporation shall die, remove out of 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 aldermen 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 or parts of laws heretofore made for the regulation of the town of Knoxville, be and the same are hereby repealed, and this act shall be in force from and after the first day of January one thousand eight hundred and sixteen.

Sec. 8. *Be it enacted*, That all monies now in the hands of the present commissioners, shall be paid over to the aldermen of the town.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Oct. 27th, 1816.

# CHAP. CCHL.

An act to appoint a suitable person to open and keep in repair that part of the road leading from South West Point to Carthage which lies on Cumberland mountain and to keep a turnpike thereon.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That some suitable person shall be elected by joint ballot of both houses of this General Assembly to open and keep in repair that part of the road leading from south west point to Carthage, which lies between the foot of Cumberland mountain, where said road begins to ascend on the east side, and where it descends from said mountain at the foot thereof, near the White Plains on the west side, and to erect turnpikes, thereon and keep the same for ten years from the passage of this act.

Road to  
South west  
point to be  
kept in re-  
pair.

Sec. 2. *Be it enacted*, That Charles Sevier be, and he is hereby appointed commissioner of said road, and shall with the person who may be elected to keep the said road, examine the ground over which the present road passes, and ascertain whether a better way can be found for any part or parts of said road, and mark out such parts as they may think proper, to have opened over different ground, from the present road, and said commissioner must state in writing his assent to the alterations agreed on specifying them; and when the road shall be opened and put in good repair, to grant him a license to erect and keep two gates on said road, at such places as he may deem proper and to view said road and cause it to be kept in good repair, after said gates shall have been erected for said term of ten years, and said commissioner before he enters upon the duties of his appointment, shall take and subscribe the following oath, before some justice of the peace for Overton county, (to wit) I ——— do solemnly swear, that I will well and truly perform all the duties prescribed for the commissioner of the road, mentioned in the act of the General Assembly, by which I have been appointed commissioner of the road therein mentioned, according to the best of my knowledge and abilities, so help me God.

Sec. 3. *Be it enacted*, That it shall be the duty of the per-

son so elected to open said road, over the ground agreed on by him, and said commissioner, at least thirty-three feet wide, clear of all timber and under growth, that might shade or injure said road, and to clear twelve and one half feet wide, in the centre of said road, of all rocks, stumps and every thing which might impede the passage of carriages or horses, &c. where the ground over which said road passes, will permit it to be done, with reasonable exertions, and where it will not then so wide as it will permit, not less than ten feet, and to erect bridges and causeways of the most permanent materials that can be conveniently procured near said road, over such creeks, branches and such parts of the road as may render them necessary, (Piney river, Dady's creek and Obid's river excepted) at least fourteen feet wide, and to make said road as good, and keep it in as good repair as the ground over which it passes will permit, with reasonable labour.

*Persons appointed to keep the road in repair to obtain licence.*  
 Sec. 4. *Be it enacted*, That the person so elected shall give notice to the commissioner when said road shall be completed, and thereupon he shall view the same, and if he shall find it in the repair required by this act, shall give said person licence to erect two gates on said road, at such places as he may deem proper, and keep up the same for the term of ten years from the passage of this act, on the terms and conditions herein specified.

Sec. 5. *Be it enacted*, That the person so elected, after obtaining such licence, may and he is hereby authorised to erect two gates on said road at such places thereon as he may deem proper, and to demand and receive from persons passing said road at each gate the following tolls (to wit) for each four wheel carriage of burthen, with its load and driver, if drawn by four or more horses, mules or oxen, seventy five cents, if by less than four sixty two and a half cents, for each two wheel carriage of burthen, with its load and driver, if drawn by two or more horses, mules or oxen thirty seven and a half cents, if by one only twenty five cents, for each four wheel carriage of pleasure with its passengers and drivers, if drawn by four or more horses or mules one dollar, if by less and not less than two, seventy five cents, and if by one only fifty cents, for each two wheel carriage of pleasure with its passengers and driver if drawn by two horses or mules fifty cents, and if by one only thirty seven and one half cents, for man and horse or mule twelve and one

half cents, for each loose or lead horse, mule or ass, and in a drove six and one fourth cents, if in a drove three cents, for each slave over twelve years old six & one fourth cents, for each head of cattle two cents, and for each hog or sheep, one cent, *Provided* that no family moving with not more than two horses, oxen or mules or a two wheel carriage of burthen drawn by not more than two horses, oxen or mules and no person, travelling with one horse or mule only shall be detained at either of said gates, if the head or person having the care of such family or traveller, will swear that he or she has no money and is unable to pay the toll, which oath the keeper of each of said gates is hereby authorized to administer, and provided also that no toll shall be demanded at either of said gates from any person going to or returning from mill, blacksmith shop or muster with not more than one horse, ox or mule and its load.

