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 diers of the continental line, bearing date the 15th day of December 1797, No. 5285, which said warrant appears to be assigned to Abram Scott, and by Abram Scott to James Wills, but the Register of West Tennessee having refused to issue to the said James Wills a grant on said military warrant, because it is doubtful whether the assignment thereof is the signature of the said Evin Pannell, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall be the duty of the Register of West Tennessee to issue to the said James Wills, a grant for so much of said military warrant as has not been already granted; provided nevertheless, nothing herein contained shall be so construed as to prevent the said Evin Pannell, his heirs or assigns, from suing and recovering, either in a court of law or equity, as if this act had never been passed, if the said Evin Pannell his heirs or assigns should dispute the signature of said assignment being the act and deed of the said Evin Pannell.

JAMES FENTRESS,
 Speaker of the House of Representatives.
 R. WEAKLEY,
 Speaker of the Senate.

October 21, 1819.

CHAP. 24.

AN ACT to divorce Temperance W. Smith from her husband Thomas B. Smith.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, the bonds of matrimony now existing and heretofore entered into, by and between Temperance W. Smith, formerly Temperance W. Bass, of the county of Rutherford, and Thomas B. Smith at that time of said county, be, and the same are hereby wholly dissolved.

Sec. 2. *Be it enacted,* That this act shall take effect and be in force, from and after the passage thereof, and that the said Temperance W. shall hereafter be called and known by the name of Temperance W. Bass.

JAMES FENTRESS,
 Speaker of the House of Representatives;
 R. WEAKLEY,
 Speaker of the Senate.

Oct. 23, 1819.

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 CHAP. 25.

AN ACT to provide for the payment of the Interest on monies due from the citizens residing south of French Broad and Holston, and between the Rivers Big Pigeon & Tennessee, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall not be lawful for the Treasurer of East Tennessee, to call for or collect, any portion of the money now due for principal, by the people residing south of the Rivers Holston and French Broad and between the Rivers Big Pigeon and Tennessee, but that the said principal sum shall remain as heretofore, a lien on the lands into whose ever hands they may come; provided, that nothing in this act shall be so construed, as to prevent any future Legislature from calling for the principal or interest provided for by this act, in any way that to them may seem reasonable.

Treasurer prohibited from collecting principal.

Sec. 2. *Be it enacted,* That the interest now due on the purchase money, by the people residing in the aforesaid tract of country, and not already provided for, shall be by them paid into the hands of the Treasurer of East Tennessee, at his office in Knoxville, in the following manner; that is to say; the interest due for the year eighteen hundred and eighteen, on the first day of November in the year 1820; The interest due for the year eighteen hundred and nineteen, on the first day of November 1821; and the said Treasurer of East Tennessee is hereby prohibited from collecting any sum or sums of money, the collection of which is not provided for by this act, or the act to which this is supplementary, passed November 12, 1817, entitled, "an act to suspend the collection of the money due from occupants, south of French Broad and Holston and west of Big Pigeon rivers."

Interest to be paid and in what manner.

Sec. 3. *Be it enacted,* That if any person or persons who claim their lands by right of occupancy and pre-emption in the section of country aforesaid have failed, or shall hereafter fail, to pay the interest now due as provided for by law, that it shall be the duty of the Treasurer of East Tennessee, forthwith to advertise the tract or tracts of land so in default for interest, giving forty days notice, in one of the Newspapers printed in Knoxville, of the time and place of such sale, which place shall be the Court house in the county where the land lies, and if before the day of sale, the money due as aforesaid, together with the costs of advertising the land, be not paid, it shall be the duty

If interest is not paid the land to be sold.

of said Treasurer to expose said tract or tracts of land to sale, and upon such sale to offer and bid for each the amount of the money due for interest, and the costs attending such sale, and if it be College or Academy land, the purchase shall be for the use of the Colleges or Academies as the case may be, and if it be lands belonging to the state, the purchase shall be for the use of the state, and if more is offered for said tract or tracts, than is bid by said Treasurer, then it shall be his duty to sell said tract to the highest bidder, subject in the hands of such highest bidder, to the lien hereby created for the principal debt.

Sec. 4. Be it enacted, That in all cases where the a-
fore said Treasurer shall purchase in any tract of land,
it shall be his duty to pay all necessary costs, which
costs if it be College or Academy lands, shall be char-
geable on the funds of such College or Academy, and
if the lands belong to the state, then said Treasurer
shall have a credit in the settlement of his accounts for
the amount paid.

Sec. 5. Be it enacted. That if in any case said lands
should sell for more than the amount of interest then
due, and the necessary costs, the overplus shall be re-
turned by said Treasurer on demand, to the person
who at the time of said sale owned the land.

Sec. 6. Be it enacted. That it shall be the duty of the
Treasurer to make deeds of conveyance for all and e-
very tract or tracts of land sold by him under this
act, to the purchaser thereof, which said deed shall be
effectual to pass the title thereto, subject to the lien
by this act directed.

Sec. 7. Be it enacted, That the Treasurer aforesaid,
shall at all times be bound to receive any principal
money due by the citizens in this act mentioned.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the senate.

Oct. 19, 1819.

CHAP. 26.

AN ACT to establish a town by the name of Looney-
ville, in the county of Lincoln.

Sec. 1. Be it enacted by the General Assembly of the
State of Tennessee, That a town be established on the

lands of Peter Looney in the county of Lincoln, to
consist of thirty lots, to contain one half acre each, to
be laid out in proper streets and alleys under the di-
rection of Peter Looney, 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 Looneyville.

Sec. 2. Be it enacted, That when any of the lots are
sold in the aforesaid town, they shall be liable to tax-
ation 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.

R. WEAKLEY,

Speaker of the Senate.

JAMES FENTRESS,

Speaker of the House of Representatives;

October 9, 1819.

CHAP. 27.

AN ACT to authorise the Mayor and Aldermen of the
town of Blountville to lay a tax on the property of
non-residents, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the
State of Tennessee, That the Mayor and Aldermen of
the town of Blountville, be, and they are hereby au-
thorised to lay and collect a tax on the property of
non-residents, in the same manner as they now do on
the property of residents in said town.

Sec. 2. Be it enacted. That the Mayor and Alder-
men of said town have the power to call on the old com-
missioners of said town, or any one of them, for
all the books and papers in their possession, and for
settlement of all monies they have received, and have
power to collect and receive all money in the hands
of said commissioners.

Sec. 2. Be it enacted, That Edward Anderson, Wil-
liam Anderson, Benjamin Kelly and George Gammion
be appointed Trustees to Jefferson Academy in the
town of Blountville.

R. WEAKLEY,

Speaker of the Senate.

JAMES FENTRESS,

Speaker of the House of Representatives;

October 8, 1819.

Trusted
for Jefferson
academy.

AN ACT to authorize the county court of Claiborne to lay a tax to build a Jail for the use of said county.

Commissioners appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Josiah Ramsey, John Evans, William Graham, William Renfro, Robert Crockett, David Rogers, Reuben Rose, or a majority of them are hereby appointed commissioners, to superintend the building of a jail in the town of Tazewell, in the said county of Claiborne, and it shall be the duty of said commissioners, or a majority of them immediately on receiving the notice hereinafter directed to be given to them, by the county court of Claiborne, to proceed to let the building of the said jail to the lowest bidder, first giving public notice thereof by advertisement, to be put on the Court House door in the town of Tazewell, and likewise in two other of the most public places in said county, and at least forty days notice be given before the said building is let, setting forth the materials of which the said jail is to be built, the dimensions whereof, and the materials it is to consist of, and the departments into which it shall be divided; and the said commissioners shall take a bond with sufficient securities from the person to whom the said building is let for the faithful performance of their contract.

To contract for building a jail.

Court to lay tax.

Sec. 2. *Be it enacted*, That a majority of the justices of the said county of Claiborne, whenever they shall think it expedient to do so, may and they are hereby empowered, to lay a tax on the taxable property and polls of the said county not exceeding twenty-five cents on each white poll; not more than twenty-five cents on each hundred acres of Land; not more than fifty cent on each black poll, and other taxable property in proportion; and the like majority of justices may continue to lay the said tax, or any proportion thereof annually, until the said jail is paid for; and so soon as the tax for this purpose shall be laid, it shall be the duty of the county court, to direct the clerk of said court to give notice thereof in writing to the respective above mentioned commissioners, who shall upon receipt of such notice, proceed to discharge the duties by this act assigned to them.

How to be collected & accounted for.

Sec. 3. *Be it enacted*, That the tax so laid shall be collected in the same manner, and at the same times that other public taxes are collected; and shall be accounted for and paid into the county Treasury as other county

monies, and the money so collected, shall be applied to the use above mentioned and no other, and may be drawn from the Treasury by order of said commissioners, for the purpose of paying the person undertaking to build said Jail, and this act to be in force from and after the passing thereof.

R. WEAKLEY,

Speaker of the Senate.

JAMES FENTRESS,

Speaker of the House of Representatives.

October 8, 1819.

AN ACT to allow the County court of Smith, to lay an additional county tax, for the purpose of building an office for the Clerks and Register of said county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Smith are hereby authorized, to lay an additional county tax in said county of Smith when they may think it expedient, for the purpose of erecting a building in which the office of clerk of the county and circuit courts and Register, shall be kept; which said building shall be erected somewhere on the public square in the town of Carthage, and shall always continue to be and remain the property of said county of Smith, for the uses aforesaid; and the county court shall appoint any number of commissioners not exceeding five, who shall, after giving thirty days public notice, proceed to let the said building to the lowest bidder.

To lay tax and appoint commissioners.

Sec. 2. *Be it enacted*, That said court shall at all times have power, to call upon said commissioners, to lay before them a fair and regular account of all monies by them received, and expended; and when said building is completed, shall allow them a reasonable compensation for their services; provided a majority of said court are present when said allowance is made.

To examine commissioners accounts.

Sec. 3. *Be it enacted*, That said tax shall not exceed the sum of six and a fourth cents on each white poll; not exceeding twelve and a half cents on each slave liable to taxation; not exceeding twelve and a half cents on each hundred acres of land; and not exceeding one dollar on each stud horse or jack kept for

Rates of tax.

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squares; and not exceeding five dollars on each merchant, pedlar, or hawker in said county, in any one year: which tax shall be collected, and accounted for, in the same manner, and by the same persons, as other public taxes are; and may be drawn from the county or state by said commissioners or a majority of them, at any time when in the hands of said trustee.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 20, 1819.

CHAP. 30.

AN ACT giving time to John G. Sims and Walter Sims, to put a slope in a dam across Duck River.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John G. Sims and Walter Sims, be allowed until the first day of January eighteen hundred and twenty one, to put a slope in their dam across Duck River in Bedford county.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, *pro tempore.*

October 22, 18 9

CHAP. 31.

AN ACT for the relief of William Askew.
WHEREAS it appears to this General Assembly, that the said warrant number 1768, issued by the secretary of North Carolina, to the heirs of George Johnston a private in the North Carolina line was assigned by William Johnston on the 20th day of June 1785 to William Askew; and whereas the said Askew is unable to prove the heirship of the said William Johnston, and no other person having put up a claim to said warrant as heir to said George Johnston—Therefore:

Sec. 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That the said William Askew is

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hereby authorized to proceed and act upon said warrant or the duplicate thereof in the same manner as though the fact of said William Johnston being the heir of George Johnston were well established; provided however that the right or claim of the heir or heirs of George Johnston if any there be, both in law and equity is hereby reserved to them in as full and ample a manner as though this act had not been passed.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDW^d. DOUGLASS,

Speaker of the Senate, *pro tempore.*

October 23, 1819.

CHAP. 32.

AN ACT authorizing plats and certificates to be returned to the Registers office in certain cases.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the citizens residing south of French Broad & Holston, and within the surveyors districts heretofore established by law, in that section of country shall have the further time of two years allowed to such of them as may have failed to return their plats and certificates of survey within the time heretofore prescribed by law, and that it shall and may be lawful for such persons to make returns thereof, at any time within two years from and after the passing of this act, which shall be as good and valid as if the same had been returned within the time heretofore prescribed by law.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

EDW^d. DOUGLASS,

Speaker of the Senate, *pro tempore.*

October 25, 1819.

CHAP. 33.

AN ACT for the relief of the heirs of Michael Kilpatrick and Thomas Wright.

WHEREAS it hath been made appear to this Gen-

ral Assembly that the said Michael Kilpatrick and Thomas Wright were two of the guard which attended the commissioners under the authority of the state of North Carolina in the year 1784, in running the continental, or military boundary line; and that each of said guard were entitled to obtain a warrant for two hundred and fifty acres, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the heirs of Michael Kilpatrick, and Thomas Wright or either or both of them to file their claim with the commissioner or commissioners of West Tennessee, as the case may be, with proof that they did serve as two of the guard to said commissioners and if upon such evidence, it shall appear to said commissioner or commissioners that the service was performed, and that no warrant or grant ever issued to them, or either of them for said service, nor any person claiming under them, then and in that case the commissioner or commissioners shall issue to the heirs of Michael Kilpatrick a warrant for two hundred and fifty acres, and a warrant for a like quantity to Thomas Wright, which warrants may be laid on any vacant and unappropriated land West of Cumberland mountain, in the same manner as other good and valid warrants,

JAMES FENTRESS,

Speaker of the House of Representatives.

WM. SEAWELL,

Speaker of the Senate, *pro tempore*.

Oct. 23, 1819.

CHAP. 34.

AN ACT to alter the name of the town of Marysville in Wilson county, and for other purposes.

Altered to
Statesville.
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town heretofore laid out on the lands of William Bumpas on Smith's Fork in the county of Wilson and established by an act of the General Assembly of this state, by the name of Marysville, shall hereafter be established and known by the name of Statesville.

Commis-
sioners ap-
pointed.
Sec. 2. *Be it enacted*, That George L. Smith, James Cross, Richard Craddock, William M. Hoskins, Cornelius N. Lewis, and Abner Wasson, be, and they are hereby appointed commissioners of said town, who shall have power to adopt such bye-laws, rules, and

regulations, for the government of said town, as they may think proper, not inconsistent with the laws and constitution of this state; and upon the death, resignation, removal, or refusing to qualify of any one either of said commissioners, the inhabitants of said town, qualified to vote for members of the Legislature, shall from time to time as any vacancy may happen, hold an election in said town, for the purpose of filling the said vacancy; and the commissioner, or commissioners so elected, shall have the same powers as the commissioners appointed by virtue of this act; provided always that said commissioners before entering upon their duties as such, shall take, before some justice of the Peace, an oath, well and truly to discharge the duties of their appointments. Their oath,

Sec. 3. *Be it enacted*, That before any person shall be subject to any fine, or penalty, incurred by any bye-law, rule, or regulation, which may be made by said commissioners, said bye-law, rule, or regulation, shall first have been advertised, at two of the most public places in said town, at least ten days previous thereto. Laws of no effect until notice given

Sec. 4. *Be it enacted*, That the precinct election heretofore required by law to be held at Marysville, shall hereafter be held at the town of Statesville.

Sec. 5. *Be it enacted*, That the county court of Wilson county, or any twelve of them, be, and they are hereby authorized to sell in such manner as they may think proper, and best calculated to enhance the price thereof, such lots of ground in the town of Lebanon in said county, as are unsold, agreeably to the plan thereof and to appropriate the proceeds thereof, to the use of the county or any literary institution therein, as they in their discretion, may think proper, and that the Chairman of said court, is hereby authorized to make conveyances for the same to the purchasers thereof, which shall be as good and valid in law as if the same had been made, by the commissioners of said town heretofore authorized to sell the same, any law, usage, or custom to the contrary notwithstanding. County court of Wilson may dispose of unsold lots in Lebanon.

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WEAKLEY,

October 27, 1819 Speaker of the Senate.

CHAP. 35.

AN ACT making an allowance for monies heretofore expended in office rent for the executive department, and for other contingencies.

Allowance
to the Gov-
ernor.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of three hundred and sixty seven dollars and fifty eight cents, be allowed and paid to Joseph M'Minn, in satisfaction of divers sums heretofore expended by him for office rent & other contingencies belonging to the executive department, and for expense in removing the office from Knoxville to Murfreesborough.

Sec. 2. *Be it enacted*, That the receipt of the said Joseph M'Minn be a good voucher for that amount, to either of the Treasurers of this state upon the settlement of his accounts; and that this act take effect from and after the passing thereof.

To G. Wilson.

Sec. 3. *Be it enacted*, That George Wilson be entitled to receive from either of the Treasurers of this state, the sum of forty four dollars, for printing brigade, regimental, and company returns upon the application of Rufus Morgan, Adjutant General; and his receipt shall be a good voucher in the hands of either of the Treasurers for the above amount.

JAMES FENTRESS,

Speaker of the House of Representatives.

WM. SEAWELL,

Speaker of the Senate, pro tempore.

October 23, 1819.

CHAP. 36.

AN ACT to incorporate the inhabitants of the Town of Springfield, in the county of Robertson.

Town in-
corporated.

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

Powers 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 and proper to preserve the health of the Town; to prevent and remove nuisances; to establish night watches and patrols; to ascertain when necessary, the boundary

and location of streets, lots and alleys; to establish new streets, lanes and alleys with the consent of the proprietors of the lots or houses, adjoining such streets, lanes, and alleys; to provide for licensing and regulating auctions; to restrain and prohibit gaming, and to provide for licensing, taxing, regulating, or restraining, theatrical or other public amusements and shows within the town; to pave and keep in repair the streets; to pass all laws necessary for the same; to establish necessary inspections, within the town; to erect and regulate markets; to appoint a Recorder and Town Constable; to provide for the establishment and regulation of a fire company or companies; and the sweeping of chimneys; to erect and regulate pumps on the public square, streets, lanes and alleys; or convey water from the vicinity into the town; to impose and appropriate fines, penalties, and forfeitures, for the breach of their bye laws or ordinances; to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town; to restrain tipping houses, and to pass all laws and ordinances necessary and proper, 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 case of intentional violation of bye laws or ordinances previously promulgated; provided nevertheless the property of such non-residents shall be taxed as other property in said town.

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

Sec. 5. *Be it enacted*, That the Sheriff of Robertson county, shall hold an election at the court house in the Elections Town of Springfield on the third Monday in January 1820, and on the same day in each and every succeeding year, for the purpose of electing seven persons to serve as Aldermen of the corporation of the said town of Springfield, for one year, commencing on the third Monday of the same month thereafter; and all persons owning a freehold in said town, and also

Powers of
the corpora-
tion.

Who are
entitled to
vote.

all persons residing within said town who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for Aldermen, and no person shall be eligible to the appointment of Aldermen, unless he be a citizen and freeholder of said town of Springfield.

Aldermen
to elect a
Mayor.

Sec. 6. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken to be duly elected, and the sheriff of the said county of Robertson shall, within two days thereafter, give to each of the seven Aldermen elect, a certificate of his election; and it shall be the duty of the persons so elected, to meet at the court-house in the said town on the Saturday next succeeding the day of their election, and said Aldermen shall there meet as aforesaid; any number not less than five shall be a quorum; and they shall then proceed to elect by ballot, one of their own number to be mayor of said corporation, for the same time for which the Aldermen were elected as aforesaid; and whenever any Mayor of the said corporation shall die, remove out of the said town, or resign, another election shall be made by the Aldermen, in the manner aforesaid, of another person for the time then unexpired, until the next general election of Aldermen; and when any Alderman shall die, remove or resign, such vacancy may be filled up by the Mayor and Aldermen of the said town at any regular meeting; and the person or persons so appointed, shall serve until the next election.

Path of of
the town

Sec. 7. *Be it enacted*, That the Mayor and Aldermen of said town, shall, before entering upon the duties of their appointment, take an oath before some justice of the peace of the county of Robertson aforesaid, to faithfully, uprightly and honestly demean themselves as Mayor and Aldermen of said corporation during their continuance in office.

Town Cor-
poration.

Sec. 8. *Be it enacted*, That the town Constable appointed by said corporation, shall continue in office for twelve months from the time of his appointment, and shall, on entering upon the duties of his office, give bond and security, to the Mayor and Corporation for the time being, for the faithful discharge of the duties of his appointment, and accounting for all monies by him collected; and the Recorder shall continue in office during one year, and his compensation shall be regulated by the Mayor and board of Aldermen.

Sec. 9. *Be it enacted*, That when any tax or duty

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

Taxes to
be collected
and accounted
for.

Sec. 10. *Be it enacted*, That the money and other property, (if any,) which has been received for the use of said town, or in the hands of any other person or persons, or in the hands of the commissioners heretofore appointed by law for the town of Springfield, shall belong to, and be vested in the Mayor and Aldermen of said corporation, for the use of said town; and the said commissioners are hereby authorized and required to pay the same to the Mayor and Aldermen of said corporation within fifteen days after they shall have been elected, whose receipts shall be good to the said commissioners for the same, and shall exonerate said commissioners from paying the same to any other person or in any other manner whatsoever, any law to the contrary notwithstanding. And the said commissioners, the Clerk to the said commissioners, and the Treasurer to said commissioners, and every other person or persons, having any public documents or papers appertaining to the public concerns of said town, shall deliver the same to the Mayor and Aldermen of said town.

Town me-
mbers to be
paid by com-
missioners
to corporation.

Sec. 11. *Be it enacted*, That the Mayor and board of Aldermen of the corporation of Springfield shall have Powers of
of the corpora-
tion.

have the power of laying and collecting a tax from persons who vend any articles not of the growth, produce or manufacture of this state, on public days, on the public square, or in the streets of said town and shall have the power of laying and collecting all other necessary taxes, as specified in the second section.

**Town mo-
tics.** Sec. 12. *Be it enacted,* That all debts and demands due and owing, or which may hereafter become due, which by law was required to be paid for the use and benefit of said town of Springfield, shall be paid to the Mayor and Aldermen for such use, and they are hereby authorized to sue for and recover the same according to law, in any tribunal having jurisdiction thereof.

**Repealing
clause.** Sec. 13. *Be it enacted,* That all laws and parts of laws coming within the purview and meaning of this act, heretofore made for the regulation of the town of Springfield, be, and the same are hereby repealed, and this act shall commence and be in force from and after the first day of January next; provided always, that nothing in this act contained shall be so construed, as to effect any suit or suits at law, heretofore commenced by the commissioners of the said town of Springfield.

**Enlarge-
ment of the
town provi-
ded for.** Sec. 14. *Be it further enacted,* That the owner of the lands lying adjoining the said town of Springfield on the south, is hereby authorized to lay off and sell as many lots not exceeding one hundred as he may think fit, and the said lots when laid off and sold, shall be considered a part of the said town of Springfield, and shall in all respects be under the same rules, regulations and restrictions of other lots in said town.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWARD DOUGLASS,

Speaker of the Senate, *pro tempore.*

October 22, 1849.

CHAP. 37.

AN ACT for the relief of Willie Barrow,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John M'Nairy, John Overton, Thomas Crutcher, Anthony Foster, Andrew Hyers, Robert Weakley, William Williams, John C. M'LeMORE, and Jesse Wharton, be, and they are

hereby appointed trustees, for the purpose of accepting a conveyance of certain real estate hereinafter specified, and for the purpose of conducting and managing a Lottery, and conveying said real estate to those entitled, for the benefit of the creditors of Willie Barrow.

Sec. 2. *Be it enacted,* That it shall be lawful for said Barrow immediately to convey by deed in fee simple with general warranty, to said trustees, and the survivor or survivors of them, and his heirs forever any real property, belonging to him not exceeding in value, one hundred and fifty thousand dollars, in trust, for the use and benefit of all his creditors; a schedule of their names; and the amount of each claim, as near as he can ascertain, shall be rendered to said trustees by said Willie Barrow, on oath, before the deed is executed, and to be therein specially named, when the proceeds of said property shall be realized in the manner hereinafter mentioned.

Sec. 3. *Be it enacted,* That it shall be the duty of said trustees, or a majority of them, upon the execution and reception of said deed, to divide the property so conveyed, into such lots or prizes as to them may seem expedient, and to draft or cause to be drafted such plan or scheme of a Lottery, and fix the price of tickets and their number, and to conduct the selling thereof, and the drawing of said Lottery, and all other things touching the same, in such way as to them may seem proper, consistently with the provisions of this act.

Sec. 4. *Be it enacted,* That when said trustees shall have sold such a portion of the tickets as shall in their opinion authorize the commencement of the drawing of said Lottery, they shall proceed to the same, under such rules and regulations as they shall have made known in their scheme, having first given at least twenty days notice in the public newspapers, printed at Nashville, of the time and place of drawing.

Sec. 5. *Be it enacted,* That when said trustees shall have sold said tickets, and the same shall have been drawn, each person who shall draw a prize shall be entitled in law and equity to such property as shall compose the prize which he shall have drawn, and it shall be the duty of said trustees or the survivors or survivor of them or the heirs of such survivor, to convey by deed to such person drawing such prize, said property to him, his heirs and assigns forever.

Sec. 6. *Be it enacted,* That when the proceeds of said sales of tickets shall be received by said trustees,

To accept
deed of trust

To frame
scheme of a
Lottery.

To super-
intend the
drawing.

To convey
to, for use of
holders of
tickets.

Trustees
appointed

The distribute proceeds among creditors.

If the lottery fails, to re-convey the property.

they or a majority of them shall equally distribute the amount to all his creditors in proportion to their claims, and if any surplus shall remain after the satisfaction of said debts, the same shall be paid over to said Barrow after said trustees shall have retained a reasonable remuneration for their services.

Sec. 7. *Be it enacted*, That if for any cause the said trustees or a majority of them shall find it impossible to proceed with the conduct and drawing of said Lottery, it shall be their duty to re-convey to said Willie Barrow the property convey'd to them, and refund to the purchasers of tickets the amount of the money by them received, so that he may hold the same subject to the just claims of his creditors:—Provided nevertheless, that if the sale of said tickets, and drawing of the Lottery herein mentioned shall not be completed within two years from the first day of January next, then the said property so to be conveyed shall revert to said Barrow, and be subject to the claims and executions of all his creditors as if this act had never passed, and provided also that this act shall cease to be in force and effect if said Barrow shall not execute the deeds of conveyance herein mentioned within two months from the passing thereof.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

November 5, 1819.

CHAP. 38.

AN ACT to incorporate the inhabitants of the town of Washington in the county of Rhea, and for other purposes.

town incorporated.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Washington in the county of Rhea, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name and style of, the Mayor and Aldermen of the town of Washington, under the same rules, regulations, restrictions, and privileges, of the town of Murfreesboro' in the county of Rutherford.

Former regulations repealed.

Sec. 2. *Be it enacted*, That all laws and parts of laws heretofore passed for the regulation of said town, be, and the same are hereby repealed.

Sec. 3. *Be it enacted*, That the town of Fayetteville in the county of Lincoln, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name and style of the Mayor and Aldermen of the town of Fayetteville, under the same rules, regulations, restrictions, and privileges, of the town of Murfreesboro' in the county of Rutherford.

Fayetteville incorporated.

Sec. 4. *Be it enacted*, That all laws and parts of laws heretofore passed for the regulation of said town, be, and the same are hereby repealed.

Former regulations repealed.

Sec. 5. *Be it enacted*, That the town of Clarksville in the county of Montgomery and the inhabitants thereof, are hereby made and constituted a body politic and corporate, by the style and name of, the Mayor and Aldermen of the town of Clarksville, and shall have perpetual succession, by their corporate, may sue and be sued; plead and be impleaded; grant, receive, purchase and hold real, mixed, and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Clarksville incorporated.

Sec. 6. *Be it enacted*, That the corporation court aforesaid shall have and possess the same powers, privileges and authority, and shall be under the same rules regulations and restrictions, which are given and appointed by law to and for the corporation of the Mayor and Aldermen, of the town of Murfreesboro' in this state, by an act passed at Knoxville on the 17th day of October, 1817.

Sec. 7. *Be it enacted*, That it shall be the duty of the Sheriff of Montgomery county to hold an election at the court house in Clarksville, on the second monday in January 1820. and on the same day in every succeeding year, for the purpose of electing seven persons to serve as Aldermen of the Corporation aforesaid under the rules prescribed in said act incorporating Murfreesboro'.

Elections.

Sec. 8. *Be it enacted*, That on the first day of January next; all laws in force for the regulation of said town of Clarksville, be, and shall stand repealed.

Former regulations repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWIN DOUGLASS,

Speaker of the Senate, pro tempore.

October 23, 1819.

AN ACT to incorporate the inhabitants of the Town of Carthage, in the county of Smith, and for other purposes.

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

Powers and privileges. Sec. 2. *Be it enacted,* That the Corporation aforesaid, shall have full power and authority, to enact and pass, such laws, and ordinances, necessary, and proper, to preserve the health of the town, prevent and remove nuisances, to establish night watches, and patrols, to ascertain, when necessary, the boundary, and location of streets, lots, and alleys; to establish new street, 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, taxing, regulating, or restraining theatrical or other public amusements, or shows, within the limits of said town; and to pave and keep in repair the streets; to pass all laws necessary for the same, to establish and regulate markets, to provide for the establishment and regulation of a fire company, or companies; and the sweeping of chimneys; to erect and regulate pumps, on the public square, streets, lanes, or alleys, or convey water from the vicinity into town; to impose and appropriate fines, penalties and forfeitures, for the breach of their bye-laws or ordinances; to lay and collect taxes, for the purpose of carrying the necessary measures and regulations into operation, for the benefit of said town; to restrain and regulate tipping houses, and to pass all laws and ordinances necessary to carry the intent and meaning of this act into effect; provided they are not incompatible with the laws and constitution of this state.

Sec. 3. *Be it enacted,* That the laws and ordinances of said corporation, shall be in no wise obligatory and

binding upon the persons or property of non-residents of said town being citizens of this state, unless in cases of intentional violation of the bye-laws and ordinances, until the same shall have been previously promulgated, provided, nevertheless, the property of such non-residents shall be taxed, as other property in said town. Laws not official until promulgated.

Sec. 4. *Be it enacted,* That all fines, penalties and forfeitures imposed, by the bye-laws, and ordinances to be collected of said Corporation, not exceeding fifty dollars, shall be recovered before the Mayor of said Town, or any Justice of the peace, for said County; and if exceeding that sum, to be recovered by action of debt in the county court, of Smith county, in the name of the corporation for the use of said town. Fines how collected.

Sec. 5. *Be it enacted,* That the sheriff of Smith county, shall hold an election, at the court house in the town of Carthage, on the first Monday in January, 1820, and on the same day in each, and every succeeding year, for the purpose of electing seven persons, to serve as Aldermen of the corporation, of the said town of Carthage, for one year, commencing on the second Monday of the same month thence next succeeding the said election; provided always, that if the sheriff, of the said county of Smith, shall fail, or neglect, to hold, said election, for Aldermen as aforesaid, on the said first Monday, in each and every year, then, and in that case, it shall, and may be lawful, for such sheriff, to hold such election, at the court house in the town of Carthage, for Aldermen as aforesaid, at any subsequent day, under the same rules, and regulations, as are provided by this act for holding said elections, giving the inhabitants of the said town, ten days notice of the day, on which said election will be held; and all persons, owning a freehold, in said town, and also all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said elections for Aldermen, and no person shall be eligible, to the appointment of Alderman, unless he shall be a citizen and freeholder, of said town of Carthage. Sheriff to hold elections.

Sec. 6. *Be it enacted,* That the seven persons qualified, as aforesaid, having the highest number of votes, at any election as aforesaid, shall be deemed to be duly elected, and the said sheriff of Smith county shall within two days thereafter give, to each of the seven Aldermen elected, a certificate of his election, and it shall be the duty of the persons so elected to meet To notify persons elected where duty is prescribed.

at the court house in said town on the Saturday next succeeding the day of their election, and the Aldermen then and there met as aforesaid, 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 of said corporation, for the same time, for which the Aldermen were elected, as aforesaid; and the said Mayor, when so elected, shall have concurrent jurisdiction with Justices of the Peace in said county of all causes of action that shall or may arise within the limits of said town under this act, subject to, and regulated in every respect, by the same laws, that regulate and directs the proceedings of the Justices of the Peace for said county; and whenever any Mayor shall die, remove out of said town, or resign, another election shall be held by the Aldermen in the manner aforesaid, to fill such vacancy for the time then unexpired until the next general election of Aldermen; and in case of the death, resignation, or removal of any Alderman, the same being certified to the Mayor, it shall be the duty of the said Mayor forthwith to appoint some person, a resident of said town, to fill such vacancy, and the person, or persons so appointed, shall hold said appointment, until the next general election for Aldermen.

Mayor to have the jurisdiction of a Justice.

Mayor and Aldermen to take oath.

Sec. 7. *Be it enacted*, That the Mayor and Aldermen of said town, shall, before entering on the duties of their appointment, take an oath before some Justice of the Peace for said county, faithfully, uprightly, and honestly, to demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

To elect Town Constable.

Sec. 8. *Be it enacted*, That at the first meeting of the Aldermen as aforesaid, it shall be their duty to proceed to elect a town Constable, and Recorder to the said Corporation, who shall hold their offices during the term of one year from the date of such appointment; that the town Constable, before entering on the duties of his office, shall enter into bond with sufficient security, payable to the Mayor and Aldermen for the time being, and their successors in office, in the sum of one thousand dollars for the faithful discharge of the duties of his appointment, and accounting for and paying over all monies by him collected, to such person as may be by the laws and ordinances of the said corporation authorised to receive the same; and the Recorder shall receive for his services such compensation, as the Mayor and Aldermen shall deem a reasonable compensation for the same.

Sec. 9. *Be it enacted*, That when any tax, or duty shall be imposed upon any real property, lying within the limits of said corporation, and not paid by the owner, or occupier, of the same, within the limits of said corporation, upon which the same could be levied, then it shall be the duty of the collector, of the said corporation tax, to certify the same to the county court of Smith, at the term to which the sheriff of said county, is required, to report lands in his county, on which the state and county tax has not been paid, and upon said report at said term, it shall be the duty of the county court, to enter judgment for the tax due the said corporation in the same manner that judgments are required to be entered for the non-payment of tax due the state and county, upon lands lying in said county, and the same shall be sold, at the same time, in the same manner, and subject to the same rules, regulations and restrictions, that are by law required for the sale of lands lying within said county, on which the state and county tax has not been paid; which tax, when collected by the sheriff as provided for in this section, shall be paid by him into the hands of the town Constable for the use of the said Corporation; which sale, when made in the manner aforesaid, shall vest the same right, and title, in the purchaser, or purchasers, as if the sale had been made, for taxes due the state.

Taxes how to be collected if not paid.

Sec. 10. *Be it enacted*, That the money, or other property, that has been received, or is now in the possession of any person, or persons, for the use of said town, shall belong to, and vest in the Mayor and Aldermen of said corporation, for the use of said town, and every person, or persons having any public documents or papers belonging to, or appertaining to the public concerns of said town shall deliver the same to the Mayor and Aldermen of said town. That all debts due and owing, or which may hereafter become due and owing to or for the use and benefit of said town, shall be paid over to the Mayor and Aldermen of the said corporation, and they are hereby authorised, and empowered to sue for, and collect the same, before any tribunal having jurisdiction of the same.

Town monies to be paid to corporation.

