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4

OUR NEW SENSE

STATE OF NEW YORK

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Tennessee
1821*

ACTS
OF A
GENERAL OR PUBLIC NATURE,
PASSED AT
THE FIRST SESSION
OF THE
FOURTEENTH GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE.

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PUBLIC ACTS

OF THE

19

STATE OF TENNESSEE,

PASSED AT THE REGULAR SESSION WHICH WAS BEGUN AND HELD AT MURFREESBOROUGH, IN RUTHERFORD COUNTY, ON MONDAY THE SEVENTEENTH DAY OF SEPTEMBER, AND ENDED ON SATURDAY THE SEVENTEENTH DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-ONE.

WILLIAM CARROLL, GOVERNOR; DANIEL GRAHAM, Secretary of State; STERLING BREWER, Speaker of the Senate, JAMES FENTRESS, Speaker of the House of Representatives.

CHAPTER I.

An Act more effectually to enable creditors to recover their just debts.

WHEREAS it often happens that debtors, taking advantage of the laws prohibiting the execution of civil process on the Sabbath, remove themselves and their property on that day, out of the reach of such process, in consequence of which, creditors are frequently prevented from recovering their just debts: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of Clerks, &c. to issue process on the sabbath. Clerks of the circuit and county courts, and Justices of the Peace, on application of a party, supported by oath or affirmation, as the case may be, that the defendant is removing or about to remove himself or his property, beyond the reach of their respective jurisdictions on the Sabbath, to issue such process as may be required by the person or persons so applying as aforesaid.

SEC. 2. *Be it enacted,* That it shall be the duty of the Clerk or Justice of the Peace issuing such process, To endorse on process. to endorse on the back of it, that it was obtained on the oath of the plaintiff, his agent or attorney, as directed in the first section of this act.

SEC. 3. *Be it enacted,* That it shall be the duty of all Sheriffs, Constables, or other lawful officers, to execute all process so issuing as above directed on Officer to execute on Sabbath.

the Sabbath, subject to the same penalties and regulations as in other cases, any law, custom or practice to the contrary notwithstanding.

SEC. 4. *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.

S. BREWER,

Speaker of the Senate.

September 22, 1821.

CHAPTER II.

An Act to release the owners of land in the Western District from the payment of a double tax for the year 1820, and for other purposes.

Whereas it is represented to this General Assembly that many good citizens and others, are likely to be subjected to much trouble, cost and double tax, from not knowing in what county in the Western District, to list their lands for taxation for the year 1820; and from the Sheriff of Stewart county having reported them for sale, for the tax for said year: Therefore,

People of
Stewart coun-
ty released
from a double
tax for 1820.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons owning land in the section of country, lying south and west of the congressional reservation line, embraced within the bounds of Stewart county, and over which she of right claims jurisdiction, shall be exonerated and free from the payment of a double tax on said land for the year 1820; and the Sheriff or Collector of Stewart county is hereby expressly prohibited from the collection of said double tax under any pretence whatever; and should the said Sheriff or Collector of Stewart county, have collected or shall hereafter collect, any such double tax of any owner, or agent of such owner of any tract or tracts of land, whether reported by him for the double tax for said year 1820 or not, it is hereby made the duty of said Sheriff or Collector, to refund to the owner, agent or attorney of such owner of such tract or tracts of land, the one half of the amount of such double tax by him received, on application of such owner, agent or attorney; and on failure of said Sheriff or Collector to refund on application, the one half of the amount of such double tax by him received, judgment shall be taken on mo-

Judgment
on motion vs.
sheriff

tion, against said Sheriff or Collector and his securities for the collection of taxes, in the name of the owner of such lands, so double taxed and collected by such Sheriff or Collector, for the one half of the amount of such double tax and cost of motion.

SEC. 2. *Be it enacted*, That on the lands, so reported by the Sheriff or Collector of Stewart county for double tax, it shall be lawful for said Sheriff or Collector, to collect and receive from the owners thereof, a single tax in lieu of the double tax so assessed and charged upon said lands, that is, one half of the amount with which each tract of land stands severally charged, together with the cost and charges due thereon.

To collect
single tax.

SEC. 3. *Be it enacted*, That all persons who have not listed their lands lying in the country lying south and west of the congressional reservation line, for taxes in the year 1821, may have the further time of six months for that purpose: *Provided*, within that time such persons return such list, and tender the single tax due thereon for said year, to the proper officers entitled to receive the same, and that said officers shall be entitled to a conditional credit with the different county Treasurers, and with the Treasurer of West Tennessee, for so much of the lands reported for the taxes for the year 1821, the collection of which is suspended by this section.

Six months
allowed to list
lands for 1821

SEC. 4. *Be it enacted*, That in order to afford the owners, agents, or attorneys of such owners an opportunity of paying the single tax and charges due and assessed on the several tracts of land in the Western District, and in Stewart county, reported by the Sheriff of Stewart county for the tax of 1820, without a sale being made thereof, the said Sheriff or Collector of Stewart county is hereby expressly required and directed to suspend and postpone the sale of the aforesaid several tracts of land until the first Monday of July 1822, on which day, if the tax and charges remain unpaid he shall proceed to offer the said several tracts of land within his county for sale in satisfaction of said tax and charges, in the same way and under the same rules, regulations and restrictions as though this act had not been passed.

Sale of land
in Western
District and in
Stewart postponed till July
1822

SEC. 5. *Be it enacted*, That the Sheriff or Collector of Stewart county, shall be entitled to a contingent credit with the Treasurer of West Tennessee and the county Trustee of Stewart county, for the amount of state and county tax on sundry tracts of land reported by him in the Western District, and within his county,

Contingent
credit allowed
to sheriff of
Stewart.

For the tax of 1820, until the first Monday of November 1822, or until he shall have received the tax due on said several tracts reported as aforesaid: *Provided* nothing herein contained shall extend to entitle the Sheriff of Stewart county to a credit with the state or county Treasurers, for the amount of any single tax by him received on any tract or tracts of land by him reported as aforesaid; and that the Sheriff or Collector of said county of Stewart shall advertise forty days before the first Monday of July, in some newspaper printed in Knoxville, Nashville, and Clarksville, should newspapers continue to be edited in those places, and that the said sale will commence on said Monday, and continue from day to day until the whole lands, authorized to be reported, have been gone through without particularly mentioning each particular case; and that it shall be done at the proper expense of Stewart county.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

September 28, 1821.

CHAPTER III.

An Act to alter the mode of electing Major Generals in this State, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the officers authorized to vote for Major Generals in this state, shall hereafter be authorized to vote for said officers at the court-house in their respective counties, and that it shall be the duty of the Governor to give the notice now required by law in such cases, that an election shall be holden for that purpose in each of the counties within the division where said officer shall be elected, when he issues a writ of election for that purpose.

Sheriffs to hold election.

SEC. 2. *Be it enacted*, That in the election for Major General of the second division, now advertised, the officers who are competent to vote in said election, may have privilege of giving their suffrage in said election at the court-house of the county where the said officers may reside, or at the seat of Government, as shall suit them best: That the Sheriff of each county in said second division shall hold an election for that purpose at the same time now advertised for

said election, and make return of their polls to the Governor by mail, within thirty days after said election, certified as in other returns; and the candidate who shall have the highest number of votes upon counting out said votes shall be the Major General for said division, and commissioned accordingly.

SEC. 3. *Be it enacted*, That the Sheriff of each county shall appoint three competent persons as judges to hold said election. And appoint judges.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

September 28, 1821.

CHAPTER IV.

An Act to amend the first section of an act, entitled "An act to prevent fraud in the manufacturing and sale of flour," passed at Murfreesborough November 27, 1819.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the first section of the before recited act, as directs the length of the staves of flour barrels to be twenty-eight inches, and the diameter at each head to be eighteen inches, be and the same is hereby repealed; and that in future the staves of such barrels shall be twenty-seven inches long, and each head seventeen inches in diameter, any thing in the aforesaid act, or any former act to the contrary notwithstanding. What shall be the size of the flour barrel.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

September 29, 1821.

CHAPTER V.

An Act to repeal so much of the third section of an act, entitled "An act to amend an act to provide for the appointment of public printer," as requires such printer to keep his office at the seat of Government.

Be it enacted by the General Assembly of the State of Tennessee, That so much of said third section of the before recited act, as requires the public printer or printers of this state to keep their office at the Public printer.

seat of Government, be and the same is hereby repealed.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 2, 1821.

CHAPTER VI.

An Act to amend the laws in force and use concerning public roads and ferries.

Roads classed in three classes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the courts of Pleas and Quarter Sessions of the several counties in this state, at the first court after the first day of January next, (a majority of the acting justices being present) shall proceed to class the public roads in their respective counties into three distinct classes.

First class stage roads & others as useful.

SEC. 2. *Be it enacted*, That the first class shall embrace the stage road or roads, and such other road or roads as the court shall deem of equal importance or utility, and shall in all respects be made and kept up, causewayed, bridged, milemarked and indexed, as directed by the existing laws of this state.

Second class for loaded waggons.

SEC. 3. *Be it enacted*, That the second class of said roads shall be twelve feet wide, cleared of all obstructions, causewayed and bridged where necessary, so as to afford loaded waggons travelling said roads a safe passage over the same, and shall be indexed as now directed by law, and shall also be required to be milemarked.

Third class for single horse and rider.

SEC. 4. *Be it enacted*, That the third class of said roads shall be of sufficient width for the passage of a single horse and rider, and for the purpose of milling on single horse, and where necessary shall be bridged or causewayed.

Roads notched.

SEC. 5. *Be it enacted*, That the first class of said roads shall be notched on the marginal trees with three notches, the second class with two notches, and the third class with one notch.

Hands assigned to each class.

SEC. 6. *Be it enacted*, That the courts aforesaid, shall from time to time assign to the roads of the first and second class, a competent number of hands to keep the same in good repair, observing a proper distinction between said roads; and shall also assign to the roads of the third class, a sufficient number

of hands to keep the same in repair, or to order that such roads shall be worked on only when necessary.

SEC. 7. *Be it enacted*, That when any presentment may be made against an overseer of any public road before the time allowed for the classification of the roads of his county, such presentment shall be submitted to the consideration of the court who may then determine to which class such roads may belong: *Provided* a majority of the justices be present, but if not, the court shall suspend all further proceedings on such presentment until a majority be present.

When overseer presented his road may be classed.

SEC. 8. *Be it enacted*, That no prosecution whether now depending, or to be commenced before the expiration of the time by this act allowed for the classing of roads, shall be maintained against any overseer of any public road in this state, where such overseer shall prove that he has performed his duty as fully as circumstances would permit, or the class to which his road belonged did require, and that such prosecutions as are now depending against road overseers shall be suspended, if required by the defendant, until his road shall be classed; and that the cost of all such prosecutions shall be disposed of as the court may direct: *Provided* the same shall not be made a county charge.