Sec. 6. *Be it enacted*, That if any person shall forcibly or secretly pass either of said gates to avoid paying the toll, such person shall forfeit and pay twenty-five dollars for every such offence, to the person so elected, to open and keep in repair said road, to be recovered before any justice of the peace in this state.

*Penalty for attempting to pass secretly.*

Sec. 7. *Be it enacted*, That the persons appointed to keep said gates shall respectively take and subscribe the following oath, before some justice of the peace in the county where the gates may be kept, to wit: "I ——— do solemnly swear that I will well and truly collect the toll authorized by law to be taken at the gate which I have been appointed to keep and no more, and that I will truly account for and pay over to the proprietor of said gate all monies which I may collect at said gate so long as I keep it.

Sec. 8. *Be it enacted*, That it shall be the duty of said commissioner to view said road at least twice in each year at such times as he may deem proper, and at any other time when he shall obtain satisfactory information on oath that said road is out of repair; and if said road shall be found at any time, out of repair by said commissioner it shall be his duty to direct said gates to be opened, and kept open until said road shall have been put in good repair, and give notice at Kingston and said White Plains, & at least three other of the most public places on said road that no

toll shall be collected on said road until it shall have been put in repair, and his certificate to that effect obtained; and the person so elected shall not demand or receive any toll from any person passing said road, from the time of giving such notice, until he shall have obtained the commissioner's certificate that said road is in good repair, and if such person, his agents or gate keepers shall demand or receive any toll from any person within that time, the person so elected shall forfeit and pay for every such offence twenty-five dollars, to be recovered with cost, by any person who will sue for the same, before any justice of the peace in this state.

road out of repair interest of proprietor forfeited.  
 Sec. 9. *Be it enacted*, That if said road shall remain out of repair more than three months together, or shall be found out of repair twice in succession, it shall be the duty of said commissioner to report the facts to the General Assembly at their next session, and said Assembly may then declare that all the right and interest of the person so elected in and to said road is forfeited, and elect some other proper person to keep said road, the remainder of the term.

Sec. 10. *Be it enacted*, That if said road shall have been out of repair, more than three months together, or shall have been found by said commissioner out of repair, twice in succession, and said commissioner shall fail to make a correct report of the facts to the General Assembly at their next session, said Assembly may on any other satisfactory proof of said road having been so out of repair, declare that all the right and interest of the person so elected, in and to said road is forfeited, and elect some other proper person, in the same manner as if said commissioner had made such report; and the commissioner shall forfeit and pay for every such failure, two hundred and fifty dollars, to be recovered before any court in this state having jurisdiction thereof, one half to the state and the other half to the person who will sue for the same.

Sec. 11. *Be it enacted*, That if said commissioner shall at any time fail or neglect, on finding said road out of repair, to direct said gates to be opened and kept open until said road shall have been put in good repair, and give notice that no toll shall be collected as by this act directed he shall forfeit and pay for every such offence, one hundred dollars, to be recovered in any court in this state having

jurisdiction of the same, one half to the state and the other to him who may sue for the same.

Sec. 12. *Be it enacted*, That if the person so elected shall die before the end of said term, his executors or administrators shall have the same benefit from said road, and be subject to the same restrictions, conditions and penalties, which said person was or might have been entitled or subject to; and if said commissioner shall die, resign or remove out of this state, the governor for the time being shall appoint some other fit person, residing near said road commissioner thereof, who shall take the same oath, perform the same duties, be subject to the same restrictions and penalties, and be entitled to the same compensation prescribed by this act.

Sec. 13. *Be it enacted*, That said commissioner shall be allowed two dollars and fifty cents per day, for every day he may be necessarily employed, on or respecting the business of said road, to be paid by the person so elected to open and keep said road in repair, his executors or administrators which may be received by said commissioner before any justice of the peace in this state.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 15<sup>th</sup>, 1815.

# CHAP. CCIV.

An act to incorporate the inhabitants of the town of Jonesborough, in the county of Washington.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Jonesborough in the county of Washington, and the inhabitants thereof are hereby constituted a body politic & corporate, by the name of the Mayor & Aldermen of the town of Jonesborough, & Inhabitants of Jonesborough incorporated.

shall have perpetual succession and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Power and  
authority of  
the corpora-  
tion.