Sec. 11. *Be it enacted*, That the Mayor and Aldermen of the corporation of Carthage, shall have power of laying and collecting a tax from every person or persons vending any articles not the growth, produce or manufacture of this state, on public days, on the public square, or in the streets, lanes, or alleys of said town, and shall have the power of laying and collect-

Corporation may tax pedlars.

ing all other necessary taxes, as specified in the second section of this act; that in case of the death, resignation, or removal of the town constable or recorder, or either of them, and the same being certified to the Mayor of the corporation of the town of Carthage, he shall forthwith appoint some person or persons to fill such vacancy, and the person or persons so appointed, shall hold said appointment, until the next general election for Aldermen.

Former regulations repealed.
 Sec. 12. *Be it enacted*, That all laws coming within the meaning and purview of this act, heretofore made for the regulation of the town of Carthage, be, and the same is hereby repealed; that this act shall take effect and be in force from and after the first day of January next.

Commissioners of Sparta and Monroe, vested with additional powers.
 Sec. 13. *Be it enacted*, That the commissioners for the regulation of the town of Sparta, in the county of White, and also for the town of Monroe in the county of Overton, are hereby vested with full power and authority to pass such laws for the better regulation of tippling houses, and more effectually to suppress the vice of gaming in said towns, and also to lay any tax not exceeding the state tax, upon any show or theatrical amusements, or exhibitions, and said laws, when so passed, not inconsistent with the laws or constitution of the state, shall be as good to all intents and purposes, as if passed by the authority of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1819.

CHAP. 40.

AN ACT to appoint Commissioners to superintend the opening and completing a road from David Fraziers in the county of Sevier to the top of the smoky mountain at Porters gap.

WHEREAS it is represented to this General Assembly that James P. H. Porter and others, citizens of Sevier county, have viewed and marked a road from David Fraziers in the county of Sevier to the top of the Smoky mountain in the direction from Knoxville via Sevierville to Augusta in the state of Georgia; and it being also represented that said route will shorten the distance from Knoxville to

Augusta between eighty and an hundred miles, and that the citizens of Haywood county in the state of North Carolina are about to extend said road from the top of the mountain on through said county in the direction to Augusta, and that the citizens of Sevier and the adjacent counties evince a willingness to subscribe considerable sums for the purpose of opening said road, therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James P. H. Porter, Alexander Preston, Robt. H. Rodgers, Wm. Henderson and James Wilson of the county of Sevier, be and they are hereby appointed Commissioners to superintend the opening and completing the road marked out by James P. H. Porter and company, from David Fraziers to the top of the smoky mountain at Porter's gap; and the said Commissioners are hereby authorized to receive donations, and to open subscriptions for the purpose of procuring money to be by them applied to opening a waggon road from said Fraziers to said gap; and said commissioners are hereby authorized to appoint agents to solicit donations and subscriptions for the purpose aforesaid; and all monies donated and subscribed, shall be by said Commissioners applied to the opening and completing said road; or so much thereof as the funds so raised will finish; and it shall be the duty of said Commissioners either to hire hands to work on said road or to let the same (or such part or parts thereof as they may deem proper) to the lowest bidder; and to take bonds from the undertaker payable to said Commissioners for the true performance of such contracts as may be entered into for the purposes aforesaid.

Subscriptions how to be collected.
 Sec. 2. *Be it enacted*, That in case any person who shall become a subscriber to the opening said road shall fail or refuse to pay the amount by him subscribed, the chairman of said board of commissioners is hereby authorised to institute a suit against such delinquent subscriber in the name of the commissioners of the road from David Fraziers to the top of the Smokey Mountain at Porter's Gap, in any court having cognizance thereof; and on proof of the defendant's having subscribed to the amount for which the suit is brought; said commissioners shall be entitled to recover the said amount with the costs of suit, to be by them applied to the opening said road and keeping the same in repair.

Sec. 3. *Be it enacted*, That the said commissioners before they enter on the duties of their appointment

shall enter into bond with security (to be approved by the court of Sevier county) in the penalty of two thousand dollars payable to the chairman of said court conditioned for the faithful applications of all monies by them received to the opening the aforesaid road. And it shall be the duty of the said commissioners to lay before said court at the first court to be held for said county after the first day of January in each year, a full statement of all monies by them received and disbursed on account of said road, under the authority of this act for the preceding year; and said commissioners shall have power to nominate one of their own body clerk of said board, whose duty it shall be to keep a record of the proceedings of said commissioners in a book to be by him kept for that purpose, and the first named commissioner shall be chairman of the board.

Sec. 4. *Be it enacted*, That in case of the death, resignation or refusal to serve of any of the above named commissioners, the court of the county of Sevier shall have power to fill such vacancy or vacancies, and the commissioners appointed by said court on complying with the requisitions of this act shall have full power to discharge all the duties of commissioners under this act.

Sec. 5. *Be it enacted*, That the commissioners aforesaid and those that may be appointed by the court of Sevier county, under the authority of this act, shall not receive any compensation for their services or have any allowance or credit therefor in their settlement with the court.

Sec. 6. *Be it enacted*, That when said Commissioners find they cannot keep said road in repair by subscription, or otherwise, it shall be lawful for the court of Pleas and Quarter sessions for the county of Sevier, two thirds of the acting Justices being present to authorize said Commissioners to contract with some fit and proper person to erect a toll gate at some suitable place on said road, for the purpose of receiving toll from all travellers who may pass the same; and when said gate is erected the county court aforesaid shall have full power and authority to direct and order such rates of toll to be collected from travellers and other things, subject to toll on other turnpike roads.

Sec. 7. *Be it enacted*, That said toll shall be collected by such person as the Commissioners aforesaid may think proper to appoint for the purpose of keeping said road in repair when opened; and shall be by

said Commissioners applied thereto and to the hire of said keeper and to no other purpose whatever.

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

J. C. MITCHELL,

Speaker of the House of Representatives, pro tem.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1819.

CHAP. 41.

AN ACT to establish a new county south west of Rhea and south and east of Bledsoe and Marion counties.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the territory lying south west of Rhea and south and east of Bledsoe and Marion counties, shall constitute a county by the name of Hamilton in honour and to perpetuate the memory of the late Alexander Hamilton, secretary of the Treasury of the United States.

Sec. 2. *Be it enacted*, That the said county of Hamilton shall be bounded as follows (to wit,) beginning at a point at the foot of Waldens ridge of Cumberland mountain on the east side thereof, thence running to a point on the Tennessee river two and one half miles below the lower end of Jolly's island, so as to include Patrick Martin in the county of Hamilton, thence south 35° east to the southern limits of this state, thence west to the point where Marion county line intersects said western boundary, thence north eastwardly with Marion county line to Bledsoe county line, thence with Bledsoe county line to a point opposite the beginning and thence to the beginning.

Sec. 3. *Be it enacted*, That for the due administration of Justice, the court of Pleas and Quarter sessions and the Circuit Court of the county of Hamilton shall be holden at such place as shall be designated by Charles Gamble, Robert Patterson and William Lauderdale until otherwise provided for by law; under the same rules, regulations and restrictions, and shall possess and exercise the same power and jurisdiction of said courts in other counties in this state.

Sec. 4. *Be it enacted*, That the sheriff of Hamilton county shall hold an election at the place for holding courts in said county on the first Thursday and Fri-

day in March next, for the purpose of electing field officers for the said county of Hamilton, under the same rules, regulations and restrictions as are prescribed by law in similar cases; and the militia of said county shall compose the 64th Regiment and shall be attached to and become a part of the 7th Brigade.

Sec. 5. *Be it enacted*, That it shall be the duty of the commandant of said Regiment, having been first commissioned and sworn, to lay off said Regiment into companies of convenient size, and to issue writs of election for company officers in said companies, giving the notice prescribed by law in each company; which election shall be holden and conducted under the same rules and in the same manner as in other cases for company officers.

Sec. 6. *Be it enacted*, That the county of Hamilton shall be part of the district for electing Governor, Members of the General Assembly, Representatives to Congress, and Electors to elect a President, and Vice President, of the United States to which the county of Rhea belongs; and that elections shall be held at the place of holding courts in said county at the time and in the manner by law directed; and the sheriff returning officer of said county shall make return of the polls of said election to the sheriff of Rhea county in the town of Washington, on the day next succeeding each election, and comparing the votes, the sheriff of Rhea county shall declare the candidate for the Representative of the counties of Rhea and Hamilton, who may have the greatest number of votes duly elected Representative for said counties and give him a certificate accordingly; and it shall be the duty of the sheriff of Rhea county to make return of the votes for Senators of Rhea and Hamilton, Members to Congress, Governor, &c. as heretofore for Rhea county.

Sec. 7. *Be it enacted*, That it shall be lawful for any Justice of the Peace for Rhea county to attend at the place appointed by said Commissioners for holding courts in Hamilton county at the first court of Pleas and Quarter sessions for said county, for the purpose of administering to the Justices of said county the necessary oaths.

JAMES FENTRESS,

Speaker of the House of Representatives.

EDWD. DOUGLASS,

Speaker of the Senate, pro tempore.

October 25, 1819.

CHAP. 42.

AN ACT to amend an act entitled "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, passed November 14th, 1815.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a majority of the Commissioners heretofore appointed, or which may hereafter be appointed to view and inspect said road shall at all times have power and authority to view said road and report the condition thereof, as fully to all intents and purposes as if the same had been done by all the Commissioners appointed, any law to the contrary notwithstanding.

J. C. MITCHELL,

Speaker of the House of Representatives, pro tem.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1819.

CHAP. 43.

AN ACT for the benefit of John M'Clish.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, John M'Clish, of Lawrence county, shall enjoy all the privileges and equal rights with every other free citizen of this state, in every respect whatever; any law, usage, or custom, to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 28, 1819.

CHAP. 44.

AN ACT for the relief of William Townsend. WHEREAS it is represented to this General Assem-

bly that William Townsend has had destroyed, by fire burning his house, a certificate No. 2853 for two hundred and fifty acres of land, dated the 3rd day of March eighteen hundred and eighteen, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of the Land Office for West Tennessee be, and he is hereby authorized, and required, to issue to said William Townsend a duplicate certificate of No. 2853 for two hundred and fifty acres, in lieu of the original certificate heretofore issued by David M'Gavock, Register of West Tennessee; which duplicate, when issued, as by this act directed, shall be as valid, as the original certificate if in existence.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1819.

CHAP. 45.

AN ACT to authorize Joseph Hinkle to build a set of mills on Elk river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Hinkle be, and he is hereby authorized, to build a set of mills on Elk river, at an island near the place where William Moffit now lives, the same being on his own land; provided always, that the building of the same do not obstruct the navigation of said river, the said Joseph Hinkle opening, and leaving open, the southern sluice of said river, at, or opposite to, the scite of said mills.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Oct. 28, 1819.

CHAP. 46.

AN ACT to authorise the commissioners herein appointed for the town of Vernon, in the county of

Hickman, to make deeds to lots, sold by the former commissioners, for the county aforesaid.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Garret Lane, William Easley, David Lowe, Gabriel Y. Norman, Robert Murray, and George Garret, be appointed commissioners for the town of Vernon, in the county of Hickman, and they, or a majority of them, shall and may, at all times hereafter, when required, execute deeds to purchasers, or the proper owners of lots in said town, who have not received deeds for their lot, or lots in said town; and the same shall be as good and valid, as if the former commissioners had conveyed the same to the purchasers, any law, usage, or custom to the contrary notwithstanding.

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

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

October 28, 1819.

CHAP. 47.

AN ACT for the relief of Philip Philip's heirs, and Michael Campbell.

WHEREAS, it has been represented to this General Assembly, that a military warrant, No. 3438, issued by the State of North Carolina, for 640 acres of land to James Bridger, a private in the North Carolina line; and whereas, by several transfers, Philip Philips, and Michael Campbell, have obtained the interest in the said warrant, but owing to some irregularity in the said transfers, the Commissioner of land claims for West Tennessee, has refused to issue a duplicate to the last assignees, although the said warrant is valid; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioner, or Commissioners of West Tennessee, be, and are hereby directed to issue to Philip Philip's heirs and Michael Campbell, a certificate on the aforesaid military warrant, No. 3438, for 640 acres of land.

Sec. 2. *Be it enacted*, That nothing herein contain-

shall prejudice the legal, or equitable title of any other person, or persons whatsoever, claiming title to the said warrant, or certificate.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 28, 1819.

CHAP. 48.

AN ACT to authorize James Bruce to build a mill on Duck river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Bruce of Bedford county, be, and he is hereby authorized to build a mill dam across Duck river near Warners old meeting house, about three miles below the Fishing Ford; provided said James Bruce shall construct the same in such manner as shall not obstruct the easy navigation of said river, and provided also, that nothing in this act, shall be so construed as to effect the rights of individuals who may hold lands adjoining thereto.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1819.

CHAP. 49.

AN ACT to change the proprietors of a toll Bridge across the north fork of Holston river.

WHEREAS, by a law passed at Knoxville, October 11th. 1817, authorizing Thomas Hopkins, Clinton Armstrong, and William Young, to build a toll bridge, across the north fork of Holston river, at, or near the place where the main stage road crosses the same; and whereas, it is wished by the proprietors, of said bridge, to transfer the same, to Frederick A. Ross, therefore;

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Frederick A. Ross, be, and he is hereby entitled to, and vested with, all the privi-

leges, and benefits; and with the same powers, that the said Thomas Hopkins, Clinton Armstrong, and William Young, were invested with, by the above recited act; in as full and ample a manner, as they, were possessed of the same; and said F. A. Ross, is hereby authorized, to demand, and receive, the same toll, which, by said act, was allowed to said Thomas Hopkins, Clinton Armstrong, and William Young.

Sec. 2. *Be it enacted,* That so much, of the before recited act, as vested the proprietary interest, in said toll bridge, in the aforesaid Thomas Hopkins, Clinton Armstrong, and William Young, be, and the same, is hereby repealed, and this act, shall be in force from and after the passing thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1819.

CHAP. 50.

AN ACT to establish a town in the county of Lincoln.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That David Cowen is hereby authorized to lay off a town on his own land at the mouth of Bradshaws creek in the county of Lincoln in such manner as he may deem proper in lots of half an acre each, provided the said town shall not exceed ten lots. David Cowen authorized to lay off a town.

Sec. 2. *Be it enacted,* That David Cowen is hereby appointed sole commissioner of said town, and shall lay the same off with necessary streets, and alleys and shall make titles to the purchasers of lots in fee simple. Commissioner appointed.

Sec. 3. *Be it enacted,* That the town when laid off as aforesaid, shall be known by the name of Charles-town, and shall be subject to, and be liable to the same tax when sold, that other town lots are by the laws of this state. Town named Charles-town.

Sec. 4. *Be it enacted,* That the said David Cowen is hereby authorized to erect and build an inspection of tobacco at the said town of Charles-town, under the same rules and regulations as have been heretofore prescribed by law, for tobacco inspections, and shall have the entire interest in the same. Authority given to build an inspection.

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

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 10, 1819.

CHAP. 51.

AN ACT for the relief of Thomas Washington Esq. WHEREAS it is made satisfactorily appear that Thomas Washington Esqr. late Attorney General disbursed the sum of seventy one dollars to procure testimony by certiorari, to the circuit courts of Williamson, Bedford, Bladsoe and Giles counties, in the cases in the court of Errors and Appeals of the state against Charles L. Bennett and the state against Benjamin Bridges, for whose relief in that behalf.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of West Tennessee be, and he is hereby authorized to pay Thomas Washington Esquire, the sum of seventy one dollars, and his receipt therefore shall be said Treasurers voucher in the settlement of his accounts.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 15, 1819.

CHAP. 53.

AN ACT for the relief of Robert Burton. WHEREAS it appears to the satisfaction of this General Assembly, That Robert Burton was vested with the right of entry to five thousand acres of land lying in the congressional reservation in what is now called Maury county No. of Entry 511 dated the 19th of November 1783; and whereas the State of North Carolina did proceed to grant said land in the year 1812, which said grant has

since been declared to be void by the supreme court of the United States, for want of authority in the state of North Carolina to perfect said title, for remedy whereof :

Be it enacted by the General Assembly of the State of Tennessee, That any sworn surveyor in this state is hereby authorized and required, to run out said entry in such a way as to extend up the little Tombigby creek, so as the same may be satisfied above, without interfering with the claims, of J. Davidson, James Reece and other old entries, lying on said creek. And when said survey is so made, the respective officers of this state, shall proceed to perfect the title on said entry, in the same way, and under the same rules, regulations and restrictions, as if the entry had been made under the laws of this state ; provided nevertheless, the warrant which has been issued in pursuance of said entry, shall be laid before the commissioner or commissioners of West Tennessee for adjudication, and by him or them be adjudged valid, before said Robert Burton shall be entitled to the benefit of this act, and provided also, that the title, legal or equitable of any other person, shall not be thereby affected.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 12, 1819.

CHAP. 53.

AN ACT for the relief of Oliver Crenshaw and the heirs of John Crawford deceased. WHEREAS it has been represented to this General Assembly, That John Crawford deceased, late of the county of Williamson, died intestate, and seized of divers small tracts of land in the said county of Williamson and the county of Maury, together with a lot in the town of Pulaski, making an aggregate of four hundred and four and a half acres ; and whereas from the peculiar situation of the said real estate it would tend much to diminish its value to make a division of it in conformity with the present existing laws of the state ; and whereas it has been amicably agreed by and between Oliver Crenshaw, the present husband of the widow of the said John

Crawford deceased, and Henry Ratherford, guardian of the heirs of the said John Crawford deceased, that the said Oliver shall in right of his wife, and as her portion of dower, in the said estate, possess a certain tract of 112 acres in the said county of Williamson, whereon the said John Crawford lived and died, therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Oliver Crenshaw shall in right of his wife, late widow of John Crawford deceased, and as her portion of dower of the estate of the said John Crawford deceased, have, possess, use, occupy, and enjoy a certain tract or parcel of land, containing one hundred and twelve acres in the county of Williamson with the appurtenances thereunto belonging, during his wife's natural life; the said one hundred and twelve acres being the place whereon the said John Crawford died, and lived at the time of his decease.

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

JAMES FENTRESS,
Speaker of the House of Representatives
R. WEAKLEY,
Speaker of the Senate.

Nov. 11, 1819.

CHAP. 53.

AN ACT to alter the name of Trophonius James Cage Winchester.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Trophonius James Cage Winchester, son of the late R. Eliza Winchester be hereafter called Benjamin Franklin Cage.

JAMES FENTRESS,
Speaker of the House of Representatives
R. WEAKLEY,
Speaker of the Senate.

Nov. 15, 1819.

CHAP. 55.

AN ACT for the relief of John Guest.
WHEREAS it has been represented to this General

Assembly, That John Guest cannot get a grant to fifty acres of land in Warren county, that he is honestly entitled to, owing to a transfer on the plat and certificate not being legally witnessed, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Warren are hereby authorized and required, to permit John Guest to prove the hand writing of Samuel V. Gillespie, annexed to a transfer of a plat and certificate from said Gillespie to William A. Williams, by John Hogg Leonard W. Marburg, John Graham, esquire, Elisha Reynolds esquire, or any two of them, and upon proof thereof, shall cause said transfer to be recorded as if it had been regularly attested.

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

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 15, 1819.

CHAP. 56.

AN ACT for the relief of John Larkins, Senr.
WHEREAS it hath been represented to this General Assembly, That John Larkins, senior, purchased of General James Robertson, in his Robertsons life time, all his claim and interest to a certain tract or parcel of land granted to said Robertson, by Grant No. 1754 by virtue of a military warrant No. 1818, for six hundred and forty acres, which is satisfactorily made appear by the hand writing in form of a transfer of said Robertson, and also the depositions of William Marshall, George Taylor, John Larkins Junr. and James Larkins, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said John Larkins senr. is hereby authorized to cause a resurvey to be made of said tract of six hundred and forty acres as above described, by some sworn surveyor, legally authorized, and should it appear that on making the same, that said land is covered by an older and better title. The said surveyor is hereby authorized to make out the

same agreeably to the law in such cases of interfering grants.

Commissioners to issue duplicate.

Sec. 2. *Be it enacted*, That the surveys so made out, said John Larkins sen'r. shall cause to be laid before the commissioner or commissioners hereafter to be appointed, and if it should appear to him or them that the said land is taken the whole or part by an older and better title, and that no other grant hath ever issued on said warrant No. 1818, and that the same was a good and valid warrant, and that said Larkins is the honest and bona fide owner of the same, or part thereof; then and in that case the said commissioner or commissioners shall issue a duplicate to said John Larkins senior, for such part or the whole thereof, as the case may be, so taken by an older and better claim, or for so much as said Larkins can make appear that he has legally obtained from said Robertson.

Duplicate warrant to be laid on unappropriated land.

Sec. 3. *Be it enacted*, That the said John Larkins senior, or his assignee or legal representative shall be at liberty to lay the said duplicate warrant on any vacant and unappropriated land, subject to be entered and surveyed within this state by virtue of good and valid warrants under the same rules and restrictions as in other cases.

Sec. 4. *Be it enacted*, That the said commissioner or commissioners shall vacate said grant, for the whole, or such part as shall be taken by better title as heretofore prescribed by law.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate,

Nov. 24, 1819.

CHAP. 57.

AN ACT for the relief of the heirs of James Laughlin.

WHEREAS it is represented to this General Assembly that James Laughlin in his life time, had entered five hundred acres, and obtained a grant thereon but for four hundred and fifty-six acres, and that a warrant was issued to him by James Gaines, entry taker, for forty acres No. 442 to make up said deficiency, therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the land office be, and they are hereby directed, to issue to the heirs and representatives of the said James Laughlin, a certificate for the quantity of acres called for in said warrant No. 442 issued by James Gaines; provided said warrant be laid before said commissioners for adjudication, and the same should in their opinion be a good and valid claim against the state.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 15, 1819.

CHAP. 58.

AN ACT for the relief of Lewis Shackelford. WHEREAS it is made appear to this General Assembly, that the said Lewis Shackelford did serve a tour of duty of five months or upwards, and never did receive any compensation therefor, from the United States, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer of East Tennessee, to pay to Lewis Shackelford, the sum of forty dollars by him producing to the said Treasurer, a certificate, and make oath before some Justice of the Peace, that he did serve five months in the service of the United States, and that he never did receive any compensation therefor; whose receipt shall be a good voucher for said Treasurer in the settlement of his accounts.

Sec. 2. *Be it enacted*, That the said Lewis Shackelford shall cause to be laid before the war, or other proper department of the government of the United States, his claim for payment, and if they fail or refuse to pay the same, he shall produce to the Treasurer of East Tennessee a statement to that effect before he shall be authorized to pay the sum specified in the first section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate,

Nov. 15, 1819.

AN ACT for the relief of Edward D. Hobbs.
WHEREAS it appears to this General Assembly, that in the year one thousand eight hundred and ten, a certain Jonathan Magness, David Magness and Peregrin Magness were committed to the Jail of Davidson county for safe keeping, upon a charge of having committed a capital offence in the county of Bedford and the said persons above named, remained in the custody of Edward D. Hobbs, Jailor of Davidson county until his fees amounted to the sum of two hundred and twelve dollars, and they were then discharged from confinement, by taking the oath of insolvency directed by law; and whereas no compensation has ever been made to said Hobbs for the above demand, therefore :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of West Tennessee be, and he is hereby directed to pay to said Edward D. Hobbs, the sum of two hundred and twelve dollars.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 15, 1819.

CHAP. 60.

AN ACT for the relief of Elizabeth Walker, widow of John Walker.

WHEREAS it is made manifest to this General Assembly, that a grant No. 2438 did issue under the authority of North Carolina, for three hundred and fifty seven acres of land, to John Walker a private in the continental line, and that the same is taken by the interference of a grant or entry of better title, therefore :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of West Tennessee are hereby authorized, and required to issue to Elizabeth Walker, relict and devisee of John Walker, a certificate for the said quantity of three hundred and fifty seven acres : provided said

grant is founded upon a good and valid warrant, and that no other grant has ever issued upon a warrant of the same number.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 13, 1819.

CHAP. 61.

AN ACT for the relief of Spencer Journagin.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee be and he is hereby authorized to pay Spencer Journagin one hundred dollars, in full for his services as solicitor for the circuit and county courts of Marion for the two years last past, whose receipt for the above sum shall be a sufficient voucher for said Treasurer in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 13, 1819.

CHAP. 62.

AN ACT to authorize and empower the counties hereinafter named to appoint thirty seven jurors to attend the county and circuit courts in manner prescribed by law as heretofore.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, from and after the first day of January next, it shall be lawful for the county courts of Davidson, Sumner, Williamson, Giles, Rutherford, Bedford and Maury counties, and they are hereby empowered to appoint thirty seven Jurors for each county, to attend the several county, and circuit courts in each county, which jurors so struck and summoned as by law directed shall be bound to attend the court to which they are summoned, under the same pains and penalties as heretofore prescribed by law, and be entitled to the same emoluments ; for the county courts of the counties aforesaid, are and

authorized at their discretion, to summon good and lawful men of the by standers to supply any deficiency of the jury, and they are hereby empowered to allow said jurymen both of the county and circuit courts of said counties, the same pay that is now allowed to the jurymen of the original panel.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 9, 1819.

CHAP. 63.

AN ACT to restore Jackson county to her constitutional limits.

WHEREAS by an act of the General Assembly, passed 1813, a certain portion of Jackson county was attached to White county, which by actual admeasurement has been found to reduce Jackson county below her constitutional limits, for remedy whereof :

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the dividing line between the counties of White and Jackson shall be as follows, to wit : beginning at or near the White plains where the former line of Jackson county crosses the Cumberland road ; thence south twenty three degrees east, about two miles to an Elm, black gum, hickory, and two dogwoods at a large sink hole, on a spur of Cumberland mountain ; thence south forty two degrees west, five miles to three white oaks and two red oaks on the east bank of Hutchens' creek ; thence west fourteen miles one hundred and sixty poles to the south west corner of Jackson county, which line as hereby designated shall be the true jurisdictional line between the said counties forever.

Sec. 2. *Be it enacted*, That all civil officers as well as military, that now live in said territory intended to be re-attached to Jackson county, shall hold, occupy, exercise and enjoy said offices, in as full and ample a manner in the county of Jackson as they now enjoy the same in the county of White ; provided nevertheless, if there be any constable, heretofore appointed, by the authority of White county whose term is not expired, he shall give new and additional security to the county court of Jackson, for the faithful discharge of his duties for the time unexpired.

Dividing line between the counties of White & Jackson.

All officers civil and military to hold their offices

Sec. 3. *Be it enacted*, That all judgments rendered and executions issued to, for or against any person or persons residing in said territory so attached, shall be proceeded upon and collected in the same manner they could or would have been, in case this act had never been passed ; and nothing herein contained shall be so construed as to prevent the sheriff of White county, from collecting any taxes, public dues, or monies due upon executions in his hands against any person residing therein.

All judgments, &c. to have the same effect as if this law had not been passed.

Sec. 4. *Be it enacted*, That John Murry is appointed to run and mark that part of the southern boundary line of Jackson county, and the northern boundary of White county, in a plain and distinct manner, where the same has not been heretofore done, and the commissioners of the town of Gainsboro', shall allow the said Murry such compensation as they may think proper, out of any monies that may remain in their hands not otherwise appropriated.

John Murry appointed to run & mark

And for the prevention of disputes between the citizens of Morgan and Overton counties, in regard to their boundary :

Sec. 5. *Be it enacted*, That the following shall be the dividing line between said counties until otherwise provided for by law, (to wit :) beginning at Johnsons stand on the great Cumberland Turnpike road ; thence a direct course to the house now occupied by Joseph French on Piles' road ; thence a direct course to the extreme height of the ridge, that divides the waters of Wolf river from the waters of White Oak creek ; thence a due north course to the Kentucky line. Which said lines shall be the jurisdictional lines, in all respects whatever.

Dividing lines.

Sec. 6. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the senate.

Nov. 11, 1819.

CHAP. 64.

AN ACT to build a bridge across Red River near Clarksville, and to incorporate the subscribers thereto.

Sec. 1. *Be it enacted by the General Assembly of the*

Red river
bridge com-
pany incor-
porated.

State of Tennessee. That all and every person or persons who shall become subscribers to a company to be established in Montgomery county in this state, under the name and style of the Red River bridge company, and who shall be proprietors of the capital stock of said company, shall be, and they and their successors and assigns are hereby created and declared to be a body politic and corporate, by the name and style of the Red River Bridge Company, upon the conditions hereinafter specified, and by the same style shall continue forever or so long as said bridge shall be kept in good repair; and shall be able to sue, and liable to be sued, implead and be impleaded in all courts of record, or elsewhere, and to purchase, have, and to hold, receive, possess, enjoy and retain, to them and their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects, of whatever kind, nature or quantity, to an amount not exceeding their capital; and the same from time to time to sell, grant, demise, alien or dispose of, and also to make, have, and use a common seal; and the same to break, alter and renew at pleasure; and also to ordain establish, and put in execution, such bye laws, ordinances, and regulations from time to time as shall appear necessary and convenient for the government of the said corporation, not being contrary to the fundamental articles thereof, or the constitution and laws of the United States or of this state; and generally, to do and execute all acts matters and things consistently with the provisions of this act, which a corporation or body politic may or can lawfully do and execute.

Sec. 2. *Be it enacted.* That the following shall constitute the fundamental articles of the said Red River Bridge Company, hereby created that is to say:

ARTICLE, 1.

The capital stock of the said company shall consist of twenty thousand dollars, to be divided into shares of fifty dollars each; five dollars on each share shall be paid on such day as the board of Directors shall order and appoint for such payment, of which thirty days previous notice shall be given in the newspapers published in the town of Clarksville, and the further sum of five dollars on each share, shall be paid at the end of every ninety days thereafter until the whole shall have been paid in, (and of the day on which each of said payments falls due, like notice, shall be given) under pain of forfeit-

ing to said company the said shares and all payments thereon, and every shareholder who shall have failed to pay the same, shall be liable to the board of Directors for the time being, shall have power to compel the payment of any of the said installments, interest, and at such times as they shall direct the same to be paid.

ARTICLE 2.

The affairs of said company, shall be conducted by nine directors, who shall elect one of their number to be president thereof; and two of the directors of whom the president or his representative, duly appointed in writing, under his hand, shall be one, shall form a board or boards for transacting all the business of the said company. In case of sickness or the necessary absence of the president, his place may be supplied by any other director, whom he, by writing under his hand shall nominate for that purpose, and until the first day of January, in the year one thousand eight hundred and twenty one, James Elder, John H. Fenton, Samuel Yancey, James McClellan, John H. Marshall, James B. Reynolds, Henry Smith, George W. L. Kern and Frederick W. Harding shall be directors of said company. The directors from and after that period shall be elected by the stockholders for the time being on the second Tuesday in December in each and every year at the court house in Clarksville, to serve one year term and after the first day of January in each and every year, during the continuance of the said corporation, upon such rules and regulations as the board of directors for the time being shall adopt for the better government of said corporation; and the directors chosen at such meeting shall take their oath at the board on the first Saturday in January in each and every year; and until the new directors take their oath, the former shall be and president shall continue to manage the affairs of the said company to the same extent as before each election, so that no vacancy shall be made in the affairs of said company being properly managed until the new directors have taken their oath. And from and after the said first day of January in the year one thousand eight hundred and twenty one, if there are not more than a quorum of this stock of least twenty persons, legally protesting the election and the person or persons holder; 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 the proportion following, that is to say; for one and

fundamental
articles.

Funds not more than two shares, one vote for each share ;
 tal art. ex. for every two shares above two, and not exceeding ten,
 one vote ; for every four shares above ten, and not
 exceeding thirty, one vote ; for every six shares a-
 bove thirty, and not exceeding sixty, one vote ; for e-
 very eight shares above sixty, and not exceeding one
 hundred, one vote ; but no person, copartnership or
 body politic, shall be entitled either in his, or their
 own right, or as proxy, to a greater number than
 thirty votes ; and no share or shares shall confer the
 right of suffrage which shall not be holden at least
 two calendar months, previously to the day of election,
 all stockholders may vote at elections, or upon any o-
 ther question, touching the affairs of the said corpora-
 tion by proxy, provided the proxy be derived directly
 from such stockholders, be voted by a person being a
 citizen of this state, and be made in such form as the
 board of directors shall appoint, provided, that, two
 months public notice shall be given in the newspaper
 printed in the town of Clarksville, by the board of di-
 rectors for the time being, of the mode or manner of
 appointing proxies, before the day of election ; and the
 same publication shall be made, whenever any altera-
 tion shall be made in the mode of appointing proxies ;
 provided always, nevertheless, that in case it should
 at any time happen, that an election of directors should
 not be made upon any days when, in pursuance of this
 act it ought to have been made, the said corporation
 shall not for that cause be deemed to be dissolved, but
 it shall be lawful on any other day within ten days
 thereafter, to hold and make an election of directors,
 in such manner as if the said election had been
 held on the day appointed by this act for hold-
 ing such elections, and in case of a vacancy in the
 board of directors by death, resignation, or otherwise
 the residue of the directors for the time being shall
 immediately elect a director to fill such vacancy until
 the next stated election of directors. A fair and cor-
 rect list of the stockholders shall be fixed up, at least
 one month before any election of directors, in the
 counting house of said company and at the door of
 the court-house in the town of Clarksville.

ARTICLE 3.

The board of directors for the time being, shall
 have power, to make, revise, alter, or amend all such
 rules, by-laws and regulations for the government
 of the corporation and company hereby created, and
 that of their officers, servants, and affairs, as they,
 or a majority of them, shall from time to time think

it expedient, not inconsistent with the laws and con-
 stitution of this state, of the United States or of these Fundamen-
 tal articles of incorporation.

ARTICLE 4.

The said board of directors for the time being,
 shall also have power to appoint a cashier, and all o-
 ther officers, clerks, and servants, necessary for exe-
 cuting the business of said corporation, and take se-
 curity for their good behavior, 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 cashier, and all the officers and servants
 of the corporation respectively, which, together with
 all other necessary expenses shall be defrayed out of
 the funds of the said corporation.

ARTICLE 5.

No director shall be entitled to any emolument, un-
 less the same shall have been allowed by the stock-
 holders, at a general meeting.—The stockholders shall
 make such compensation to the president, for his ex-
 traordinary attendance on the business of said corpora-
 tion as shall appear to them reasonable.

ARTICLE 6.

A number of stockholders not less than twenty,
 who, together shall be the proprietors of one hun-
 dred 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 major-
 ity of the directors have like power, for like pur-
 poses, giving respectively, as the case may be, at least
 four weeks notice in the Clarksville newspaper, and
 specifying in such notice, the object or objects of such
 meeting.

ARTICLE 7.

Every Cashier, before he enters upon the duties of
 his office shall be required to give bond with three or
 more securities to the satisfaction of the board of
 directors for the time being, in a sum not less than
 twenty 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 8.

All bonds, notes, and every contract and engage-
 ment on behalf of the said company, shall be signed
 by the President, and countersigned or attested by
 the Cashier of the company, and the funds of said
 company shall in no wise be held responsible for any
 bond, note, contract or engagement whatever, unless

the same shall be signed, and countersigned or attested as aforesaid.

ARTICLE 9.

The books, papers, correspondence and funds, of the said company, shall at all times be subject to the inspection of the directors, and of the stockholders whenever the same shall be required to be laid before a general meeting thereof, by any number of stockholders not less than twenty, who together shall be proprietors of not less than one hundred shares.