Where overseer has performed his duty, prosecution not maintainable.

SEC. 9. *Be it enacted*, That the courts aforesaid, a majority of the acting justices being present, shall have power to establish ferries wherever they may find it necessary for public convenience: And,

To establish ferries.

SEC. 10. *Be it enacted*, That the Attorney General's tax fee in each prosecution against an overseer of any public road, hereafter to be determined, shall be two dollars and fifty cents, and no more; and that nine acting justices being present, shall have power to transact all business which this act requires a majority to transact, any thing to the contrary notwithstanding; and that said justices shall have power to class the roads of the third class without the intervention of a jury.

Attorney General's tax fee.

Nine Justices a majority.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 4, 1821.

CHAPTER VII.

An Act to regulate the manner of granting injunctions and supersedeas.

Be it enacted by the General Assembly of the State of Tennessee, That no injunction or supersedeas to stay proceedings on any judgment, shall hereafter be granted by any court or judge thereof, unless the party applying therefor shall in his bill or petition, state, whether any former injunction or supersedeas has been granted to stay proceedings on the same judgment.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

October 4, 1821.

CHAPTER VIII.

An Act to repeal an act, entitled "An act to repeal all that part of the fifth section of the act to amend the laws heretofore in force, regulating the inspection of tobacco," passed 22d October 1819, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the above recited act be and the same is hereby repealed; and so much of said act of November 1817, as was repealed by the act of October 1819, be revived.

SEC. 2. Be it enacted, That from and after the first day of December next, the fee for inspecting each and every hogshead of tobacco, including all services as contemplated by the act hereby revived, shall be one dollar and no more; and the owner of tobacco shall find and provide nails sufficient for the cooperage of the same, in a good and proper manner for exportation; and when they shall fail so to do, the inspectors at such ware-house shall find nails for the purpose aforesaid, and shall be allowed and paid the sum of twenty-five cents, for each and every hogshead so coopered by them; and it shall be the duty of each inspector, hereafter to take from each hogshead of tobacco a fair sample of the tobacco of each class, and attach thereto a label certifying to what hogshead the same belongs.

SEC. 3. Be it enacted, That no inspector of tobacco within this state shall suffer any tobacco to pass his

inspection but such as is sound, well cured, free from trash, and suitable for exportation.

SEC. 4. Be it enacted, That in constructing hogsheads for the transportation of tobacco, the raising head shall not exceed thirty-six inches within the croe, and the length of the staves of the hogshead not to exceed fifty-four inches in length.

JAMES FENTRESS,
Speaker of the House of Representatives,
W. HALL,
Speaker of the Senate, *pro tem.*

October 18, 1821.

CHAPTER IX.

An Act directing the Governor to sign certain grants.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the Governor of this state to sign any grant which may have been regularly issued by the authority thereof, previously to his coming into office, and which may have the name of any former governor inserted in the body thereof; and such grant when so signed, shall be countersigned by the Secretary of state, and be as good and valid to all intents and purposes as if signed by the Governor in office at the time of its date: *Provided,* That nothing in this act shall embrace cases mentioned in the resolutions of both branches of this General Assembly, touching certain entries south and west of the congressional reservation.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

October 13, 1821.

CHAPTER X.

An Act to amend an act entitled, "An act to prevent the sacrifice of real estate, and for other purposes." Passed at Murfreesborough, July 28, 1820.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That whenever any negro or negroes may be sold under execution, it shall be the duty of the sheriff or other officer selling the same, before the delivery of the property to the purchaser, to require the said purchaser to give bond with two good and sufficient securities, resident in the county

where the property may be sold, payable to the debtor, in a sum not less than double the amount of the real value of the property so sold, which value shall be assessed by two good freeholders of the county unconnected with either party.

Purchaser to surrender property on tender of principal, &c.

SEC. 2. *Be it enacted*, That on payment or tender by the debtor, or other person or persons authorized to redeem by the above recited act of the principal money bid at such sale, with ten *per cent.* interest *per annum* thereon, together with such other legal charges if any there be, in money of equal value to that paid by the purchaser at the sale, it shall be the duty of the purchaser or his securities, to surrender to the debtor or other person authorized to redeem the negro or negroes so purchased, if said negro or negroes be alive at the time of the said payment, or tender of said money.

On failure to give bond property to be re-sold.

SEC. 3. *Be it enacted*, That if the purchaser fails to give bond and security on demand of the officer selling said property, it shall be the duty of the said officer to re-advertise said property and proceed to sell the same a second time after giving the notice now required by law.

Penalty on sheriff failing to take bond.

SEC. 4. *Be it enacted*, That if any sheriff or other officer shall deliver any slave or slaves to the purchaser, without first having taken bond and security as required by the first section of this act, he shall forfeit and pay the sum equal to the full value of the slave thus delivered, to be recovered by action upon the case in any court in this state having cognizance thereof by the party injured, and to his own proper use and benefit.

SEC. 5. *Be it enacted*, That this act shall take effect and be in force from and after the first day of December next.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 18, 1821.

CHAPTER XI.

An Act to authorize defendants when surrendered by their bail to take the benefit of the prison bounds.

Defendants surrendered by bail

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases now pending, or may hereafter be depending in the courts of law or

equity in this state, where any person or persons may be surrendered by his or their bail in discharge of themselves, it shall and may be lawful for the person or persons so surrendered to take the benefit of the prison rules of the county, under the same rules, regulations, and restrictions prescribed for the benefit of defendants arrested and in custody under a writ of *capias ad satisfaciendum*.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

October 18, 1821.

CHAPTER XII.

An Act prescribing certain duties of Sheriffs in this state.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall not be lawful for any sheriff within this state to appoint more than two deputies within the county for which he shall have been appointed sheriff, nor shall it be lawful for a Justice of the Peace to act as deputy sheriff during his continuance in office: *Provided* nothing herein shall be so construed as to apply to, or prohibit special deputations on urgent occasions, and deputations for the purpose of holding elections.

Sheriff to appoint not more than two deputies. No Justice to be a deputy.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

October 19, 1821.

CHAPTER XIII.

An Act to prevent the wearing of dangerous and unlawful weapons.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, each and every person so degrading himself, by carrying a dirk, sword cane, French knife, Spanish stiletto, belt or pocket pistols, either public or private, shall pay a fine of five dollars for every such offence, which may be recovered by warrant before any Justice of the Peace, in the name of the county and for its use, in which the offence may have been committed; and it shall be the duty of a Justice to issue a warrant on the application on oath of any

Fine for carrying weapons.

person applying; and that it shall be the duty of every Judge, Justice of the Peace, Sheriff, Coroner and Constable within this state to see that this act shall have its full effect: *Provided nevertheless*, That nothing herein contained shall affect any person that may carry a knife of any size in a conspicuous manner on the strop of a shot pouch, or any person that may be on a journey to any place out of his county or state.

Exception
as to travel-
ers and the
strop of a shot
pouch.

JAMES FENTRESS,
Speaker of the House of Representatives:
W. HALL,
Speaker of the Senate, *pro tem*.

October 19, 1821.

CHAPTER XIV.

An Act directing the proceedings in cases of forcible entry and detainer.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That no person or persons shall enter upon or into any lands, tenements or other possessions, and detain or hold the same but where entry is given by law, and then only in a peaceable manner.

What shall
be a forcible
entry and de-
tainer.

SEC. 2. *Be it enacted*, That if any person shall enter upon or into any lands, tenements, or other possessions and detain and hold the same with force or strong hand, or with weapons, or by breaking open the doors, windows or other part of a house whether any person be in it or not, or by any kind of violence whatsoever, or by threatening to kill, maim, or beat the party in possession, or by such words, circumstances or actions as have a natural tendency to excite fear or apprehension of danger, or by putting out of doors or carrying away the goods of the party in possession, or by entering peaceably, and then turning by force or frightening by threats or other circumstances of terror, the party out of possession, in such case every person so offending shall be deemed guilty of a forcible entry and detainer, within the meaning of this act.

Whatever
makes an en-
try forcible,
makes a de-
tainer forci-
ble.

SEC. 3. *Be it enacted*, That no person who shall lawfully or peaceably enter upon, or into any lands, tenements, or other possessions, shall hold or keep the same unlawfully, and with force or strong hand, or weapons, or violence, or menaces, or terrifying words, circumstances or actions aforesaid, and it is

hereby declared, that whatever words or circumstances, conduct, or actions will make an entry forcible under this act, shall also make a detainer forcible.

SEC. 4. *Be it enacted*, That the three preceding sections of this act shall extend to, and comprehend terms for years, and all estates, whether freehold or less than freehold.

What estate
included.

SEC. 5. *Be it enacted*, That if any tenant or tenants for term of life or lives, year or years, or other person or persons who are or shall be in possession of any lands, tenements, or hereditaments, by, from, or under, or by collusion with such tenant or tenants, shall wilfully and without force hold over any lands, tenements, or hereditaments, after demand and notice in writing given for the delivery of the possession thereof by his, her or their landlord or landlords, lessor or lessors, or the person or persons to whom the remainder or reversion of such lands, tenements or hereditaments shall belong, his, her, or their agent or attorney, thereunto lawfully authorized, then such person or persons so holding over shall be guilty of an unlawful detainer.

Tenants
holding over,
guilty of de-
tainer.

SEC. 6. *Be it enacted*, That the aforesaid forcible entries and detainers, forcible detainers, and unlawful detainers, are hereby made cognizable before any Justice of the Peace of the county in which they are committed.

Cognizance
by a Justice.

SEC. 7. *Be it enacted*, That when complaint to any Justice of the peace of the proper county shall be made in writing, and signed by the party grieved, his agent or attorney, specifying the lands, tenements, or other possessions, so forcibly entered upon and detained, or forcibly or unlawfully detained, by whom and when done, and the estate therein, it shall be the duty of the said justice to issue a precept under his hand and seal, directed to the sheriff of said county, commanding him to summons twenty good and lawful men of said county to come before the said justice, to inquire into, and try such forcible entry and detainer, or forcible or unlawful detainer, which precept shall be in the form, or to the effect following, that is to say:

Justice to
have sum-
moned 20
men to try
complaint.

State of Tennessee, } To the Sheriff of — county Greeting: Form of pro-
— County. } cess.

Whereas complaint in writing is made to the subscriber A. B. one of the justices of the Peace in and for said county, of a certain forcible entry and detainer, (or if detainer only, then say, if a certain

forcible detainer, or of a certain unlawful detainer) made by E. F. into the messuage, or upon the lands of C. D. in the county aforesaid: We therefore command you, that you cause to come before the said A. B. on the premises, in the county aforesaid, on — the — day of — twenty good and lawful men of the body of your county above the age of twenty-one, and who are in no wise of kin to the said C. D. or E. F. to make a jury of the county to inquire of, and try the said forcible entry and detainer, or forcible and unlawful detainer, and you are hereby required to give notice of this warrant to at least two other justices of said county, and to require their attendance at the time and place aforesaid. Given under the hand and seal of the said A. B. the — day of — in the year of our Lord 18.