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, to prevent and remove nuisances, to establish night watches or patrols, to ascertain when necessary, the boundary & 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 or alleys, to provide for licensing and regulating, auctions, to restrain and prohibit gaming, and to provide for licensing, regulating and restraining theatrical or other public amusements within the town, to 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 chimnies, by the neglect of which the safety of the town may be endangered, to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws or ordinances, to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town, to regulate and distrain 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 by-laws or ordinances previously promulgated.

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

Washington, in the name of the corporation and for the use of the town.

Sec. 5. *Be it enacted*, That the sheriff of Washington county shall hold an election at the court house, in the town of Jonesborough, on the last Monday of December, in each and every year, for the purpose of electing seven persons to serve as aldermen of the corporation of the said town of Jonesborough, for one year, commencing on the first day of January next thereafter, and all persons owning a freehold within said town, and 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 said election for aldermen, and no person shall be eligible to the appointment of alderman unless he shall have been a citizen of said town of Jonesborough, for twelve months previous to said election.

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 as duly elected as aldermen for said town, and the sheriff of said county of Washington shall, within two days thereafter, notify said aldermen of their election, whose duty it shall be to meet at the court house in Jonesborough, on the Saturday next succeeding the day of their election, and any number not less than five shall constitute a quorum, and they shall then proceed to elect by ballot one of their own number to be mayor, and the person so elected shall be accordingly mayor of the said corporation for the same time for which the aldermen were elected as aforesaid, and whenever any one or of said corporation shall die, remove out of 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 when any aldermen 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.

Aldermen  
be election.

Sec. 7. *Be it enacted*, That all laws and parts of laws heretofore made for the regulation of the town of Jonesborough, be and the same are hereby repealed, and this act

shall commence 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. 27th, 1815.

CHAP. CCV.

**An act for the relief of Thomas Mitchell, late sheriff of Cocke county.**

Whereas, Thomas Mitchell, late sheriff and collector of Cocke county, has made known to this General Assembly that he did not observe that the tax was raised on land and town lots, and therefore did not collect the same, and that when he settled with the treasurer of East Tennessee, he was obliged to pay six and one fourth cents on each hundred acres of land, and twelve and one half cents on each town lot, more than he had collected, for remedy whereof:

*Be it enacted by the General Assembly of the state of Tennessee,* That the county court of Cocke (a majority of the acting justices being present) shall lay a tax of six and one fourth cents on each hundred acres of land, and twelve and one half cents on each town lot, and the sheriff or collector of Cocke county shall collect the same and pay the amount to the aforesaid Thomas Mitchell or his order.

Thomas Mitchell received.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Oct. 30th, 1815.

CHAP. CCVI.

**An act to improve the navigation of Duck river.**

*Sec. 1. Be it enacted by the General Assembly of the state of Tennessee,* That Thomas Jones, John Brown and Richard M. Mahan, shall be and they are hereby appointed commissioners of the Duck river navigation, from the town of Columbia to Gordons Ferry. Navigation of Duck river improved.

*Sec. 2. Be it enacted,* That the said commissioners or any two of them, so soon as they may be ready to proceed to the clearing said river, shall call upon the commissioners of the town of Columbia and receive from them a sum not exceeding one thousand dollars, which sum the said Columbia commissioners are hereby authorized and required to pay them out of any money in their hands which has arisen or may hereafter arise from the sale of lots in said town, not otherwise appropriated: *Provided nevertheless,* That if there should not be the sum of one thousand dollars collected and in their hands so unappropriated, that then and in that case, the said Columbia commissioners shall only pay to said Duck river commissioners, one half of such money so in their hands, and the remainder of said sum of one thousand dollars shall be paid from time to time as the same may be collected.

*Sec. 3. Be it enacted,* That said commissioners, or any two of them, shall so soon as practicable, cause the obstructions to the navigation of said river to be removed, by clearing away the timbers off the islands and banks and in the bed of the river, in such manner as they shall deem expedient, and shall have power to procure all necessary utensils and tools for that purpose, and to hire such numbers of hands from time to time as to them shall seem fit & proper, or otherwise shall have power to let it out or any part or parts thereof to any person or persons with whom they may contract for the removal of such obstructions.

*Sec. 4. Be it enacted,* That said commissioners before they enter upon their duties as such, shall enter into bond with sufficient security, to the chairman of Murray county court, and his successors in office, in the penal sum of three thousand dollars, conditioned for the faithful dis-

charge of all the duties herein imposed and required of them, as commissioners aforesaid, which said bond shall be deposited for safe keeping with the clerk of said county.

Sec. 5. *Be it enacted*, That the said commissioners shall severally receive the sum of one dollar per day, as a full compensation for their services, to be paid out of the monies appropriated.

Commissioners refusing to sit court to appoint others.