ARTICLE 10.

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 in that behalf by the board of directors for the time being, but all instalments and parts of instalments, which shall have been previously called for, on the share or shares by such individual or individuals subscribed, must be paid and satisfied, before such transfer shall be made, unless the board of directors for the time being, shall direct the contrary, and no transfer of stock in the said company shall be considered as binding upon the company unless made in a book or books to be kept for that purpose by the company; and it is hereby further expressly provided, and declared, that any stockholder who shall transfer in manner aforesaid, all his stock or shares in said company to any other person or persons whatsoever, shall cease to be a member of the said company; and that any person or persons whatsoever who shall accept a transfer of any stock or shares in said company shall become a member thereof agreeably to the fundamental articles of the same, and this act of incorporation.

ARTICLE 11.

All bonds and notes under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon under the hand or hands, of such person or persons, and of his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees to bring and maintain an action thereon, in his, her or their own name or names, in the like manner, and with the like force and effect, as upon any private person if issued by him or them, in his, her, or their private or natural capacity or capacities.

ARTICLE 12.

The directors shall keep fair and regular entries in a book to be provided for that purpose of their pro-

ceedings, and on any question when two directors shall require it; the yeas and nays of the directors voting shall be duly entered on their minutes, and those minutes shall be at all times on demand produced to the stockholders, when assembled at a general meeting, who shall require the same.

ARTICLE 13.

The lands, tenements, and hereditaments which it shall be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and for the purposes for which the said corporation is hereby created.

ARTICLE 14.

The said corporation shall not directly nor indirectly, deal or trade in any manner, whatever, nor loan money contrary to the provisions and spirit of this act of incorporation; and all and every person or persons who shall have given any order or directions for so dealing, trading, or lending of money, and all and every person or persons who shall have been concerned as parties, or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandise, commodities, or money, in which such dealing, trade, and loaning shall have been, one half thereof to the use of the informer, and the other half to the use of the state, to be recovered with costs of suit by action of debt.

ARTICLE 15.

Dividends of the profits of the said company, or so much thereof as shall be deemed expedient and proper, to be declared, and paid half yearly during the months of January and July in every year, and shall be determined from time to time, by a majority of the 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 dividends. And at the expiration of every three years, from the first day of January next ensuing the day on which said company shall open said bridge for the receipt of toll for passing the same, a dividend of surplus profits (if any there should be) 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. And if the said directors shall at any time, wilfully and knowingly, make or declare any dividend which shall impair the said capital stock, all the directors present at the making or declaring such

dividend and consenting thereto, shall be liable in their individual capacities, to the said company, for the amount or proportion of said capital stock so divided; and each director who shall be present at the making such dividend shall be deemed to have consented thereto, unless he shall immediately enter in writing, his dissent on the minutes of the proceedings of the board of directors, and give public notice to the stockholders, that such dividend has been declared.

ARTICLE 16.

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

ARTICLE 17.

The directors herein named and appointed at the passing of this act, shall be charged with procuring subscriptions and payments of shares of the capital stock of the said company, agreeably to these articles and this law, in books to be by them opened for that purpose, at such times and places, as a majority of them shall deem proper; and as soon as the whole of the said stock hereby contemplated, shall have been subscribed for, and the first instalment paid in, they shall without delay proceed to organise the affairs of the said company, and commence the arrangements necessary for building and completing the bridge contemplated by this act; the said directors shall also continue to manage the affairs of the said company until an election of directors by the stockholders shall

take place and from thence until the new board of directors so elected, shall form a quorum.

ARTICLE 18.

That every Cashier or other officer intrusted with the money concerns of said company, or with paying out and receiving the same, shall before entering on the duties of his or their appointments, take an oath, before some person authorised to administer the same, truly, honestly and impartially, to discharge the duties of his or their appointment, as well to said company as to any other person or persons, who may have dealings with said company, without favour or partiality; and if any such Cashier or other officer, intrusted with the money concerns of the said company, or with paying out and receiving the same, shall at any time refuse to pay any bond, note, or other security, which shall have been signed and executed, in the manner prescribed in the articles of incorporation herein contained, as a true and genuine bill, bond, note or other security of said company, and to be paid by said company, 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 other officer, intrusted with the money concerns of said company 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 company: provided nevertheless that when such refusal to pay as aforesaid, is made, that there shall then be in the hands of the Cashier or other officer, intrusted with the money concerns of said company sufficient funds belonging to the same, to make the payment so required.

Sec. 3. *Be it enacted*, That the tolls which the said company shall be allowed to demand for passing the bridge hereby contemplated, shall be as follows, to wit:

For every foot passenger	2
For every man, woman, boy, or girl, with a horse or mule	5
For every additional horse or mule, per head	3
For every head of cattle	2
For every head of sheep or hogs	1
For every waggon & two horses, mules or oxen	25
For every do. & 3 do. do. do.	30
For every do. & 4 do. do. do.	30
For every do. & 5 do. do. do.	35

For every do. & 6 do. do. do.	30
For every cart and 1 horse, mule or ox	12 1/2
For every do. & 2 do. do. do.	12 1/2
For every do. & 3 do. do. do.	12 1/2
For every do. & 4 do. do. do.	25
For every do. & 5 do. do. do.	25
For every do. & 6 do. do. do.	25
For every four wheeled light carriage and two horse or two mules	25
For every do. & 3 do. do. do.	25
For every do. & 4 do. do. do.	25
For every two wheeled light carriage and one horse or one mule	25
For every do. & 2 do. do. do.	25

Bridge may be built at any point within two miles of Smith's ferry.

Sec. 4. *Be it enacted*, That the said company shall be allowed to build said bridge at any point on said Red River, at, or within two miles of Smith's ferry thereon, which to the board of Directors shall appear most eligible therefor; provided that they shall previously procure by purchase or donation a sufficient quantity of land on either side of said river for roads, abutments, toll houses, &c.; and provided also, that the said company shall build said bridge in such manner and form as will not prevent or obstruct the free navigation of said river for all kind of boats.

Bridge to be finished within four years.

Sec. 5. *Be it enacted*, That the said company shall commence the building of said bridge within two years, and shall finish the same within four years from and after the passing of this act; and in case the said company shall fail, either in commencing the building or finishing said bridge within the periods of time aforesaid; this act and every part thereof shall be null and void, any thing therein to the contrary notwithstanding; provided nevertheless, that the said periods of time for commencing the building, or finishing said bridge, be not hereafter extended by law.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 11, 1819.

AN ACT to alter the name of Elizabeth Cowin, daughter of Margaret Cowin, of Sumner county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elizabeth Cowin, now daughter of Margaret Cowin, of the county of Sumner, and State of Tennessee, be hereafter called, and known, by the name of Elizabeth White.

Sec. 2. *Be it enacted*, That this act, take effect, from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1819.

AN ACT to incorporate the inhabitants of the town of Pulaski in the county of Giles.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Pulaski in the county of Giles, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name of the Mayor and Aldermen of the town of Pulaski under the same rules, regulations restrictions and privileges of the town of Murfreesborough in this state.

Sec. 2. *Be it enacted*, That the sheriff of the county of Giles shall hold an election at the court house in the town of Pulaski, on the second Saturday in January next for the purpose of electing seven persons to serve as Aldermen of the corporation of said town of Pulaski for the term of one year thereafter, and that there shall be an election held at the court house in the town aforesaid by the town constable on the second Saturday in January in each year for the purposes aforesaid under the same rules regulations and restrictions as elections are held in said town of Murfreesborough.

Sec. 3. *Be it enacted*, That the sheriff of Rhea county shall hold an election at the court house in the town of Washington on the second Saturday in January next for the purpose of electing seven Aldermen of the corporation of the town of Washington for the term of one year thereafter, and that there shall be an

election held at the court house in the town of Washington by the town constable on the second saturday in January in each year for the purposes aforesaid; under the same rules regulations and restrictions as govern elections of a like kind in the town of Murfreesborough.

Sec. 4. *Be it enacted.* That all laws and parts of Former laws heretofore made for the regulation of the town of Pulaski be and the same are hereby repealed and this act shall take effect and be in force from and after the passing thereof; any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1819.

CHAP. 67.

AN ACT for the relief of Robert Murray, of Hickman county.

WHEREAS, Robert Murray of the county of Hickman, on the 29th day of April, 1819, prayed, and obtained, of the clerk of Williamson county court, a licence to retail Goods, Wares, and Merchandize, in the county of Williamson aforesaid, for the term of twelve months, from the said 29th day of April, 1819, and whereas, the said Robert Murray has declined business, in the said county of Williamson, and removed to the county of Hickman, for relief whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the said Robert Murray be authorised to retail Goods, Wares, and Merchandize, in the county of Hickman, until the expiration of the licence aforesaid, without taking any licence, in the said county of Hickman.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

OCT. 20, 1819.

CHAP. 68.

AN ACT for the relief of Benjamin Poyzer.

WHEREAS it appears satisfactorily to this General Assembly, that George Poyzer, the brother of said Benjamin, aided by a loan and advancement of said Benjamin, emigrated to the United States of America, prior to the year 1796, and became a citizen of the United States in the year 1804, and subsequently by industry and attention to business acquired valuable possessions in this state, which he held until his death, in February 1818, and whereas it appears, said Benjamin having no brother or sister save said George, came to the United States, at the warm and repeated solicitations of said George, and afterwards of his guardian, and became resident in Tennessee, in the year 1817, and on the 15th of september, of that year, made report, and registry of himself, and of his intention to become a citizen of said United States, and state of Tennessee, in conformity to the acts of Congress; and whereas said George departed this life intestate, and without issue, having for some time previous to his death been in a state of insanity, and thereby rendered incapable of making a will; and the said Benjamin upon his death took possession of his property, as next of kin, and as he thought heir at law to the said George, and has continued said possession, and his said residence ever since; and whereas doubts have arisen touching the validity of the title of the said Benjamin to the property of the said George as his next of kin and heir at law, in consequence of his not having completed a course of naturalization, prior to his brothers death; therefore to remove said doubts and to quiet and confirm his title.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That Benjamin Poyzer, who now resides in the town of Nashville and state aforesaid, shall have, hold and enjoy all and singular the goods, and chattels, rights and credits, and all and singular the real estate and the title thereto, in law and equity, which were of his deceased brother George Poyzer, formerly of Nashville in the same way, and to the same extent, that the same were had and held by said George in his lifetime. To have and to hold to him, his heirs and assigns forever in fee simple; subject nevertheless to the payment of the debts of the said George Poyzer, if any there be, to which the heirs

of said George would be liable, in the same way, and by the same mode of proceeding, as would render said Benjamin liable as heir at law to him, and subject to all debts of said Benjamin heretofore or hereafter to be contracted.

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

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate.

November 4, 1819.

CHAP. 69.

AN ACT for the relief of Samuel King and John B. Pentergrast.

WHEREAS it has been represented to this General Assembly, that William M'Gee deceased in his lifetime, entered into partnership with a certain Samuel King and John B. Pentergrast for the erection of a set of mills in the county of Bedford, and whereas, since the death of the said William M'Gee, the surviving partners of the said firm, and also the heirs of the said William found that it would be of great service to the said heirs and surviving partners that the said mills should be sold, and whereas the said Samuel King and John B. Pentergrast surviving partners as aforesaid, did proceed and sell their own and the interest of the said William M'Gee since his decease, in the said mills and a tract of land of fourteen acres belonging thereto for a valuable consideration, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sale heretofore made by Samuel King and John B. Pentergrast of a set of mills and fourteen acres of ground attached thereto, belonging to the late firm of M'Gee, King and Pentergrast, on the barron fork of Duck river in the county of Bedford; be and the same is hereby confirmed, and any deed or deeds of conveyance made by the said Samuel King and John B. Pentergrast for the disposal of the said set of mills and fourteen acres of ground, shall be and the same is hereby made good both in

Sale confirmed.

law and equity; provided always that nothing herein contained, shall be so construed as to bar the right of the heirs, or administrators, of the said William M'Gee from recovering from the said Samuel King and John B. Pentergrast their full portion of the purchase money on account of said sale.

Sec. 2. *Be it enacted*, That the administrators of the said William M'Gee deceased, be, and they are hereby authorised to make a deed of conveyance to one third of eight acres of land with all its machinery on the north side of the barron fork of Duck river, owned by the late firm of M'Gee, King and Bernard, and heretofore sold by the surviving partners of the said firm for a valuable consideration; and which deed of conveyance shall be made to the person or persons who may have purchased the said tract of eight acres from the surviving partners as aforesaid.

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

J. C. MITCHELL,
Speaker of the House of Representatives, pro-tem.
R. WEAKLEY,
Speaker of the Senate.

Nov. 3, 1819.

CHAP. 70.

AN ACT to authorise Spencer E. Gibson to open and establish a Turnpike road, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spencer E. Gibson is hereby authorised to open and cut out a Turnpike road, commencing in Washington county at the late residence of Martha Dillard, and extending to the North Carolina line, on or near the Walnut mountain, in the most direct course to Buncomb county, which road, where the situation of the country will permit, shall be cut eighteen feet wide, clear of stumps or other obstructions, and where the road has to be causewayed, where the nature of the ground is such, that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, or other obstructions; and if there should be any creek, or creeks, that from their nature shall require it, there shall be good and substantial bridges built, and if there is any swamp over which said road may be taken, it shall be the duty of

Spencer E. Gibson authorised to open a turnpike road.

said proprietor to causeway said road with either rock or wood over said swamp, at least twelve feet wide, clear of stumps, logs, or other obstructions.

If said road is out of repair, commissioners to make report to court.

Sec. 2. *Be it enacted*, That said road shall always be kept in repair, and if it should be permitted to be, and remain out of repair, for one month at any one time, after the road is opened and established, by the commissioners hereafter appointed by this act, said commissioners shall immediately make report there-
of to the county court of Washington county, if it should be six months before the session of the Legislature, and when said court shall receive said report, they shall order it to be recorded, and said commissioners shall also proceed to open said Turnpike gate, and keep the same open, until the said road shall be by them adjudged to be in good and sufficient repair, they may then grant licence to said proprietor under their hands and seals, to shut said gate, for the purpose of exacting toll, and if said proprietor shall either directly or indirectly exact, take, or receive any toll during the time said commissioners set said gate open, said proprietor shall forfeit and pay for every such offence thirty dollars, to be recovered before any Justice of the peace in this state, by any person, that will sue for the same, and if the road, should be permitted to be, and remain out of repair at any time within six months before the session of the Legislature, said commissioners, after setting open the gate shall report the same to the General Assembly, whose duty it shall be to elect a new proprietor, and when so elected, shall be entitled to receive all the toll rated by this act, and shall be bound to the same duties, regulations, and penalties, as are prescribed by this act for the original proprietor to do, and perform.

Proprietor to give security.

Sec. 3. *Be it enacted*, That the proprietor shall give bond with sufficient security, in the sum of two thousand dollars to the Governor for the time being, and his successors in office, conditioned for the true and faithful performance of all the duties enjoined on him by this act, which bond shall be lodged in the secretary's office and the Legislature may direct the attorney general for the district, wherein said proprietor lives, to commence suit against said proprietor, on said bond, if satisfactory proof, either by report of the commissioners, or otherwise should be given to them, that the said road has been one month out of repair at any one time.

Sec. 4. *Be it enacted*, That Jonathan Young, Abraham Hartsell, and George Swingle of Washington

county, shall be and they are hereby appointed commissioners, whose duty it shall be, at any time when called on by said proprietor, to proceed to view, mark, and lay off said road, agreeably to the provisions of this act, and they, or any two of them shall be competent, at all times to do and perform all the acts and duties required of them by this act; and when the said proprietor shall notify said commissioners, that the said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if in their opinion, the road is in the repair contemplated by this act, they shall proceed to licence the proprietor to keep a toll gate, which licence shall be under their hands and seals, and said proprietor may proceed to erect a toll gate, on the most convenient part of said road, and shall be entitled to receive the following rates of toll, to wit: for each waggon and team seventy-five cents, each cart and driver twenty-five cents, four wheeled carriage of pleasure one dollar, two wheeled carriage of pleasure fifty cents, man and horse or mule twelve and one half cents, loose or loose horse or mule, not in a drove six and one fourth cents, loose horse or mule in a drove three cents, each head of cattle two cents, each head of hogs or sheep, one cent.

Rates of toll

Sec. 5. *Be it enacted*, That James Standifer and Luke Standifer, of Marion county, shall be, and they are hereby authorised, to open and cut out a Turnpike road from the east bank of Battle creek, in Marion county, from thence across Cumberland mountain in a northwest direction until it reaches the foot of the mountain in Franklin county, which said road when cut out in the manner hereinafter directed shall be known by the name of the Georgia Turnpike road, and the said proprietors of said road shall be bound to all the rules, regulations, and restrictions, as are prescribed for the proprietor in the first section of this act to do and perform, and shall be entitled to receive the same amount of toll, and have the same privileges in all respects whatever.

Turnpike road authorized in Marion county.

Sec. 6. *Be it enacted*, That David Miller, Burgess Matthews, and Mathew Barbey of Marion county, are hereby appointed commissioners to superintend said road and see that the same is kept in the repair, contemplated by this act, and whenever said proprietors shall notify said commissioners that said road is cut out and in the repair required, it shall be the duty of said commissioners to proceed to pass over said road, and effectually examine the same, and if they shall

Commissioners appointed.

And it in the state of openness and repair required, they shall then under their hands and seals licence said proprietors to erect a turnpike gate on whatever point of said road that said proprietors may think proper to set the same; and furthermore said commissioners shall make their return to Marion court in the same way, and be bound to all the other duties, as are enjoined on the commissioners, in the first section of this act.

Commissioners' fees
Sec. 7. *Be it enacted*, That said commissioners shall receive the sum of two dollars and fifty cents, per day, for their services to be paid by the proprietors.

Any accidents happening by road being out of repair to be recovered off of proprietor.
Sec. 8. *Be it enacted*, That if any part of said roads shall be out of repair, at any time after it is received by said commissioners and by reason of which any person or persons shall sustain any damage, either in person or property, he, she, or they, may sustain an action on the case, against said proprietors.

Forfeiture.
Sec. 9. *Be it enacted*, That if any person or persons, shall pass arbitrarily said gates or within one mile thereof for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence, to said proprietors, the sum of twenty-five dollars, to be recovered by action of debt before any Justice of the peace in this state.

Sec. 10. *Be it enacted*, That the mail stage and the mail carried on horse back shall pass said gates free from toll.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 5, 1819.

CHAP. 74.

AN ACT for the relief of Joseph Franks.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the town of Petersburg, laid off upon the lands of Joseph Franks in the county of White; be and they are hereby authorized and required or any one of them, to reconvey to the said Joseph Franks all that part of the land which was donated and conveyed by him to said commissioners for the use of said town which has not been sold out in lots.

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

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

October 30, 1819.

CHAP. 75.

AN ACT to authorize the sheriff of Warren county to advertise lands in some paper printed in Nashville or Murfreesboro' and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff of Warren county be and he is hereby authorized and required to advertise in some paper printed at Nashville or Murfreesboro' all lands by him to be advertised and sold either by execution or for taxes.

Sec. 2. *Be it enacted*, That the Ranger of the county of Warren is hereby authorized and required to advertise in some newspaper printed in Nashville or Murfreesboro' all strays which he is bound to advertise taken up in his county; any law usage or custom to the contrary notwithstanding.

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

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Oct. 30, 1819.

CHAP. 76.

AN ACT for the relief of the citizens therein referred to.

WHEREAS by an act of the General Assembly of the state of Tennessee, the citizens south of French Broad were exempted from the payment of interest for the years one thousand eight hundred ten and eleven, in consequence of the Legislature having failed to appoint a receiver thereof; and whereas also sundry citizens within the district aforesaid have paid their several instalments, which be-

come due on the aforesaid years, together with the interest due thereon; for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer of East Tennessee, to pay over to the aforesaid citizens such sum or sums of money, as may appear to be due to them or any of them, on account of such interest by him heretofore received, whose receipts shall be sufficient vouchers to said Treasurer on the settlement of his accounts.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the senate.

Nov. 6, 1819.

CHAP. 74.

AN ACT to restore Moses Musgrove to his former privileges.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Moses Musgrove, who was heretofore convicted of forgery, shall be, and is hereby restored to all and singular, the legal capacities and privileges, of which he was deprived in consequence of the said conviction.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 9, 1819.

CHAP. 75.

AN ACT for the benefit of Michael Fisher.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Michael Fisher sen'r. be permitted to build a mill dam across Duck river, on his own land, near the mouth of Falling creek, in Bedford county, under the same rules, regulations and restrictions, that are prescribed by an act passed at

Knoxville in the year 1817, for John Sims to build a mill dam across Duck river below the town of Shelbyville, in said county.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 6, 1819.

CHAP. 76.

AN ACT to prolong the time of opening and clearing out Lick creek.

Be it enacted by the General Assembly of the State of Tennessee, That a further time of five years be allowed to the citizens of Greene county to open and clear out Lick creek, and make it fit for navigation, under the same rules, regulation and restriction, as heretofore prescribed by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 6, 1819.

CHAP. 77.

AN ACT to refund to the Administrator of the estate of William Alexander deceased monies expended by him for the use of the state.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James H. Alexander administrator of William Alexander deceased, shall receive from either of the Treasurers of this state, the sum of two hundred and seventy-four dollars and seventy-five cents for monies heretofore expended by said William Alexander former Secretary of state, for office rent and other contingent expenses, and money paid in removing the office from Knoxville to Murfreesboro'.

Sec. 2. *Be it enacted*, That the receipt of the said James H. Alexander or his agent for the above amount

shall be a sufficient voucher in the hands of either of the Treasurers upon the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 9, 1819.

CHAP. 78.

AN ACT for the relief of the heirs of Nathaniel Taylor, deceased.

WHEREAS it is represented to this General Assembly, that Archibald Roane, former commissioner of East Tennessee, did issue to Nathan Arnold a warrant for three hundred acres of land, of No. 166, the interest in which warrant, was by assignment, vested in Nathaniel Taylor deceased, and that said warrant was by casualty lost, in transmitting it to West Tennessee by mail; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of West Tennessee, be, and they are hereby authorised, to issue to the heirs of said Nathaniel Taylor deceased, a duplicate warrant for three hundred acres on producing a certified copy of the records of said commissioner, shewing the issuance of said warrant, and that the same has never been located, but was lost by casualty.

Sec. 2. Be it enacted, That said original warrant, on the issuance of a duplicate by said commissioners shall be null and void, any law usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 5, 1819.

CHAP. 79.

AN ACT to establish a town at the mouth of the Saline creek in Stuart county.

Sec. 1. Be it enacted by the General Assembly of the

State of Tennessee; That it shall be lawful for the commissioners hereafter named to establish and lay off a town in the county of Stuart at the mouth of the Saline creek, on Cumberland river, upon the lands of Reed Luton, Stokely Vinson, and John Arree, which shall be known by the name of Brunsonville. Brunsonville established.

Sec. 2. Be it enacted, That Ephraim W. Davidson, John Arree, Reid Luton, Henry Pugh, Nathan Ross, Nathan Skinner, Samuel Luton, Stokely Vinson, John Manning, Robert Walker, and Cornelius Anderson, be, and they are hereby appointed commissioners of said town, and the said commissioners, or a majority of them shall have full power to regulate any matter that may concern them, and to adopt such bye laws, not inconsistent with the constitution and laws of this state, as may best suit the interest and convenience of the proprietors of said town of Brunsonville; provided, the said commissioners, before entering upon the duties of their office, take an oath well and truly to discharge the duties of their appointment. Commissioners appointed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8th, 1819.

CHAP. 80.

AN ACT to alter the names, and make legitimate the persons therein mentioned.

WHEREAS it has been represented to this General Assembly, that Sherwood P. Record, has been charged as the father of an illegitimate child, and has since been married to the mother of said child, and prays the name of said child to be altered, from James C. Arnold, to James C. Record, and be made his lawful heir; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the name of James C. Arnold be altered to James C. Record, and that the said James C. Record be, and he is hereby constituted the legal heir of the said Sherwood P. Record, and be entitled to all the rights and privileges as if he had been born in lawful wedlock.

Sec. 2. Be it enacted, That the name of James Madison McMillen illegitimate child of Thomas Young-

blood, be altered to James Madison Youngblood and that the said James Madison Youngblood, be, and he is hereby constituted the legal heir of the said Thomas Youngblood, and that he be entitled to all the rights and privileges, as if he had been born in lawful wedlock.

Sec. 3. *Be it enacted*, That the following children, Louisa, Patsy and Rebecca, illegitimate children of Joseph Cook, be hereafter named Louisa, Patsy, and Rebecca Cook, and shall be entitled to all the rights and privileges, as if they had been born in lawful wedlock, and are hereby constituted the legal heirs of the said Joseph Cook.

Sec. 4. *Be it enacted*, That Sarah Dodd, formerly Sarah Stonemeyer, and Mary, Thomas and Sarah, children of John Dodd, be, and they are hereby constituted the legal heirs of the said John Dodd to all intents and purposes.

Sec. 5. *Be it enacted*, That Thornton Grubbs and Joseph Grubbs, illegitimate children of William Hendry be changed to Thornton Hendry and Joseph Hendry, and the said Thornton Hendry, and Joseph Hendry, are hereby made the legal heirs of the said William Hendry, and shall be entitled to all the rights, and privileges, as if they had been born in lawful wedlock.

Sec. 6. *Be it enacted*, That the name of Peggy Turner, illegitimate daughter of James Daughtry of the county of Corke, be changed to that of Peggy Daughtry, and that the said Peggy Daughtry be constituted the legal heir of the said James, and be entitled to all the rights, and privileges, as if she had been born in lawful wedlock.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 6, 1819.

CHAP. 81.

AN ACT authorising the removal of the Surveyor's office, of the sixth district, from the town of Jonesborough to the town of Greenville.

WHEREAS, it is represented to this General Assembly, that Alexander M. Nelson, principal surveyor of the sixth district, has removed himself and fam-

ily to the town of Greenville; and whereas it is well known that the emoluments arising from said office are not sufficient to employ a deputy, competent to transact the business; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander M. Nelson, surveyor general of the sixth surveyor's district, of the state of Tennessee, be, and he is hereby authorised to remove all the books, papers, and documents of said office from the town of Jonesborough, in the county of Washington, to the town of Greenville, in the county of Greene, any law, usage, or custom to the contrary notwithstanding; provided nevertheless, that this act shall not be so construed, as to locate the office any longer in Greenville, than the death, removal, or resignation of the present surveyor general.

Surveyor's office removed from Jonesboro' to Greenville.

Sec. 2. *Be it enacted*, That the said surveyor general shall keep an office by deputy in Jonesborough, whose duty it shall be to receive all plats and certificates; that the said surveyor general by virtue of his office might have done, and transmit the same to Greenville, and the surveyor shall return them to said deputy's office, in Jonesborough, free from postage, and if required the said deputy shall give receipts for the same, when deposited in his office, and the said surveyor general shall be liable for any misdemeanor in his deputy's office in the same way, as if such misdemeanor was done in the surveyor general's office, any law or usage to the contrary notwithstanding.

Office to be kept by deputy in Jonesboro'.

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate,

Nov. 2, 1819.

CHAP. 82.

AN ACT for the relief of Drury Christian.
WHEREAS it appears to this General Assembly that Drury Christian was vested by Sheriff's sale with the right of one half of an original military land warrant No. 4445, for six hundred and forty acres of land, which has been lost by time or accident— for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the*

State of Tennessee, That the commissioner or commissioners of West Tennessee, as soon as the commissioners' office is opened, shall issue a duplicate warrant to Deury Christian for one half of the above said warrant No. 4145;—provided that it shall appear to said commissioner or commissioners, that no grant has been on said warrant, and provided also that the legal or equitable right to said warrant or any part thereof shall in no wise be affected by this act; and provided also said warrant was originally good and valid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate,

Nov. 24, 1819.

CHAP. 83.

AN ACT to authorize Dennis Condray and William Hill to open a Turnpike road.

Dennis Condray and William Hill appointed to keep road in repair.
Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Dennis Condray and William Hill be and they are hereby appointed to open and keep in repair that part of the road leading from Virginia and north Carolina to Kentucky, which lies between the ford of Sycamore creek in Claiborne county at the place where the Turnpike road leading from Beans Station to Kentucky crosses said creek, to the Kentucky line on the top of Cumberland mountain at the place where the present Kentucky road crosses the same, called Cumberland Gap, and erect a turnpike thereon for the term of ten years; provided said Dennis Condray and William Hill before they be permitted to erect a gate and receive toll on said road shall procure a title in fee simple, for so much of the land lying in the state of Virginia over which said road runs, or a lease therefor, from the proprietor or proprietors for the space of ten years, which conveyance in fee simple or lease, as the case may be, shall be proven in open court in the county where the said land lies, and such probate certified as the law directs.

Commissioners appointed.
Sec. 2. Be it enacted, That Beverly Markum, John Lea and John Huddy, be and they are hereby appointed commissioners of said road, who shall conduct said road under the same rules, regulations and pri-

villeges as are pointed out by an act of the General Assembly passed November 14th 1815, authorising a Turnpike road from Beans station in Grainger county to the ford of Sycamore creek in Claiborne county, and the said commissioners shall from time to time or a majority of them examine said road and make report thereof, and shall receive the sum of two dollars per day as a compensation for their services, and the proprietors are entitled to the advantages of the before recited act.

Sec. 3. Be it enacted, That the said proprietors after completing said road and obtaining a licence under the before recited act, may and they are hereby authorised to erect a gate on such part of said road; provided it be in the state of Tennessee, as they may deem proper and to demand and receive from all persons passing said road the following rates of toll to wit: for each four wheel'd carriage of burthen with its load and driver if drawn by four horses, mules or oxen fifty cents, if drawn by less than four $37\frac{1}{2}$ cents, for each two wheeled carriage of burthen and its driver if drawn by two or more horses, mules or oxen twenty five cents, if by only one horse $18\frac{1}{2}$ cents, for each four wheeled carriage of pleasure with its driver if drawn by four horses one dollar, if drawn by less than four 75 cents, and if drawn by only one horse fifty cents, for each two wheeled carriage of pleasure with its load and driver $37\frac{1}{2}$ cents, for man and horse $12\frac{1}{2}$ cents, for each led or loose horse, Jack or Mule, three cents, for each head of cattle one cent, for each head of sheep or hogs one cent; provided that the carrier of the mail of the United States and all persons going to or returning from court, elections, musters, mill, meeting or blacksmith shop on horse back shall not be liable to pay any toll for passing said road.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 24, 1819.

CHAP. 84.

AN ACT to appoint additional Trustees for Duffield Academy in the county of Carter.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That James P. Taylor, Alfred M.

Carter, William H. Carter, James I. Tipton and William Graham, be, and they are hereby appointed additional Trustees for Duffield Academy in the county of Carter.

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

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 10, 1819.

CHAP. 85.

AN ACT to open and establish a turnpike road from a point at or near Davidsons on Piles' turnpike road, to intersect the Cumberland turnpike road, between Robert Johnston's and the standing stone, and for other purposes.

Turnpike
road author-
ized.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Butler, Benjamin Hagler, William Walls, William Marchbanks, and Alexander Officer, are hereby authorised to open and cut out a turnpike road, from a point at or near Davidson's, in Morgan county, on Piles' turnpike road, to intersect the Cumberland turnpike road at a point between Johnson's stand and the Standing Stone, in Overton county; which road, where, by the situation of the country over which it is to pass, will permit, shall be cut eighteen feet wide, clear of stumps, stones, roots, and other obstructions, and when the road has to be causewayed, or the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, stones, or other obstructions; and if there be any creek, or creeks, that from their nature require it, there shall be good sufficient and substantial bridges built; and if there are any swamps, over which said road may be taken, it shall be the duty of the proprietors of said road to causeway said swamps, either with wood, stone, or other solid and durable materials, so that a sufficient road be made there across without any obstruction whatsoever.

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

the commissioner or commissioners hereinafter appointed, to examine and view said road once in three months, at least, and oftener if they shall receive satisfactory information, on oath, that said road is out of repair, and if at any time said commissioner or commissioners shall find said road not in the repair contemplated by this act, it shall be his or their duty to open the toll gate thereof, and keep the same open so long as said road remains out of repair, and until the proprietor notifies, said commissioner, or commissioners that said road is again in the repair contemplated by this act. On receiving such notice, it shall be their duty to view and examine said road, and should it be found in repair said gate shall again be shut for the purpose of exacting toll, and should the proprietors directly, or indirectly receive any toll at said gate, while the same is set open, and until it is shut by said commissioner or commissioners, they shall forfeit and pay the sum of fifty dollars to be recovered by action of debt, before any justice of the peace in this state, in the name of the person, who will sue for the same; and should said commissioners, from their own view, or on other satisfactory information on oath given them, find that said road has been out of repair for two months at any one time, it shall be his, or their duty to make report thereof under his, or their hands and seals to the county courts of Morgan and Overton, if it should be six months before the stated session of the General Assembly; and when said courts shall receive said reports, they shall order said reports to be recorded; and it shall be the duty of the Clerks respectively to transmit a certified copy thereof to the next General Assembly; and if the road should be permitted to be and remain out of repair two months at any one time within six months before the sitting of the General Assembly, said commissioners shall make his or their report directly to the assembly, who in either case may proceed to the election of new proprietors, who, when so elected, shall be entitled to receive the same toll hereinafter specified, and shall be subject to the same rules, regulations and restrictions, as are prescribed by this act for the original proprietors to do and perform.

Duty
commission-
ers.

Sec. 3. *Be it enacted*, That the proprietors shall give bond and sufficient security to the Governor for the time being and his successors in office, in the sum of five thousand dollars, conditioned, for the true and faithful performance of all the duties enjoined by this act, which bond shall be lodged in the secretary's of-

Proprietors
to give se-
curity.

rice; and the legislature may direct the Attorney General for the district, where the greatest portion of said road lies, to commence suit against said proprietors in any district, which may be most convenient to said proprietors, whenever satisfactory proof, either by the report of the commissioners or otherwise, should be given, that said road has been at any one time, one month out of repair.

Sec. 4. Be it enacted, That Moses Winters, of Roane county, and George Christian, of Overton county, are hereby appointed commissioners, and shall be competent at all times to do and perform all the acts and duties required by this act; and when the proprietors shall notify said commissioners that said road is cut out, completed, and fit for use, they shall proceed to examine said road, and if in their opinion the road is in the order contemplated by this act they shall then give said proprietors licence under their hands and seals, to keep a toll gate at the place hereinafter named, which shall be east of the junction of said road with Piles' Turnpike road.

Sec. 5. Be it enacted, That if any part of said road shall be out of repair at any time after it is viewed by said commissioners, and by reason of which any person or persons shall sustain damage, either in person or property, he, she, or they may sustain an action on the case for the amount of any damage sustained, in any court of record, having cognizance thereof, against said proprietors, and shall recover full damages therefor.