Sec. 8. *Be it enacted*, That the said justice shall issue a summons to the party complained against, in the words, or to the effect following; that is to say, *State of Tennessee,* } *To the Sheriff of — county Greeting:*
 — County. }

Form of
summons,

We command you that you summon E. F. to appear before A. B. one of the justices of the peace in and for said county, at the house of — on the — day of — to answer to, and make defence against the complaint of C. D. of a forcible entry and detainer (or if detainer only then say, &c.) made by the said E. F. into the messuage or upon the lands of the said C. D. in the county aforesaid, and have you then and there this precept, with a return of your proceedings thereon. Given under the hand and seal of the said A. B. the — day of — in the year of our Lord 18.

Summons to
be served six
days before
appearance.

Sec. 9. *Be it enacted*, That the said summons shall be served upon the party against whom the said complaint is made, or a copy thereof left at his usual place of abode, six entire days before the day of appearance therein mentioned, and that such service of the said summons in any part of this state, as well without the said county as within it, shall be good and effectual in law; and further that no jury shall by virtue of this act be sworn to inquire of and try any forcible entry and detainer, or forcible or unlawful detainer, where such previous notice shall not have been given as aforesaid.

Party may
plead & what

Sec. 10. *Be it enacted*, That the party against whom such complaint is made, may, at the time of appearance, mentioned in the said summons, and before the said jury is sworn plead "*not guilty*" to the said

charge or complaint, or that he hath been three years in quiet possession, and his estate therein not ended or determined, agreeably to a subsequent clause in this act; and thereupon the said parties shall be at issue, and the said justices shall proceed to swear the jury so returned to enquire of, and try the same; and if the said party against whom the complaint is made as aforesaid, does not appear at the times specified, in the said summons, or appearing, does not plead to the said complaint, then it shall be lawful for the said justices to proceed in the same manner, as if he had pleaded "*not guilty*": *Provided nevertheless*, That each party, on said trial shall have the right of challenge which shall not extend to a greater number than four jurors each.

Provide.

Sec. 11. *Be it enacted*, That to the said jurors, and each of them who shall be returned to enquire of, and try the said complaint, the said justices shall administer the following oath or affirmation:

You do swear (or affirm) that you will well and truly try this issue joined between C. D. and E. F. and a true verdict give according to evidence.

Form of Ju-
ror's oath.

Sec. 12. *Be it enacted*, That when the jury shall be sworn as aforesaid, the said justices shall cause the said complaint to be read to them, and then call upon the complainant to support the same.

Sec. 13. *Be it enacted*, That if the jury find the party, against whom such complaint is exhibited, guilty, or find against his plea of possession, it shall be the duty of said justices to record the said verdict, and to give judgment thereon, with cost, and also to issue a writ of restitution, directed to the sheriff to cause the complainant to be re-seized or re-possessed, to which shall be added a clause commanding the said sheriff to levy the said costs of the goods and chattels of the offender, and for want thereof, to take the body of such offender, and him safely to keep in close custody in the common jail of the county until he shall pay the same, or be thence released by due course of law: And the jury aforesaid shall return their verdict in the following form:

Justice to
give judgment
and issue a
writ of resti-
tution.

At a court of enquiry held before A. B. &c. Justices of the Peace within and for the said county of — upon the — day of — in the year of our Lord — the jury upon their oaths do find that the lands or tenements aforesaid, bounded, (or described) as follows, as in the complaint upon the — day of — in the year of our Lord — was in lawful and rightful possession of the said C. D. and that the said

Form of
verdict.

E. P. did upon the same day unlawfully with force and arms and with strong hand, enter forcibly upon the same, or being lawfully upon the same, did unlawfully with force and strong hand expel and drive out the said C. D. and that he doth still continue, wrongfully to detain the possession from him the said C. D. Wherefore the jury find upon their oaths aforesaid, that the said C. D. ought to have restitution thereof without delay; which verdict shall be assigned by the jurors; and upon the return of the verdict signed as aforesaid, the Justices of the Peace shall issue a writ of restitution which shall be in the form following:

Form of writ of restitution.
 State of Tennessee, }
 — County. } Whereas at a court of enquiry of forcible entry and detainer, or forcible and unlawful detainer, holden in the county of R— upon the — day of — in the year of our Lord — before A. B. &c. Justices of the Peace for the said county of R— the jurors empannelled and sworn by the said Justices, and returning their verdict in writing signed by each of them that E. F. was upon the — day of — in the rightful possession of a certain messuage or tract of land, (as in the verdict returned) and that, &c. (as in the verdict) whereupon it is considered by the said Justices that the said C. D. should have restitution of the same. We therefore command you, that you take with you the force of the county, if necessary, and cause the said C. D. to have the peaceable restitution of the same, and make return of this writ with your doings thereon, within twenty days next coming. Witness the said Justices aforesaid the — day of — in the year of our Lord 18—.

When to issue execution against complainant for costs.
 Sec. 14. *Be it enacted*, That if the jury find against the said complainant, the said Justices shall record the said verdict and give judgment accordingly with cost, and shall issue execution directed as aforesaid, for the said cost, against the goods and chattels, and in want thereof against the body of the said complainant.

May postpone trial.
 Sec. 15. *Be it enacted*, That the said Justices may at the request of either party, and on good reason being assigned, postpone the said trial to any time, not exceeding fifteen days, but such postponement to be on the payment of cost, by the party making the application.

Justices duty.
 Sec. 16. *Be it enacted*, That it shall be the duty of the said Justices to enter on their minutes or docket, true copies of the complaint exhibited by virtue of this

act, and of the summons and service, and their respective returns, and the names of the jurors, their verdict, and their judgment thereon, and also the names of the witnesses, and the admission of evidence objected to, and the rejection of evidence offered, and the reason of such admission or rejection, and all the proceedings before them had touching the said complaint.

Sec. 17. *Be it enacted*, That if the sheriff of any county shall neglect or refuse to execute or return any precept, writ, or other process to him directed, and delivered by virtue of this act, he shall, for every such offence, forfeit and pay two hundred and fifty dollars to the party grieved to be recovered with cost by action of debt, in any court of record having cognizance of the same. Penalty for sheriff's neglect.

Sec. 18. *Be it enacted*, That the proceedings had by virtue of this act on such forcible entry and detainer, or forcible, or unlawful detainer, may be removed to the Circuit Court in the county where such trial was had, by writ of *certiorari*, and in no other way, and then only after judgment. Proceedings may be removed by certiorari.

Sec. 19. *Be it enacted*, That neither the said judgment or any thing in this act shall bar or prevent the party injured from bringing an action of trespass or other action against the aggressor or party offending. Not to prevent trespass.

Sec. 20. *Be it enacted*, That the estate or merits of the title shall in no wise be inquired into on any complaint which shall be exhibited by virtue of this act: *Provided always*, That this act shall not extend to any person who hath had the uninterrupted occupation or been in quiet possession of any lands or tenements for the space of three whole years together, immediately preceding such complaint so exhibited to the said Justices, and whose estate therein is not ended or determined, but every such person may plead the same to the said complaint, which shall be tried in the manner herein before prescribed. Title not to be inquired into. Provide.

Sec. 21. *Be it enacted*, That every Justice of the Peace before whom any prosecution shall be instituted by virtue of this act, shall be, and he is hereby authorized to issue writs of subpoena for witnesses in to any county in this state. Subpoena for witnesses.

Sec. 22. *Be it enacted*, That if the jury aforesaid, or a part thereof shall fail to attend, or if by challenge or other cause, there shall happen not to be a full jury, the sheriff shall fill the pannel out of by-standers as in other cases. When sheriff may summon bystanders.

Sec. 23. *Be it enacted*, That the Justices of the

Fees allow- Peace before whom the trial and determination of every such cause is had, shall be entitled to, and receive two dollars and fifty cents; sheriffs fees shall be the same as is, or shall be allowed to them respectively in the Circuit and County Courts for like services; the jurors and witnesses shall be allowed the same for each day they may attend as such, as is now allowed by law to jurors and witnesses for their attendance at the Court of Pleas and Quarter Sessions, which cost shall be taxed by the Justices before whom the trial was had.

Penalty on jurors or witnesses refusing to attend.

Justice to issue summons.

Sec. 24. *Be it enacted*, That every person summoned as a juror, or subpoenaed as a witness who shall not appear, or appearing, shall refuse to serve or give evidence in any prosecution instituted by virtue of this act, shall be under the same penalties now prescribed by law in cases of non-attendance or refusal in the county or circuit courts; and that absent jurors and witnesses may have an opportunity to show such reasonable cause, it shall be the duty of such Justices to issue a summons requiring them to appear before them at some future period not exceeding ten days after the service of such summons to shew such reasonable cause for their non-attendance, and such justices are hereby authorized and required to issue an execution directed to the sheriff or any constable of the said county to levy the same of the goods and chattels of the offender, which fine, when recovered shall be applied by the said Justices to the use of the said county.

Two justices competent

Sec. 25. *Be it enacted*, That any two Justices of the Peace shall be competent to conduct the proceedings as contemplated in this act: *Provided always*, That the Justice of the Peace issuing the process, shall keep the record of the proceedings, but the same shall be signed by all the Justices trying the matter in dispute.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 19, 1821.

CHAPTER XV.

An Act to amend the laws in force concerning public ferries.

Whereas, under the existing laws of this state, travellers and others are frequently subject to unreasonable delays at public ferries where the banks of

the river or creek belong to different owners, each keeping a flat or boat which may be often swept away or unfit for use: For remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at all public ferries that now are or may be established within the county of Davidson, where the opposite bank of the river or creek belonging to different persons, who each do, or may keep a flat or boat, each of said owners or persons shall have the right and privilege of transporting from and to either bank all persons, with their effects applying to either of them for transportation across at such ferry, any former law to the contrary notwithstanding.

Ferries in Davidson c'ty.

SEC. 2. *Be it enacted*, That it shall be the duty of the owners of the different or opposite banks at such ferry to keep the opposite bank, as well as his or her own bank in good and sufficient repair, for which purpose full power and authority are hereby given to such owners respectively, [who] shall be subject to the same proceedings in case of neglect as now pointed out against persons neglecting to keep their own banks in repair.

Owners to keep the opposite bank as well as their own in repair.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 20, 1821.

CHAPTER XVI.

An Act to amend the seventh section of an act passed in the year 1784, entitled, "An act to regulate the descent of real estate, to do away entails, to make provisions for widows, and to prevent frauds in the execution of last wills and testaments.