Sec. 6. *Be it enacted*, That if all or either of the aforesaid commissioners, should fail refuse or neglect to enter upon the duties of their office, then & in that case it shall be the duty of the county court of Maury, forthwith to proceed to appoint a suitable person or persons to fill such office or offices, who when they are so appointed shall be under the same restrictions, and be vested with the same powers as those heretofore appointed by this act.

Sec. 7. *Be it enacted*, That so much of an act, entitled an act, to improve the navigation of Duck river, passed at Nashville, November the seventeenth, one thousand eight hundred and thirteen, authorising the opening of said river from the Bedford county line, down to Gordons Ferry, be and the same is hereby repealed.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the senate.*

Nov. 9th. 1815.

#### CHAP. CCVII.

An act to provide for the payment of the members, clerks and door keepers of the present General Assembly, and to defray the contingent expenses thereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each member shall receive the sum of three dollars and fifty cents for each day he has attended this General Assembly, and the like sum for every

Allowance to members,

attended this General Assembly, and the like sum for every twenty-five miles in travelling to and returning from the same.

Sec. 2. *Be it enacted* That the speaker of each house of the present General Assembly be allowed four dollars per day, for each day he has attended the same, and the like sum for every twenty-five miles in going to and returning there from.

Sec. 3. *Be it enacted*, That the clerks of this legislature both principal and assistant, shall each receive the sum of five dollars for each day he may have attended the same.

clerks and door keepers, &c.

Sec. 4. *Be it enacted*, That each door keeper of this General Assembly, be allowed the sum of three dollars for each day he may have attended the same.

Sec. 5. *Be it enacted*, That Thomas J. Campbell principal clerk to the House of Representatives be allowed the sum of one hundred and fifty seven dollars six and one fourth cents, for stationary, &c. furnished both houses of this General Assembly—that John Bright and Andrew Rhea, door keepers to this General Assembly, be allowed the sum of fifty six dollars twelve and a half cents for fire wood, candles &c. furnished this General Assembly.

Sec. 6. *Be it enacted*, That Christopher Brooks assistant door keeper be allowed the sum of two dollars and fifty cents per day for each day he has attended the House of Representatives during the present session.

Sec. 7. *Be it enacted* That David Moore be allowed fifteen dollars for his services in taking care of the tables chairs, inkstands, &c. belonging to the state, that John Bright be allowed the sum of twenty five dollars in full for his services in taking care of a cotton-gin the property of the state.

Sec. 8. *Be it enacted*, That Joseph Porter be allowed sixty two dollars for his services in summoning members, of a court martial, and witnesses to attend the trial of major general John Cocke, and that Andrew Hynes adjutant general of the state be allowed sixty dollars for his expenses while travelling to Tazewell in East Tennessee, to make the

arrest, and for his expences in summoning members of the court in West Tennessee. And that Moses Norvell be allowed twelve dollars for printing done for the state.

JAMES FENTRESS,

*Speaker of the House of Representatives.*

EDWARD WARD,

*Speaker of the Senate.*

Nov 16<sup>h</sup>, 1815.

### ERRATA.

*The following errors occurred in printing.*

- Page 19 chap. XVII Sec 1. 4th line from bottom for executed or read  
executed and  
33; sec. 3, 5th line from top for ic read in  
34, Sec. 2, last line for ear read gear  
55, chap. LI in 5th line of caption, after resign read remove  
59, chap. LII Sec 1, 5th line from top for Hukey read Hickey  
70 2d line from top for Laughm bler read Laughmiller  
72 last line for on read in  
81, chap. LXXX last line of caption, for county read town  
84, Sec 7. 4th line for grant read act  
113 2d line from top, after cognizance read thereof  
118 8th line from bottom read 34 instead of 36  
129 Sec. 4 2d and 3d lines for aid de camp read aids de camp.  
132 two lines from top instead of receive read record  
134 Sec 27 two lines from bottom for revised read reversed  
141 Sec. 52 3d line instead of forms of read fair  
156 4th line from bottom instead of land read sum  
165 8th line from top for be chosen read chose  
159 6th line from top for taxales read taxables  
191 8th line from bottom for on read or  
194 Chap. CLV in caption for an act read a grant  
197 3d line from bottom for costs read costs  
202 7th line from bottom for milage read mileage  
209 8th line from bottom for 1816 & 1817 read 1806 & 1807  
225 sec 1 8th line from top for has not been etc shall not be  
234 sec 10 2d line for of an eligible read if an etc,  
262 14th line from top for base and read base or

*A copy attest,*

WILLIAM ALEXANDER,

*Secretary of State.*



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