Sec. 6. Be it enacted, That from and after the expiration of the time limited for Conrad Piles to be and remain as proprietor of Piles' Turnpike road, the said Thomas Butler, Benjamin Hagler, William Wall, William Marchbanks and Alexander Officer, shall be, and they are hereby appointed proprietors thereof, and they are hereby enjoined to do and perform all the duties heretofore enjoined upon said Piles, and the commissioners hereby appointed shall have the same power, and shall exercise the same duties on said road, as is enjoined on them to do and perform on the road laid out by this act in all respects whatsoever, and the said road now called Piles' Turnpike road, which is hereby put under the direction and management, of said proprietors, shall be subject to the same rules, regulations and restrictions, as this act imposes upon the new road, any law to the contrary notwithstanding; and the commissioners are requir-

ed to view, examine, and report in the same way in all respects whatever.

Sec. 7. Be it enacted, That said proprietors may keep their toll gate at any point they may think proper, east of the junction or intersection of said roads, kept so that they shall not have but one toll from any person or persons travelling said roads in any way.

Sec. 8. Be it enacted, That David Collien, Benjamin Walker, Alexander Translin, Henry Guffy, Walter Davis and Garrett Hall, shall be and they are hereby appointed reviewers, to mark, designate and lay off where said road shall run, from a point near Davidson's to the point on the Cumberland Turnpike road before mentioned, for which they shall receive the sum of two dollars per day, each, to be paid by said proprietors; and before they shall proceed to the duties of their appointment, said reviewers shall before some Justice of Morgan, or Overton county take and subscribe the following oath, to wit, I, A. B. do solemnly swear (or affirm as the case may be) that I will truly and impartially view, examine, mark, and lay off, where the road shall run as contemplated by this act, in such a way as to promote the public good, and without prejudice or partiality to any body, to the best of my skill and judgment, so help me God, and when they shall make said review they shall make report to Morgan and Overton county courts thereof.

Sec. 9. That said proprietors after the expiration of the time limited for Conrad Piles to remain proprietor of the road heretofore laid out, shall have a right to exact the following rate of toll at their said gate east of the junction of said roads, to wit: for each four wheeled carriage of burthen with its load and driver, if drawn by four or more horse, mules or oxen, one dollar and fifty cents, if by less than four seventy-five cents, for each two wheeled carriage of burthen, if drawn by two horses, mules or oxen, sixty-two and a half cents, if drawn by one thirty-seven and one half cents, for each four wheeled carriage drawn by a team of four horses, one dollar, if by less and not less than a team of two, seventy five cents, for each two wheeled carriage of pleasure with its passengers and driver, if drawn by a team of two, seventy-five cents, and if drawn by one, fifty cents, for a man and horse, or mule, twelve and a half cents, for each lead horse, mule, or ass, not in a drove, six and a fourth cents, if in a drove three cents, for each slave, six and a fourth cents, for each head of cattle or hogs, two cents, for each head of sheep, one cent; provi-

Reviewers appointed & their duty prescribed.

Rates of toll to be exacted.

ded that no family moving, with not more than a two wheeled carriage, or two horses, oxen or oxen shall be detained at said gate, if the head, or person having the care of said family, will swear that he, she or they has no money, and is unable to pay the toll.

Forfeiture. Sec. 10. *Be it enacted*, That if any person shall forcibly or secretly pass said gate to avoid the payment of the toll prescribed by this act, such person or persons shall forfeit and pay twenty-five dollars to said proprietors, to be recovered before any justice of the peace in this state.

Oath. Sec. 11. *Be it enacted*, That the persons appointed to keep said gate, shall, before he proceeds to the duties thereof, take and subscribe the following oath before some Justice of the Peace, to wit: I ——— do solemnly swear that I will well and truly collect the toll authorised 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 proprietors of said gate, all moneys, which I may collect thereby, as long as I keep said gate, so help me God.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

November 16, 1819.

CHAP. 86.

AN ACT requiring the principal surveyor of the third district to extend the eastern and western boundary of his district to the southern boundary of the state, or north bank of the Tennessee river.

Duty of principal surveyor of third district. Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the principal surveyor of the third district, by himself or deputy to run, measure and plainly mark the eastern and western boundaries of his district, where the same has not been done, to the southern boundary of the state or the north bank of the Tennessee river, as the case may be, and the said surveyor shall run said lines to the true meridian, or a continuation of the course they were formerly run—and whereas doubts exist as to the true southern boundary of the state and to prevent mistakes in entering lands.

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

the surveyor of the third district to cause to be run and plainly marked the southern boundary of the state from a rock set up by the commissioners of the state of Georgia, and the commissioners of the state of Tennessee at a corner of Georgia, and the state of Alabama, near Nickajack, to a point marked and fixed on by Messrs Freeman and Strother, at or near the rock spring, on the dividing line between the state of Tennessee and the state of Alabama, and it shall moreover be the duty of said surveyor to annex so much of said territory as lies within his district to the general plan thereof and forthwith furnish the principal surveyor of the second district the distance of the lines so run, and extended touching upon, or forming a part of his district and it shall be the duty of the surveyor of the second district to lay the same down on the general plan of his district which shall form a part thereof.

Sec. 3. *Be it enacted*, That when the surveyor performs the duties enjoined on him by this act he shall be entitled to receive for his services at the rate of three dollars per mile, as a full compensation for running, measuring and marking said lines, which shall be paid by the Treasurer of East or West Tennessee on the surveyor producing his accounts sworn to before some court of record or Justice of the peace, and said surveyors receipt shall be a good voucher with the Treasurer in the settlement of his accounts.

Sec. 4. *Be it enacted*, That whereas it may be found necessary in running the southern boundary of the state to run a traverse line in order to find the true line, if so, it shall and may be lawful for said surveyor to receive the same pay per mile, as for running the other lines.

Whereas it appears to this General Assembly that John Smith made an entry for one hundred and fifty acres in Carter's office, and obtained a warrant on the 20th day of June 1796, No. 1536 by virtue of said entry and assigned the same to Andrew English, who assigned the said warrant to Allen M'Donald and said M'Donald assigned the same to Daniel Olinger, who assigned the same to Andrew Patterson, who laid the said warrant before the commissioner of land claims for East Tennessee for adjudication, and said commissioners declared the same in valid on the ground that said entry was made below Brown's line—for remedy whereof:

Sec. 5. *Be it enacted*, That the said Daniel Olinger his heirs or assigns are hereby authorised to lay his claim be

fare commis-
sioners.

his claim before the commissioners of West Tennessee, which claim shall be a copy of said entry, or warrant, and shall be at liberty to show to said commissioners that entry was made, and that a warrant did issue on said entry, and if it shall appear to said commissioners from legal evidence, that said entry was made and the money paid therefor in said Carter's office, and that no grant has ever issued thereon, or a duplicate thereof, then and in that case, said commissioners shall issue a duplicate for one hundred and fifty acres to the said Daniel Olinger, and of the same number which shall be a good and valid warrant, and be placed on the same footing of other good and valid warrants within this.

Stockholders
of Fayetteville
Bank to enter
into bond

Sec. 6. *Be it enacted*, That it shall be lawful for the stockholders of the Fayetteville Tennessee Bank to enter into a bond to the Governor of this state, for the time being, and his successors in office, in the sum of two hundred thousand dollars, conditioned for the ultimate redemption of the notes, which shall have been issued by the bank aforesaid, previous to the date of said bond, or may be issued thereafter.

Bond to be
deposited in
Clerk's office.

Sec. 7. *Be it enacted*, That should such bond be executed, by the whole, or at least four fifths of said stockholders, it shall be the duty of the President of said bank, to deposit the same in the office of the clerk of the Circuit court for the county of Lincoln, with the certificate of himself and Cashier thereto annexed, that the same has been executed by the proportion of stockholders above mentioned, together with a list of stockholders names, with the number of shares owned by each.

For Clerk to
give receipt
for said bond
when received
by him.

Sec. 8. *Be it enacted*, That it shall be the duty of the clerk aforesaid, to receive the bond and certificate aforesaid, and give his receipt therefor, and preserve the same, as a paper of his office, and give certified copies thereof under seal, as in case of records, and be entitled to one dollar for each copy.

President
of said bank
to transmit
copy of said
bond to office
of Secretary
of state

Sec. 9. *Be it enacted*, That it shall be the duty of the president of said bank to procure a certified copy of said bond, and transmit the same to the office of the secretary of State, whose duty it shall be to receive and preserve the same; and it shall be the duty of the Governor on receiving said copy, to give notice thereof by proclamation, at the expense of said bank, in the different newspapers published, at Nashville, and also in the Knoxville Register, whereupon the paper of said bank shall be receivable in payment for all public dues, in the same manner that the paper of

the bank of the state of Tennessee, and of the Nashville bank, and their branches, by law directed to be receivable.

Sec. 10. *Be it enacted*, That so many of the stockholders, of said Fayetteville Tennessee bank as may execute the bond herein provided for, shall be bound thereby in proportion to the number of shares, owned by each respectively, for which their individual property shall be liable, and in like manner shall their assignees be bound, should any of said shares be transferred after the date of said bond.

Stockholders
to be bound in proportion to
number of shares by them held.

Sec. 11. *Be it enacted*, That any person, holding any of the notes of said bank, may sue the makers of said bond, or any of them, or the assigners of the stock of any of them, and recover the amount due bank with interest and cost, which suit shall be brought in the name of the Governor, or his successors as the case may, for the use the claimant and prosecuted at his expense; provided that no suit shall be brought, under this act, in less than six months after the date of said bond.

Persons
holding any
notes of said
bank may
sue makers
of said bond

Sec. 12. *Be it enacted*, That in all suits brought under the authority of this act, a certified copy of the bond may be produced aforesaid, shall be received in evidence, and also the certificate of the Cashier of said bank, as to the number of shares held by each defendant, at the date of said bond or acquired afterwards, and should the cashier refuse to give a certificate on application, he shall forfeit the sum of fifty dollars, for each note on the bank aforesaid, held by the applicant, and presented for payment, at the time of applying for such certificate, to be recovered by warrant or warrants not exceeding fifty dollars each, for the use and in the name of the applicant before any Justice of the Peace of Lincoln county; provided that nothing in this act shall be so construed as to authorize any of the public collectors to receive said notes unless at the time, when said notes are offered or tendered in payment, they are at par value with other chartered banks of this state.

Copy of said
bond may be
produced in
evidence.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 29, 1819.

AN ACT for the relief of James W. Clark.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of West Tennessee, be, and they are hereby authorised and required to issue to James W. Clark a duplicate land warrant for five thousand acres of land, number two thousand five hundred and fifty-eight, bearing date the twelfth day of January, seventeen hundred and eighty-five, in virtue of an entry made in John Armstrong's office the twenty-fifth day of May, seventeen hundred and eighty-four; provided, the said commissioners, shall be of opinion that the said warrant was originally valid and no grant shall have issued thereon: and provided also that the right, legal and equitable, is hereby reserved to any person or persons who may have a claim thereto.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 16, 1819.

AN ACT for the relief of James Vinson.

WHEREAS it is made appear to this General Assembly, that a duplicate land warrant for six hundred and forty acres of land was issued by the commissioner of West Tennessee, on the twenty-third day of December 1816, to James Kennedy, in consequence of so much of a tract granted to James Kennedy, by grant No. 469, dated the twenty-third day of April 1800, which issued for six hundred and forty acres from the state of North Carolina, being taken by the interference of grant No. 59, dated the 14th day of March 1788, from the state of North Carolina, for thirty nine hundred and forty two acres to Jonathan Loomas; and whereas it is made appear, to this General Assembly, that James Kennedy, by deed, bearing date the fourteenth day of July 1800 sold a six hundred and forty acre tract, for a valuable consideration to James Vinson; reciting in said deed the bound-

ries, and quoting therein a grant from North Carolina, of the 23rd day of April 1800--wherefore

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner or commissioners of West Tennessee to be hereafter appointed, for the adjudication of land claims, be and he or they are hereby authorized to receive legal testimony to prove, that the lands granted to James Kennedy of the quantity, and of the date aforesaid, and by him sold to James Vinson, as aforesaid are the same lands; and on that fact being made satisfactorily to appear, to issue a duplicate, for the same quantity of land to the said James Vinson, and cancel the duplicate heretofore issued to James Kennedy.

*JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 16, 1819.

AN ACT for the benefit of John Buchannon and Moses Ridley.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Buchannon and Moses Ridley, be, and they are hereby authorised to build a dam across Stones river on their own land at a place called the narrows of said river, about 12 miles by water below the forks of said river, for the benefit of a mill; provided the said John Buchannon and Moses Ridley shall fix to said dam, locks and gates of sufficient width, and construct the same in such a manner as not to obstruct the free and easy navigation of said river, with all boats, rafts, and other water crafts, that may be used to navigate the same, either ascending or descending said river.

Sec. 2. *Be it enacted,* The said John Buchannon and Moses Ridley, their heirs and assigns respectively, shall be subject to pay for all losses or damages occasioned to any raft or water craft, in passing over said dam; provided such loss or damage is occasioned by said locks and gates not being constructed agreeably to the first section of this act, to be recovered by the owner or owners of the property so lost or damaged, by an action on the case, before any court having jurisdiction thereof.

Sec. 8. Be it enacted, That if the owner or owners of any raft or water craft, should be detained in consequence of the said John Buchanan and Moses Ridley, their heirs and assigns, failing and neglecting to keep the locks and gates required by the first section of this act, in good repair, they or either of them shall forfeit and pay the sum of ten dollars per day, for every day they may be detained, to be recovered by warrant before any justice of the peace, in the name of the owner or owners of said raft or water craft; provided nothing herein contained shall authorise any person or persons fishing in canoes on said river to pass through said locks and gates.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 16, 1819.

CHAP. 90.

AN ACT to authorise the persons therein named to run and mark the dividing line between the counties of Lincoln and Franklin.

WHEREAS, the citizens living in the neighborhood where it is supposed said line will run, have represented to this General Assembly, that they experience great inconvenience in consequence of not knowing which county they are in, therefore:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Hardy Redeman of Lincoln county and Isham Harris of Franklin county, be, and they are hereby appointed to run and mark the line between the counties of Lincoln and Franklin from the mouth of Bean's creek or where said line crosses Elk river northwardly until it intersects the south boundary line of Bedford county in the best manner they can, so as to satisfy the citizens aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 16, 1819.

CHAP. 91.

AN ACT to authorise Peter Wood to open and establish a turnpike road.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Peter Wood is authorised to open and cut out a turnpike road; commencing at the town of Winchester in Franklin county, running the nearest and best way to the foot of Cumberland mountain, at a place known by the name of Townsend's spur, thence up said spur the nearest and best way to Custards stand on the mountain, thence the nearest and best way to the foot of said mountain near the head of Sauty creek, where the Sauty road leaves said mountain.

Sec. 2. Be it enacted, That the said Peter Wood is further authorised to open and cut out a road from the burnt cabin on little Racoon creek, the nearest and best way to Custards stand, intersecting the road delineated in the first section of this act, which roads, where the situation of the country will permit of it, shall be cut eighteen feet wide, clear of stumps or other obstructions; and where the road has to be causewayed, where the nature of the ground is such, that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots and other obstructions; and if there should be any creek or creeks, that from their nature shall require it, there shall be good and substantial bridges built over them, and if there are any swamps over which said roads may be taken, it shall be the duty of the proprietor of said roads to causeway said roads with either rock or wood to be made over said swamp or swamps, at least twelve feet wide, clear of stumps, logs, or other obstructions.

Sec. 3. Be it enacted, That said roads shall always be kept in repair, and if it shall be permitted to be and remain out of repair for one month at any time after the road is opened and established by the commissioners appointed by this act, said commissioners shall immediately make report thereof to the county court of Franklin county, if it should be six months before the session of the Legislature, and when said court shall have received said report, they shall order it to be recorded; and said commissioners shall also proceed to open said turnpike gate, and keep the said gate open until the said road shall be by them adjudged to be in good and sufficient order. They may then grant licence under their hands and seals to said

Peter Wood
authorised
to open road

Road A.
ways to be
kept in re-
pair.

proprietor to shut said gate for the purpose of exacting toll, and if said proprietor shall directly or indirectly, exact, take or receive any toll during the time said commissioners set said gate open, said proprietor shall forfeit and pay for every such offence the sum of thirty dollars, recoverable before any Justice of the Peace in this state, by any person that will sue for the same; and if the roads should be permitted to be and remain out of repair at any time within six months before the session of the Legislature, said commissioners, after setting open the gate, shall report the same to the General Assembly, whose duty it shall be to elect a new proprietor or proprietors as the case may be, and when so elected shall be entitled to receive all the toll rates in this act, and shall be bound to the same duties, regulations, and restrictions as are prescribed by this act, for the original proprietor to do and perform.

Sec. 4. Be it enacted, That the proprietor shall give bond and sufficient security in the sum of two thousand dollars to the governor for the time being and his successors in office, conditioned for the true and faithful performance of all the duties enjoined on him by this act, which bond shall be lodged in the secretary's office; and the Legislature may direct the Attorney General for the district, wherein said proprietor lives, to commence suit against said proprietor on said bond, if satisfactory proof, either by the report of the commissioners or otherwise should be given to them, that the said roads have been out of repair at any one time, one month.

Sec. 5. Be it enacted, That James M'Card, James Martin and Benjamin Writ, shall, and they are hereby appointed commissioners, whose duty it shall be, at any time when called on by said proprietor, to proceed to view, mark and lay off said roads as described in the first and second sections of this act, and they or any two of them shall be competent at all times to do and perform all the acts and duties required of them by this act, and when the proprietor shall notify said commissioners that the said roads are cut out and completed for use, said commissioners shall proceed to examine said road, and if in their opinion the road is in the order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate on the most convenient part of said road, and shall be entitled to receive the following rates of toll, to wit, for each waggon and team, fifty cents, cart and driver, twenty-five cents; four wheeled carriage of plea-

sure, seventy-five cents; two wheeled carriage of pleasure, thirty-seven and a half cents; man and horse or mule, twelve and a half cents; loose or led horse or mule not in a drove, six and a fourth cents; loose horse or mule in a drove, three cents; each head of cattle, two cents, each head of hogs or sheep one cent.

Sec. 6. Be it enacted, That the commissioners hereinafter appointed by this act shall before they enter upon the duties of their appointment, take and subscribe the following oath before some justice of the peace, to wit, I do solemnly swear that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities, so help me God; and the aforesaid commissioners shall be entitled to receive at the rate of one dollar and fifty cents per day for every day they may be engaged in performing the duties enjoined on them by this act, to be paid by the proprietor or proprietors as the case may be.

Sec. 7. Be it enacted, That if any part of said road Proprietor shall be out of repair at any time after it is received by said commissioners, and by reason of which any person or persons shall sustain any damage either in person or property, he, she, or they, may have and bring out sustain an action on the case against said proprietor or proprietors as the case may be.

Sec. 8. Be it enacted, That if any person or persons shall arbitrarily pass said gate, or within a mile thereof for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence the sum of twenty-five dollars to said proprietor, recoverable by action of debt before any justice of the peace of this state.

Sec. 9. Be it enacted, That mail stage and the mail carrier on horse back, shall at all times pass said turnpike gate free from paying any toll.

JAMES FENTRESS,

Speaker of the House of Representatives.

B. WEAKLEY,

Speaker of the Senate.

Nov. 15, 1819.

AN ACT to establish a town in the county of Sumner, Tennessee, wherein Solomon Mitchell now

live on the north edge of said county, which place is known by of Mitchell's Cross Roads.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Hermans, Solomon Mitchell, John Moore, Wiley Mitchell, Elisha Barnett and Jacob Barnett be and they are authorised as commissioners to lay off a town by the name of Mitchellville; and that the said town be laid off on a plan of twenty five acres, with convenient streets, and alleys, as they may think proper, and that the said commons be and are authorised to receive a deed in fee simple for said land of the proprietor thereof, and lay off the same into half acre lots, with streets and alleys as above stated, and the lots so laid off, and designated in the plan of said town to convey to the said purchaser thereof in fee simple.

Sec. 2. *Be it enacted*, That from and after the passing of this act the lots in said town so laid off shall be liable to taxation as other town lots within one year after they are laid off and sold.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

CHAP. 93.

AN ACT for the relief of Joseph Herndon.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Herndon may keep erected and erect from time to time, a mill dam across Duck river, at the place where he now has a mill, in Maury county, under the same regulations and restrictions that are prescribed by an act passed at Knoxville, in the year 1817, for John Sims to build a mill dam across Duck river, below the town of Shelbyville in Bedford county.

And whereas the land on the side of the river opposite to said mill is not the property of the said Joseph Herndon.

Sec. 2. *Be it enacted*, That the court of pleas and quarter sessions of Maury county, are hereby authorised to appoint three discreet freeholders of the same county; to lay off by meets and bounds, two acres of land adjacent to said mill and on the opposite side of the river, and to value the same upon oath—and make

return of their proceedings to said court, which shall be entered on the minutes thereof; and upon the payment into said court of the valuation of said two acres of land so to be made, which shall also be evidenced by an entry on the records of that court, a good and valid title both in law and equity, shall vest in the said Joseph Herndon, his heirs and assigns forever.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 17, 1819.

CHAP. 94.

AN ACT to provide for the payment of the persons therein named.

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 pay David Wendel the sum of one hundred and forty eight dollars and sixty four cents, for chairs furnished for the use of this General Assembly; and to Robert Lawing the sum of two hundred and seventy four dollars and fifty cents, for tables made and other materials furnished for the use of this General Assembly, and the receipt of the said David Wendel and Robert Lawing for the sums respectively paid them, shall be sufficient vouchers for the said Treasurer in the settlement of his accounts.

Treasurer of W. Tenn.
to pay D. Wendel 148
dollars 64 cts

Sec. 2. *Be it enacted*, That it shall be the duty of the Treasurer of West Tennessee to pay to Burrell Gannaway the sum of seventy dollars, for two offices rented to the former secretary of state, for three and one half months, as also for making a frame, two presses, and shelving done for the use of the Secretary's office, and the receipt of the said Burrell Gannaway for the said sum shall be a sufficient voucher for said treasurer in the settlement of his accounts.

Treasurer of W. Tenn.
to pay B. Gannaway 70 dollars.

Sec. 3. *Be it enacted*, That the treasurer of East Tennessee be, and he is hereby authorised and required to pay to Jacob Tipton, late Register of East Tennessee, the sum of eighty four dollars, which he expended for office rent, whose receipt shall be a good voucher for the said treasurer in the settlement of his accounts.

Treasurer of E. Tenn.
to pay to J. Tipton 84
dollars.

Sec. 4. *Be it enacted*, That the Treasurer of

West Tennessee, be, and he is hereby required to pay to John Bright, the sum of seven dollars, for repairs made to the court-house for the use of this General Assembly.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 17, 1819.

CHAP. 95.

AN ACT for the relief of the heirs of William Blackmore, deceased.

WHEREAS, it is represented to this General Assembly, that William Blackmore departed this life, seized and possessed of 274 acres of land in Davidson county, on the waters of Harpeth, also two lots in the town of Haysborough, in the county of Davidson; leaving eleven children, and heirs for said land or lots to be divided amongst; and it being further represented that said lots and land cannot be divided into eleven equal parts, so as to answer any valuable purpose to either—therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That Alley Blackmore, administrator of the said William, deceased, by the sheriff of Davidson county, or his deputy, be, and he is hereby authorised to expose to public sale, at the court house in the town of Nashville, upon a credit of twelve months, said tract of two hundred and seventy four acres, as also said two lots in the town of Haysborough, by first advertising the day and place of sale, at least 40 days, in some newspaper printed in Nashville, taking bond with sufficient securities from the purchaser or purchasers for the payment of the purchase money; provided the said Alley, shall before the sale of said land and lots enter into bond with approved security, payable to the chairman of the county court of Rutherford, in the sum of five thousand dollars, conditioned for the equal distribution of such purchase money when collected, to, and amongst the children and heirs of said William Blackmore, deceased or their legal representatives, or the proper guardians of such children and heirs or legal representatives.

Sec. 2. *Be it enacted, That said Alley Blackmore,*

be, and he is hereby authorised to make a deed or deeds of conveyance to the purchaser or purchasers of said land and lots to convey the estate in fee simple an administrator of the said William Blackmore, deceased.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 16, 1819.

CHAP. 96.

AN ACT appointing commissioners to settle with William Clay and others, former commissioners of the town of Rutledge.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Easterly, Joseph Shannon and Martin Cleland or any two of them be, and they are hereby appointed commissioners to settle with William Clay and others former commissioners of the town of Rutledge in the county of Grainger, who, after taking an oath to do equal and impartial justice between the said former commissioners, and the county of Grainger, according to the evidence and vouchers that may come before them, shall have full power to call upon and collect all such persons and papers as they may deem necessary to a full and fair investigation of all such matters of settlement as shall be submitted to them. They shall ascertain as near as possible, the whole amount of monies which may at any time have come into the hands of the said William Clay and others as commissioners aforesaid, together with the disbursements made by them, and in examining the vouchers and evidences of claims produced on the part of the said former commissioners as well as in the examination of opposing testimony, should any be adduced the said commissioners by this act appointed, are fully authorised and empowered to hear upon the oath of either party, whatever statements of explanation may be offered if to them the hearing of such statements may seem necessary to the purpose of equity and justice.

Sec. 2. *Be it enacted, That the decision of a majority of the acting commissioners hereby appointed*

Commissioners to certify a report of amount

which may shall be conclusive upon the rest and so soon as they appear due, shall have satisfactorily ascertained the balance. If any, which may be due to or from the said William Clay and others, commissioners as aforesaid, after making a reasonable allowance for the services of said former commissioners, which the commissioners appointed by this act are hereby empowered to make, they shall certify a report of the amount which may appear due, and after signing the same shall deposit such report together with the vouchers submitted to them in the office of the clerk of the circuit court of Grainger county and give notice thereof to either of the aforesaid former commissioners of the town of Rutledge and also to the trustee of Grainger county.

Money due by former commissioners to be paid to clerk. Sec. 3. *Be it enacted*, That if by the report aforesaid a balance should appear to be due and owing from the aforesaid former commissioners, the said balance shall be by them paid into the hands of the said clerk for the use of the county, on or before the first day of the term of the Circuit court of Grainger county next succeeding the day on which such report shall be deposited as herein directed; and if the whole of such balance or any part thereof shall remain then unpaid it is hereby made the duty of said court on ten days previous notice being given upon motion of the solicitor for the state on any day of the first term or at any subsequent term to enter a judgement in the name of the County trustee against the said former commissioners and their securities, for the balance or any part thereof that may appear to remain unpaid, upon which execution shall be had as in other cases.

If balance due to former commissioners by whom to be paid. Sec. 4. *Be it enacted*, That if from the report aforesaid a balance should appear to be due and owing to the said former commissioners, such balance shall be paid to them or either of them, by the County trustee of Grainger county, on or before the first day of the term of the Circuit court of Grainger county next succeeding the day on which such report shall be deposited as herein directed, and if the whole of such balance, or any part thereof shall then remain unpaid, it shall be lawful for said court upon motion in behalf of the said commissioners to enter a judgement on any day of that term or at any subsequent term in their name, against the said county trustee as county trustee aforesaid, for the whole of such balance or any part thereof that may appear to remain unpaid, to be satisfied so soon as the trustee

of said county of Grainger may collect funds sufficient for that purpose.

Sec. 5. *Be it enacted*, That whenever a judgement shall be had against the county trustee of Grainger county under the authority of provisions contained in this act; it shall be the duty of the County court of said county (any five of the acting Justices being present) to lay a tax on all property in their county liable to taxation which tax shall be in addition to the other county taxes and shall be of sufficient amount to satisfy the judgement thus rendered and costs. It shall be collected as other county taxes and so soon as received by the trustee, shall on application be paid to the said William Clay and others, or either of them whose receipt shall be a sufficient voucher to the trustee for the amount in the settlement of his accounts.

Sec. 6. *Be it enacted*, That it shall be the duty of the commissioners appointed by virtue of this act to take down in writing the testimony of each witness who may be examined by them and certify under their hands and seals the depositions of the witnesses taken to the court to which they report their settlement.

Sec. 7. *Be it enacted*, That should either party be dissatisfied with the report of said commissioners, it shall be the duty of said Circuit court upon motion to cause a jury to be sworn at the first term, and it shall be lawful for the depositions of the witnesses as taken by the commissioners to be read in evidence to said jury, and their verdict a judgement shall be entered which shall be final and obligatory.

Sec. 8. *Be it enacted*, That witnesses who may necessarily attend the said commissioners, shall be entitled to receive the same compensation as witnesses attending County courts on a certificate of the commissioners, and the commissioners shall receive the sum of one dollar and fifty cents each, for each and every day they shall be employed in said business; provided, that the former commissioners of the town of Rutledge shall pay such witnesses which may be produced by them before the commissioners appointed by this act.

Sec. 9. *Be it enacted*, That this act shall be in force from and after the passing thereof.

JAMES FENTRESS;

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate

November 17, 1819

AN ACT for the relief of the owners of lots in the town of Sevierville, and for other purposes.

WHEREAS by reason of the changes which have happened in the commissioners, and from the loss of the original papers of said town, the present commissioners are unable to make deeds to owners of lots therein, for remedy thereof:

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 all persons; owners of lots in said town, to procure such lot or lots to be surveyed and to return their plats and certificates of survey to the office of the surveyor general; and shall be entitled to receive grants for their respective lots, under the same rules, regulations and restrictions, which have been heretofore provided for by law to authorize the citizens south of French Broad and Holston to obtain their grants for their respective rights of occupancy.

Sec. 2. *Be it enacted,* That the county court of Sevier county, shall have power to appoint an overseer for the streets of said town in the same manner that is prescribed for appointing overseers of the public roads and said overseer so appointed shall have power to call on all the inhabitants in said town, who would be liable by law to work on roads; to work on and keep in repair the streets of said town, who in case of refusing to act or neglecting to work, shall be liable to the same fines and forfeitures as are directed in similar cases respecting roads, which fines when collected, shall be applied to repairing the streets of said town.

Sec. 3. *Be it enacted,* That said commissioners shall have power to employ a surveyor who shall proceed to survey said town under the superintendence and directions of said commissioners, whose duty it shall be to have the lots of the town of Sevierville resurveyed as near as can be with the original survey of said town, and the lots designated by fixing a stone at each corner; which said survey shall be obligatory upon all persons concerned, and shall be in every respect as conclusive as the original survey was; and shall make or cause to be made, a plan or map of said town on a large scale, in which shall be marked the number of each lot agreeable to the original plan of said town, which shall be kept by said commissioners.

Sec. 4. *Be it enacted,* That the commissioners shall

have full power and authority to enact such bye laws and ordinances as they may deem necessary to prohibit gaming, to provide for taxing, restraining or regulating shows; and to restrain tipping houses within said town, and to abate or remove all nuisances at the expense of the party occasioning them, and to make such other rules and bye laws as they may deem necessary for the better regulation of said town, to impose, collect and appropriate fines, penalties and forfeitures for the breach thereof, provided they are not incompatible with the constitution and laws of this state.

Sec. 5. *Be it enacted,* That all fines and forfeitures imposed by the bye laws of said commissioners, shall be recovered before a single magistrate by action of debt in the name of the chairman of said board of commissioners, for the use of said town, subject to appeal as in other cases.

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

JAMES FENTRESS,
Speaker of the House of Representatives,
R. WEAKLEY,
Speaker of the Senate,
Nov. 16, 1819.

CHAP. 98.

AN ACT for keeping in repair the Turnpike road from Sparta in the county of White to the intersection of the Cumberland Turnpike road at or near Daddy's creek.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John W. Simpson shall the benefit of the Turnpike gate erected on the road leading from Sparta to Daddy's creek, for the term of ten years from and after the passing of this act; provided the said John W. Simpson shall keep the road in the repair as hereinafter directed.

Sec. 2. *Be it enacted,* That the said John W. Simpson shall open said road twenty feet wide at least clear of all timber and undergrowth that might shade or injure said, and to clear twelve feet wide in the center of said road of all rocks, stumps and every obstruction, which might impede the passage of carriages or horses, &c. where the ground over which it

Power of commissioners.

Who shall have benefit of toll gate.

Road to be two to four feet wide.

shall permit it to be done, and to erect bridges and causeways of the most durable materials that can be conveniently procured, near said road over such creeks, branches or marshes, of such part of the road as may render them necessary, at least twelve 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.

Sec. 2. *Be it enacted,* That William Glenn of Sparta is hereby appointed a commissioner whose duty it shall be to examine and review said road once in every three months at least, and oftener if from satisfactory information on oath that said road is not in repair; and if at any time said commissioner shall not find said road in the repair contemplated by the second section of this act, it shall be his duty to open said proprietors gate and keep the same open while such road remains out of repair and until the proprietor shall notify the commissioner that said road is in the repair directed by this act, on receiving such notice, it shall be the duty of such commissioner to examine said road, and should it be found in the repair as required by this act, it shall be the duty of such commissioner to grant such proprietor a licence to shut his gate, and should the proprietor directly or indirectly receive any toll from any person passing through said gate while the same is declared to be kept open, or the road reported out of repair by the commissioner such proprietor or keeper of said gate shall forfeit and pay the sum of fifty dollars, for every such offence, to be recovered by action of debt before any Justice of the peace in this state, in the name of the person who will sue for the same, and moreover be further liable to an action on the case in the name of the person who may sustain any damage on account of said road being out of repair and should said commissioner at any time find said road out of the repair as directed by this act, after setting open the gate, he shall make report thereof to the court of pleas and quarter sessions of White county, if such report be made six months previous to the setting of the General Assembly, and where said court shall receive such report, they shall order it to be recorded in the Clerk's office, and it shall be the duty of such Clerk to transmit a copy of such report under his hand and seal to the next session of the Legislature and if the road should be permitted to be and remain out of repair at any time within six months before the setting of the General Assembly, it shall be the duty of

Commissioner appointed and his duty prescribed.

Oath.

said commissioner after setting open the gate as aforesaid, to make report thereof to the Legislature, and if from the report of the clerk or commissioner, said road has been found out of repair twice in succession by said commissioner, the Legislature shall appoint another proprietor; who, when so appointed, shall be entitled to receive the toll rated by this act, and shall be bound by the same rules, regulations, and restrictions as are prescribed by this act, for the original proprietor to do and perform.

Sec. 4. *Be it enacted,* That said commissioner before entering upon his duty prescribed by this act, shall take and subscribe before some Justice of the Peace for White county, the following oath or affirmation, as the case may be, to wit: I, H. B. do solemnly swear that I will well and truly review the road over which I have been appointed commissioner agreeable to the law under which I have been appointed, and in all respects will do equal justice to the public and proprietor, without favor or affection, partiality or prejudice to the best of my knowledge so help me God.

Sec. 5. *Be it enacted,* That it shall and may be lawful for the said John W. Simpson to receive at said gate, the following rates of toll, for each four wheeled carriage of burthen, team and driver, fifty cents, Rates of toll for each two wheeled carriage of burthen, team and driver, twenty-five cents, for each four wheeled pleasure carriage, team and passengers, one dollar, for each two wheeled pleasure carriage, fifty cents, for each loose or led horse six and one fourth cents, for each horse in a drove, three cents, for each head of cattle in a drove, two cents, for each head of hogs or sheep in a drove, one cent, for each shew, whether in a carriage or otherwise, five dollars; but nothing in this act contained shall authorize said proprietor or gate keeper to stop or exact any toll from any poor family moving, if the head or owner of said family will make oath that he has no money, which oath the gate keeper is hereby authorized to administer, nor shall any toll be received at said gate, for any species of stock from any moving family, or persons going to or returning from musters, mill or blacksmith shop on a single horse.