Be it enacted by the General Assembly of the State of Tennessee, That in case of any person dying intestate, possessed of or entitled to, any estate of inheritance, not leaving any issue, and not having any brother or sister, or the lawful issue of such, who shall survive said intestate, the estate shall be vested in fee simple, in his or her parent from whom the same was derived; but if the parent from whom the same was derived be dead, it shall then vest in fee simple in the parent who may survive said intestate.

In what case land shall go to the parent

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER XVII.

An Act to regulate settlements with county Trustees.

Trustee to
hand over to
commission-
ers a list of
uncollected
accounts, &c
for strays.

Penalty of
trustees' bond
discretionary.

Be it enacted by the General Assembly of the State of Tennessee, That upon the resignation, removal or expiration of the term of service of the Trustee of any county in this state, in whose hands there may be at the time of such resignation, removal, or expiration of service, any accounts for strays uncollected, or for which judgments may have been obtained, it shall be his duty to make out and deliver over to the commissioners appointed to settle with him, a list of all such uncollected accounts, judgments, &c. which shall be by said commissioners handed over to the acting trustees for collection. And that hereafter the penal sum in which the county trustees and their securities shall be bound, for the faithful discharge of the duties of said trustees shall be at the discretion of the court by whom said trustee shall be appointed.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER XVIII.

An Act to repeal all laws now in force prohibiting the sale of ale, beer, cider and metheglin in less quantities than one gallon.

Be it enacted by the General Assembly of the State of Tennessee, That all laws and parts of laws now in force and use in this state, prohibiting the sale of ale, beer, cider, and metheglin, in less quantities than one gallon, be and the same are hereby repealed.

Cider, &c.
how it may be
sold,

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER XIX.

An Act to equalize the tax on Merchants.

Where the
amount pur-
chased does
not exceed
\$3,000, dollars

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That each wholesale, retail and commission merchant, grocer and jeweller, and each firm of co-partners in trade, who shall sell goods,

wares, merchandize or groceries within this state, after the first day of January next, (such goods, &c. not being manufactured of the produce of this state,) shall be subject to, and pay, for the use of the state, a tax according to the following rate: On each establishment, store or shop, where the whole amount of goods, wares, merchandize or groceries, purchased for said establishment, store or shop, during the last twelve months immediately preceding the time hereinafter mentioned, does not exceed three thousand dollars, the sum of fifteen dollars; and on all sums above three thousand dollars, at the rate of one half of one per cent. And on each establishment, store or shop, that may be continued or carried on after the expiration of its license, although no goods, wares, merchandize or groceries may be received thereat after such license expires, the sum of fifteen dollars.

Sec. 2. Be it enacted, That each auctioneer or merchant, selling at auction, any goods, wares, merchandize or groceries in this state, after the first day of January next, shall pay for the use of the state a tax of one per centum on the amount of the goods, wares, merchandize and groceries so sold, excepting such as are or may be manufactured of the produce of this state.

Auctioneer
& merchants
selling at auc-
tion, to pay
one per cent.

Sec. 3. Be it enacted, That the rule by which the taxes mentioned in the first section of this act shall be regulated, shall be the just and true amount at which the goods, wares, merchandize and groceries were laid in, purchased or received, for and at such establishment, store or shop, excluding the carriage or freight.

The price of
the goods ex-
clusive of
freight, regu-
lates the tax.

Sec. 4. Be it enacted, That each merchant, grocer, jeweller or firm, mentioned in the first section of this act, shall on the first day of January next, or as soon thereafter as their present license shall expire, and at the end of each subsequent year thereafter, apply to the clerk of the court of pleas and quarter sessions of the county in which he, she or they is or are about to be established, for a license to sell for the term of twelve months thereafter, which license such clerk shall issue; the applicant first entering into bond with sufficient security, before said clerk, in the sum of five hundred dollars, payable to the governor for the time being, and his successors, for the use of the state, with condition that such applicant will twelve months after the date of such bond, render on oath, to said clerk, a just and true statement of the amount of goods, wares, merchandize and groceries, as con-

Clerk of
county court
to give li-
cense and
take a bond.

template by this act, and pay to said clerk the amount of taxes that may arise and be due thereon.

Sec. 5. *Be it enacted*, That such applicant shall, when rendering the statement mentioned in this act, take and subscribe the following oath or affirmation:

Oath annexed to merchant's statement.

I, A. B. do solemnly swear (or affirm) that the statement by me now rendered, contains the just and true amount of the cost of all the goods, wares, merchandize and groceries, (except such as are by this act excepted the carriage and freight) which were laid in, purchased or received, for, and at the establishment, store or shop, of which I am owner, partner or agent, for the twelve months immediately preceding this time, and that no collusion or arrangement has been entered into, in order to defraud the state out of any part of the tax that would have been justly due, to the best of my knowledge and belief, SO HELP ME GOD. Which oath said clerk may administer and shall file in his office.

May pay before due.

Sec. 6. *Be it enacted*, That each merchant, grocer, or jeweller, shall have the privilege of settling and paying his tax account at any time previous to the expiration of his license.

Auctioneer to apply to clerk for license.

Sec. 7. *Be it enacted*, That each auctioneer and merchant, after the last day of December next, and before they proceed to sell at auction, any goods, wares, merchandize or groceries not manufactured of the produce of this state, shall apply to the clerk of the court of pleas and quarter sessions of the county in which such auctioneer or merchant is about to sell, for a license, which license, such clerk shall grant for one year thereafter, first taking bond of such applicant, with sufficient security, in the sum of five hundred dollars, payable to the governor for the time being and to his successors, for the use of the state, with condition that such applicant will at the end of each and every sixty days thereafter, for the term of one year, render on oath to said clerk, a statement of the just and true amount of the sales of the goods, wares, merchandize and groceries, sold by, or for him at auction, during the last sixty days, and pay to said clerk at the same time the amount of taxes that may be due the state on such sales.

Forfeiture for not taking license \$100.

Sec. 8. *Be it enacted*, That if any merchant, grocer, jeweller, or auctioneer, shall sell goods, wares, merchandize or groceries without license, contrary to the true intent and meaning of this act, such person so offending, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, one half to the use of the person who will sue for the

same, and the other half to the use of the state. And such person, so offending, shall be further liable for the amount of the tax that would have arisen on the goods so sold, as near as may be ascertained, to be recovered by the clerk of the county, by action of debt, in the name of the Governor, for the time being, for the use of the state, before any tribunal having cognizance thereof.

Sec. 9. *Be it enacted*, That when any bond that may be taken pursuant to this act, shall be due, and the condition not complied with, within ten days thereafter, it shall be the duty of the clerk holding such bond to put the same in suit. Duty of clerk.

Sec. 10. *Be it enacted*, That all monies that may be received by virtue of this act shall be accounted for and paid by the clerks receiving the same, in the same manner that they account for, and pay other public taxes. Clerk to pay over.

Sec. 11. *Be it enacted*, That it shall be, and it is hereby made expressly the duty of the clerks aforesaid, of their own knowledge, or on the information of any credible person, that any person or persons have sold, or are selling any goods, wares, merchandize or groceries within his county, contrary to the provisions of this act, such clerk shall immediately issue a writ in debt for one hundred dollars against such person, in the name of the Governor, and shall deliver the same to the sheriff of his county, who shall execute and return the same, and the proceedings thereon shall be similar to those in other like cases. Clerk to issue writ.

Sec. 12. *Be it enacted*, That if any clerk shall fail or neglect to perform the duties required of him in the preceding section of this act, such clerk shall be deemed guilty of a misdemeanor, and on conviction thereof in the circuit court of the county in which said clerk may reside, such clerk shall be removed from his office by the court of which he is clerk, on the production of a copy of the record of his conviction in the circuit court, and it shall be the duty of the attorney general in whose district such offending clerk may reside to prosecute said clerk, and it shall not be necessary that a prosecutor should be marked on the indictment; and in all convictions of clerks under this act, the attorney general shall be entitled to receive the sum of ten dollars to be taxed in the bill of costs against each convicted clerk. Clerk failing guilty of a misdemeanor.

Sec. 13. *Be it enacted*, That all licenses that may be obtained by merchants between the present time and the first day of January next, shall be void on the

Attorney Generals' tax fee \$10.

said first day of January next, and the clerk issuing such license shall retain for the use of the state, a sum in proportion to the time that such license had issued, and shall refund the remainder to the person of whom the same was received.

Farmers allowed to bring groceries.
 Sec. 14. *Be it enacted*, That no farmer residing in the country shall be liable to pay the tax by this act imposed, on bringing into this state, groceries which he may have received in exchange for produce by him taken to market: *Provided*, such groceries do not amount in the aggregate to more than five hundred dollars for one whole year, and that no tax shall be required of any person for retailing or selling the article of salt.

Sec. 15. *Be it enacted*, That the clerk shall be entitled to, and receive from the applicant the sum of one dollar for issuing the license, taking bond and filing away the affidavit in this act mentioned.

County court may lay a county tax.
 Sec. 16. *Be it enacted*, That in addition to the tax hereby levied and assessed for the use of the state, the county court shall have power to levy and collect for county purposes, a tax on each merchant, auctioneer, grocer, and jeweller, a tax not exceeding the one half of the state tax hereby assessed; and that it shall be the duty of the clerk in collecting the state tax hereby authorized to be levied, to collect, also, the county tax, whose duty it shall be to pay the same over to the county trustee of his county, to be appropriated by said trustee to county purposes as heretofore.

Not to repeal special laws.
 Sec. 17. *Be it enacted*, That nothing in this act contained, shall be so construed as to operate as a repeal of those special laws, authorizing the county courts to levy and collect greater taxes from merchants, &c. than by this act contemplated, for erecting court-houses, prisons, and stocks.

JAMES FENTRESS,

Speaker of the House of Representatives.
 S. BREWER,

Speaker of the Senate.

October 23, 1821.

CHAPTER XX.

An Act to amend the twenty-first chapter of the acts of April 1796.

Whereas said act recites that many papers and records were lost by the office of the clerk of the Chance-

ry Court for the Mero district being burnt in the year 1795, and which act authorizes affidavits to be made of the substance of such papers and records as were destroyed, and authorized said affidavits to be given in evidence in courts of law and equity, and it being suggested that some of the papers burnt in said office were title papers to lands and slaves, and should have been registered if not burnt, and no provision having been made for the registration of such affidavits: For remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That where any paper or record was burnt in said office, which by law should be registered, and the substance of such paper is, or may be preserved in manner contemplated by the act of 1796, then and in that case it shall and may be lawful, for any one interested, to have such affidavit containing the substance of any legal title paper of a duly-certified copy of said affidavit from the records of the court where the same has been, or may be made in open court, and put upon the records of the court where made, registered in the proper county where the original deed of which such affidavit contains the substance, should have been or might be registered if the same had not been burnt; and upon this being done said registered affidavit, or said registered copy from the records of the court, or a copy of the Register's books, if said registered paper be afterwards lost, shall and may be given in evidence in like manner, and shall have the same force and effect, that the original deed would have had, if in existence and duly registered: *Provided nevertheless*, That said affidavits, and the records thereof may be controverted by any proof either written or parol, that can be adduced in opposition thereto.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 23, 1821.