Sec. 6. *Be it enacted,* That if any person shall arbitrarily or clandestinely pass said turnpike gate or within one mile thereof, in order to evade the payment of the toll prescribed by this act, he, she or they shall forfeit and pay the sum of five dollars for every

Forfeiture on persons passing gate who pay toll arbitrarily.

such offence, to be recovered by the said John W. Simpson, before any Justice in this state by action of debt.

Oath.

Sec. 7. *Be it enacted*, That the proprietor shall not be entitled to receive any toll as aforesaid until the gate keeper shall take and subscribe the following, before some Justice of the Peace for White county, to wit: I A. B. do swear or affirm, as the case may be, that I will not ask or receive directly or indirectly from any person passing through said turnpike, any greater tollage than is by law directed, and the toll by me received, I will account for and pay over to the proprietor of said gate, so help me God.

Commissioner's compensation.

Sec. 8. *Be it enacted*, That the commissioner by this act appointed to review said, shall receive two dollars and fifty cents per day, to be paid by the proprietor at his gate, or recovered of him before any Justice of the Peace for White county, in the name of the commissioner, by proving his account.

Mail stages and mails on horse back to pass free.

Sec. 9. *Be it enacted*, That the owner or owners of any turnpike road within this state are hereby prohibited from demanding, or receiving, any compensation or toll, for the passage of any mail stage, driver or passengers therein, and also from all mail carriers on horse back.

Sec. 10. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 17, 18 9.

CHAP. 99.

AN ACT to alter the names and make legitimate the persons therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That Joseph Wilson and Cynthia Oglevie, wife of Richard Oglevie, and illegitimate children of Jason Wilson, senior, of Williamson county, be and they are hereby legitimated the legal children and heirs of said Jason Wilson, and entitled to all the rights, and privileges, they might or would have been entitled to, had they been born in lawful wedlock.

Sec. 2. *Be it enacted*, That William Henderson the

illegitimate son of William Henderson, of Mount county, is hereby made legitimate, and he is hereby enabled to inherit in the same manner as if he had been born in lawful wedlock.

Sec. 3. *Be it enacted*, That the name of Thomas M'LeMORE, an illegitimate son of Mansfield House of the aforesaid county of Williamson, be and the same is hereby changed to that of Thomas House, and he is hereby enabled to inherit in the same manner as if he had been born in lawful wedlock.

JONATHAN TIPTON,

Speaker of the House of Representatives, pro-tem.

R. WEAKLEY,

Speaker of the Senate.

November 18, 1819.

CHAP. 100.

AN ACT appointing commissioners for the county of Greene.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William DIXON, Valentine SEVIER, Alexander M. NELSON, George T. GILLISPY, John HARMON, sen'r. and Alexander SEVIER, or either of them are hereby appointed to act as commissioner or commissioners, for the county of Greene, for the purposes as contemplated by this act. commissioners appointed.

Sec. 2. *Be it enacted*, That before said commissioner or commissioners enter on the duties of his or their appointment, shall enter into bond with sufficient security before the county court, in a sum of twelve thousand dollars to the chairman of said court and his successors in office, conditioned for paying over said monies, and the faithful discharge of all the duties imposed on him or them as hereinafter directed. commissioners to enter into bond

Sec. 3. *Be it enacted*, That said commissioners or either of them, after entering into bond as aforesaid, shall have full power and authority to ask, demand and receive any sum or sums of county monies, papers, documents, or any evidence whatever, which may be in possession of any delinquent sheriff, coroner, ranger, county trustee or justice of the peace, who may have received any public monies, either county taxes, fines, forfeitures or strays, and all county monies of every description whatever, and the said monies when collected, shall be loaned at a rate not exceeding six per cent. Auth. et to receive county monies.

Commissioners to receive county monies.

Sec. 4. Be it enacted, That the said commissioner or commissioners shall have full power to call on all such persons for payment, who may have any public county monies in his or their possession; and if he or they refuse to pay said monies, the said commissioner or commissioners, is and are hereby directed to recover by motion against said delinquent officer as aforesaid, in the circuit or county court, and the court is hereby authorised to render judgment as in similar cases; provided nevertheless the said delinquent officer has a right of appeal from said judgement or decree of said court.

Money to be put out on interest.

Sec. 5. Be it enacted, That the monies so collected, together with all the monies collected for the purpose of building a court house, shall be put out on interest at the rate above mentioned, and when ever the said commissioner or commissioners shall have a sum to the amount of six thousand dollars, principal and interest, he or they shall report the same to the next county court, three-fourths of the Justices of said county being present, and when in session, they shall appoint some fit person or persons, as commissioner or commissioners, to superintend the fixing on the place, and building said court house.

Commissioners to have compensation.

Sec. 6. Be it enacted, That the county court is hereby authorised to give a reasonable compensation to said commissioner or commissioners for his or their services.

Court of Greene to lay a tax.

Sec. 7. Be it enacted, That the court of Greene county, is hereby authorised to lay a tax from time to time, not exceeding the sum last laid in said county, until the whole amount of \$6,000 be made up, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

CHAP. 101.

AN ACT supplemental to an act passed at the present session of the General Assembly.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That an act entitled an act to allow the county court of Smith, to lay an additional tax for the purpose of building an office for the clerks

and register of said county passed at Murfreesboro' the _____ day of October, 1819; be and the same is hereby suspended until the first day of December, 1821, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

CHAP. 102.

AN ACT for the relief of Elizabeth Formwalt, administratrix of John Formwalt, deceased.

WHEREAS it appears to this General Assembly, that John Formwalt, deceased, late of Knox county in this state, died intestate, leaving a small estate, real and personal, and that the personal property is not sufficient to pay the debts, and that the said John desired his wife Elizabeth Formwalt to administer on his estate, and to sell a certain lot or piece of ground where — Read lives, to pay the debts, and it further appearing, that said Elizabeth has administered, that she is a person of prudence, and that said estate would be benefited by a private sale of said lot on a reasonable credit — wherefore :

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Elizabeth Formwalt, administratrix of John Formwalt, deceased, shall have full power and authority to sell a certain lot or piece of ground, a part of the estate of the said John whereon — Read now lives, containing half an acre, more or less, with the hereditaments and appurtenances thereto belonging, at a private sale, and on such credit, as said Elizabeth may think proper, not exceeding one year, and to make, execute and deliver to the purchaser, a good and sufficient deed of conveyance for the same.

Sec. 2. Be it enacted, That the said Elizabeth Formwalt shall take a bond with good and sufficient security for the payment of the purchase money, and, that, when collected, the same shall be assets in her hands, for the payment of the debts of said estate, and to be accounted for and paid over by her in the same manner as administrators are bound by law to account for and pay over monies, arising from sales of

the perishable property of their intestates; any law, usage or custom to the contrary notwithstanding.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate,

Nov. 18, 1819.

CHAP. 103.

AN ACT authorising the building of a Bridge across Duck river, adjoining the town of Columbia.

Commissioners appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel Savage, John Matthews, Swan Hardin, John Miller and James P. Peters, be, and they are hereby appointed a board of commissioners to superintend the building of a Bridge across Duck river, adjoining the town of Columbia; and for the purpose of entering upon the performance of the duties enjoined on them by this act they are required to meet in the said town of Columbia on the first Saturday in January next; a majority of them shall at all times be competent to do business, and at their said first meeting, they shall appoint a Chairman, Clerk and Treasurer, from their own body; the Chairman shall preside at their meetings, and shall sign all orders, contracts and resolutions passed by the board. The joint office of Clerk and Treasurer shall be held by the same person; he shall keep a record of their proceedings, and shall countersign all orders, contracts, and resolutions.

To select suitable place to fix bridge.

Sec. 2. *Be it enacted*, That the said board of commissioners, shall proceed without delay, to select some point on the river, at which the abutments of the Bridge shall be fixed and shall take a deed of conveyance for so much land on the north bank of the river as may be necessary and should the abutment on the south bank of the river not be fixed on a street or public ground, they shall in like manner take a deed of conveyance for a sufficient quantity on that side also; which deed or deeds shall be made to the Chairman of the board and his successors, in trust for the use and benefit of said bridge forever; and the said commissioners shall, with as little delay as practicable, make a contract with some capable person, or persons, who will undertake to build and complete the bridge upon such substantial plan as the commissioners in their

discretion may prescribe; provided that the said commissioners shall not construct said bridge upon such plan as to obstruct the easy and safe navigation of the river.

Sec. 3. *Be it enacted*, That for the purpose of enabling the contractor or contractors to progress in the business, the commissioners shall on the first day of September next, if required, advance one third of the whole amount, stipulated to be paid; the other two thirds shall be paid in two equal instalments, the first on the first day of September 1821, and the other on the first day of September 1822 or as soon thereafter as the Bridge shall be completed and received.

Sec. 4. *Be it enacted*, That it shall be the duty of the Mayor of the Town of Columbia, to transfer to the said chairman, all the Bank stock held by the said town in the Bank of the state of Tennessee and it shall thereupon be the duty of the chairman, to sell, and transfer to the purchaser, the whole of such stock except the one hundred shares subscribed for at the first opening of the books of subscription in Columbia on the 4th day of May 1818; and the proceeds of the sale, shall be applied in the first or any subsequent payment made to the contractor or contractors, except so much as may be necessarily detained to complete the payment on all instalments due to the bank on account of the said one hundred shares, which bank instalments shall be paid as soon as the directors may authorise the same to be done.

Sec. 5. *Be it enacted*, That the Treasurer of said board of commissioners shall, before the first day of March next or so soon thereafter as practicable, receive from the commissioners heretofore appointed by an act of Assembly, passed at Knoxville in 1817, to settle with the town commissioners, all the monies, bonds, and other documents, which may have come into their hands by virtue of their appointment, and shall also receive from the aforesaid town commissioners, whatever monies yet remain in their possession from the sale of lots, and all bonds, and other documents relating thereto; and in cases, where the bonds or notes given by individuals at the sale of said lots have been placed in the hands of any Attorney or other officer, for collection, the proceeds, when collected, shall be paid over to the Treasurer aforesaid together with all such bonds and notes on which suit has not been brought, and the receipt of the said Treasurer shall in any of the cases aforesaid be good in the settlement of their respective accounts.

Chairman of the Board of Bridge Commissioners. Sec. 6. *Be it enacted,* That in all cases where settlement or payment is delayed contrary to the provisions of this act, the chairman of said board of bridge commissioners shall at any time after the first day of April next, commence suit before any tribunal having cognizance of the sum, against all and every person or persons so delaying or refusing to settle in his own name as chairman aforesaid and such suits, he is in such manner hereby authorized and fully empowered to commence and prosecute.

Stock in Bank to be vested in the Chairman of Board of Bridge Commissioners. Sec. 7. *Be it enacted,* That on the first day of April next, (unless the same be sooner required by actual transfer from the Mayor of the Town of Columbia) the whole amount of stock held by the said town in the Bank of the State of Tennessee, shall be vested in the chairman of the said board of bridge commissioners, for the uses in this act specified and the dividends accruing from the one hundred shares hereby directed not to be sold shall from time to time be paid by the Cashier to the Treasurer of said board, and be receipted for by him on the books of the bank. And the capital stock held by the Columbia water company shall remain vested in them but the accruing dividends shall be paid to and receipted for by the Treasurer as aforesaid, which several dividends shall be applied as the said board of bridge commissioners may from time to time direct.

County Court to levy tax. Sec. 8. *Be it enacted,* That the county court of Maury county (twelve at least of the acting justices being present) shall at the first term of said court, after the first day of January next; levy a tax on all the taxable property in said county, sufficient to meet the instalment which may be required to be paid the said bridge contractor on the first day of September next, and shall in like manner in each succeeding year continue to levy a sufficient tax as aforesaid to meet all subsequent instalments as they may become due until the whole is paid; which tax shall be collected and accounted for as other taxes; and when so collected shall be paid into the hands of the said Treasurer and his receipts shall on settlement be good for that amount.

Bank stock not to be sold to be sold at less than the amount paid in. Sec. 9. *Be it enacted,* That the shares of Bank stock herein directed to be sold and transferred by said chairman shall not be sold for an amount less than the sum actually paid in upon them, and if a sale cannot be made of such shares at their par value the chairman of said board shall apply whatever of town monies may at any time come into the hands of the Treas-

urer, to the payment of the instalments still due on all and any of the shares held by the said town in the bank, until the whole amount of fifty dollars upon each share so held be fully paid. And further, it shall at all times be lawful for said board of bridge commissioners to obtain a loan, for the purpose of expediting their business, of any sum not greater than the amount of town money actually paid in at the Branch Bank of the State of Tennessee at Columbia. The loan shall be secured by the assignment of stock, which assignment the chairman of said board is hereby authorized and required to make.

Treasurer to take oaths. Sec. 10. *Be it enacted,* That the Treasurer of said board of bridge commissioners, shall, before he enters upon the duties of his office take and subscribe an oath that he will well and faithfully discharge the duties of the same, and shall moreover, enter into bond, with three sufficient securities for the faithful accounting for and paying out all monies which may come into his hands; and the contractor or contractors shall before receiving any part of the first payment enter into bond with five sufficient securities for the due execution and completion of the work, at or before the time when the same is to be delivered; which said bonds shall be in such sums as the commissioners may require. The sufficiency of the security shall in each case be adjudged by the County court of Maury county and the bonds shall be filed with their clerk and be by him recorded; being severally made payable to said chairman, and his successors in office.

Treasurer or Clerk to keep an account of all the monies received and paid out. Sec. 11. *Be it enacted,* That said treasurer or clerk shall keep a fair and intelligible account of all the monies received and paid out, and the county court of Maury county shall at least once in each year appoint one of three of their own body to examine and report upon the situation of the affairs of said board, with power in said court to remove from office in case of delinquency or improper conduct.

In case of absence of Chairman, the board, and in case of the death, resignation, removal or refusal to act of any of the commissioners, such vacancy shall be filled by the county court, and the person or persons so selected shall have equal powers with those originally appointed. Sec. 12. *Be it enacted,* That in the absence of the chairman or clerk, their places respectively may, for absence of the time being be supplied by any other member of the board, and in case of the death, resignation, removal or refusal to act of any of the commissioners, such vacancy shall be filled by the county court, and the person or persons so selected shall have equal powers with those originally appointed.

JAMES FENTRESS,
Speaker of the House of Representatives;
R. WEAKLEY,
Speaker of the Senate.

Nov. 18, 1819.

AN ACT for the relief of the heirs of Nathan Gragg. WHEREAS it has been made satisfactorily appear to this general Assembly, that entry No. 2263, in John Armstrong's office in the name of Nathan Craig, for two hundred and sixty five acres, was made by mistake in the name of Nathan Craig, when it ought to have been in the name of Nathan Gragg, by reason whereof the heirs of said Nathan Gragg, are unable to procure a warrant or obtain benefit therefrom, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of West Tennessee, are hereby authorized to issue a duplicate warrant upon entry No. 2268 in John Armstrong's office, for two hundred and sixty five acres, to the proper heirs of said Nathan Gragg, upon satisfactory proof that no grant has ever issued thereon; and upon reasonable proof that the entry was made in the name of Nathan Craig by mistake; provided nothing in this act contained shall be so construed as to effect the claim of the said Nathan Craig or his heirs or assigns if any claim they should have.

JAMES FENTRESS,
Speaker of the House of Representatives;
R. WEAKLEY,
Speaker of the Senate;
November 19, 1819.

CHAP. 105.

AN ACT for the relief of the heirs of Hezekiah Cartwright

WHEREAS Hezekiah Cartwright, late of Wilson county, died seized and possessed of lot No. 11, in the town of Murfreesboro', leaving behind him sixteen legatees, and by the legal distribution of real estates, can only obtain their shares thereof by a division; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Cartwright and George Claack, administrators of said Hezekiah Cartwright, deceased; be, and they are hereby empowered to sell said lot No. 11 to the highest bidder, on a credit of twelve months, with bond and approved security for the payment thereof, they having advertised the same

in the Murfreesboro' Courthouse at least forty days previous to the sale thereof, and said administrators are hereby authorized and empowered to convey the same, which said conveyance shall be sufficient to pass the title of said lot in as full and ample manner as if conveyed by said Hezekiah Cartwright in his life time, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives;
R. WEAKLEY,
Speaker of the Senate.
November 18, 1819.

CHAP. 106.

AN ACT to authorize the drawing of a lottery to build a Masonic Hall in Winchester.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Abram Trigg, Alexander Young, William M. Qureshenbury, M. L. Dixon, James Sharp, Leonard Tarrant, Edward Finch and John Dougherty, Esq. be and they are hereby authorized to draft a scheme of a lottery and superintend the drawing of the same, in any manner they may think most advisable for the purpose of raising a sum of money, not exceeding seven thousand five hundred dollars to be applied in building a Masonic Hall in the town of Winchester, by the members of Winchester lodge.

Sec. 2. *Be it enacted,* That said Trustees or a majority of them, before they proceed with said Lottery shall enter into bond with good security to the Clerk of Franklin county court, in double the whole amount of the capital in said scheme, for the faithful payment of the prizes when drawn, or in case of failure to draw said Lottery, for the re-payment to such persons as have purchased tickets of the sums by them advanced which bond when executed shall be filed with the clerk of said court.

Sec. 3. *Be it enacted,* That said Trustees or a majority of them, when about to proceed to the drawing of said Lottery, shall in the presence, and under the inspection of two justices of the peace for Franklin county, put into the boxes the numbers, prizes and blanks, contemplated by the scheme, and shall appoint two clerks to keep a regular account of the numbers drawn, and of the blanks and prizes, who shall

take an oath, faithfully, truly and impartially, to keep an account of the drawing of said lottery.

Trustees to make sale of tickets.
 Sec. 4. *Be it enacted*, That said Trustees or a majority of them shall have power to make sale of tickets, to take bonds of such persons as they may sell tickets to, or from such persons as they may deposit tickets with, for sale, and in case of failure to comply with the terms of said bond, they are hereby authorized to sue for and recover on the same in their names as Trustees of said Lottery, and to do and transact all things necessary and proper in a fair way, to carry the same into effect, and the proceeds of said Lottery, when finished they are hereby directed to pay over to the Winchester Lodge of Free Masons, to be employed as aforesaid; after paying the necessary expenses of drawing said Lottery.

Trustees appointed.

Sec. 5. *Be it enacted*, That Don C. Dixon, Thomas M'Nutt, John Lyon, James Rucka, George Matlock, William Hart and Robert I. Chester be and they are hereby appointed Trustees to superintend the drawing of a lottery to raise the sum of five thousand dollars for the benefit of the Carthage Benevolent Lodge No. 14, in the county of Smith, under the same rules, regulations and restrictions, as pointed out in this act for the regulation of the Winchester Lodge, in the county of Franklin.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

CHAP. 107.

AN ACT to establish a new county north of Wayne and west of Hickman and south of Humphreys counties.

Perry county established by act.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new county be and the same is hereby established, north of Wayne county west of Hickman and south of Humphreys counties by the name of Perry county, which shall be bounded as follows, to wit: beginning at the south east corner of Humphreys county, running west, thence south, thence east, thence north to the beginning, so as to include all the territory lying between Humphreys, Harden, Wayne and Hickman counties, and all that tract of

territory included in the above described lines shall be included within the said county of Perry.

Courts to be held at the house of Jas. Yates.
 Sec. 2. *Be it enacted*, That for the due administration of justice, the first court of pleas and quarter-sessions and circuit courts and all subsequent courts, until otherwise provided for, shall be held at the house of James Yates, on Toms creek, or at such Yates, other place in said county as the justices in said county may adjourn from the said James Yates, to hold their courts after the first term under the same rules, regulations, and restrictions, and shall have and exercise the same powers and jurisdiction as are or shall be prescribed for the several counties in this state.

Sheriff to hold election on.
 Sec. 3. *Be it enacted*, That it shall be the duty of the Sheriff of the said county of Perry, to hold an election at the place of holding courts in said county on the first Thursday in April next, for the purpose of electing one colonel and two Majors for said county of Perry, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases and the militia of said county shall compose the 68th regiment, and be attached to the 6th Brigade.

Elections where to be held.
 Sec. 4. *Be it enacted*, That the election for company officers for the county of Perry, shall be held at such places as the commandant of the militia of said county may think proper to appoint; which said elections shall be held on the second Saturday in June next under the same rules, regulations and restrictions as are prescribed in like cases.

Sheriff to make return of polls to non.
 Sec. 5. *Be it enacted*, That the county of Perry shall be a part of the district for electing a Governor, Representative to Congress, Electors to elect a President and Vice President of the United States, and town of members to the General Assembly, to which the county of Hickman belongs, and the elections be held at the place of holding courts in said county, at the time, and in the manner prescribed by law and that the Sheriff or returning officer of said county make a return of the polls at the town of Vernon.

Monday in
 Sec. 6. *Be it enacted*, That the county courts shall be held in Perry county on the ——— Monday in

Duty of clerk.
 Sec. 7. *Be it enacted*, That it shall be the duty of the clerk of the said county of Perry to receive and

receipt for the quantum of acts and journals of the present session.

JAMES FENTRESS,
Speaker of the House of Representatives;
R. WEAKLEY,
Speaker of the Senate.

Nov. 18, 1819.

CHAP. 108.

AN ACT to reduce the county of Hickman to its constitutional limits, and for other purposes.

Commissioners appointed
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That David Lowe, Joel Walker, John T. Primon, and Joseph Lynn, be, and they are hereby appointed commissioners, to have run and marked the county lines of the county of Hickman for the purpose of reducing the said county to its constitutional limits of six hundred and twenty five square miles.

Commissioners to appoint surveyor
Sec. 2. *Be it enacted,* That the said commissioners, or a majority of them, are hereby authorised and directed to appoint a skillful surveyor, who shall not be a resident of the said county of Hickman, to run the line aforesaid; and the said surveyor on commencing the duties by this act contemplated, and required shall begin one mile north of the south east corner of the eighth section, in the sixteenth range, in the first district, and on the western boundary line of Williamson county, running thence as prescribed by an act of the General Assembly of the state of Tennessee, passed December 31, 1807, entitled "an act to reduce the limits of Dickson county, and to form a new county, to the south of the same."

To attend surveyor in running lines.
Sec. 3. *Be it enacted,* That the aforesaid commissioners are hereby authorised and required to attend the said surveyor, in running the aforesaid lines, as chain carriers and markers, and to do and perform all the necessary duties incumbent upon persons in running and marking the aforesaid lines as chain carriers.

To find out centre of the county of Hickman.
Sec. 4. *Be it enacted,* That the aforesaid commissioners, after the said lines are fully run and completed, shall ascertain by actual admeasurement the center of the county of Hickman aforesaid, and if the place, which should be found to be the center, should

be suitable in the estimation of said commissioners to establish the seat of Justice of said county thereon, then they or a majority of them are hereby authorised and directed to procure, if in their power, a deed in fee simple to themselves and their successors, not less than fifty acres of ground for the purpose of laying off a town thereon; and they shall lay off the same ground into convenient lots, lanes, streets and alleys, reserving in the most convenient and eligible place, two acres in a square form to be called the public square, on which to erect public buildings; and the said commissioners to sell the lots to the highest bidder, at public sale, giving a credit to the purchaser or purchasers of twelve months, and make deeds of conveyance to the purchasers of said lots respectively; but said sale of lots shall not take place, until the time and place of sale shall have been published in some newspaper printed in Nashville, and advertised in three of the most public places in said county, at least three months before such sale is made, and in all cases of sales of lots the said commissioners shall take notes under hand and seal, with good and sufficient security for the payment of the purchase money from the respective purchasers.

Sec. 5. *Be it enacted,* That the said commissioners shall have full power, and authority to contract for, for court and superintend the erection of a court house and prison in said town, and appropriate the money arising from the sale of lots in payment for the same, and to use or purpose whatever.

Sec. 6. *Be it enacted* That the said commissioners shall, before they enter into the duties of their office or receive any monies from the sale of lots, give bond to the chairman of the county court of Hickman county and his successors in office, with security to be approved of by said court, in the sum of five thousand dollars, conditioned that they will well and faithfully discharge the trust reposed in them by this act, and fully account for all monies which may at any time come to their hands by virtue of their appointment as commissioners aforesaid; and to settle with said court when called on; provided, said commissioners be not called on for settlement oftener than once in each year.

Sec. 7. *Be it enacted* That if in the opinion of said commissioners, the center of the county aforesaid should not be a suitable place whereon to fix the seat place for the of Justice in the county aforesaid, then, and in that case, they are hereby authorised and expressly re-

Commissioners required to select a site the nearest and most convenient to the said center, for the purpose of fixing the seat of Justice, of said county, and should any such site be selected, by said commissioners, other than the center, then the foregoing sections of this act, shall govern said commissioners in the discharge of the duties of their appointment; provided always, that nothing in this act contained shall be so construed, as to prevent the said commissioners from selecting and fixing on the town of Vernon as the nearest and most convenient place to the said center, as the seat of Justice of said county, if in their opinion it should be so.

county court
to com-
pense com-
missioners.
Sec. 8. *Be it enacted*, That the county court of Hickman county, nine of the acting Justices being present, are hereby authorised to order such sum or sums of money to be paid out of the county Treasury to each of said commissioners, as they may deem an adequate compensation for his or their services, in the performance of the duties enjoined on them by this act.

Surveyors
compensation.
Sec. 9. *Be it enacted*, That the said commissioners shall, upon the surveyor performing the duties in this act required of him to do and perform, certify the same to the county court of Hickman, who are hereby authorised, nine of the acting Justices being present, to order two dollars and fifty cents, per day to be paid out of the county Treasury to said surveyor for his services in the performance of the duties required by this act.

Sec. 10. *Be it enacted*, That the said commissioners and surveyor, before entering upon the duties enjoined on them by this act, shall take an oath before some Justice of the peace of Hickman county well and truly to perform, the duties required of them by the provisions of this act.

Dividing
line.
Sec. 11. *Be it enacted*, That the line run, by William B. Ross, as the dividing line between the counties of Dickson and Hickman, shall be and remain the dividing line between the said counties.

Sec. 12. *Be it enacted*, That the town herein directed to be laid off, shall be called and known by the name of Canton.

Public business to be transacted in Vernon until public buildings are finished.
Sec. 13. *Be it enacted*, That if a site, other than the town of Vernon, should be selected by the aforesaid commissioners for the seat of Justice in the county of Hickman aforesaid; then and in that case all public business of whatever nature, shall continue to be done and transacted in the town of Vernon for the said county, until the commissioners of the new

site for the seat of Justice, shall certify to the county court of Hickman, that the public buildings are in readiness for the reception of said court for the transaction of public business, upon which certificate the said county court, and circuit court shall forthwith adjourn to such seat of Justice, as may be established by the commissioners aforesaid; and all writs, recognizances and other process returnable at the time to the court house in the town of Vernon, shall be returnable to the town of Canton, in the county aforesaid, and be as available in law, as if they were originally made returnable to the said town of Canton.

Commissioners on disagreeing who to call.
Sec. 14. *Be it enacted*, That if the commissioners aforesaid cannot agree upon the place to fix the permanent seat of justice, they are hereby authorised to call upon Col. Robert Weakley, of Davidson, Major James Fentress of Montgomery and Col. Archer Cheatham of Robertson counties, as umpires, who are hereby vested with all the powers, privileges and authority belonging to the said commissioners, and whose decision shall be final in fixing the seat of justice, in the county aforesaid; any two of whom being present shall have full power to act; provided however, that nothing herein contained shall be so construed as to prevent the said umpires from fixing as the permanent seat of justice for said county on Vernon, if to them it should appear right.

county court
to fill vacancies.
Sec. 15. *Be it enacted*, That in case of the death, removal, or refusing to act of any of the said commissioners, it shall be the duty of the county court of Hickman county, a majority of the acting justices of the peace being present, to appoint some person to fill such vacancy; provided, such person so appointed shall be a resident in the same captains district where such vacancy was so occasioned.

Sec. 16. *Be it enacted*, That this act shall take effect and be in force from and after the passing thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

the relief of the heirs of Samuel Shaw, passed on the 18th day of November, 1817.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said act be and the same is hereby revived, and the commissioner or commissioners to be appointed for West Tennessee, are hereby directed to perform the duties prescribed by said act.

JAMES FENTRESS;

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 19, 1819.

CHAP. 110.

AN ACT to establish a town in the county of Stuart.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Wynn, be, and he is hereby authorised to lay off a town on his own land near and below the mouth of Leatherwood creek, near the Tennessee river, in the county of Stuart, with necessary streets and alleys, which town, when laid off shall be known by the name of Wynnborough.

Sec. 2. *Be it enacted*, That the said Thomas Wynn is hereby appointed sole commissioner of said town, and shall lay off lots of a half an acre each, and make titles to purchasers in fee simple, and said lots when sold, shall be liable and subject to the same tax that other town lots are by the laws of this state.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

Nov. 19, 1819.

CHAP. 111.

AN ACT for the relief of Henry Trott.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the commissioners of the land office, be, and they are hereby authorised to issue a certificate to Henry Trott for two hundred and fifty acres of land on a duplicate warrant No. 2317

issued from John Armstrong's office to Francis Wright for three hundred and twenty acres; provided said warrant be a good and valid one and there never has a grant issued thereon, and provided also this act shall not prevent the said Francis Wright his heirs and assigns from suing for and recovering said warrant or certificate, or suing for and recovering from the said Henry Trott the value thereof, provided the said Francis Wright has never sold and transferred his interest therein.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

Nov. 19, 1819.

CHAP. 112.

AN ACT to provide for the payment of George Wilson.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of West Tennessee, be, and he is hereby authorised and required to pay to George Wilson, the sum of sixty nine dollars in full of his account against the state of Tennessee for sundry printing, as certified by the Governor to this General Assembly.

Sec. 2. *Be it enacted*. That the receipt of the said George Wilson shall be a good voucher for the said Treasurer in the settlement of his accounts.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

Nov. 20, 1819.

CHAP. 113.

AN ACT for the relief of Robert Craighead.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the Treasurer of East Tennessee, be, and he is hereby directed to pay Robert Craighead, of Knox county, the sum of fifty dollars as compensation for his services, in conveying certain documents from this state, to the state of North

Carolina; and the receipt of said Craighhead shall be a good voucher to said Treasurer in the settlement of his accounts.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro tem*,

R. WEAKLEY,

Speaker of the Senate.

Nov. 20, 1819.

CHAP. 114.

AN ACT for the relief of William Eastin. WHEREAS it has been made appear to this General Assembly, that William Eastin, late of Davidson county, now of Williamson county, on the 8th day of June, 1819, obtained of the clerk of the court of pleas and quarter sessions for the county of Davidson, a licence to retail goods, wares, and merchandise in the county of Davidson aforesaid, for, and during the term of one year, from the 30th day of May, 1819, and whereas the said William Eastin has declined business in the said county of Davidson, and removed to the county of Williamson, where he intends resuming the mercantile business. Wherefore, and for the relief of the said William:

Be it enacted by the General Assembly of the State of Tennessee, That the said William Eastin, be and he is hereby authorised to retail goods, wares, and merchandize in the county of Williamson, until the expiration of the licence aforesaid, without obtaining or taking out any licence for the same, in said county of Williamson.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro tem*,

R. WEAKLEY,

Speaker of the Senate.

Nov. 22, 1819.

CHAP. 115.

AN ACT for the relief of Amos Johnston. WHEREAS it is made satisfactorily to appear to this General Assembly, that John Giles was entitled to 358 acres of land by No. of warrant 75, No. of location 1068, on both sides of Duck river, beginning

at the mouth of Pine river, running Pine river and down Duck river, as the law directs, and whereas it is made appear that the said John devised said land to John Giles, Jr. and Franklin Giles, and whereas it appears, that said John and Franklin sold said land warrant to said Amos, and whereas it appears said warrant has been lost from the possession of said Amos: and whereas said land lies partly in the Indian boundary, where the said Johnston could not take possession by reason of a prohibitory law of Congress; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioner or commissioners of West Tennessee, hereafter to be appointed, shall issue to the said Amos Johnston or his legal representatives a duplicate warrant for the same No. and for the same quantity of acres, as contained in the original, provided sufficient evidence be shewn that, he is the rightful owner thereof, by purchase from the said John and Franklin, devisees of said John Giles, and that no grant has ever issued on said warrant, or a duplicate thereof; and provided also said warrant should be good and valid, which duplicate shall authorise said Amos Johnston to have a survey made by virtue of said entry, and obtain a grant therefor, as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 19, 1819.

CHAP. 116.

AN ACT for the relief of Godfrey Carriger and Aaron Penon.

WHEREAS it is represented to this General Assembly that Godfrey Carriger and Aaron Penon procured certificate warrants from Nathan Shipley, their commissioner, (that is to say) Godfrey Carriger six hundred and forty acres on an entry made by James Montford in John Carters office of No. 297, and Aaron Penon fifty acres, which two certificates were casually destroyed, for remedy whereof.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of the

state, be, and they are hereby directed, to issue to said Godfrey Carriger and Aaron Penson duplicate certificates for the number of acres severally contained in their former certificates, on production of verified copies thereof from the former commissioners books; provided nevertheless that the original certificates warrants are hereby declared null and void on the issuance of said duplicates; and provided also, that it shall appear that no grants have issued on said warrants, or either of them.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro tem.*

R. WEAKLEY,

Speaker of the Senate.

Nov. 22, 1819.

CHAP. 117.

AN ACT to authorise the drawing of a Lottery for the benefit of Clement M'Daniel.

Lottery authorised. Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Robert B. Curry, Ephraim H. Foster, William B. Lewis, Wilkins Tannahill, Joseph Woods, Moses Norvell, and Duncan Robertson, be, and they are hereby authorised and empowered to draft a scheme of a lottery on such plan as to them shall appear eligible in one class for the purpose of raising a sum of money not exceeding three thousand dollars for the benefit of the aforesaid Clement M'Daniel.

Clement M'Daniel to enter into bond. Sec. 2. *Be it enacted,* That the aforesaid Clement M'Daniel shall either: by himself, or through the aforesaid managers enter into bond in a sum double the amount of the capital of said scheme, to the chairman of the court of pleas and quarter sessions for the county of Davidson, and his successors in office, for the fair conducting of the same, and the faithful payment of the prizes, when drawn, and to return should said lottery not be drawn, such sum or sums of money as they have advanced for tickets, which bond, when executed, shall be filed in the office of said court by the clerk thereof.

When the tickets shall have been sold, as will in the opinion of said managers authorise the commencement of the drawing of said lottery, they shall proceed to draw the same under such rules, and regulations as they

may have adopted, and made known in their scheme, and they shall give at least three weeks notice of the time and place of their commencing in some newspaper most convenient to their place of drawing.

Sec. 4. *Be it enacted,* That at the time of commencement of the drawing, the said managers shall appoint two clerks, who shall keep a regular account of the numbers drawn, and the blanks, and prizes that may be drawn for each number, who shall previous to the discharge of their duties, take the following oath, to wit, I, A. B. do swear or affirm, as the case may be, that I will faithfully and truly keep an account of the drawing of this lottery without partiality or prejudice, so help me God; said clerks shall be allowed a reasonable compensation for their services to be paid out of the money raised by said lottery at the discretion of the managers on presenting a draft to the aforesaid Clement M'Daniel signed by the President of the board.

Managers to appoint two clerks.

Their oath.

Sec. 5. *Be it enacted,* That when the drawing of said lottery shall have been completed, it shall be the duty of the managers thereof to meet, and after making a deduction of a reasonable allowance for their expenses and trouble in attending to the said lottery from the amount of money made by the same, the balance shall be paid into the hands of the said Clement M'Daniel for his benefit.

Duty of managers when the drawing is finished.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro tem.*

R. WEAKLEY,

Speaker of the Senate.

Nov. 23, 1819.

CHAP. 118.

AN ACT to incorporate the owners of the Steam Boat Cumberland.

WHEREAS the petition of the owners of the steam boat Cumberland, has been presented to the General Assembly, praying an act to be passed to incorporate them, under the name and style of the Cumberland Steam Boat Company, for the purpose of navigating the western waters, more especially Cumberland river, and transporting part of the surplus produce, on, and near the banks of the same, to the port of New Orleans, and returning with groceries and merchandize suitable to the va-

rious wants and comforts of this rising and populous country on moderate terms. And whereas the operation of Steam Boats have been found calculated to advance the interest of commerce, encourage a spirit of improvement in agriculture, and stimulate the exertions of honest industry; therefore, with a view to embrace these objects and facilitate the wishes of the petitioners;

ARTICLE 1.

Be it enacted by the General Assembly of the State of Tennessee, That all and every person or persons, who now are, or shall hereafter become owners of stock in the Cumberland Steam Boat Company, shall be, and they and their successors and assigns, are hereby created and declared to be one body politic and corporate, by the style of the Cumberland Steam Boat Company, and by the said name and style, shall continue until the first day of January, in the year of our lord one thousand eight hundred and twenty eight and no longer, and shall be liable to sue and be sued, impleaded and be impleaded in all courts of record and elsewhere; to purchase, have and to hold, receive, possess and enjoy, and retain to them and their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever kind, nature or quality to any amount not exceeding 100,000 dollars, including the capital stock of said company (except such as may be held in security for the payment of debts,) and the same from time to time to sell, grant, devise, alien or dispose of, and also to make, have and use a common seal, and the same to break, alter and renew at pleasure, also to make, ordain, establish and put in execution, such bye laws, ordinances and regulations as shall to them appear necessary and convenient, for the government of the said company, not being contrary to the fundamental article thereof, and to the constitution and laws of the United States or this state; and generally to do and execute all matters and things consistently with the provisions of this act, which any such body, politic or corporate may ordinarily do and execute.

ARTICLE 2.

The capital stock of said company shall not exceed, including the price of the Cumberland Steam Boat, 50,000 dollars, money of the United States, to be divided into five shares of ten thousand dollars each, which shall be paid at such times, in such proportions and under such penalties as may be prescribed in the bye laws of this incorporation.

ARTICLE 3.

The affairs of the said company shall be conducted by a representative from three or more shares, where a share is owned by divers persons, any one of its owners attending the board for that purpose, shall be deemed and held a complete representative for such a share, and in all cases, a member or members from three shares shall constitute a board to do any, and all kind of business, and in every instance, the board shall vote by share and not by individual members, and shall from time to time as it may be necessary, appoint one or more of the stockholders to sign the firm and name of this corporation to all instruments of writing obligatory on said company.

ARTICLE 4.

The debts of the said company shall never be made to exceed the capital stock hereof, and the private property of each and every one of the stockholders, real, as well as personal, shall be liable for the payment of the debts of said company; but in no instance shall the property or other funds of the said company, be liable for the payments of the individual debt or debts of any of the stockholders.

JONATHAN TIPTON,

Speaker of the House of Representatives, pro-tem.

R. WEAKLEY,

Speaker of the Senate.

Nov. 19, 1819,

CHAP. 119.

AN ACT to authorise a lottery to raise a Masonic Hall in the town of Gallatin Tennessee.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Alfred H. Douglass, Anthony B. Shelby, Samuel Gwinn, Daniel M'Aulley and Ansel D. Bugg, or a majority of them, be and they are hereby authorised to draft a scheme of a Lottery, and superintend the drawing the same for the purpose.

use of raising a sum of money not exceeding five thousand dollars to be employed in building a Masonic Hall in the said town of Gallatin by the members of King Solomon's lodge Number six.

Trustees to enter into bond.

Sec. 2. *Be it enacted*, That the said trustees or a majority of them, before they proceed with said Lottery, shall enter into bond with good security before the chairman of the court of Sumner county court, in double the amount of the capital in said scheme, for the faithful payment of the prizes when drawn, or in case of failure in drawing said lottery for the repayment to such persons as have purchased tickets of the same by them advanced; which bond when executed shall be filed with the clerk of said court.

Numbers prizes and blanks to be put in boxes in presence of two justices of the peace.

Sec. 3. *Be it enacted*, That the said trustees or a majority of them, when about to proceed to the drawing of said lottery, shall under the inspection of two Justices of the peace for said county of Sumner put in to the boxes the numbers, prizes and blanks contemplated for the scheme, and shall appoint two clerks to keep a regular account of the numbers drawn and of the blanks and prizes; who shall take an oath faithfully truly and impartially to keep an account of the drawing of said lottery.

Trustees to make sale of tickets.

Sec. 4. *Be it enacted*, That the said trustees or a majority of them, to make sale of tickets to take bonds from such persons as they may sell tickets to, or from such persons as they may deposit tickets with for sale, or in case of failure to comply with the terms of said bonds, they are hereby authorized to sue for and recover on the same in their names as trustees of said lottery, and to do and transact all things necessary and proper to carry the same into effect and the proceeds of the said lottery when finished they are hereby directed to pay over to King Solomon's lodge Number six of Free Mason's to be employed as aforesaid, after paying the necessary expences of drawing said lottery.

JAMES FENTRESS,

Speaker of the House of Representatives,
R. WEAKLEY,

Speaker of the Senate.

November 19, 1819.

CHAP. 120.

AN ACT to amend an act passed at Knoxville, Nov.

1819 to authorize a tax to be laid in the county of Robertson, to build a court house.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the first section of the aforesaid act, as requires the tax to be paid unto the county trustee shall be and the same is hereby repealed.

Sec. 2. *Be it enacted*. That it shall be the duty of the Sheriff to pay over whatever portion of said tax may be already collected, and the residue when collected to the commissioners aforesaid to superintend the building said court-house.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1819.

CHAP. 121.

AN ACT to appoint notaries public.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following persons be appointed notaries public in this state (*viz.*) for the county of Franklin, Benjamin Dickard; for the county of Rutherford, Alfred Moore; for the county of Gallatin, Samuel Rhea Jun'r. for the county of Smith, William Hart; for the county of Warren, Benjamin Hancock; for the county of Hickman, Eli B. Hornback and Garret Lane; for the county of Sumner, William Smith; for the county of Maury, John T. Moore; for the county of Stuart, William Williams.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro-tem*.

R. WEAKLEY,

Speaker of the Senate.

November 23, 1819.

CHAP. 122.

AN ACT to provide for the trial of a certain cause therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a certain cause now pending in the Supreme Court, at Knoxville, wherein James

R. Rogers was plaintiff in caveat, and Burton, Henderson and others are defendants, which originally commenced in Roane county, and was taken to said supreme court by writ of error, if said writ of error shall be reversed, the cause shall be remanded to Roane circuit court, and then the judge of said court, upon a proper case made out upon oath, that a fair and impartial trial cannot be had in said Roane county or any adjoining county, shall change the venue of said cause to some county in West Tennessee for trial, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That if said cause shall have already been decided in said supreme court, and remanded to the special court in Knox county, then the judge of said special court shall upon a proper case made out, that a fair and impartial trial cannot be had in said county, or any adjoining county, change the venue thereof to some county in West Tennessee.

J. C. MITCHELL,

Speaker of the House of Representatives, *pro temp.*

R. WEAKLEY,

Speaker of the Senate,

Nov. 22, 1819.

CHAP. 123.

AN ACT to incorporate the inhabitants of the town of Lebanon in the county of Wilson.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the town of Lebanon in the county of Wilson and the inhabitants thereof, are hereby constituted a body politic and corporate by the name of the Mayor and Aldermen of the town of Lebanon, under the same rules, regulations, restrictions and privileges of the inhabitants of Carthage in the county of Smith.

JONATHAN TIPTON,

Speaker of the House of Representatives *pro temp.*

R. WEAKLEY,

Speaker of the Senate.

Nov. 23, 1819.

CHAP. 124.

AN ACT authorising John Read and others to raise

a sum of money by lottery for the purpose of erecting Iron works on Yellow creek, in Dickson county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Read of the county of Dickson, or himself with such other person or persons associating him or themselves with said Read, for the purposes hereinafter mentioned, be, or they, is or are hereby vested with full power to make and proceed to the drawing and concluding a lottery for the purpose of aiding and assisting him or them in erecting works, on Yellow creek, in the county of Dickson, for the manufacture of cast and wrought Iron, and he or they are hereby authorised to draft and publish a scheme of a lottery on such plan as he or they shall deem proper, in one or more classes for the purpose of raising a sum of money not exceeding ten thousand dollars.

Sec. 2. *Be it enacted*, That said Read or his associate or associates, shall previous to publishing said scheme, enter into bond with good and sufficient security, in double the amount of the capital in said scheme, to the chairman of the county court of Dickson county, for the true and faithful payment of the prizes when drawn, and for the ready and punctual application of the money arising from said lottery, according to the true intent and meaning of this act; or in case of failure to draw the lottery, to return to such person or persons, the sum or sums of money or notes therefor 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 he or they shall have sold such proportion of the tickets, as would in his or their opinion authorise the commencement of drawing the drawing of said lottery, that he or they may proceed to the same, under such rules and regulations, as shall have been made known in the scheme, giving notice in some Gazette of the time and place of drawing said lottery, at least twenty days previous to the commencement of said drawing.

Sec. 4. *Be it enacted*, That all and every note or notes given in consideration of tickets in said lottery to the proprietor or proprietors, managers, or any other persons concerned, shall be considered good and valid, binding and obligatory, both in law and equity, on or against the drawer or drawers thereof, and recovery awarded accordingly, as in other cases before any tribunal having jurisdiction thereof.

Sec. 5. *Be it enacted*. That the money so raised shall be expended in erecting said works, within four

years from and after the passing of this law, and the proprietor or proprietors, are hereby required to make a report to the county court of said county at the expiration of the four years aforesaid, shewing how much money has been expended in instructing said works, and if any money remain in the hands of said proprietor or proprietors at the expiration of the term aforesaid, it shall be the duty of said proprietor or proprietors to pay the same over to the trustees of Tracey Academy in said county, for the use and benefit thereof, and in case said proprietors refuse to pay over said sum of money, it shall be the duty of the said trustees, and they are hereby required and authorized to sue for the same, before any tribunal of said county, having cognizance thereof.

Commissioners appointed.

Sec. 6. *Be it enacted*, That Jonathan Currin, David Wendel, Alfred Moore, Frank N. W. Burton, and Benjamin McCulloch, or a majority of them, be, and they are hereby, appointed commissioners and are fully authorized to draft and publish a scheme of a lottery on such plan, as to them may seem proper in one, two, three or four classes, for the purpose of raising a sum of money not exceeding seven thousand five hundred dollars for the benefit of Bradley Academy, in the county of Rutherford.

To enter into bond.

Sec. 7. *Be it enacted*, That said commissioners before publishing said scheme, shall enter into bond in the sum of twenty thousand dollars, to the chairman of the court of pleas and quarter sessions of Rutherford county and his successors, in office conditioned for the faithful delivery of the prizes when drawn, and the punctual payment of the money arising from said lottery, when drawn, to the trustees of Bradley Academy, or in case of failure to draw said lottery, to refund to such person or persons, the sum or sums of money by them paid for tickets, and said bond, when executed shall be filed in the clerk's office of said county.

When to commence drawing.

Sec. 8. *Be it enacted*, That when said commissioners shall have sold such portion of the tickets as shall in their opinion authorize the drawing of said lottery, or any part thereof, they shall proceed to the same under the same rules and regulations, as they may have made known in their scheme, giving notice in the newspaper printed in Murfreesborough, and some one newspaper printed in Nashville, at least thirty days previous to the time of drawing said lottery, setting forth the time and place the drawing will commence.

Sec. 9. *Be it enacted*, That the said commissioners be, and they are hereby authorized to take bond and security to themselves from such persons as they may sell tickets to, or deposit tickets with for sale, and in case of failure to comply with said bond, it shall be their duty to sue for and recover the same in their own name.

To appoint two clerks.

Sec. 10. *Be it enacted*, That at the time of the commencement of the drawing of the said lottery, said commissioners, or a majority of them shall appoint two clerks, who shall keep a regular account of the numbers drawn, and the blanks or prizes that may be drawn for each number, who shall previously to entering on the discharge of their duties, take the following oath, to wit: I A. B. do swear (or affirm as the case may be) that I will keep a true and faithful account of the drawing of this lottery.

Sec. 11. *Be it enacted*, That the above named commissioners may become purchasers of tickets in said lottery, provided they shall satisfy the trustees of Bradley Academy, who are authorized to superintend said drawing, that there is no fraud intended in consequence of such purchase.

To fill vacancies.

Sec. 12. *Be it enacted*, That if any of the commissioners by this act appointed, should die, refuse to act, or remove away, such vacancy shall be filled by an appointment made by the other commissioners, and when the drawing of said lottery is completed, the trustees of Bradley Academy, shall allow to the aforesaid commissioners and clerks, a reasonable compensation for their attendance and services in and about the management of said lottery.

Sec. 13. *Be it enacted*, That the money raised by the drawing of said lottery, shall be paid over to the trustees of Bradley Academy, to procure a suitable site, and erect convenient and necessary buildings for the benefit of Bradley Academy.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAVER,

Speaker of the Senate.

Nov. 22, 1819.

CHAS. 125.

AN ACT to incorporate the persons therein named their legal assigns and representatives under the name of the Nashville Steam Boat Company.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Ephraim H. Foster, Robert Searcy, William Lytle, John P. Erwin, Thomas Yeatman, Gilbert G. Washington, James G. Martin, Thomas Deaderick, Thomas Hill, and those who have heretofore associated themselves together their successors and assigns shall be and are hereby created established and made a body politic and corporate by the name, style, and appellation of the Nashville Steam Boat company, by which name style and appellation, they shall be and are hereby declared to be able and capable, in law and equity to have, hold, purchase, possess, enjoy and retain to themselves and their successors, lands, rents, timentments, and hereditaments, goods and chattels of every description, and the same to bargain, sell, convey, grant, demise alien and otherwise dispose of, to sue and be sued, implead and be impleaded, defend and be defended, answer and be answered in courts of law and equity by their corporate name style and appellation aforesaid; and also to make have and use a common corporate seal, and to ordain and establish and put in execution such bye laws and regulations, as shall be necessary and expedient for the better government of the affairs of said corporation and body politic not being repugnant and contrary to the laws and constitution of this state and the fundamental articles hereinafter recited; and generally to do and perform all and every act matter and thing directly appertaining to the management and controul of the affairs of said body politic and corporate.

Sec. 2. Be it enacted. That the following rules, restrictions limitations and provisions shall constitute the fundamental articles of association of said body politic and corporate.

ARTICLE 1.

The aggregate and capital stock of said company shall be \$100,000 to be divided into shares of \$500 each.

ARTICLE 2.

The affairs of said company shall be directed superintended and controuled by five directors being stockholders, one of which said directors, shall act as President of said company.

ARTICLE 3.

The President and Directors of said company shall stand and act in that capacity for and during the term of one year from and after their election and appointment thereto.

ARTICLE 4.

On the 1st Monday in January next, and the 1st Monday in January every succeeding year the stockholders thereof, shall assemble at the court house in Nashville (unless otherwise provided for as to place by said company) and elect by ballot five stockholders to act as directors to said company for the ensuing twelve months, on which said election the first five having the highest number of votes shall be and are hereby declared to be elected for the term aforesaid.

ARTICLE 5.

At their first meeting after said election said directors shall elect by ballot one of their number, whose duty and power it shall be to act as President of said company until the first Monday in January thence ensuing.

ARTICLE 6.

All vacancies in the directory of said company by death resignation or otherwise shall be filled by the acting directors thereof, electing suitable person or persons to fill such vacancies; which said person or persons so elected shall hold their office and act until the next ensuing annual election for directors; and in case the President of said company shall die, resign, or be removed his vacancy shall be filled by the directory of said company in manner as herein before directed and the person so elected shall hold his office until the first Monday in January thence next ensuing; provided that the President and Directors of said company shall hold the same, and enjoy and possess all the rights powers and privileges of the President and hereafter to be chosen until the 1st Monday in January 1820.

ARTICLE 7.

A plurality of votes shall be sufficient to elect all officers hereinbefore or hereinafter recited.

ARTICLE 8.

In elections by virtue of, and in pursuance of the law for the directors of said company at annual meetings, each share of the stock of said company shall entitle the holder or holders thereof to one vote on said share; provided that where any member of said company shall have more than five shares he shall nevertheless in no case be entitled to more than five votes.

ARTICLE 9.

The President and Directors of said company at their first meeting after the first Monday in January 1820 shall elect some suitable person to act as clerk.

Foundamen-
tal articles. of said company, who shall hold said office during the will and pleasure of the President and Directors of said company.

ARTICLE 10.

The Cashier of said company shall give bond and security to said company in such amount as they shall direct and require for the faithful discharge of the trusts and duties that shall and may be imposed upon by the President and Directors of said company which bond and security shall be approved by the Directors and lodged with the President of said company for safe keeping before said Cashier shall in any wise enter on the duties of his office.

ARTICLE 11.

The Cashier of said company shall act as secretary thereof and when required by the President and Directors shall attend any meeting of their board, and shall receive a compensation for his services to be allowed by the President and Directors of said company.

ARTICLE 12.

Three Directors shall at all times constitute a board competent to transact any business of the company and in the absence of the President the board shall make a temporary appointment which appointments shall in all cases be entered on the records of said board.

ARTICLE 13.

The President and Directors shall make fair and regular entries and records of all their proceedings, which entries and records shall be kept by the Cashier, and upon application of any number of stockholders whose stock taken together amounts to \$10,000 shall be subject to the inspection of the stockholders of said company.

ARTICLE 14.

The Presidents and Directors shall have full power and authority to call upon the stockholders in said company to pay instalments on their stock; provided they give 30 days previous notice of such call in some newspaper published in Nashville; and if any stockholder or holders shall refuse to pay the call so made as aforesaid, he she or they shall forfeit all the money advanced to said company on the score of said stock and shall never have right to sue for or recover the same either in law or equity from said company, and said money so paid as aforesaid shall become the common stock of said company and the stockholder or holders so refusing to pay as aforesaid

shall further forfeit all rights, emoluments and privileges accruing to him or them by virtue of this law, and his connexion with said company.

ARTICLE 15.

The President and directors of said board shall have the power and authority of declaring dividends on the stock of said company, at such times as they shall deem most for the interest of said company.

ARTICLE 16.

It shall be the duty of the President and Directors to exhibit the state of the affairs of said company as well the money on hands and debts due said company, as the debts owing to fall due from said company; provided they be required to make such expose in writing by any stockholder or holders jointly or severally or individually being \$5,000 of the stock of said company.

ARTICLE 17.

The stock of said company shall not be transferable by the holder or holders thereof unless by order and permission to that effect by the President and Directors recorded in their minutes.

ARTICLE 18.

The President and Directors shall have the entire and exclusive control of the funds of said company and shall have power to appoint agents, factors and attorneys in such places as they shall think proper and give them such authority as they shall deem fit, to build boats if they deem it necessary, of such dimensions and descriptions as they may deem best calculated to advance the interest of said company; to make contracts for the purchase of produce of every description, salt and groceries, and dry goods, and to devise and execute all such commercial schemes, as they shall think good and expedient, for the advancements of said corporation.

Sec. 3. Be it enacted, That in case the joint and corporate funds of said company shall not be sufficient to pay the debts of said corporation, the private property both real and personal of each stockholder shall be answerable for such deficiency, and upon a judgment being rendered against said corporation shall be lawful to levy an execution thereon, upon the Property of any of the stockholders.

Sec. 4. *Be it enacted*, That this law shall take effect from and after the passing thereof.

JONATHAN TIPTON,

Speaker of the House of Representatives *pro tem*.

R. WEAKLEY,

Speaker of the Senate.

Nov. 18, 1819.

CHAP. 125.

AN ACT for the relief of John Davidson.

WHEREAS it is represented to this General Assembly that John Davidson, made an entry in John Armstrong's office, on the twenty seventh day of October, 1783, for five thousand acres on which a warrant issued, No. 509 for 5,000, on the 10th day of July, 1784, by virtue of said entry, in the words following, "lying in Green county, upon a south creek of Duck river, upon the waters of Tennessee, on the south of General Green's land, beginning at a Locust tree, near the bank of said creek, running up said creek for compliment, including a clear place of timber in a large cane brake." And whereas it is represented, that a survey of said land was made on the fourth day of March, 1785 by Robert Weakley, deputy surveyor under Colonel William Polk, two plats and certificates of said survey, made out, and together with the warrant, sent to the secretary's office of North Carolina, and that if a grant has issued thereon, the same is lost—therefore:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That if the said John Davidson will produce a copy of said warrant, duly certified by the secretary of North Carolina, also a copy of said plat and certificate of said survey, certified in the same manner to the commissioner or commissioners hereafter to be appointed for West Tennessee, to ascertain the validity of claims, it shall be the duty of said commissioner or commissioners to examine the validity of said warrant, and if he or they are of opinion that said warrant was genuine, and that no grant issued on said warrant for any other person, or for any other tract of land, than the one specified in said survey, it shall then be the duty of said commissioners, to pass the said copy as a valid warrant, and upon filing said warrant so adjudged valid, and said copy of

said plat and certificate of survey, with the register of the land office for West Tennessee, it shall be his duty to make out for the said John Davidson, for whom said survey was made, a grant for said tract of land agreeably to said plat and certificate; which shall be made out by said register, signed by the Governor, counter-signed by the secretary, and recorded by said register in the same manner that other grants, are by law directed to be made, out and recorded, which grant shall vest the title for said land, in the grantor and his heirs and assigns forever; provided that this act shall not operate so as to injure or digest the title or claim of any other person or persons, to said land or warrant.

JONATHAN TIPTON,

Speaker of the House of Representatives, *pro tem*.

R. WEAKLEY,

Speaker of the Senate.

Nov. 22, 1819.

CHAP. 127.

AN ACT to establish the seat of justice of Lawrence county.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Josephus Irvine, Henry county established. Phelix, Enoch Tucker, David Craddock and M. B. Buchanan be and they are hereby appointed commissioners, who, or a majority of them, shall as soon as may be, fix on a place for the permanent seat of justice of Lawrence county as near the centre of said county as an eligible site can be procured, and after agreeing on the place, the said commissioners shall proceed to purchase, or otherwise procure not less than fifty acres of land for which they shall cause a deed or deeds to be made to themselves and their successors in office by general warranty, on which they shall cause a town to be laid off with necessary streets and alleys, reserving two acres, as near the centre as may be, on which the court house, prison and stocks shall be erected, which town shall be known by the name of Lawrenceburg, in honor and to perpetuate the memory of Captain James Lawrence deceased, late of the navy of the United States.

Sec. 2. Be it enacted, That when the town shall be thus laid off, the storesaid commissioners are further required, to advertise for sale, to the highest bidder

in some newspaper printed in Columbia and three of the most public places in said county, on a credit of twelve months, giving sixty days previous notice, and shall take bonds to themselves and successors in office, and shall make titles to the purchasers in fee simple.

Sec. 3. Be it enacted, That it shall be the further duty of the said commissioners to contract with suitable workmen to build a court-house, prison and stocks, and the monies arising from the sale of said lots after paying for the land so purchased, shall be applied to pay for said court-house, prison and stocks.

Sec. 4. And whereas it has been represented to this General Assembly, that it would tend much to the advancement of the said town of Lawrenceburg hereby established, and to the amelioration of the citizens of the said county of Lawrence, to authorise and empower the commissioners aforesaid to locate six hundred and forty acres of ground for the use and benefit of said town; therefore,

Be it enacted, That the aforesaid commissioners are hereby authorised and empowered to locate, enter and have granted to them six hundred and forty acres of land, by virtue of a good and valid warrant, for the use and entire benefit of said town, the proceeds of the sales of which shall be applied to defray the expense of building the court-house, prison, and stocks for the said town of Lawrenceburg; provided always that the said entry and location shall be made upon unappropriated land, and in the neighborhood of the centre of the said county of Lawrence; and provided also that if the said commissioners should locate and enter and have granted to them six hundred and forty acres of land as aforesaid, or a less quantity, upon a good and valid warrant, they shall be, and are hereby authorised to fix the seat of Justice aforesaid upon such tract of land thus located and entered.

Sec. 5. Be it enacted, That before the said commissioners enter upon the duties of their appointment they shall enter into bond with sufficient security payable to the Governor for the time being and his successors in office in the sum of four thousand dollars, for the faithful discharge of their duties as Representatives expressed; which bond shall be attested by, and lodged in the office of the county court clerk of the county of Lawrence.

Sec. 6. Be it enacted That so soon as the public court buildings shall be completed the aforesaid commis-

sioners shall lay before the court of Lawrence county a just and fair statement of all the monies by them received as well as those by them expended, by virtue of their appointment with sufficient vouchers for the same, and the said court shall make them a reasonable compensation for their services; provided a majority of the acting Justices of said county shall be present when such allowance is made; and provided also that said commissioners shall make out a fair statement of their accounts at any time when called upon by the county court of Lawrence; but such call shall not be oftener than once in each year.

Sec. 7. Be it enacted That so soon as the court-house hereby authorised to be built shall be in a situation that the Courts of Lawrence county can be held therein; the said commissioners shall certify the same to the county court of said county, whereupon it shall be the duty of the several courts of Lawrence county to adjourn from the present place of holding courts in said county to the town of Lawrenceburg without delay, and all writs subpoenas and other process made returnable to the present place of holding the courts of said county, shall be returnable to the court-house in the town of Lawrenceburg and shall be as good and available in law as if they had been originally made returnable to the court-house in the said town of Lawrenceburg.

Sec. 8. Be it enacted, That the said commissioners before entering on the duties enjoined on them by here to take this act, shall before some acting Justice of the peace oath for Lawrence county take an oath well and truly, faithfully and impartially, to perform all the duties required of them to do and perform by the provisions of this act.

JONATHAN TIFTON,

Speaker of the House of Representatives, pro tem.

R. WEAKLEY,

Speaker of the Senate.

Nov. 23, 1819.

CHAP. 128.

AN ACT to provide for the payment of the members, clerks and door-keepers of this General Assembly, and to defray the necessary contingent expenses thereof.

Sec. 1. Be it enacted by the General Assembly of the

Compensation of members of general assembly. *State of Tennessee.* That each member shall receive the sum of four dollars for each day he has attended this General Assembly, and a like sum for every twenty-five miles travelling to and from the same.

Of Speakers. *Sec. 2. Be it enacted,* That the Speaker of the Senate and the Speaker of the House of Representatives, shall each receive five dollars per day, for each and every day they may have attended this General Assembly.

Of Clerks. *Sec. 3. Be it enacted,* That the clerks of this General Assembly, both principal and assistant, shall each receive six dollars for each day they may have attended the same, and the principal clerk of the Senate the sum of one hundred and six dollars twenty-seven and three fourths cents for stationary; and the principal clerk of the House of Representatives, the sum of one hundred and seventy-one dollars and forty-seven and a half cents, for stationary furnished the present session.

Of Door Keepers. *Sec. 4. Be it enacted,* That the door keepers be each allowed the sum of four dollars for each day they may have attended, and to Christopher Brooks for fuel and candles, ninety-eight dollars and forty-six cents, and to John Bright the sum of thirty-four dollars thirty-five cents, for fuel, candles, &c.

Of assistant Door Keepers. *Sec. 5. Be it enacted,* That James McDowell, assistant doorkeeper, be allowed for services this session, the sum of four dollars per day, for each day he may have attended this General Assembly.

Treasurer of W. Tenn to pay Conrad Keller. *Sec. 6. Be it enacted,* That the Treasurer of West Tennessee, be, and he is hereby directed to pay, Conrad Keller the sum of twenty-three dollars and seventy-five cents, for repairs done to the stoves, and tin pans, furnished for the use of this General Assembly, and the receipt of said Conrad Keller, shall be a good and sufficient voucher in the settlement of his accounts.

Either of the Treasurers to pay D. Graham. *Sec. 7. Be it enacted,* That either of the Treasurers of this state, pay to Daniel Graham, forty-three dollars, being the amount advanced by him in office rent for the secretary's office, from the 24th August to the 24th of December, 1819, and that either of the said Treasurers pay to Joshua Haskell one hundred and forty dollars, for the rent of his house, occupied for the Secretary's office, from the 24th December, 1818, to the first day of January, 1820, and that their receipts respectively, be good on settlement of the accounts.

Sec. 8. Be it enacted, That either treasurer of this

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state, pay to Joseph M'Minn, Governor, &c. one hundred and thirty dollars in full for the amount expended by him, in procuring two rifles and one award to be presented to certain Indian chiefs, as directed by a resolution of this General Assembly.

Sec. 9. Be it enacted, That Joseph M'Minn the present Governor, be allowed the sum of two hundred and fifty dollars per annum, out of any money in to pay the treasury of West Tennessee, not otherwise appropriated, for house rent, commencing on the 27th September, 1819, and ending on the 27th of September, 1821, and that the receipt of the said Joseph M'Minn shall be a good voucher for the treasurer in the settlement of his accounts.

Sec. 10. Be it enacted, That Francis A. Ramsey, John Brown and Robert Whitley, shall be allowed the sum of two dollars per day, in addition to the compensation heretofore allowed them per day, for their services in examining and making a report from the different surveyor general's offices, &c. out of any moneys in the treasury of East and West Tennessee, not otherwise appropriated, and that the receipt of any or all of the persons aforesaid shall be good vouchers for said treasurers in the settlement of their accounts.

Sec. 11. Be it enacted, That the principal clerk of the Senate be allowed the following sums by him paid to the following persons by order of the Senate, fifteen dollars, for services performed by Colo. Brady for the completion on the Kentucky boundary; five dollars to William Harris for transcribing the Cherokee bill; and four dollars to Nathan Haggard for services in registering; and the sum of fifteen dollars to Anderson Childers for the same services.

Sec. 12. Be it enacted, That the Treasurer of West Tennessee, pay to G. A. & A. C. Sublett 277 00 cents for sundry printing done for this General Assembly, & A. C. Sublett.

Sec. 13. Be it enacted, That hereafter the elections for trustees for the Female Academy in the town of Nashville, shall be held, on the second, in January, instead of the first Monday in January, as heretofore provided for by law.

Sec. 14. Be it enacted, That the Governor be authorized to draw from the public treasury the amount of money necessary, for the transporting the quota of arms made by the general government and for procuring some place to deposit the same until called for by the state of Tennessee or until the militia is called into service, whose receipt shall be

To pay Joseph M'Minn.

Treasurer of W. Tenn to pay Gor. M'Minn.

Persons making report from the different surveyor general's offices to be allowed two dollars per day

Principal clerk to be allowed the sums herein specified.

Treasurer of W. Tenn to pay G. A. & A. C. Sub

Governor to draw money out of the treasury for transporting arms.

a good voucher for the Treasurer in the settlement of his accounts.

Whereas it may happen, that one or more Judges of the courts of appeals may be so situated that he or they cannot set on a cause or causes thereon, and whereas a difference of opinion may exist between the two judges sitting; therefore,

Sec. 15. *Be it enacted*, That when any such case may happen, it shall be the duty of the Governor to commission some person fit and learned in the law to sit with the said Judge or Judges and with them determine such case or suit either in law or equity.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1819.

CHAP. 129.

AN ACT for the benefit of Kooble Terry.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioners of the Land office be, and they are hereby directed to issue to Kooble Terry a certificate for two hundred acres of land, by virtue of a grant dated 30th day of September 1814 No. 5063 founded on warrant No. 2428, which said grant is for land laid off for the use of schools; provided said Kooble Terry deliver up said grant to said Commissioners to be cancelled and destroyed, which certificate shall entitle said Kooble Terry to procure a grant for two hundred acres, on any vacant and unappropriated land within this state.

JONATHAN TIPTON,

Speaker of the House of Representatives, pro-tem.

R. WEAKLEY,

Speaker of the Senate.

Nov. 23, 1819.

CHAP. 130.

AN ACT to divorce Polly T. Deprist from her husband Charles O. Deprist.

Sec. 1. *Be it enacted by the General Assembly of the*

State of Tennessee. That from and after the passage of this act the said Polly T. Deprist be and she is hereby divorced from the bonds of matrimony heretofore existing between her and her said husband Charles O. Deprist, and the said Polly T. shall hereafter be named Polly T. Edwards.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1819.

CHAP. 131.

AN ACT to authorize John Brown to build a mill on Duck river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That John Brown of Maury county is authorised to build a mill on Duck river above the town of Columbia on his own land, under the same rules and regulations that John Sims is authorised to build his mill on said river, and that commissioners be appointed to value land on the opposite side of the river in the same manner as is directed in the act for the benefit of Joseph Herndon.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 24, 1819.

CHAP. 132.

AN ACT to lay off and establish a town in the county of Warren, on the Sandy fork of Cumberland river.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That it shall and may be lawful for the commissioners hereinafter named, to lay off and establish a town in the county of Warren, on the Sandy fork of Cumberland river, on the lands of Thomas Burges; which town shall be laid off under the directions and superintendence of Thomas Deaham, John Martin, Abraham Cantrell, Andrew Robertson and Anthony Pace, who are hereby ap-

pointed commissioners of said town and vested with full power, a majority of them being present, to pass such bye laws for the regulation of said town as they may think proper, not inconsistent with the constitution and laws of this State.

Sec. 2. Be it enacted, That said commissioners be authorised to accept a deed in fee simple, for twenty acres of land of the said Thomas Burgess, and to lay it off into convenient lots, with convenient streets and alleys, and to make deeds for said lots to the purchasers.

Sec. 3. Be it enacted, That said lots within one year after the sale thereof, be liable to pay taxes as other town lots are, and said town, shall be known by the name of Cluismburg.

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 152.

AN ACT to enlarge the town of Sparta in the county of White.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the lands of Jacob A. Lane adjoining the town of Sparta, supposed to contain six acres, be and the same is hereby attached to and made a part of the town of Sparta as fully to all purposes as though the same had originally belonged thereto, bounded as follows, to wit: beginning at the south east corner of lot No. 13 running thence east twenty five poles to the line of Doctor Leamon Nourse, thence with his line north to the south west corner of said Nourse's tract, thence east with his line ten poles, thence north ten degrees east to the line of William and Mathias Anderson's thence with their line to the north east corner of Lot No. 18 to the town of Sparta, thence south ten degrees west to the beginning, bordering on lots No. 15, 16, 17, 18, 19, & 20.

Sec. 2. Be it enacted, That it shall be the duty of the commissioners of the town of Sparta to lay off the said land in such lots, street or streets and alleys as they in their discretion may deem right, and have the same surveyed and a plat thereof recorded in the Registers office of White county.