CHAPTER XXI.

An Act to amend the several laws in this state concerning the manner of praying and carrying up appeals.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter where any party may take an appeal from any decision of a Justice of the Peace, to Court allowed to supply defects of

appeal from the county court, or from that court to the circuit court, and exceptions shall be taken to the form of the entry made by such inferior jurisdiction in granting the appeal, or to the sufficiency of the bail or security given in said appeal, or to the form of the bond, or that no bond has been taken; the court shall from time to time, on application, allow the party making the same to supply any defect in the proceedings of the inferior jurisdiction as though the same had been commenced in that court.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

October 25, 1821.

CHAPTER XXII.

An Act providing a method to help and speed poor persons in obtaining their just rights.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerks of the different courts of record in this state, shall on the application of any poor person who shall take the oath herein after prescribed, issue any writ or writs original or writs of subpoena, according to the nature of his cause, either in law or equity, without demanding security, or pay, or reward for the same.

Sec. 2. *Be it enacted*, That before any clerk shall issue the process mentioned in the above section, the said applicant shall take and subscribe before the clerk, and which shall be endorsed on the writ, the following oath:

I, A. B. do solemnly swear that owing to my poverty I am not able to bear the expenses of the law-suit which I am about to commence, and that I am justly entitled to a recovery from the defendant or defendants to the best of my belief, an amount within the jurisdiction of the court in which I am about to commence my said suit, SO HELP ME GOD.

Sec. 3. *Be it enacted*, That at the term at which such writ or writs shall be returned, it shall be the duty of the court to appoint some counsel, able and learned in the law, to attend to, and manage such suit or suits for said poor person, without any fee or reward for the same.

Sec. 4. *Be it enacted*, That whenever any witness or witnesses shall be subpoenaed to attend in any suit or suits commenced and prosecuted under the provi-

sions of this act, and shall desire to be discharged from further attendance, it shall be the duty of said court to cause the deposition or depositions of such witness or witnesses, to be taken on such terms as the said court in their discretion may direct.

Sec. 5. *Be it enacted*, That at the return term [if] it shall appear to the said court by the affidavit of one or more disinterested person or persons, that said allegation of poverty made by the plaintiff is probably untrue, or that his cause of action is frivolous or malicious, the said court shall be, and is hereby authorised to dismiss the same.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

October 26, 1821.

CHAPTER XXIII.

An Act to limit the time for the satisfaction of land warrants and certificates.

Whereas it has long been the wish and greatly the interest of the people of this state that the land warrants and certificates chargeable upon this state be satisfied by an appropriation thereof: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all warrants and certificates issued by and under the authority of North Carolina or the state of Tennessee, chargeable upon the vacant and unappropriated lands in this state, which have been adjudicated and declared valid by any commissioner board of or commissioners, appointed under the authority of this state, or issued by either of the Registers of East or West Tennessee, or such warrants or certificates as may be hereafter lawfully issued, the owners of such warrants or certificates or agents of such owners, shall have until the first day of May 1823, for the appropriation by entering of such warrants and certificates on any vacant and unappropriated lands in this state, either North and East of the congressional reservation line, or South and West of said line (as the case may be) where such warrants are, or may be by the laws of this state authorized to be entered.

Sec. 2. *Be it enacted*, That all persons, owners of land warrants or certificates, failing to have the same appropriated by entry, within the time required by

Court's power to dismiss said suit.

To make entries until first of May, 1823.

All persons failing to enter barred.

the first section of this act, shall be forever after barred, and such warrant or certificate shall be utterly void, and not subject to entry in this state.

No grant on North Carolina claim to issue after Sep. 1823.
 Sec. 3. *Be it enacted*, That no grant shall issue upon any plat and certificate founded on a North Carolina claim after the first day of September 1823, unless the issuance of such grant has been prevented by the pendency of a caveat.

To file claims before the 1st of April.
 Sec. 4. *Be it enacted*, That it shall and may be lawful for any person or persons who may have evidences of claims to land within this state, and which are not adjudicated according to law, to file the evidences thereof, with the clerk of the board of commissioners on or before the first day of April next, and on failure thereof such claimant or claimants shall be forever thereafter barred: The said clerk shall be entitled to demand, and receive from the applicants, for each claim filed and entered in a book to be by him kept for that purpose, twenty-five cents; and the same sum for receiving and filing evidences in addition to those heretofore recorded and not acted upon, which shall be in full for such services, and in lieu of *per diem* pay.

Commissioners to commence examining claims the first Monday of April.
 Sec. 5. *Be it enacted*, That on the first Monday of April next the commissioners shall commence the examination of claims filed as aforesaid, observing strictly, the rules and regulations prescribed by the act for the adjudication of North Carolina land claims passed the — day of November 1819: They may continue in session, if necessary, until the first day of June next following and no longer, at which time or at any time previous thereto, when the business shall have been completed, it shall be their duty to sign the records, and deliver them over with all the books and papers pertaining to the office, to the order of the Secretary of State.

Tax of one cent an acre.
 Sec. 6. *Be it enacted*, That it shall be the duty of the clerk to demand and receive from the person claiming warrants or certificates, one cent for each acre adjudged to be valid where such claims shall not have been heretofore adjudicated, which money shall be accounted for by the clerk as formerly.

Same pay as formerly.
 Sec. 7. *Be it enacted*, That the commissioners and clerk for the time the board is in session shall be entitled to receive the same compensation and in the same manner as is provided for in the act to which this act refers.

Duty of Secretary.
 Sec. 8. *Be it enacted*, That it shall be the duty of the Secretary of this state to have this act forthwith pub-

lished in one newspaper in the City of Raleigh in the state of North Carolina, eight weeks in succession.

Sec. 9. *Be it enacted*, That it shall be the duty of the Register of West Tennessee on or before the first day of January next to deposit in the commissioners office all the papers, records, and documents, now in his possession which may have been placed there as belonging to any former commissioner or board of commissioners; and that the said papers, records and documents, shall with all others herein directed, be deposited by the commissioners at the close of their session in the office of the Secretary of state.

JAMES FENTRESS,

Speaker of the House of Representatives:

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER XXIV.

An Act to authorise the counsel for the State to have a peremptory challenge.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all criminal prosecutions above the grade of petit larceny, the counsel for the state shall be entitled to a peremptory challenge of four jurors: *Provided* said challenge shall be made before the juror is put to the prisoner.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 30, 1821.

CHAPTER XXV.

An Act directing the correction of grants in certain cases.

Whereas some cases exist in which, under the then existing laws, the courts of pleas and quarter sessions have directed errors in grants to be rectified by the Secretary of state and the parties interested have failed to apply to the Secretary of state and obtain the correction of such errors before the passage of the law authorising the Circuit Courts to act exclusively in such cases and directing the Register to rectify such errors: therefore;

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Re-

Duty of the Register of W. Ten. to deposit in commissioner's office papers &c

Peremptory challenge of four jurors.

Preamble.

Duty of regis-
ter, gister of East or West Tennessee (as the case may be) to rectify all errors in grants which may have been directed by the County Courts, agreeable to the then existing laws in the manner the same would have been done by the Secretary of state, had no change in the law on that subject been made. •

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 30, 1821.

CHAPTER XXVI.

An Act to amend an act passed the fourth of August, one thousand eight hundred and four, entitled, "An act to empower the County Courts of Pleas and Quarter Sessions of the several Counties in this State to order the laying out public roads, and to establish and settle ferries, and to appoint where bridges shall be built."

Whereas in the above recited act no persons of color are compelled to work on public roads: for remedy whereof;

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act all free colored male persons, from the age of eighteen to fifty years, in this state, shall be compelled to work on public roads, under the same rules and regulations, and liable for failures in the same manner as free white males, who are bound by the above recited act to work on public roads.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 31, 1821.

CHAPTER XXVII.

An Act to authorise the County Courts to establish separate elections.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Court of Pleas and Quarter Sessions for each and every County within this state are hereby authorised to establish precinct elections, and may continue, discontinue or remove to more convenient places, those precinct elections heretofore established by law in the different counties in this*

state, at least six months previous to any election, at such places in their respective counties as they shall think fit and proper, a majority of the acting justices being present.

Sec. 2. *Be it enacted, That hereafter the officer holding any of the precinct elections in this state shall carry up to the court house with the state of the polls the list of voters to be there examined by the judges or any other person, in order to detect persons voting oftener than once in any of said elections; and if it shall so happen, that any person or persons shall have voted twice in said election, it is hereby made the duty of the sheriff to prosecute such person or persons so voting, for the fine incurred by the existing laws; the cost of which suit, so instituted by the sheriff, in case of failure, shall be paid by the county.*

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 31, 1821.

CHAPTER XXVIII.

An Act to regulate the establishment of bounds and prison rules in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, the bounds and prison rules in each county in this state, shall extend to, and be the bounds and limits of the county town according to its present bounds, or as it may have been laid off by the commissioners or trustees who may have surveyed, laid off, and established the same, and all sheriffs, coroners, jailors and constables are hereby required to take bond from parties in custody on *capias ad satisfaciendum* or other final process, conditioned to remain and continue within the bounds of the county town of their respective counties under the same rules under which said bonds are now taken, to remain within the prison rules as established by the county courts; and all parties now in custody shall have the right of giving new bonds, conditioned according to the provisions of this act, and all laws and parts of laws contravening the provisions of this act are hereby repealed; *Provided*, That nothing herein contained shall be so construed as to reduce the limits of the prison bounds for Davidson county, or to prevent the County Court of said*

Officer of precinct elections to carry the list of voters.

Prison bounds the limits of the town.

Free colored people to work on public roads.

county from continuing the prison bounds of said county so as to include the whole of the six hundred and forty acres originally called the French Lick reservation.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 31, 1821.

CHAPTER XXIX.

An Act to authorize Sheriffs and Collectors in this State to collect arrearages of taxes.

Sheriff authorized to collect arrears of tax.
To report lands.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the former or present sheriffs and collectors of public tax in this state are hereby authorized to collect all arrearages due and owing to him or them for any past year's tax which he has failed to collect, and said sheriff are hereby authorized to report any non-resident's land within his county, which was returned for taxation, for any past year, which he was bound for the collection of, to the court of his county at such term thereof, as he is required to report lands at under the act of 1819; and all proceedings relative to the collection of said arrearages on non-resident's lands, and such residents as are unable to pay their taxes without reporting and selling their land for the same, as are prescribed by the said act of 1819; *Provided*, no sheriff shall be entitled to any credit with the state Treasurer or county Trustee, for any such arrearages of tax, unless he can make it satisfactorily appear on oath or otherwise to the court of his county that the person or persons owing the same was insolvent, or unable to pay his, her, or their tax for said year, or that his, her, or their lands would not sell for the same.