Sec. 3. Be it enacted, That as soon as the plat shall be registered as before directed the said lands so attached shall be under the same rules, regulations, and restrictions as the balance of the town of Sparta, the expense of laying off said land in lots street or streets to be paid by the said Jacob A. Lane.

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 154.

AN ACT to authorise the sheriff of Rhea to collect arrearages in the county of Hamilton.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Sheriff of the county of Rhea, be, and he is hereby authorised to collect any arrearages of tax or any other debts he was authorised to collect before the establishment of the county of Hamilton from any person stricken off to the county of Hamilton from the county of Rhea in the same manner as if said county had not been established; any law usage or custom to the contrary notwithstanding: **185.**

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 155.

AN ACT to divorce Norflect Perry, of the county of Sumner, from his wife Rachel Perry, and for other purposes.

WHEREAS it is represented and made satisfactorily appear to this General Assembly, that Norflect Perry and Rachel Perry his wife were married some time in the year eighteen hundred and sixteen, and whereas some time about five or six months after said marriage, the said Rachel appeared to have been guilty of acts and deeds, which would authorise the interposition of this legislature, **therefore,**

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the bonds of matrimony heretofore solemnized, and now subsisting between the said Norfleet and said Rachel be, and they are hereby dissolved. And whereas it has been satisfactorily made known to this General Assembly, that Robert Moore, formerly of Sumner county, hath been guilty of barbarous and cruel treatment of his wife Sarah, and has long since deserted her bed and board, and hath gone to parts unknown—wherefore;

Sec. 2. *Be it enacted,* That the bonds of matrimony heretofore celebrated between said parties are hereby dissolved.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 136.

AN ACT to alter the time of holding the county courts in Rutherford county.

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 county court of Rutherford shall be holden on the third Monday in March, June, September and December, and shall continue to hold court from day to day for two weeks unless the business ready for trial shall be decided sooner.

Sec. 2. *Be it enacted,* That if the term of service of the Sheriff or any other officer, elected by the county court, shall expire during the recess of said county court in consequence of such alteration, such Sheriff or other officer may continue to act until the next court thereafter; at which time such court shall elect such officers upon such days of the term of said court, as is now required by law for the election of such officers.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 137.

AN ACT for the relief of George Burch.
WHEREAS it is represented to this General Assembly

bly, that a certificate for fifty acres of land, No. 677 was issued by the register of East Tennessee to James P. Taylor, and by him assigned to George Burch, upon which the said George Burch entered fifty acres on the waters of Little Flat creek, which was ascertained to lie within the bounds of an old grant—therefore:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of the land office be, and they are hereby authorized to, issue to George Burch, a certificate for fifty acres of land, by virtue of said certificate No. 677; provided said commissioners are satisfied, said certificate is a good and valid claim, and that no grant has issued thereon, and that said entry made by George Burch is within the bounds of an old claim, and provided also nothing in this act contained shall affect the right of the said James P. Taylor, his heirs or assigns.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 25, 1819.

CHAP. 138.

AN ACT to establish the town of Williamsport in Maury county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town heretofore laid off on the land of Edward Williams, in Maury county, on the south side of Duck river, be, and the same is hereby established agreeably to the plan of said town.

Sec. 2. *Be it enacted,* That the name of said town shall be Williamsport.

Sec. 3. *Be it enacted,* That the lots in said town which have been, or which may hereafter be sold, shall be liable to the same tax that is imposed on lots of other towns of this state.

Sec. 4. *Be it enacted,* That Edward B. Littlefield, Jonathan Webster, William Cathey, William Nichols and Joseph Chote, be, and they are hereby appointed commissioners of the said town of Williamsport, and said commissioners, or a majority of them, shall have full power and authority to adopt such rules, and pass such bye laws for the regulation of said town, not inconsistent with the laws and constitution of this state.

as in their opinion will be useful and proper: provided said commissioners before entering on the duties assigned them by this act, shall respectively take an oath, faithfully to discharge the duties of the appointment.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 139.

AN ACT for the relief of Isaac McCamon.
WHEREAS it appears to the satisfaction of this General Assembly, that the state of North Carolina on the 12th day of December 1797 granted to Isaac McCamon for military services 357 acres of land, which by mistake was surveyed and granted several miles north of the Kentucky line; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioner or commissioners of West Tennessee are hereby authorized to issue to the said Isaac McCamon a warrant for three hundred and fifty seven acres, upon his surrendering his grant No. 3752, and it appearing to the satisfaction of said commissioner or commissioners that said grant was bottomed upon a good and genuine warrant.

Sec. 2. *Be it enacted,* That the commissioners of West Tennessee, are hereby required to issue a land warrant to the heirs of Thomas Jackson in pursuance of an act passed 24 November 1817, in the same way as a single commissioner could under the act aforesaid have issued the same.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 24, 1819.

CHAP. 140.

AN ACT for the relief of Robert Burton.
WHEREAS it appears to this General Assembly

that on the 16th of April 1784, Thomas Imac made an entry in John Armstrong's office for 5,000 acres of land by No. — which was transferred by regular transfers to John Nickolls to whom a warrant issued and by assignment the property thereof was vested in the said Robert Burton: and whereas the state of North Carolina by a regular authority has examined into the validity of said warrant and pronounced the same good, and proceeded to grant the same south and west of the congressional reservation line, which is void for want of authority in the state of North Carolina to issue the same; for remedy whereof;

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of the land office be and they are hereby directed to issue to Robert Burton a certificate for five thousand acres of land, and the said Robert Burton shall be entitled to receive a grant for such quantity of any unappropriated land within this state, provided said Robert Burton shall surrender to said commissioners the above recited grant to be cancelled and vacated; and provided also that said Robert Burton shall shew that the original warrant which was issued to said Nickolls has been regularly transferred to him.

JAMES FENTRESS,
Speaker of the House of Representatives.
R. WEAKLEY,
Speaker of the Senate.

Nov. 25, 1819.

CHAP. 141.

AN ACT for the relief of Alexander M'Call.
WHEREAS it has been made appear to this General Assembly, that on the 6th day of September, 1791, the state of North Carolina granted to Mary Ann Elizabeth Armstrong, now M'Call, by grant No. 108, for two thousand acres of land lying and being on the north bank of the Tennessee river, in what is now Rhea county, a thousand acres of which grant is taken by an older and better entry of one thousand acres, entered in John Armstrong's office in the name of Peter M'Namee, by entry No. 579, dated 27th October, 1788, granted to Henry Wilker assignee of said Peter M'Namee by the state of Tennessee; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners for West Tennessee are hereby authorised and directed to issue to Alexander M'Call a certificate for one thousand acres of land upon grant No. 106, granted by the state of North Carolina to Mary Ann Elizabeth Armstrong, now the wife of Alexander M'Call; provided the said Alexander M'Call shall make it appear to said commissioners that the said land is taken by an older and better claim; and provided it shall appear to said commissioners that said grant does not include more than two thousand acres within its boundaries as described; and if said grant shall contain more than two thousand acres, then the said commissioners shall only give so much warrant, as together with the residue of the land not covered by said better title will make up the amount of two thousand acres.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEARLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 143.

AN ACT for the relief of such persons as have or may settle in a bottom of Caney Fork, called the narrows in Warren county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That such persons as have or may settle in a bottom of Caney Fork, called the narrows in Warren county, where Manor lives, be, and they are hereby authorised and allowed to vote at elections, do and perform militia duty, and be competent Jurors in the county of White, in the same manner as though they were citizens of the same, and said citizens shall be free and exempt, from doing and performing any of the duties aforesaid in the county of Warren, provided always that such persons, residing in said bottom of the Caney fork, called the narrows, shall not after the passing of this act, and during its operation, ever vote, any election in the county of Warren.

Sec. 2. *Be it enacted*, That should any citizen remove from the county of White, to said bottom or narrows, that may hold civil or militia appointment in said county, they are hereby authorised to hold and exercise the duties of such appointment, in the same

ty of White, as though such removal had not taken place, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEARLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 145.

AN ACT to authorise the sale of the old court-house in the county of Greene.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Greene county, a majority of the acting justices being present, are hereby authorised and empowered when they may think it necessary to sell the old court-house in said county to the highest bidder, the said court by their chairman, giving thirty days previous notice by public advertisement of the time and place of sale, at the court-house door, and giving a credit as said court in their discretion may direct.

Sec. 2. *Be it enacted*, That the Sheriff for the time being of said county, shall at all times take special charge of the key or keys of said court house; the said court-house to be kept in good order, and the county court shall allow said Sheriff a reasonable compensation for his services.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEARLEY,

Speaker of the Senate.

November 25, 1819.

CHAP. 144.

AN ACT for the relief of the heirs of Andrew and Robert Boyd.

WHEREAS it appears to this General Assembly that Michael Nash, on the 26th of July, 1784, made an entry in the military land office for 640 acres, which is No. 652, and it appears upon said books said entry was transferred to Andrew and Robert Boyd, and that no transfer was ever made on the warrant which issued in consequence of the land being taken by prior claim to said Nash; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners for West Tennessee, be, and they are authorised to issue to the heirs of Robert and Andrew Boyd, deceased a duplicate land warrant, for six hundred and forty acres, upon their shewing that the said warrant still is in the land office, and a genuine one: provided the legal or equitable claim thereto in the hands of any other persons shall not be affected.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 145.

AN ACT to defray the expences of building the new court house in the county of Anderson.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the county court of Anderson, a majority of the justices being present, to order and direct that any county monies, not otherwise appropriated, shall be applied to the payment of whatever expence may be necessary to complete and finish in a proper manner the new court-house lately erected in said county.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 146.

AN ACT to form and establish a new county on the Mississippi river, in the south west corner of this state.

WHEREAS it is represented to this General Assembly, that there are many inhabitants, and much business at and about the Chickasaw Bluff, and that to those people the regular and convenient administration of the laws would be greatly beneficial—wherefore:

Sec. 1. Be it enacted by the General Assembly of the

State of Tennessee, That a new county to be called and known by the name of Shelby, in honor and to perpetuate the name of Isaac Shelby, late Governor of Kentucky, be, and is hereby established in the south west corner of this state, and that the county so established, shall be bounded as follows, to wit: beginning in the middle of the main channel of the Mississippi river, where the southern boundary of this state, lately marked by General James Winchester, strikes the western boundary of the state, thence east thirty miles along said southern boundary line to the eighty mile tree, thence north to a point, from which a due west course to the centre of the main channel of the Mississippi, and thence down the main channel of the Mississippi to the beginning, will include a constitutional county of six hundred and twenty five square miles.

Shelby county laid off.

Sec. 2. Be it enacted, That for the due administration of Justice in the said county of Shelby, the courts hereinafter established shall be holden, commencing on the first Monday in May next, and quarterly thereafter, until the end of the next stated General Assembly, at the Chickasaw Bluff, at such house and place therein as a majority of the Justices of said county shall appoint, and all courts shall be held by commission to the said Justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction as either the county courts, or quorum courts in the respective counties of this state, combining therein their respective original jurisdictions, and said justices shall also have and hold jurisdiction of all causes out of court that ordinarily belong to justices of the peace.

Courts to be held at the Chickasaw Bluff.

Sec. 3. Be it enacted, That in all cases, where appeals, writs of error, or other process are allowed, an appeal writ of error, or other process may and shall lie from said courts of Shelby county, to the circuit court of Humphreys county, under the same rules and restrictions as are provided by law.

Sec. 4. Be it enacted, That there shall be appointed by joint resolution of both houses of the General Assembly, five justices of said county to be commissioned as Justices of the Peace, who shall have and possess the jurisdiction specified in this act, of which three at least shall be necessary to constitute a court, and said Justices shall be allowed the usual fees out of court, and the pay for holding court, that is allowed to similar cases by law.

Five justices to be appointed by General Assembly.

Sheriff to collect monies in same manner as if this act had never passed.

Militia to be organized according to laws now in force.

Court to appoint a solicitor.

Sec. 5. *Be it enacted*, That the sheriff of Siquet county, or collector of public taxes or monies due on executions within said county, shall have power to collect the same, in the same manner, as if this act had never passed.

Sec. 6. *Be it enacted*, That the militia of said county shall be organized and the officers elected, as in other counties, according to the laws now in force and use in this state, and be attached to the fifth brigade.

Sec. 7. *Be it enacted*, That the court herein before constituted and appointed, are authorised and required to appoint a solicitor to prosecute in behalf of the government, until an attorney general shall be appointed for the circuit, which shall include said county; and in the mean time they are authorised and empowered to make an allowance to said solicitor, out of any county monies for his ex-officio services of any sum not exceeding fifty dollars.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate

Nov. 24, 1819.

CHAP. 147.

AN ACT to amend the law incorporating the town of Jonesboro' in the county of Washington, passed at Nashville on the 27th October, 1815.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Jonesborough, shall be and they are hereby vested with full power and authority to make and execute deeds of conveyance for all lots or parts of lots within said town, to which the former commissioners were bound to execute deeds, and all conveyances for commons or other public grounds within said town, which heretofore have been, or hereafter may be sold for the benefit of said town.

To appoint an overseer of streets.

Sec. 2. *Be it enacted*, That it shall be lawful for the Mayor and Aldermen aforesaid annually to appoint an Overseer of the streets of said town, who shall be bound to serve one year under the same rules and regulations as Overseers of Public roads are bound, and who shall have the same power to compel delinquents to work thereon, and to pay fines, as Overseers of public roads have in similar cases, and also to abate and remove nuisances at the expence of the party occasioning the same.

Sec. 3. *Be it enacted*, That so much of the before recited act as allows the Mayor and Aldermen afore said to appoint a high constable, be and the same is hereby repealed; and from and after the first day of January next, the common constable for said town, shall execute all process for and on behalf of the said corporation, and shall be entitled to similar fees as in other cases, to be taxed against the unsuccessful party in any suit, that may be instituted on behalf of said corporation.

Sec. 4. *Be it enacted*, That no tax shall be levied by said corporation, or money appropriated but for the improvement of the streets and alleys of said town, except such sum as shall compensate the town clerk or recorder for his services.

Sec. 5. *Be it enacted*, That the captain of the company of militia within the town of Jonesborough shall class his company, each class to contain three persons, whose duty it shall be to patrol the streets and alleys on such nights as they shall think proper for one month, and each class of three shall alternately perform said duty until the company shall be gone through, for the purpose of apprehending and chastising negroes, and taking information to the proper authority, of all free persons associating with negroes or who shall be guilty of disorderly conduct.

Sec. 6. *Be it enacted*, That so much of the before recited act, as comes within the purview and meaning of this act, be, and the same is hereby repealed, and this act shall commence and be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 25, 1819.

CHAP. 148.

AN ACT for the relief of the heirs of William T. Lewis.

WHEREAS it has been made appear to this General Assembly, that the state of North Carolina issued a land warrant to the heirs of John Tolar for 640 acres of land, and that said warrant has by several assignments been regularly transferred to William T. Lewis, deceased, and whereas it appears that the said warrant has heretofore been laid before the

Commissioners of West Tennessee for adjudication who pronounced the same invalid, because it appeared to said Commissioners that no Register had been made of the said warrant on the books of North Carolina; wherefore and for relief of the heirs of William T. Lewis, deceased

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners hereafter to be appointed for the adjudication of land claims are hereby authorized, and directed to issue to the heirs of William T. Lewis, deceased, a certificate for 640 acres of land, upon satisfactory proof being adduced to said commissioners that the original warrant was genuine, and that no grant has ever issued upon said warrant.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

November 25, 1819.

CHAP. 149.

AN ACT, to annex the territory therein named to the counties of Lawrence and Wayne.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That all that part of the country directly north of Lawrence county and south of Hickman county, be, and the same is hereby attached to said Lawrence county until the same shall be otherwise provided for by law.

Sec. 2. Be it enacted, That all that part of the country north of Wayne county and south of Hickman county shall be, and the same is hereby annexed to said Wayne county, and the said annexed territory shall in all respects be governed by the same rules and regulations, as the said former counties were governed, until otherwise provided for by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 150.

AN ACT to establish the town of Danville, heretofore laid off in the county of Warren on the head of Stones river.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the town of Danville, heretofore laid off in the county of Warren, be, and the same is hereby ratified and confirmed to all intents and purposes, as if the same had been authorized to be done by this General Assembly.

Sec. 2. Be it enacted, That the proprietors of said town, are hereby authorized to sell the balance of said lots as are laid off east of said town, at any time they may think proper; which lots when sold, shall be considered a part of said town, and the lots in said town shall be subject to the same tax as other town lots in this state.

Proprietors
authorized
to sell lots.

Sec. 3. Be it enacted, That any Justice of the peace for Warren county is hereby authorized to hold an election in the town of Danville, on the first Monday in January, in each and every year, for the purpose of electing five commissioners for said town, which said commissioners when elected, shall have power to appoint a chairman, and lay and collect a tax for the use of said, and to pass all necessary bye laws and ordinances for the regulation of said town; provided such bye laws and ordinances be not incompatible with the constitution of this state.

Any Justice
of the peace
to hold elec-
tion.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1819.

CHAP. 151.

AN ACT for the relief of Lot Hazard.

WHEREAS it appears satisfactorily to this General Assembly that warrant No. 587 for 640 acres of land, issued the 30th day of April, 1764, to John Smith, a disabled soldier; and whereas said warrant was filed by mistake in a survey for Martin Armstrong, quoting warrant No. 574, and an assignment from a certain John Smith; and whereas said warrant was delivered free from assignment by William Hill, secretary of state, under a resolution of the General Assembly of North Carolina in December 1814; and afterwards in August 1816, said Smith assigned said warrant to Lot Hazard, which said warrant afterwards in September of the same year, was adjudged invalid, by the commissioner of West Tennessee; wherefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner or commissioners hereafter to be appointed for the adjudication of land claims, be and he or they is and are hereby authorized to readjudicate said claim, and issue a duplicate to Lot Hazard, for six hundred and fifty acres of land, unless it shall appear that a grant has heretofore issued for said quantity of land on said military warrant, No 567.

Sec. 2. *Be it enacted*, That this act shall take effect and be in force from and after its passing.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 152.

AN ACT to authorize the county court of Lincoln to build clerk's offices on the public square in the town of Fayetteville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Lincoln county, be and are hereby authorized to build an office for the county and circuit courts, on the public square in the town of Fayetteville, and to lay a tax for the purpose of defraying the expenses thereof.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 153.

AN ACT for the relief of Armistreat Stoblefield and Willis Carling.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the land office, be and they are hereby directed to issue to Armistreat Stoblefield, a duplicate warrant or certificate for 640 acres of land, by virtue of warrant No. 5025, issued to Thomas Fenton, and assigned by the heirs of said Thomas Fenton to said Armistreat Stoblefield

which said warrant has been lost or mislaid, so that a grant cannot issue thereon; provided said commissioners be satisfied said warrant No. 5025, is a fair and valid claim against the state, and that said Stoblefield is the true owner, and no grant has issued thereon; and provided nothing herein contained shall affect the right of the heirs of the said Thomas Fenton, either in law or equity.

Sec. 2. *Be it enacted*, That the commissioners of the land office, be, and they are hereby directed to issue to Willis Carling, a duplicate warrant or certificate for 640 acres of land, by virtue of warrant No. 5020, issued to the said Willis Carling, which said warrant has been lost or mislaid, so that a grant cannot issue thereon; provided always, said commissioners be satisfied said warrant is a fair and valid claim against the state, and that said Carling is the true owner, and that no grant has issued thereon.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 154.

AN ACT fixing the times of holding the several courts therein mentioned.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts for Montgomery county, shall commence and be held on the third Mondays in February and August; for Dickson county, on the first Mondays in March and September; for Hickman county on the second Mondays in March and September; for Humphreys county, on the third Mondays in March and September; for Stuart county, on the fourth Mondays of March and September; for Robertson county, on the second Mondays in April and October; for Wayne county, on the first Mondays of May and November; for Hardin county, on the second Mondays in May and November; for Perry county, on the third Mondays in May and November; and the said counties shall compose the fifth Judicial circuit in this state.

Sec. 2. *Be it enacted*, That hereafter the county court of Wayne county, shall be held on the fourth Mondays in December, March, June and September; and the county court of

Times of
holding cir-
cuit courts

in each first
of county
court.

the county court of Hardin county, shall be held on the first Mondays in January, April, July and October; the county court of Perry county, shall be held on the second Mondays in January, April, July and October; the county courts of Hickman, from and after the next court, shall be held on the third Monday in April, July, October and January.

Montgomery county court of Montgomery county, is hereby authorised to set for the term of two weeks.

What counties shall compose a district.

Sec. 4. *Be it enacted*, That a new solicitorial district is hereby constituted, which shall be composed of the counties of Hickman, Wayne, Hardin, and Perry, to be known as the twelfth solicitorial district in this state, for which a solicitor general shall be elected by joint ballot of both houses.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 153.

AN ACT for the relief of William Bills.

WHEREAS, it has been represented to this General assembly that a duplicate land warrant issued to Boling Lovey of No. 4372, for six hundred and forty acres of land, and that his right was transferred by D. Hall to James Mitchell, without reference to his power for doing so, and the said James hath assigned his right to others until it has fallen to William Bills, and it farther appearing that the Register refuses to issue a grant or grants thereon because it does not appear by what authority Hall transferred, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of West Tennessee is hereby authorised to issue a grant or grants on said warrant to the assigns of said Mitchell in the same manner, that he could or might have done the same, should Hall had shewn full authority for his transfer, saving and reserving, any right said Boling Lovey, his heirs or assigns, may have to said warrant.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 154.

A BILL to divorce Isaac Matthews of Williamson county, from his wife Teppins.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Isaac Matthews of Williamson county, shall and he is hereby divorced from his wife Teppins Matthews, to all intents and purposes, any law to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That Jane Taylor of Iverton county, is hereby divorced from her husband Thomas Taylor.

Sec. 3. *Be it enacted*, That it shall and may be lawful for Jacob Tipton appointed by this general assembly, a justice of the peace, to take the necessary oaths of office, before any judge or justice of the peace, of any county in this state, and said Tipton being thus qualified, shall have power and authority to administer the oath of office to such other persons as have been appointed justices of the peace in said county of Shelby, and to do and perform all other acts and deeds appertaining to him as a justice of the peace in the county of Shelby.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 30, 1819.

CHAP. 157.

AN ACT to relieve the persons referred to, from double taxes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the owners of lands in the counties of Stuart and Humphreys, and west and south of the Tennessee river shall be exempted from the payment of double taxes, incurred an account of their failure to enter the said lands for taxation, provided they enter the same for taxation on or before the first day of January next.

Sec. 2. *Be it enacted*, That the Surveyor General for the Hiwassee district, shall not survey any occupant claim in said district, which is situate north of Little Tennessee river, and claimed by any person or persons as an occupant claim; and the said surveyor general in making, and ordering surveys to be made,

in said district, north of Little Tennessee river, shall have a quantity of land (including the improvement of any occupant claim in the centre as near as may be, or according to the conditional lines of said occupants) not exceeding six hundred and forty acres, out of the general surveys ordered to be made, by an act passed this session, entitled an act disposing of the lands, lying south of Tennessee and north Hiwassee and Little Tennessee rivers; provided said claimant or claimants shall by proof make it satisfactorily appear, to said Surveyor general, that he, she or they or the person or persons under whom he she or they may claim were in the actual possession and occupancy of said occupant claim, on the 6th day of February 1796 and that no steps or proceedings of any kind or description shall be taken or had other than as aforesaid before the end of the next stated session of the General Assembly of this state; provided that nothing contained in the preceding provisions shall be so construed as to authorize said surveyor general to interfere directly or indirectly with any tract or tracts of land which have been reserved under the late treaties to any individual or individuals therein named.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate,

[November 27, 1819.

CHAP. 158.

AN ACT to amend an act, entitled an act to appoint suitable persons to open and keep in repair, that part of the road leading from South West Point to Carthage, &c.

Be it enacted by the General Assembly of the State of Tennessee, That William Glenn, be, and he is hereby appointed commissioner, of the Cumberland Tennessee road, in the place of Charles Sevier, and said commissioner shall examine the road according to the provisions of the act of Assembly, which this is intended to amend, and shall specify in writing the alterations, that may be necessary on said road, and where it could be put in a better condition by said alteration, and deliver the same to said proprietor, whose duty it shall be to put the same in the state of repair required by said act, and said commissioner

shall do and perform all the duties enjoined by said act, on the former commissioner to do and perform, for which he shall receive the sum of two dollars and fifty cents, for each and every day he may necessarily attend in performing said duty.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate

Nov. 27, 1819.

CHAP. 159.

AN ACT for the relief of Andrew Taylor.

WHEREAS, it is represented to this general assembly, by that the clerk of the county court of Carter, through mistake omitted to take bond and security from Andrew Taylor, sheriff and collector of the public taxes for said county, by reason whereof a list of taxable property has not yet been given to said collector, and that it will be impossible for said collector, after the receipt of said list, to make his collections as he is exempt himself from judgment, according to the present laws; for remedy whereof:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the said Andrew Taylor, collector of the public taxes for Carter county, shall have the further time of six months, from and after the period now designated by law, for making his settlements with the treasurer of East Tennessee, and the trustees of Carter county for the public monies, which he shall collect for the year 1819.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 160.

AN ACT to change the sittings of the courts, thereinafter named.

Sec. 1. Be it enacted by the General Assembly of the

Courts,
when and
where to be
held.

State of Tennessee. That the courts in the third Judicial circuit, shall be holden at the following times and places, to wit; the circuit court of the county of Jackson, shall sit at the place for holding courts in the town of Gainsboro', on the third Monday in February and August; the circuit courts, for the county of Overton, shall be holden at the court house in Monroe, on the fourth Monday in February and August; the circuit courts for the county of White, shall sit at the court house in Sparta, on the first Monday in March and September, and at their March term said court shall sit two weeks; the circuit courts for the county of Warren, shall sit at the court house in M' Minnville, on the second Monday in September and third Monday in March, and at their September term, said court shall sit two weeks; the circuit court for the county of Smith, shall sit at the court house in Carthage, on the second Monday in April and October; the county courts for said counties, shall be holden for the county of Warren, at the court house in M' Minnville, on the first Mondays in January, April, July and October, and at their January and July sessions, they shall sit two weeks; the county courts for the county of White, shall sit at the court house in Sparta, on the second Mondays in April and October, and on the third Mondays in January and July, and at their April and October sessions, they shall sit two weeks; the county court of Overton, shall sit at the court house in Monroe, on the fourth Mondays in January, April, July and October, and whenever there shall be five Mondays in said month, they may sit two weeks; the county courts of Jackson shall sit at the place for holding courts in the town of Gainsboro' on the first Mondays in February, May, August and November; the county courts of Smith, shall sit at the court house in Carthage, on the second Mondays in February, May, August and November.

Judge to sit
for the trial
of equity
causes.

Sec. 2. *Be it enacted,* That the Judge of the said third circuit, shall set apart some day in each term of the courts respectively, for the trial of equity causes, and doing chancery business, which business shall be done accordingly.

Return of
process.

Sec. 3. *Be it enacted,* That every description of process, recognizance, bond, suit, indictment or any other proceeding, of what nature soever, either civil or criminal, which has been made, executed, entered into, given, acknowledged, taken or by any other manner, or means, made returnable to any of the circuit or county courts in said circuit, shall be, and they

are hereby made returnable, and cognizable to and by said courts respectively, at the time herein limited for said courts to sit, and be tried, heard and determined, acted upon and disposed of in the same way, as if all said suits, actions, indictments, process, &c. had been made returnable to said courts at the term herein specified in the first instance, and shall be as good and valid to all intents and purposes, any law, usage or custom to the contrary notwithstanding—this act to take effect, and be in force from and after the first day of April next, so far as relates to the third circuit.

Sec. 4. *Be it enacted,* That the county courts of Blount, shall hereafter be held on the second Mondays of February, May, August and November; the county courts of Marion, on the third Mondays of February, May, August and November; the county courts of Hamilton at the place of holding courts in said county on the fourth Mondays of February, May, August and November; the county courts of M' Minn at the place of holding courts in said county on the first Mondays of March, June, September and December; the county courts of Monroe, at the place of holding courts in said county on the second Mondays of March, June, September and December.

courts when
to be held.

Sec. 5. *Be it enacted,* That from and after the first day of January next, the court of pleas and quarter sessions for the county of Cocke, shall sit on the fourth Mondays in February, May, August and November, and all writs, recognizances, and other process whatever, returnable to any of said courts, at terms different from those, pointed out in this act, shall be returned to the terms herein directed, and shall be good and effectual to all intents and purposes whatever.

Court of
pleas and
quarter ses-
sions for the
county of
Cocke when
to be held.

Sec. 6. *Be it enacted,* That so much of this act as regulates holding courts in the counties of Blount, Marion, Hamilton, M' Minn and Monroe, shall be in force from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives,

A. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 161.

AN ACT for the relief of William Ingram.
WHEREAS it appears to this general assembly that

the register refuses to issue a grant to William Ingram on entry 743, bottomed upon warrant No. 1732, because Luke Lea, the clerk to the former commissioner, attested the adjudication of said warrant irregularly, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of West Tennessee be and he is hereby directed to issue said grant to William Ingram, on entry 743 for two hundred acres, according to his entry, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 27, 1819.

CHAP. 162.

AN ACT to authorize a lottery for the benefit of a Lancasterian school in the county of Sumner.

Commissioners appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Gen. James Winchester, Thomas Essex, William Sage, George Roberts, Gen. William Hall and William Smith they, or a majority of them be and they are hereby appointed commissioners and are fully authorized to draft and publish a scheme of a lottery on such plan as to them shall seem proper in one, two, three or four classes, for the purpose of raising a sum of money not exceeding five thousand dollars for the purpose of building a Lancasterian school house in or near Cairo in the county of Sumner.

To enter into bond.

Sec. 2. *Be it enacted*, That said commissioners before publishing said scheme, shall enter into bond in the sum of ten thousand dollars to the chairman of the court of pleas and quarter sessions for Sumner county and his successors in office, conditioned for the faithful delivery of the prizes when drawn, and the punctual payment of the money arising from said Lottery when drawn, to the building of a suitable house in the vicinity of Cairo in the county of Sumner, for a Lancasterian school and a quantity of land not exceeding five acres, on which to erect the same, and in case of failure to draw said lottery, to refund to such person or persons the sum or sums of money

by them paid for tickets, and said bond when executed shall be filed in the clerk's office of said county of Sumner.

Sec. 3. *Be it enacted*, That when said commissioners shall have sold such portion of the tickets as shall in their opinion authorize the drawing of said lottery or any part thereof, they shall proceed to the same under the same rules and regulations as they may have made known in their scheme, giving notice in some newspaper printed in Nashville at least thirty days previous to the time of drawing said lottery setting forth the time and place the drawing will commence.

Drawing when to commence.

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

Commissioners to take bonds from persons who may purchase tickets.

Sec. 5. *Be it enacted*, That at the time of the commencement of the drawing said commissioners or a majority of them, shall appoint two clerks who shall keep a regular account of the numbers drawn and the blanks or prizes that may be drawn for each number, who shall previously to entering on the discharge of their duties, take the following oath to wit: I, A. B. do swear or affirm, as the case may be, that I will faithfully and truly keep an account of the drawing of this lottery without partiality or prejudice so help me God.

To appoint two clerks.

Sec. 6. *Be it enacted*, That the commissioners hereby appointed, be and they are hereby authorized to purchase tickets; provided no fraud is intended by such purchase.

Authorized to purchase tickets.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 27, 1819.

CHAP. 163.

AN ACT for the relief of certain witnesses and jurors.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county and circuit courts of Humphreys, Perry and Hardin, be and they are hereby directed to allow jurors and witnesses who are

180
compelled to cross the Tennessee river to attend the county and circuit courts such sum or sums of money as they may expend for ferrage, out of any monies in the county treasury not otherwise appropriated.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 25, 1819.

CHAP. 164.

AN ACT for the relief of William Moore.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of the land office, be and they are hereby directed to issue to William Moore a duplicate warrant or certificate, for two thousand acres of land in consequence of warrant 2588, which has been lost or mislaid, which shall entitle the said William Moore to obtain a grant for that quantity of land within this state not otherwise appropriated—provided it shall appear to said commissioners that the consideration has been paid; and that no other warrant has issued upon said entry.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 20 1819.

CHAP. 165.

AN ACT for the relief of Simon Huddleston and others.

WHEREAS it is represented to this general assembly that the commissioners heretofore appointed in West Tennessee have refused to issue warrants to applicants, who have younger grants included in the bounds of two large grants in the name of John Sevier in Overton county, under the supposition that said older grants of Sevier's was not founded on good and valid warrants; and whereas courts of justice have refused to go beyond a grant in the examination of title, nor should the commissioners

be permitted so to do, for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon an application of any person or persons, claiming by the younger title within the bounds of the aforesaid grants of said Sevier, the commissioners of West Tennessee shall issue warrants to said applicants, or any person or persons similarly situated as to other grants, under the same regulations and restrictions, as in other cases, without taking upon themselves the right to judge of the validity of said grants.

Sec. 2. *Be it enacted,* That the commissioners of West Tennessee are hereby authorised to issue a land certificate to Joseph M'Minn for one hundred and thirty acres in lieu of one, which the said Joseph has heretofore lost, the number and date of which will appear by reference to the record book, now in possession of the Register of East Tennessee for dividing of land warrants; and the aforesaid lost warrant is hereby declared null and void against the aforesaid Joseph and all others into whose hands it may have fallen.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Nov. 27, 1819.

CHAP. 166.

AN ACT for the relief of James Miller and John Randal.

WHEREAS it has been represented that John Randal and James Miller have discovered in that tract of country, south and west of the Congressional reservation line, and west of the Tennessee and Big Sandy rivers, a place that is supposed salt water may be procured; and whereas it has also been represented that they have laid out considerable monies to procure that valuable article; and whereas at present there is no mode pointed out for obtaining an immediate title to lands in that quarter, by reason whereof, it is evident that no man can be expected to expend his money, when it is wholly uncertain whether he ever can obtain a title for the place on which he may expend his money or bestow his labour; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said James Miller and John Randall, are authorized to use and occupy the said lands and adjoining timber, until further provision be made by law; and whenever the state shall deprive them of the possession of said lands, a full compensation shall be made to them for any lasting and valuable improvements the said Miller and Randall may have made, and also for such articles as may be on hand, and may be profitably used for the benefit of the state;

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 167.

AN ACT to authorise William Clay and William Hankins, commissioners of the town of Rutledge, to make deeds to lots.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Clay and William Hankins, are hereby authorised to make deeds to lots in the town of Rutledge in the county of Grainger, which they, with the former commissioners of said town, were bound to make, and such deeds shall be as good and available in law, as if made by a majority of the former commissioners.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 26, 1819.

CHAP. 168.

AN ACT for the relief of John Latham.

WHEREAS it is made satisfactorily appear to this General Assembly, that grant No. 408, issued by the State of Tennessee, dated at Knoxville the 5th day of January 1808, for one hundred and fifty acres of land, founded on an entry in the office of the surveyor of the fifth district by John Latham of No. 9 dated the 3rd day of August 1807, founded

on warrant issued from Charles's office of No. 2626, issued by Henry Rowan for two hundred acres, and dated May 13th 1799 one hundred and fifty acres of which are assigned by said Rowan to said Latham is wholly included within the bounds of grant No. 644 to James King for 15,000 acres, dated 31st day of January 1793; for remedy whereof:

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner or commissioners of West Tennessee hereafter to be appointed for the adjudication of land claims be authorised, and they are hereby required, to readjudicate the claim of said Latham; and provided it shall be made satisfactorily appear that no lands other than those included in said grant No. 408 have been granted for the part of entry so assigned by said Henry Rowan to said John Latham; and further that said lands of Grant No. 408 lie wholly within the bounds of grant No. 644 then and in that case to issue a duplicate warrant for one hundred and fifty acres of land to said John Latham to be entered and granted on any vacant and unappropriated lands within this state.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

Nov. 27, 1819.

CHAP. 169.

AN ACT to authorise John Rogers and Charles Sullivan to open and establish a Turnpike road, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Rogers and Charles Sullivan, shall be authorised to open and cut out a Turnpike road from McMinnville in the county of Warren to the seat of Justice in Marion county, and shall be bound to the same duties, regulations, restrictions and penalties that the proprietors of the turnpike road leading from Sequache valley, Blount county, to the foot of the mountain in Warren county, and shall be entitled to receive the same toll.

Sec. 2. *Be it enacted*, That William McGrigor and James Walker shall be and they are hereby appointed commissioners, whose duty it shall be, at any time, when called on by said proprietors to proceed to view mark and lay off the route of said road.

Turnpike
road author-
ised.

Commission-
ers appointed.

Sec. 8. Be it enacted, That the commissioners here-
 in appointed by this act, shall before they enter into
 the duties of their appointments take and subscribe the
 following oath before some Justice of the peace, to
 wit: I do solemnly swear that I will well and truly
 perform the duties enjoined on me by this act accord-
 ing to the best of my knowledge and abilities, so
 help me God; and the said commissioners shall be
 entitled to receive at the rate of two dollars per day
 for every day they may be necessarily engaged in
 performing the duties enjoined on them by this act,
 to be paid by the proprietor or proprietors as the
 case may be.

Their oath.

Proprietors
 liable for
 damages.

Sec. 4. Be it enacted, That if any part of said road
 shall be out of repair, at any time after it is received
 by said commissioners, and by reason of which any
 person or persons shall sustain any damage either in
 person or property, he she or they may have and sus-
 tain an action on the case against said proprietor or
 proprietors as the case may be.

Sec. 5. Be it enacted, That if any person or persons
 shall arbitrarily pass said gate, or within one mile
 thereof for the purpose of evading the toll, such per-
 son or persons shall forfeit and pay for every such of-
 fence to said proprietors the sum of twenty dol-
 lars, to be recovered by action of debt before any Jus-
 tice of the peace in this state.

Sec. 6. Be it enacted, That the mail stage and mail
 carrier on horse back shall at all times pass said gate
 free from paying any toll.

Sec. 7. Be it enacted, That the gate contemplated
 by this act shall be by the proprietors kept at the foot
 of the mountain at the most convenient place near
 John Rogers.

JAMES FENTRESS,
 Speaker of the House of Representatives;
 R. WEAKLEY,
 Speaker of the Senate.

Nov. 27, 1819.

CHAP. 170.

AN ACT for the relief of the persons therein named.
 WHEREAS it doth appear to this General Assem-
 bly, that a military land warrant, issued to Ceazar
 Santee, No. 904, for six hundred and forty acres,
 and it doth also appear that said Santee transferred

the said warrant to William Hill, and it doth fur-
 ther appear, that the said warrant is lost, and that
 no grant has ever issued on the same, or a dupli-
 cate thereof—*for remedy whereof:*

**Sec. 1. Be it enacted by the General Assembly of the
 State of Tennessee,** That the said William Hill is here-
 by authorized to lay his papers and evidence before
 the commissioner or commissioners of West Tennes-
 see, hereafter to be appointed, and if it shall appear
 to him or them, that a military land warrant No. 904,
 for six hundred and forty acres, was issued by the
 proper authority of North Carolina, to Ceazar Santee,
 and that said Ceazar Santee, his heirs or legal repre-
 sentatives, have transferred said warrant No. 904, un-
 to the said William Hill, and that the said warrant is
 lost, and that the same was a good and valid warrant,
 and that no grant hath ever issued on said warrant or
 a duplicate thereof, then, and in that case the said
 commissioner or commissioners shall issue to the said
 William Hill, a duplicate warrant for the same num-
 ber and same quantity of acres, which duplicate so is-
 sued, shall be on an equal footing with other good
 and valid warrants, and the original warrant, if ever
 found, shall be null and void; nothing in this act
 shall effect the right of said Ceazar Santee, or his
 heirs, or legal representatives.

And whereas in the year one thousand eight hun-
 dred and fifteen, the General Assembly of the State
 of Tennessee, passed a law authorizing the commis-
 sioner of East or West Tennessee, to examine and
 adjudicate a military land warrant, No. 2835, for six
 hundred and forty acres, issued to Zedekiah Stone,
 and said warrant never was delivered to either of said
 commissioners.

Sec. 2. Be it enacted, That it is hereby made the
 duty of the board of Commissioners appointed by this
 General Assembly, to re-adjudicate said warrant ac-
 cording to said law.

Sec. 3. Be it enacted, That John L. Woods and
 James Freeland, who have heretofore built mill dams
 across Duck river, shall be permitted to keep up and
 maintain the dam under the same rules, regulations
 and restrictions, under which John Sims, now by law
 is permitted to keep up and maintain his mill dam
 across said river.

JAMES FENTRESS,
 Speaker of the House of Representatives;
 R. WEAKLEY,
 Speaker of the Senate;
 Nov. 27, 1819.

A BILL,

To amend the penal laws of this state, and to establish a jail and penitentiary house therein.

WHEREAS the existing laws imposing punishments upon offenders against the lives, liberties and property of others, are too sanguinary in their character, and better calculated for the early, than the advanced stages of society; and from their severity frequently tend to an entire exemption of the guilty from punishment; it therefore becomes the legislature of a free and humane people, to arrange in a proper scale, the crimes which may be committed in society, and apportion thereto, their corresponding punishments—therefore:

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That no crime whatsoever, committed by any free person against the state, except murder of the first degree, shall be punished with death.

What murders shall constitute the first and second degree.

Sec. 2. Be it enacted, That all murder, which shall be perpetrated by means of poison or by lying in wait, or by any other kind of wilful, deliberate, or premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate any arson, rape, robbery or burglary, shall be deemed murder of the first degree; and all other kind of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder, shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict, whether it is murder in the first or second degree; but if such person shall be convicted by confession, the court shall proceed by examination of witnesses to determine the degree of the crime and to give sentence accordingly.

Petit treason how to be punished.

Sec. 3. Be it enacted, That every person liable to be indicted for petit treason, shall in future be indicted, proceeded against and punished as is directed in other kinds of murder according to the degree.

Crime of arson, how to be punished.

Sec. 4. Be it enacted, That every person duly convicted of the crime of arson, or as having been an accessory therein, shall be sentenced to undergo a confinement in the jail and penitentiary house hereafter mentioned, for a period not less than five, nor more than

fifteen years, and shall be kept therein at hard labour, or in solitude, and shall in all things be treated and dealt with as is hereinafter directed; every person duly convicted of the crime of rape, or as being accessory thereto, shall be sentenced to undergo a similar confinement for a period of time not less than five nor more than fifteen years, under the same conditions as are hereinafter directed; every person duly convicted of the crime of sodomy, shall be sentenced to undergo a similar confinement for a period of time not less than two nor more than ten years, under the same conditions as are hereinafter directed; every person duly convicted of the crime of murder in the second degree shall be sentenced to undergo a similar confinement for a period of time not less than five nor more than fifteen years, under the same conditions as are hereinafter directed.

Sec. 5. Be it enacted, That every person convicted of robbery or burglary or as accessory thereto, shall restore the thing robbed or taken to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, and be sentenced to undergo a similar confinement for a period of time not less than three nor more than ten years, under the same conditions as are hereinafter directed.

Persons who shall hereafter steal, or shall by violence, seduction or any other means take, or convey away any slave or slaves the property of another, with an intention to sell or dispose of the same, or appropriate to their own use, such slave or slaves, or who shall by violence or any other means, take or convey away any free negro or negroes, or person or persons of mixed blood, with an intention to sell or dispose of such free negro or negroes, shall upon conviction thereof, undergo confinement in the jail and penitentiary house for a period of time not less than five nor more than fifteen years.

Sec. 7. Be it enacted, That any person who shall hereafter be guilty of wilful and corrupt perjury in any court of record in this state, or in any court of equity, or before any clerk or master in Chancery, or before commissioners appointed to take depositions, or before any justice of the peace—upon conviction thereof, shall be sentenced to undergo a confinement in the jail and penitentiary house, for a period of time not less than three nor more than ten years—and any person or persons who shall unlawfully and corruptly procure or suborn any witness or witnesses by any

Robbery or burglary how to be punished.

Persons stealing or taking away any slave or slaves the property of another, with an intention to sell or dispose of the same, or appropriate to their own use, such slave or slaves, or who shall by violence or any other means, take or convey away any free negro or negroes, or person or persons of mixed blood, with an intention to sell or dispose of such free negro or negroes, shall upon conviction thereof, undergo confinement in the jail and penitentiary house for a period of time not less than five nor more than fifteen years.

Perjury to be punished by imprisonment in the penitentiary house.

ways or means whatsoever, shall upon conviction thereof, undergo a similar punishment in the said jail and penitentiary house.

Sec. 8. Be it enacted, That every person convicted of horse stealing, or as accessory thereto, shall restore the horse, mare or gelding stolen, to the owner or owners thereof, or shall pay to him, her or them, the full value thereof, and also undergo a similar confinement for a period of time not less than two nor more than seven years, under the same conditions as are hereinafter directed.

Simple larceny how to be punished.

Sec. 9. Be it enacted, That every person convicted of simple larceny to the value of ten dollars and upwards, or as accessory thereto, shall restore the goods or chattels stolen to the rightful owner or owners thereof, or shall pay to him, her or them, the full value thereof, or so much thereof as shall not be restored, and moreover shall undergo a similar confinement for a period of time not less than one, nor more than seven years, under the same conditions as are hereinafter directed.

Persons stealing goods under ten dollars to be punished as in cases of simple larceny.

Sec. 10. Be it enacted, That if any person shall feloniously steal, take, and carry away any goods and chattels under the value of ten dollars, the same order and course of trial shall be had and observed as for other simple larcenies, and he she or they being legally convicted thereof in a circuit court which alone shall have jurisdiction, shall be deemed guilty of petit larceny, and shall restore the goods or chattels so stolen, or pay the full value thereof to the owner or owners, and moreover shall undergo a similar confinement for a period, not less than one nor more than two years, under the same conditions as are hereinafter directed.

Robbery or larceny how to be punished.

Sec. 11. Be it enacted, That robbery or larceny of obligations or bonds, bills obligatory or bills of exchange, promissory notes, for the payment of money or property, lottery tickets, paper bills of credit or bank notes, or checks on banks, shall be punished in the same manner as robbery or larceny of goods and chattels.

Persons forging or counterfeiting gold or silver coin how to be punished.

Sec. 12. Be it enacted, That every person who shall be convicted of having forged or counterfeited any gold or silver coin which now is or hereafter shall be passing or in circulation within this state, or having falsely uttered paid or tendered in payment any such counterfeit and forged coin knowing the same to be forged and counterfeit, or having aided abetted or assisted in the perpetration of either of said crimes, or

shall be concerned in printing, signing or passing any counterfeit note or notes of the bank of the United States, or note or notes of any other bank in the United States knowing them to be such, or altering any genuine note or notes of any of said banks, shall be sentenced to undergo a confinement in the jail and penitentiary house hereinafter mentioned not less than four years nor more than fifteen years, and shall be kept, treated, and dealt with, in manner hereafter directed.

Sec. 13. Be it enacted, That whosoever on purpose and of malice aforethought by lying in wait, shall unlawfully cut out or disable the tongue, put out an eye, slit the nose, ear or lip, or cut off or disable any limb or member with intention in so doing to maim or disfigure such person, or shall voluntarily, maliciously and of purpose pull out, or put out an eye, whilst fighting or otherwise, every such offender, his aiders, abettors or counsellors, shall be sentenced to undergo a confinement in the said jail and penitentiary house for a period of time not less than one, nor more than ten years, and shall be kept, treated, and dealt with in manner hereinafter directed; provided that nothing herein contained shall be construed to extend to him or them who are acting in self defence.

Any person putting out an eye, disabling the tongue, or of another how to be punished.

Sec. 14. Be it enacted, That whosoever shall be convicted of any voluntary manslaughter shall be sentenced to undergo an imprisonment at hard labour and solitary confinement in the said jail and penitentiary house for a period of time not less than two, nor more than ten years—and for the second offence shall be sentenced to undergo an imprisonment at hard labor and solitary confinement in the said jail and penitentiary house for a period of time not less than six, nor more than fourteen years.

Manslaughter how to be punished.

Sec. 15. Be it enacted, That whosoever any person shall be charged with involuntary manslaughter happening in consequence of an unlawful act, it shall and may be lawful for the attorney general or other person prosecuting the pleas of the state, with the leave of the court, to waive the felony and in proceed against and charge such person with a misdemeanor, and to give in evidence, any act or acts of manslaughter, and such person or persons on conviction shall be fined or imprisoned as in cases of misdemeanor, or the said attorney general or other person prosecuting the pleas of the state, may charge both offences in the same indictment; in which case, the jury may acquit the party of one, and find him or her guilty of the other charge.

All claims from punishment by benefit of clergy abolished

Sec. 16. Be it enacted, That all claims to dispensation from punishment, by benefit of clergy, shall be and are hereby abolished, and every person convicted of any felony heretofore deemed clergyable shall undergo an imprisonment at hard labour and confinement in the said jail and penitentiary house, for any period of time not less than one year nor more than five years, and shall be treated and dealt with, as is hereinafter directed except in those cases where some other specific penalty is prescribed by this

Aiders and abettors of act.

persons convicted of murder in first degree to suffer death.

Sec. 17. Be it enacted, That every person convicted of murder of the first degree, his or her aiders abettors and counsellors, shall suffer death by hanging by the neck.

Sec. 18. Be it enacted, That the jury before whom the offender may be tried, shall decide upon and in their verdict ascertain the time within the respective periods prescribed during which such offender shall undergo confinement in the jail and penitentiary house hereafter mentioned, according to the directions of this act.

Defendant entitled to thirty-five challenges of jurors.

Sec. 19. Be it enacted, That upon the trial of every case punishable with death, under the provisions of this act, the defendant shall be entitled to thirty-five peremptory challenges of jurors; and in every other case specified in this act, he or she shall be entitled to fifteen peremptory challenges, and no more.

Sec. 20. Be it enacted, That every other misdemeanor or offence whatsoever, not provided for by this act, may and shall be punishable as heretofore.

Party injured entitled to an execution.

Sec. 21. Be it enacted, That in all cases where restitution or reparation is adjudged to be made to the party injured, such party shall be entitled to an execution for the amount thereof from the Clerk of the court in which such offender shall have been convicted, and shall proceed therein as in cases of judgments at law.

Persons authorized to select a suitable site for jail and penitentiary.

Sec. 22. Be it enacted, That James White, James Park, Hugh L. White, Thomas McCorty, Matthew Nelson, Rufus Morgan, James Kennedy, Joseph C. Strong, James Campbell, John McCampbell and Francis A. Ramsay or any six of them be and they are hereby authorized to select a suitable site for said jail and penitentiary house within two miles of the court-house in Knoxville in the county of Knox, and contract for three acres of ground and receive from the owner a deed executed to the Governor of this state for the time being, and his successors in of-

Sec. 23. Be it enacted, for the purposes aforesaid, and the said commissioners shall give to the proprietor of said three acres of ground, a certificate under their hands and seals, expressive of the purchase and the amount thereof, which shall entitle the person receiving the same to the sum therein expressed from the Treasurer of West Tennessee, provided the sum shall not exceed three hundred dollars; and it shall be the duty of the Governor as soon as he shall be notified by said commissioners that a suitable situation is procured, to appoint three fit persons as directors, to contract for and superintend the building on the lot of ground aforesaid a jail and penitentiary house, sufficient to contain fifty convicts at least; the said building shall be constructed of brick or stone in a plain strong manner, and upon such plan as may hereafter be added to with convenience and propriety, and as may be best adapted for the accommodation, safe keeping and treatment of convicts, as contemplated by this act; as also for the accommodation of a keeper and his family. The said directors shall also cause to be built adjoining (or surrounding as they may judge best) the said jail and penitentiary house, a wall sufficiently strong, high and extensive, to afford a yard for the use of said convicts; and shall also cause to be built a suitable number of cells to be constructed in the said yard, each of which shall be six feet in width, eight feet in length, and nine feet in height, and shall be constructed of brick or stone, upon such plan as will best prevent danger from fire, and the said cells shall be separated from the common yard by walls of such height, as without unnecessary exclusion of air and light, will prevent all external communication, for the purpose of confining therein offenders who may be sentenced to solitary confinement by virtue of this act.

Sec. 24. Be it enacted, That for the purpose of defraying the expense of such buildings, cells and wall the said directors shall be and are hereby authorized to draw upon the Treasurer aforesaid a sum not exceeding twenty thousand dollars, five thousand dollars on the 1st day of April 1822, five thousand dollars on the 1st day of October 1822, five thousand dollars on the 1st day of April 1823, and five thousand dollars on the 1st day of October 1823—the said Directors shall at the next session of the General Assembly next after this act takes effect lay before the legislature a plan of the buildings by them contracted for, and the price to be paid for the erection thereof; and the said di-

Directors to draw from Treasurer of W. Tennessee twenty thousand dollars

restless shall receive for their services an adequate compensation to be hereafter ascertained by the General Assembly.

Sec. 24. Be it enacted, That the said jail and cells shall be appropriated to the purpose of confining such males and females, as shall have been convicted of the offences in this act enumerated as punishable with imprisonment and labor; but the males and females are hereby required to be kept separate and apart from each other; and all the prisoners shall be subject to the visitation and superintendence of the inspectors herein directed to be appointed.

Sec. 25. Be it enacted, That every person convicted in any circuit court in this state of any crime except murder, herein before specified, shall as soon as possible after conviction, be safely removed by the sheriff of the county in which the crime or offence shall have been committed, and at the expense of the state, to the said jail and penitentiary house, and therein be kept during the term of their confinement in the manner, and on the terms hereinafter mentioned—and every sheriff who shall neglect to remove and safely deliver at the jail aforesaid such convict, shall forfeit and pay the sum of five hundred dollars, to be recovered in any court of record; and applied one half to the use of the county where the offence was committed, the other to such person as shall sue for the same.

Sec. 26. Be it enacted, That every person convicted of the crimes aforesaid, and who shall be confined in the jail and penitentiary house aforesaid, shall be placed and kept in the solitary cells thereof, on low and coarse diet, for such part or portion of the term of his or her imprisonment, as the court in their sentence shall direct and appoint—provided, that it be not more than one half, nor less than one twentieth part thereof; and that the inspectors of the said jail, shall have power to direct the infliction of the said solitary confinement at such intervals, and in such manner as they shall judge best.

Sec. 27. And whereas it is of importance, that the nature of the offence, and the former conduct and character of the convicts, should be known by the said inspectors.—**Be it enacted,** That whenever any person shall be convicted of any crime which is now capital, or a felony of death, the court before whom such conviction is had, shall before their adjournment to another term, make and cause to be transmitted to the said inspectors, a report or short account of the circumstances attending the crime committed by such

convict; particularly such as tend to aggravate, or extenuate the same; and also what character the said convict appeared on the trial to sustain, and whether he or she had at any time before been convicted of any felony or other infamous crimes—whom reports the said inspectors shall cause to be entered in books or registers provided for that purpose—provided however, that nothing in this act contained shall authorize any testimony to be received respecting the character of the defendant upon his or her trial before a jury, except such as is consistent with the rules of evidence in such cases.

Sec. 28. Be it enacted, That if any person convicted of any crime, which now is capital or a felony of death without benefit of clergy, and shall commit any such offence a second time, and be thereof legally convicted; he or she shall be sentenced to undergo an imprisonment in the said jail and penitentiary house at hard labor, during fifteen years; and shall be confined in the said solitary cells, at such times and in such manner, as the inspectors shall direct; and if any person sentenced to hard labor and solitary confinement by virtue of this act, and shall escape or be pardoned, and after his or her escape or pardon, shall be guilty of any such offence as now is capital, or felony of death without benefit of clergy, such person shall be sentenced to undergo an imprisonment for the term of fifteen years, and shall be confined in the solitary cells aforesaid at the discretion of the said inspectors.

Sec. 29. Be it enacted, That if any person after this act shall by proclamation of the Governor as hereinafter mentioned, be declared in force, be convicted of any crime committed before the said day, he or she shall be sentenced to undergo such pains and penalties as by the laws now in force are prescribed and directed, unless such convict shall openly pray the court, before whom such conviction shall be had that sentence may be pronounced agreeably to the provisions of this act for the like offence; in which case the said court shall comply with the said prayer, and pass such sentence on such convict, as they would have passed, had the said offence been committed subsequent to the said day.

Sec. 30. Be it enacted, That the circuit courts shall respectively have jurisdiction of all offences punishable by this act.

Sec. 31. Be it enacted, That in order to prevent the introduction of contagious disorders every person who shall be ordered to hard labor in the said jail shall be

Persons committing second offence how to be punished.

Physicians to certify convicts clear of any complaint.

separately lodged, washed, and cleaned, and shall continue in such separate lodging until it shall be certified by some physician that he or she is fit to be received among the other prisoners; and the clothes in which such person shall thereby clothed shall either be burnt, or at the discretion of two of the said inspectors be carefully laid by, until the expiration of the term for which such offender shall be sentenced to hard labor, to be then returned to him or her.

Sec. 31. Be it enacted, That all convicts, shall at the public expence, during the term of their confinement be clothed in habits of coarse materials, uniform in colour and make, and distinguishing them from the good citizens of this state; and the males shall have their heads, and beards half shaven, at least once every week; and all such offenders shall, during the said term be sustained upon bread, Indian meal, or other inferior food at the discretion of the said inspectors, and shall be allowed one meal of wholesome meat in each day and shall be kept as far as may be convenient with their sex, age, health, and ability, at labor of the hardest and most servile kind, in which the work is least liable to be spoiled by ignorance, neglect, or obstinacy, and where the materials, are not easily embazzled or destroyed; and if the work to be performed is of such a nature as may require previous instruction, proper persons for that purpose (to whom a suitable allowance shall be made) shall be provided by order of any three of the inspectors hereafter named; during which period the said offenders shall be kept separate, and apart from each other of the nature of their several employments will admit thereof, and where the nature of such employment requires two or more to work together the keeper of the said jail or one of his deputies shall if possible, be constantly present.

Sec. 32. Be it enacted, That such offenders, unless prevented by ill health shall be employed in work every day in the year, except Sundays, and such days when they shall be confined to the solitary cells; and the hours of work in each day shall be as many as the season of the year will permit with an interval of half an hour for breakfast and an hour for dinner but not exceeding eight hours in the months of November, December and January, nine hours in the months of February and October, and ten hours in the rest of the year; and when such hours of work are passed, the working tools, implements and materials, or such of them as will admit of daily removal, shall be removed

to proper places for their safe custody until the hour of labor shall return.

Sec. 33. Be it enacted, That the keeper of the said jail shall from time to time, with approbation of any three of the inspectors, hereinafter mentioned provide appropriation a sufficient quantity of stock, and materials, working tools and implements, for such offenders; for the expenses of which the said inspectors, or any three of them shall be, and they are hereby authorized to draw orders on the Treasurer aforesaid if necessary, specifying in such orders the quantity and nature of the materials, tools, or implements wanted, which order the said Treasurer, is hereby requested to discharge out of any money which may be at the time in the Treasury, for which materials and implements when received the said keeper shall be accountable, and the said keeper shall, with the approbation of any three of the said inspectors, have power to make contracts with any person whatever for the clothing, diet, and all other necessities for the maintenance and support, of such convicts, and for the implements and of any kind of manufacture, trade, or labor in which such convicts shall be employed, and for the sale of such goods, wares, and merchandize as shall be there wrought, and manufactured, and the said keeper shall cause all accounts concerning the maintenance of such convicts, and other persons, to be entered regularly in a book or books to be kept for that purpose; and shall also keep separate accounts of the stock and materials so wrought, manufactured, sold and disposed of, and the monies for which the same shall be sold, and what sold, and to whom; in books to be provided for those purposes—all such books and accounts shall be at all times open for the examination of the said inspectors, and shall be regularly laid before them at their quarterly, or other meetings, as herein after directed, for their approbation and allowance.

Sec. 34. Be it enacted, That no person whatever, persons except the keeper, his deputies, servants or assistants, authorized to the said inspectors, Governor of the state, officers, enter in the and ministers of justice, members of the General Assembly, ministers of the gospel, or persons producing a written license, signed by one of the said inspectors, shall be permitted to enter within the walls where such offenders shall be confined, and the doors of all the lodging rooms, and cells in the said jail shall be locked, and all lights therein extinguished at the hour of dusk, and one or more watchmen, if thought necessary, by the keeper, shall patrol the said jail at least

Keeper of
said jail by
three of the
inspectors to
supervise
stock,
&c.

Offenders
what days
to be exempt
from
work.

twice in every hour from that time until the return of the time of labor in the morning of the next day.

Sec. 36. *Be it enacted*, That the walls of the cells and apartments in the said jail shall be white washed with lime and water at least once in every year, and the floors of the said cells and apartments, shall be washed once every week, or oftener if the said inspectors shall so direct, by one or more of the said prisoners in rotation, who at the discretion of the said keeper, shall have an extra allowance of diet for so doing, and the said prisoners shall be allowed to walk and air themselves for such stated time as their health may require, and the said keeper shall permit—and if proper employment can be found, such prisoners may also be permitted with the approbation of one of the said inspectors, to work in the yard—provided such airing and working in the yard, be in the presence, or in the view of the said keeper or his deputy or assistants.

Sec. 37. *Be it enacted*, That one or more of the apartments in the said jail shall be fitted up as an infirmary, and in case any such offender being sick, shall upon examination of a physician, be found to require it, he or she, shall be removed to the infirmary, and his or her name shall be entered in a book to be kept for that purpose, and when such physician shall report to the said keeper, that such offender is in a proper condition to quit the infirmary, and return to his or her employment, such report shall be entered by the said keeper in a book to be kept for that purpose and the said keeper shall order him or her back to his or her former labor, so far as the same shall be consistent with his or her state of health, and the circuit court of the county in which such jail is, shall from time to time appoint a physician to attend the said jail.

Sec. 38. *Be it enacted*, That if the said inspectors at their quarterly or other meetings shall suspect any fraudulent, or improper charges, or any omission in any such accounts, they may examine upon oath or affirmation the said keeper, or any of his deputies, servants or assistants, or any person of whom any necessaries, stock, materials, or other things have been purchased for the use of the said jail, or any persons in whom any stock or materials wrought or manufactured therein have been sold, or any of the offenders confined in such jail, or any other persons or persons concerning any of the articles contained in such account, or any omission thereof and in case any fraud

shall appear in such accounts, the particulars thereof shall be reported by the said inspectors to the circuit court of the county in which such jail is situate for the purposes hereinafter mentioned.

Sec. 39. *Be it enacted*, That the keeper of the said Prisoners, jail shall have power to punish all such prisoners, guilty of assaults within the said jail when no dangerous wound or bruise is given; profane cursing, and swearing, and indecent behaviour, idleness, or negligence in work, or wilful mismanagement of it, or of disobedience to the orders or regulations hereinafter directed to be made, by confining such offender in the solitary cells of the said jail and by keeping them on bread and water only for any time not exceeding two days and if any prisoner shall be guilty of any inferior offence within the said jail, which the said keeper is not hereby authorised to punish, or for which he shall think the said punishment is not sufficient by reason of the enormity of the offence, he shall report the same to two of the said inspectors, who if upon proper enquiry they shall think fit shall certify the nature and circumstances of such offence, with the name of the offender to the Circuit Court of the county where such jail is situated, and the court shall thereupon order such offenders to be punished by close confinement in the said solitary cells with bread and water only for sustenance for any time not exceeding ten days.

Sec. 40. *Be it enacted*, That it shall be lawful for the Governor for the time being to appoint a suitable person to be keeper of the said jail, who shall however be removed whenever occasion may require in which case another shall from time to time be appointed in like manner, who shall receive such compensation for his services in lieu of all fees and gratuities by reason or under color of the said office, as the Legislature from time to time shall direct, to be paid in quarterly payments, by orders drawn on the Treasury of this state, and also five per centum on the sales of all articles manufactured by the said criminals; and such keeper shall have power, with the approbation of the inspectors to appoint a suitable number of deputies and assistants who shall also receive such allowance as the Legislature shall think just; which allowance shall be paid quarterly in like manner, and before any such jailor shall exercise any part of the duties of said office he shall give bond to the Governor of the state, with two sufficient securities to be approved by the Circuit Court of the coun-

Walls to be white washed once every year.

An infirmary to be fitted up.

Inspectors may examine the keeper or any of his deputies or servants on oath.

Prisoners to be punished for misconduct by the keeper.

Governor to appoint a keeper.

ty where such jail is, in the sum of twenty thousand dollars, upon condition that he, his deputies and assistants, shall well and faithfully perform the trust and duties in them reposed which said bond being executed before, and certified by the said court, shall be legal evidence in all courts of law, in any suit against such jailor or his deputies.

Circuit
court to ap-
point seven
inspectors.

Sec. 41. *Be it enacted*, That it shall be lawful for the circuit Court of the county where such jail is at the first court after the time when the said jail shall be erected agreeably to the directions of this act, to appoint seven inspectors, three of whom shall be in office for six months and three for twelve months, and so during every succeeding six months, three inspectors shall be appointed by the said court, who shall be in office for twelve months and if any person so appointed not having a reasonable excuse to be approved of by the said court shall refuse to serve in the said office, he shall forfeit and pay the sum of thirty dollars, to be recovered by action of debt, the one half to the use of the person suing, the other half to be paid to the Treasurer of West Tennessee to be applied to the purposes herein before mentioned, and should the said court at any time fail to appoint inspectors as herein directed, the acting inspectors at the time of such failure, shall continue to perform the duties of inspectors, until such appointment shall be made.

Inspectors
to meet once
in three
months.

Sec. 42. *Be it enacted*, That the said inspectors four of whom shall be a quorum, shall meet once in three months, in an apartment to be provided for that purpose, in the said jail, and may be specially convened by the acting inspector when occasion shall require, and they shall at their first meeting appoint one of their members to be acting inspector, who shall continue for such time as shall be directed by the said inspectors or a majority of them when met together, and the acting inspector shall attend the said jail at least once in each week, and shall examine into and inspect the management of the said jail, and the conduct of the said keeper and his deputies so far as respects the said offenders employed at hard labor by the directions of this act, and shall do and perform the several matters and things herein before directed by them to be performed.

Rules and
regulations
to be hung
up in three
conspicuous
places.

Sec. 43. *Be it enacted*, That the board of inspectors at their quarterly or other meetings shall make such other and further orders and regulations for the purpose of carrying this act into execution as they shall

deem necessary, and such orders and regulations shall be hung up in at least three of the most conspicuous places in the said jail, and if the said keeper or any of his deputies or assistants shall obstruct or resist the said inspectors or any of them in the exercise of the powers and duties vested in them by this act, such person shall forfeit and pay the sum of sixty dollars, to be recovered as aforesaid, and shall moreover be liable to be removed in manner aforesaid, from his respective office or employment in the said jail.

Sec. 44. *Be it enacted*, That the said keeper of the jail, his deputies and assistants, in case any of the said offenders shall escape from confinement, without the knowledge or consent of the said keeper, his deputies or assistants, shall forfeit and pay the sum of thirty dollars, to be recovered and applied in manner aforesaid; provided that nothing in this act contained shall be deemed or taken, to extend to escapes voluntarily suffered by the keeper of the said jail.

Forfeiture
in case of es-
capes.

Sec. 45. *Be it enacted*, That if any such offender Any person sentenced to hard labor, shall escape, he or she, shall escaping to prison, be sentenced to additional confinement and hard labor, agreeably to the directions of this act, as said court may adjudge and direct.

Sec. 46. *Be it enacted*, That if the jailor or any other person, shall introduce into, or give away, barter, sell or sell within the said jail, any spirituous or fermented liquors, except only such as the said keeper shall make use of in his own family, or such as may be required for a prisoner in a state of illhealth, and for such purpose prescribed by an attending physician, and delivered into the hands of such physician or other person appointed to receive them, such person shall forfeit and pay the sum of twenty dollars, one moiety thereof to the use of the person suing, the other moiety to be paid to the said inspectors for the purpose in this act contained.

Forfeiture
on jailor sell-
ing liquors
to prisoners

Sec. 47. *Be it enacted*, That slaves are excluded from the provisions of this act.

Sec. 48. *Be it enacted*, That all acts, and parts of acts coming within the purview of this act, shall, on the operation of this act, be thereby repealed.

Former acts
repealed.

Sec. 49. *Be it enacted*, That this act so far as it respects the purchase of a lot and the erection of the buildings therein mentioned, shall commence and take effect in force from and after the first day of December 1821; but the residue thereof which respects the change in the mode of punishment, shall be suspended until the

Governor by his proclamation shall declare the said buildings are erected, and in order to admit and treat criminals in conformity with the regulations of this act, at which time the whole of this act shall be in full force.

House of Representatives, October 13, 1819.—Read first time and passed.

T. J. CAMPBELL, clerk.

In Senate, October 15th, 1819.—Read first time and passed.

JAMES K. POLK, clerk.

House of Representatives, October 18th, 1819.—Read the second time, amended and passed.

THO: J. CAMPBELL, clerk.

Senate, October 25th, 1819.—Read the second time, amended and passed.

JAMES K. POLK, clerk.

House of Representatives, 26th October, 1819.—Read third time and passed.

JACOB TIPTON, clerk.

Senate, October 29th, 1819.—Read third and last time in both houses, and laid on the table until the 1st day of January 1820.

JAMES K. POLK, clerk.

ERRATTA.

Page 121, dele the first line.

141, 4th line of chap. 116, for their read then.

True copies of the originals in my office.

D. GRAHAM,

Secretary of State.

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The reader in perusing the acts of the last session, will discover many inaccuracies, which, it is very customary to charge on the printer. the acts are printed as they were engrossed, and the publisher did not feel himself at liberty to alter any error in the original.

H. of Representatives No. 1.
4

ACTS

2.6,

OF A PUBLIC OR GENERAL NATURE,

PASSED AT

THE

SECOND SESSION

OF THE

THIRTEENTH

GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

†
BEGUN AND HELD AT MURFREESBOROUGH, ON
MONDAY, THE TWENTY-SIXTH DAY OF
JUNE, ONE THOUSAND EIGHT HUN-
DRED AND TWENTY.



BY AUTHORITY.

PRINTED FOR G. A. AND A. C. SUBLETT, PRINTERS TO
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