To apply to person residing on land.

Sec. 2. *Be it enacted*, That where the lands of any resident or non-resident of any county in this state may have been sold by the person or persons in whose name it was returned for taxation for any past year and the tax thereon not paid, it shall be the duty of the sheriff or successor of such sheriff to whom the taxes are due to apply to the person in possession of such land, (if any there be,) for the tax thereon, and should he not pay the same, it shall then and not before be the duty of such sheriff to report the same to his county for the tax due thereon, for said year, for which the tax remains due, and proceed as pointed

out in all respects in the acts of 1819; and in all cases the land shall be held a lien, and liable for the tax due and unpaid on the same for any past year, although it may be sold and conveyed to any other person from the one in which it was listed for taxation.

Sec. 3. *Be it enacted*, That the sheriff west of Tennessee river shall advertise all reported lands in some newspaper printed in Nashville and Knoxville.

JAMES FENTRESS,
Speaker of the House of Representatives
S. BREWER,
Speaker of the Senate.

November 1, 1821.

CHAPTER XXX.

An Act to amend an act entitled "An act more effectually to punish the crimes of forgery and counterfeiting," passed November 1813.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, each and every person or persons who shall be convicted of such of the offences mentioned in said act, the punishment whereof by the provisions of said act is death, shall on such conviction be fined in a sum not less than forty-nine dollars, nor more than one thousand dollars, and shall moreover be publicly whipped with not less than twenty, nor more than thirty-nine lashes, and imprisoned not more than twelve months; and shall be deemed and held to be infamous.

Sec. 2. *Be it enacted*, That for the second offence, where such offence shall be committed after conviction and punishment as herein provided, such person shall suffer death without benefit of clergy by hanging by the neck.

Sec. 3. *Be it enacted*, That so much of said act as inflicts the punishment of death for the first offence, be and the same is hereby repealed, but no further.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

November 3, 1821.

CHAPTER XXXI.

An Act to prevent the Surveyors south and west of the Congressional reservation line in this State from making more than one entry on any one and the same warrant, and for other purposes.

Whereas it is represented to this General Assembly that some surveyors have admitted more than one entry to be made on one and the same land warrant, contrary to the true intent and meaning of the present law : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passing of this act, if any surveyor in this state whose district lies south and west of the Congressional reservation line, do make or suffer to be made, more than one entry on one and the same warrant or certificate for land, it shall be deemed a misdemeanor in office, and on conviction thereof shall be removed from office and shall be fined in a sum not more than five thousand, nor less than one thousand dollars, to be assessed by a jury, and be imprisoned for a term not less than one year, and that any entry hereafter made contrary to the true intent and meaning of this act, shall be void to all intents and purposes.

Sec. 2. *Be it enacted,* That it shall not be lawful hereafter for any person or persons to make void or remove any entry made by virtue of any warrant or certificate for land south and west of the Congressional reservation line, after being once located upon the vacant and unappropriated land and entered in any surveyor's office in this state.

Sec. 3. *Be it enacted,* That if any surveyor in this state, south and west of the congressional reservation line, shall make void or remove, or suffer or permit any person or persons to make void or remove any such entry or entries in his office, it shall be deemed a misdemeanor in office, and it shall be the duty of the attorney general for the district in which the same may be done, or either of the said offences committed, upon information being given to him thereof, to prefer an indictment against, and prosecute such surveyor, in the circuit court of the county, where such offence is committed : and on conviction of either of the said offences, he shall be removed from office and be fined not more than five thousand dollars nor less than one thousand dollars, to be assessed by a jury,

and be imprisoned at the discretion of the court not exceeding one year.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 6, 1821.

CHAPTER XXXII.

An Act to form and establish new counties West of Tennessee River.

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 Henry county, be, and is hereby established, on the west side of Tennessee river, and shall be bounded as follows, to wit : Beginning on the west bank of Tennessee river, where the north boundary of the state leaves the same, running thence with said boundary west to the second range line in the 12th surveyor's district ; thence south to a point, two miles and a half south of the 6th sectional line in said district ; thence east parallel with the said sectional line to the west boundary of Humphreys county ; thence with said county line northwardly to the Tennessee river ; thence down the said river with its various meanders to the beginning.

Sec. 2. *Be it enacted,* That the following described lines shall be the bounds of two other counties, which may hereafter be established west of Henry county ; the first one beginning at the north west corner of Henry county, running west with the state line to a point four miles west of the north west corner of range 2, fractional section 10 in the 13th district ; thence south to the fourth sectional line in said district running parallel with the range lines ; thence east on the fourth sectional line to the second range line in the 12th surveyors district ; thence north with said range line to the beginning. The second, beginning on the north west corner of the last mentioned bounds, and running thence south with the west line of said bounds to the fifth sectional line in the 13th district ; thence west with said sectional line to the middle of the Mississippi river ; thence up the main channel of said river to the north west corner of the state ; thence east with the north boundary line of the state to the beginning : which two last described bounds shall be attached to, and remain a part of

Henry county.
Bounds of two other counties which may be established.

Henry county until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Henry county, with this exception, that no tax shall be laid or collected in said bounds for the purpose of erecting public buildings in Henry county.

Carroll county.

Sec. 3. *Be it enacted*, That all the territory included in the lines hereafter mentioned shall constitute a county by the name of Carroll county: Beginning on West boundary of Humphreys at the south east corner of Henry county; running thence west with the south boundary of said county to the south west corner of Henry county: thence south parallel with the range lines to a point two and a half miles south of the line dividing the 9th and 12th districts; thence east parallel with the sectional line to the second range line in the 9th district; thence north to the north east corner of range 2, section 11, in said 9th district; thence east with the district line to the west boundary of Perry county; thence northwardly with the west boundary of Perry and Humphreys counties to the beginning.

Bounds of two other counties which may be established.

Sec. 4. *Be it enacted*, That the following described lines shall be bounds of two other counties which may hereafter be established west of Carroll county; the first one beginning at the north west corner of Carroll county, running thence west on the fourth sectional line, to a point four miles west of the second range line in the 13th district; thence north to the fifth sectional line; thence west on said fifth sectional line to the fifth range line; thence south with said range line to a point two and a half miles south of the line separating the 10th and 13th districts; thence east parallel with said line to a point directly south of the south west corner of Carroll county; thence north to the beginning; the second beginning on the north west corner of the last mentioned bounds; thence south on the 5th range line to the district line; thence west on the said district line to the middle of the Mississippi river; thence up the main channel of said river to the 5th sectional line of the 13th district; thence east with said sectional line to the beginning; which two last bounds shall be attached to, and remain a part of Carroll county until otherwise provided for by law, and shall enjoy all the privileges and be subject to all the duties as citizens of Carroll county, with this exception that no tax shall be laid or collected in said bounds for the purpose of erecting public buildings for Carroll county.

Sec. 5. *Be it enacted*, That all the territory included in the lines hereafter mentioned shall constitute a county to be called and known by the name of Madison county; Beginning two miles and a half south of the north east corner of range 2, section 11, in the 9th district, running thence west parallel with the sectional line to the 3d range line in the 10th district; thence south on said range line to a point two miles and a half south of the sixth sectional line in said district; thence east parallel with said sectional line to the second range line in the 9th district; thence north on said range line to the beginning.

Madison county.

Sec. 6. *Be it enacted*, That the following described lines shall be the bounds of two other counties which may hereafter be established west and south of Madison county; the first one beginning on the south west corner of Madison county; running thence north with the west boundary of the same, twenty five miles to the north west corner; thence west to the south west corner of the first county west of Carroll county; thence north to the line dividing the 10th and 13th districts; thence west to a point two miles west of the first range line in the 11th district; thence south parallel with said range line to the 5th sectional line in said district; thence east to a point four miles east of the 5th range line in the 10th district; thence north two and a half miles; thence east to the beginning. The second, beginning on the south west corner of Madison county, running thence west six miles to a point one mile west of the fourth range line in the 10th district; thence south parallel with said line to the south boundary of the state; thence east on said boundary to a point two miles east of the meridian separating the 9th and 10th districts; thence north to Madison county line; thence west with the same to the beginning. Which two last described bounds shall be and remain a part of Madison county until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Madison county, with this exception, that no tax shall be laid or collected in the said bounds for the purpose of erecting public buildings in the county of Madison.

Bounds of two other counties which may be established.

Sec. 7. *Be it enacted*, That the following described lines shall be the bounds of one other county which may hereafter be laid off west of the said last described bounds: Beginning on the south west corner of the last described bounds, running thence north to the 5th sectional line in the 10th district; thence west to a point one mile west of the 3d range line in

Bounds of one other county.

Bounds of one
other county
which may be
established.

the 11th district; thence south parallel with said range line to the south boundary of the state; thence east on said boundary to the beginning. And that the following described lines shall be the bounds of one other county which may hereafter be laid off north of Shelby county: Beginning on the line separating the 11th and 13th districts, at a point two miles west of the first range line in the 11th district; running thence west on said dividing line to the middle of the Mississippi river; thence down the main channel of the same to the north west corner of Shelby county; thence east with the north boundary of Shelby county, and the last mentioned bounds, to a point three miles east of the 2d range line in the 11th district; thence north parallel with the said line to the beginning. Which two last described bounds shall be attached to, and be a part of Shelby county, until otherwise provided for by law, and shall enjoy all the privileges, and [be] subject to all the duties as citizens of Shelby county, with this exception, that no tax shall be laid or collected in the said bounds for the purpose of erecting public buildings in the county of Shelby.

And of one c-
ther.

Sec. 8. *Be it enacted*, That the following described lines shall be the bounds of one other county which may hereafter be established west of Hardin county: Beginning at the south west corner of Hardin county; running thence north with the west boundary of the same, twenty-seven and a half miles; thence west passing the south east corner of Madison county, to a point three miles west of the first range line in the 9th district; thence south parallel with said range line to the south boundary of the state; thence east on said boundary to the beginning. Which last described bounds shall be attached to, and be a part of, Hardin county, until otherwise provided for by law, and shall enjoy all the privileges, and be subject to all the duties as citizens of Hardin county, with this exception, that no tax shall be laid or collected in said bounds for the purpose of erecting public buildings for Hardin county.

Henderson
county

Sec. 9. *Be it enacted*, That the following described lines shall be the bounds of one other county, which shall be called and known by the name of Henderson county, in honor of, and to perpetuate the memory of Col. James Henderson: Beginning at the south east corner of Madison county; running thence east to the west boundary of Hardin county; thence north with Hardin county line to the north west corner of Hardin on the 6th sectional line of the 9th district;

thence east on said sectional line to the west boundary of Perry county; thence north with said boundary to the line separating the 9th and 12th districts; thence west with said line to the north east corner of Madison county; thence south with the east boundary line of said county, on the 2nd range line in the 9th Surveyors district to the beginning.

Sec. 10. *Be it enacted*, That for the due administration of justice, the Courts of Pleas and Quarter Sessions in said counties shall be held at the following places & times: For the county of Henry, at the house of Henry Wall, on the first Monday in December, March, June and September; for the county of Carroll, on the second Monday in December, March, June and September, at the house of R. E. C. Doherty; for the county of Madison, at the house of Adam R. Alexander, on the third Monday in December, March, June and September; for the county of Henderson, at the house of Samuel Wilson, on the fourth Monday in December, March, June and September; at which places the said courts shall be holden until otherwise provided for by law, under the same rules, regulations and restrictions, and shall exercise the same power and jurisdiction that is possessed by said courts in other counties of this state.

Court of Pleas
&c. when and
where to be
held.

Sec. 11. *Be it enacted*, That the sheriffs of the counties of Henry, Carroll, Madison and Henderson shall each hold an election at the places appointed for holding courts in said counties on the first Friday and Saturday in March next, for the purpose of electing field officers of the militia for said counties, under the same rules, regulations and restrictions as are pointed out by law in similar cases; and the militia of the county of Henry shall compose the — Regiment, and shall be attached to the — Brigade; and the militia of the county of Carroll shall compose the — Regiment, and be attached as aforesaid; and the militia of the county of Madison shall compose the — Regiment, and be attached as aforesaid; and the militia of the county of Henderson shall compose the — Regiment, and be attached as aforesaid.

To elect Field
officers, &c.

Sec. 12. *Be it enacted*, That it shall be duty of the commandants of said — and — Regiments, having first been commissioned and sworn according to law, to divide their regiments into such number of companies as they shall think best for the convenience of said companies, and it shall be the duty of each of said commandants to issue writs of election for company officers according to law.

Commandants
to divide their
regiments.

Sec. 13. *Be it enacted*, That all persons who were appointed and are now acting justices of the peace for Stewart county, that live in the bounds of Henry county, be, and they are hereby continued in office with as full power and authority as though they had been appointed for Henry county.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 7, 1821.

CHAPTER XXXIII.

An Act to authorise the taking of judgment on motion against county Trustees.

Whereas it frequently happens that county trustees refuse to pay over money to persons having just claims against the county, for remedy whereof;

Judgment a
gainst county
trustee.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be, and is hereby made the duty of county trustees to pay all the just claims against their county as they may be presented to them, if they have a sufficient sum of money in their hands not otherwise appropriated, and in case they fail or refuse to pay any just claim that may be presented as the law directs, it shall and may be lawful for the person or persons so applying to take a judgment on motion in the county court where the trustee may reside, in the same way, and under the same rules and restrictions that judgments are taken on motion against sheriffs, &c.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

November 7, 1821.

CHAPTER XXXIV.

An Act to compel Sheriffs and Collectors to receive county certificates in discharge of county taxes.

Clerk's duty.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any county court shall lay a tax to meet the demands due against their county, agreeable to the acts of 1813, chap. 99, sec. 20, the court shall order their clerk to enter of record, that the tax levied is intended to meet all demands

due against their county up to the time of laying such tax including jury claims.

Sec. 2. *Be it enacted*, That when the tax is laid agreeable to the first section of this act, it shall be the duty of the sheriff or collector of public tax to receive of any person owing county tax, county certificates or jurors' certificates to the amount of their county tax or any part thereof, that such person so offering or tendering such certificate may be owing: *Provided*, such certificate be for a claim owing by the county previous to laying the tax for the redemption of claims standing against the county at the time of laying the tax.

Sheriff to re-
ceive certifi-
cates in pay-
ment of tax.

Sec. 3. *Be it enacted*, That where any person may have filed their certificate with the county trustee agreeable to an act of 1819, it shall be the duty of the trustee to give such person filing such claim a receipt, or endorse on the back of the claim, stating the amount of such claim, and such receipt shall be a good and valid tender to the sheriff or collector for county tax as the original certificate.

Trustee to
give receipt.

Sec. 4. *Be it enacted*, That when any county court may think proper to lay a tax for the payment of jurors for any year, and shall not lay a tax to meet all other county claims, the court shall make it so of record, and the sheriff shall in such case receive jurors' certificates in discharge of tax: *Provided*, said sheriff shall not receive more jurors' certificates than the amount of tax laid for that purpose.

Sheriff not to
receive more
than tax laid.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 9, 1821.

CHAPTER XXXV.

An Act to establish the boundary line between this state and the State of North Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the dividing line run and marked by Alexander Smith, Isaac Allen and Simeon Perry, commissioners, for and on behalf of this state; and James Mebane, Montfort Stokes and Robert Love, commissioners for and on behalf of the state of North Carolina; which dividing line as run by said commissioners, begins at a stone set up on the north side of Cataloochee Turnpike Road, and marked on the west side, Ten. 1821, and on the east side N.

Boundary line
established
between this
state and N.
Carolina.

C. 1821; running thence on a south-westwardly course to the Bald Rock, on the summit of the Great Iron or Smoky Mountain, and continuing south-westwardly on the extreme height thereof to where it strikes Tennessee river about seven miles above the old Indian Town of Tallassee, crossing Porters Gap, at the distance of twenty-two miles from the beginning, passing Meigs' boundary line at thirty-one and a half miles, the Equovetty path at fifty three miles, and crossing Tennessee river at the distance of sixty-five miles from the beginning; from Tennessee river to the main ridge, and along the extreme height of the same to the place where it is called the Unicoy, or Unaka Mountain, striking the old trading path leading from the Valley Towns to the Overhills Towns, near the head of the west fork of Tellico river, and at the distance of ninety-three miles from the beginning, thence along the extreme height of the Unicoy or Unaka Mountain to the south west end thereof, at the Unicoy or Unaka Turnpike Road, where a corner stone is set up marked Ten. on the west side and N. C. on the east side, and where a Hickory tree is also marked on the south side Ten. 101 M. and on the north side N. C. 101 M. being one hundred and one miles from the beginning; from thence a due course south, two miles and two hundred and fifty two poles to a spruce pine on the north bank of the Hiwassee river, below the mouth of Cane creek; thence up the said river the same course, about one mile, and crossing the same to a Maple marked W. D. and R. A. on the south bank of the river; thence continuing the same course due south eleven miles and two hundred and seventy three poles to the southern boundary line of the state of Tennessee and North Carolina, making in all one hundred and sixteen miles and two hundred and twenty-three poles from the beginning; and striking the southern boundary line twenty-three poles west of a tree in said line marked 72 M. where was set up by said commissioners a square post, marked on the west side Ten. 1821, and on the east side N. C. 1821, and on the south side, G. be, and the same is hereby ratified, confirmed and established as the true boundary line between this state and the state of North Carolina.

When to take effect. S. c. 2. *Be it enacted*, That this act shall take effect and be in force so soon as the General Assembly of the state of North Carolina shall pass an act ratifying and confirming the line aforesaid to be the true bound-

ary line between that state and the state of Tennessee.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate;

November 9, 1821.

CHAPTER XXXVI.

An Act to amend an act, entitled, "An act to amend the laws of this State for the regulation of the County Courts," passed at Knoxville, October 29, 1817.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the before recited act as makes it the duty of the county court to select five justices to hold said courts, and so much of said act as gives a compensation to the justices for holding said courts, be repealed, and that the same take effect from and after the first day of January next.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem*;
S. BREWER,
Speaker of the Senate,

November 9, 1821.

CHAPTER XXXVII.

An Act to provide for the holding of a Supreme Court of Errors and Appeals in the sixth Judicial Circuit.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter the Judges of the supreme court of errors and appeals shall hold two terms of the said court, at the court-house in the town of Columbia in the county of Maury, and have and exercise all the jurisdiction, in and over causes, both in law and equity, arising in the sixth judicial circuit, as by law they now have and exercise in any other judicial circuit, where they now hold said court; that the said term shall be holden on the first Mondays in March and September in each and every year, and hold each of said terms two weeks, if business require it.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate;

November 9, 1821.

CHAPTER XXXVIII.

An Act to amend an act, entitled, "An act to further provide for the transfer of entries and warrants purchased at sheriff's sale."

Former law
repealed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That so much of the before recited act as relates to the transfer of entries, and plats and certificates of survey upon sales for taxes, be, and the same is hereby repealed, and that grants issued to the original owners in the same manner as if no such sale had taken place.*

Sheriff to convey after grant

Sec. 2. *Be it enacted, That in all cases where sales for taxes shall hereafter be made on entries and plats and certificates, the purchaser shall have power to take out grants in the name of the original owner or owners, and said sheriff shall make a deed to said purchaser, conveying all the title of the reputed owner, and said purchaser shall stand in the same situation, and have the same right to recover and hold said land so sold, as if the same had been granted before such sale had taken place.*

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 10, 1821.

CHAPTER XXXIX.

An Act to authorise the Register to issue grants in certain cases.

Preamble.

Whereas it is represented to this General Assembly, that parts of entries have been sold for the taxes under the act of 1819, and there being no law by which the purchaser can get the benefit of that part of said entry sold for the taxes under the law of 1819; for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That where any part of an entry has heretofore been sold for the taxes under the law of 1819, due thereon, that it shall be the duty of the sheriff selling the same, or his successor in office to make a transfer of that part of such entry as has been sold, in the same manner, and under the same regulations, as are now prescribed by law for the transfer of entries sold under and by virtue of executions issuing from the courts of this state, and it shall be the duty of either of the registers to issue a grant to such

Sheriff to transfer parts of entries.

Registers duty

purchaser, for so much of such entry as may be assigned to him or them by said sheriff, provided the warrant be taken up with the plat and certificate to the register's office as in other cases, which grant when issued shall vest the title in as full and ample a manner as deeds for granted lands in like cases.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 10, 1821.

CHAPTER XL.

An Act to authorise the removal of entries in certain cases.

Whereas it appears to this General Assembly, that many grants for lands south and west of the congressional reservation, owing to the great lapse of time since the surveys were made, have not until lately been clearly and certainly identified, and consequently could not be represented on the general plan of the district where such lands lay: And whereas many of the late entries may be unavoidably taken in part or in whole by such grants; and there being no provision made whereby such entries may be removed, and entered elsewhere; for remedy whereof,

*Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful in all cases where entries have heretofore been made in any of the surveyors districts south and west of the congressional reservation line, on lands previously appropriated by grant or entry from the state of North Carolina, and which were not laid down on the general plan, at the opening of the offices, or in cases where late entries have by mistake in calculation been made to interfere with each other, upon satisfactory evidence to the principal surveyor of any of said districts, that such entries are so taken in part or in whole, for such surveyor, in such cases, to permit the owner or agent, of such entries, to remove so much thereof as may be ascertained to be taken by such grants, to re-enter the same as in other cases: *Provided nevertheless, That such re-entry shall not be made in any other district than the one where such interference may happen, unless in cases where the whole**

Entries may be removed when made on old grants or entries.

Proviso.

of such entries are ascertained to be taken by such old grants.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

November 10, 1821.

CHAPTER XLI.

An Act for the benefit of persons summoned as garnishees before Justices of the Peace.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act when any person shall be summoned as a garnishee to appear before any justice of the peace, to declare on oath, what he may be indebted to any person against whom an execution may have issued, and shall on oath declare, that he is indebted to such person, such garnishee shall be entitled to stay of execution on the sum he may be indebted, in the same manner as he would have been if he had been warranted for such debt.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 12, 1821.

CHAPTER XLII.

An Act to establish the 8th Judicial Circuit of the State of Tennessee, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That there shall be laid off and established a judicial circuit in this state, which shall be called the eighth judicial circuit, and shall be composed of the counties of Henry, Carroll, Henderson, Madison, Shelby, Wayne, Hardin and Perry, and that there shall be elected by this General Assembly one Circuit Judge whose courts in said circuit, and who shall have the same powers, privileges, and emoluments, as the other circuit judges in this state,

Sec. 2. Be it enacted, That all appeals and writs of error, and appeals in the nature of writs of error taken from the circuit courts, in said 8th judicial circuit, shall be returned to, and be decided in the courts of

errors and appeals held at Charlotte; and that the said court of errors and appeals shall have the same powers and jurisdiction over the several courts and causes, that are or may arise in said circuit, that is now or may hereafter be given to the said court of errors and appeals, over the courts and causes in the 5th judicial circuit.

Sec. 3. Be it enacted, That there shall be a district composed of the counties of Humphreys, Henry and Carroll, to be called the 13th Solicitorial District; and there shall be elected a solicitor to perform the duties of said district enjoined on him by law, with the same powers, privileges and emoluments of the other Solicitors General of this state.

Sec. 4. Be it enacted, That there shall be a solicitorial district composed of the counties of Henderson, Madison and Shelby, to be called the 14th solicitorial district of the state of Tennessee, and that there shall be elected a solicitor for said district, whose duties, powers, privileges and emoluments, shall be the same as those prescribed by law, for other solicitors of this state.

Sec. 5. Be it enacted, That the times and places of holding the circuit courts in the said circuit, shall be as follows, (viz.) In the county of Henry on the fourth Mondays of March and September at Henry Walls. In the county of Carroll on the first Mondays of April and October at the house of Robert E. C. Doherty. In the county of Henderson on the second Mondays of April and October at the house of Samuel Wilson. In the county of Madison on the third Mondays of April and October at the house of Adam R. Alexander.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 12, 1821.

CHAPTER XLIII.

An Act to compel the Banks therein named to pay specie and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That any President, Cashier, Director or Stockholder, of any of the Banks chartered by the laws of this state, who shall sell any gold or silver now in the vaults of, or belonging to, either of the

said Banks, for a premium, or dispose of it in any way otherwise than is hereinafter provided for the redemption of their notes, now in circulation, previous to all of said notes being redeemed, shall be deemed guilty of a misdemeanor, and be subject to be fined and imprisoned at the discretion of the court, not exceeding one thousand dollars, and imprisoned not exceeding five years.

Banks shall
pay specie in
1824.

Sec. 2. *Be it enacted*, That each Bank chartered by the laws of this state, shall, on or before the first Monday of April, one thousand eight hundred and twenty-four, resume the payment of specie for their notes according to the promise specified in the face thereof, and from thenceforward, continue punctually to discharge their notes and other debts in specie, otherwise the charter of every such Bank as fails is hereby declared to be forfeited, except the Bank of the State of Tennessee, and forever after, shall be of no force or effect, except so far as may be necessary to enable them to collect their debts, and to do all other acts legally proper, and necessary to enable them to wind up and settle their concerns.

Banks to
settle ac-
counts with
each other e-
very three
months.

Sec. 3. *Be it enacted*, That from and after the first day of January next, it shall be the duty of each of the Banks, chartered by the laws of this state, which may be in the practice of receiving each other's paper, in the ordinary course of transacting their business, to settle their accounts with each other once in every three months, if they or any of them shall by any other be required so to do; and it shall be the duty of each Bank upon such settlement or requisition to exchange the paper or notes of the one, for the paper or notes of the other, so far as it may be in their power; and if any of the Banks chartered by the laws of this state shall fail or refuse to comply with the requisitions herein contained, the charter of such Bank shall from thence forward be utterly null and void, except so far as may be necessary to the final settlement and closing the concerns of said Bank.

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

JNO. H. CAMP,

Speaker of the House of Representatives, [pro tem.]

S. BREWER,

Speaker of the Senate.

November 13, 1821.

CHAPTER XLIV.

An Act to establish the boundary line between the States of Tennessee and Kentucky.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line lately run between the States of Tennessee and Kentucky, by William Steel and Absalom Loony, so far as it extends shall be confirmed and established as the boundary line between the said states, in conformity with the report of the said William Steel and Absalom Loony, which is as follows, (viz:) Beginning at seven pines and two black oaks on the top of Cumberland mountain on the Tennessee line, one mile and a half and twelve poles southward from the Cumberland Gap, and thence with Walker's old marked line, south eighty six degrees west by the magnetic meridian, crossing the left hand fork of Yellow Creek at one mile; crossing Mingo mountain and crossing Bennet's fork of Yellow Creek at five miles; then crossing Log mountain, and crossing Bowman's fork of the Clear fork of Cumberland at nine miles, and the Trace fork at twelve miles, and Buffalo at fifteen miles; and the Laurel fork at eighteen miles, and Tom's creek at nineteen miles, and Primroy at twenty one miles; then crossing Pine mountain, and crossing the Clear fork of Cumberland river in the lot at twenty five miles; then crossing Hackle knob to the Elk fork at twenty eight miles; then crossing Indian creek at twenty nine miles, crossing Gillico mountain, and crossing Gillico creek at forty one miles, and crossing the right hand fork of Gillico at thirty six miles, and crossing Rock creek at forty one miles, and crossing Marsh creek at forty seven miles, and Roaring Pouch at forty nine miles, and Bear creek at fifty four miles, and crossing the Big south fork of Cumberland at fifty eight miles, crossing Rock creek at sixty eight miles, and crossing the left hand fork of the Little south fork at seventy six miles, and passing the Chimney (or Pilot) rock at seventy eight miles; then crossing the Poplar mountain into Stockton's valley at eighty seven miles; then crossing Pile's Turnpike road at ninety miles; then crossing Wolf river six times, (to wit:) at ninety six miles, ninety seven, and twice in ninety nine, and at one hundred and three miles, and crossing Sulphur creek at one hundred and four miles, and crossing Kettle creek at one hundred and twelve, in all one hundred and fourteen miles to three black-berry trees on the bank of Cumberland river, oppo-

site to the point where Walker's old marked line strikes the Cumberland river on the west side, and about twenty poles above John Reaves' house.

When to be
in force.

Sec. 2. *Be it enacted*, That this act shall go into complete operation so soon as the legislature of the state of Kentucky shall pass a law ratifying and confirming said report of the said William Steele and Absalom Loony.

JNO. H. CAMP,

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

Speaker of the Senate.

November 13, 1821.

CHAPTER XLV.

An Act to compel owners of land in the Hiwassee district to pay taxes for the same.

Purchasers
of Hiwassee
lands to pay
tax.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the purchasers of land in the Hiwassee district, be, and they are hereby required to give in their lands, and pay taxes therefor, in the same manner and under the same rules and regulations as are now prescribed by law for giving in, and paying taxes for land in this state.

Sec. 2. *Be it enacted*, That this act shall be in force from and after the first day of January next.

JNO. H. CAMP,

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

Speaker of the Senate,

Sep. [November] 13, 1821.

CHAPTER XLVI.

An Act supplementary to an act, entitled "An act to establish new counties west of Tennessee river," passed at the present session.

To what ec-
lectoria dis-
tricts new
counties may
be attached.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties laid off and established by the above recited act shall be attached to the following electoral districts, (to wit:) The counties west of Stewart shall be attached to Stewart; the counties immediately west of Humphreys and Perry shall be attached to Humphreys and Perry; and the counties west of Wayne and Hardin shall be attached to Wayne and Hardin.

Sec. 2. *Be it enacted*, That the sheriffs of said

counties shall make return of the votes for Electors to elect a President and Vice President, Governor, Representatives to Congress and members of the General Assembly, as follows; (to wit:) The sheriff of Henry county shall make his return to the sheriff of Stewart county on the Monday succeeding the election; whose duty it shall be to receive said return and to produce the same with the return from Stewart county on the second Monday after the election at the court-house in the town of Reynoldsburg, which shall be the time and place of the meeting of the returning officers of the senatorial district composed of the counties of Stewart, Humphreys, Perry, Henry, Carroll, and Henderson. The counties of Wayne, Hardin and Shelby and the territories attached thereto shall compose one electoral district for the purpose of electing one Representative, and the returning officers of the senatorial district composed of the counties of Hickman, Lawrence, Wayne, Hardin, Shelby and Madison shall meet on the second Monday after the election at the place of holding court in Hardin county, and when the said officers have so met they shall compare the votes under the same rules, as is prescribed by [law] in similar cases, and shall certify accordingly.

Sec. 3. *Be it enacted*, That the militia of Henry county shall compose the 73rd regiment, and shall hold their regimental musters at the place of holding court in said county on the first Friday in October in each and every year; and the militia of Carroll county shall compose the 74th regiment, and shall hold their regimental musters at the place of holding court in said county, on the second Friday in October in each and every year; and the militia of Madison shall compose the 75th regiment, and shall hold their regimental muster at the place of holding court in said county on the third Friday in October in each and every year; and the county of Henderson shall compose the 76th regiment, and shall hold their regimental muster at the place of holding court in said county on the fourth Friday in October in each and every year. Which several regiments shall be attached to, and constitute a part of the 11th brigade.

Sec. 4. *Be it enacted*, That the acting militia officers that have been commissioned for the 26th regiment who reside in Henry county, may act and hold their rank in the 73rd regiment, and exercise the same powers, and subject to the same rules as if they had been commissioned for the said 73rd regiment.

Sheriff's duty to make return of votes for president, governor, representatives, and members of the state legislature.

What counties shall compose the 73rd, 74th, 75th and 76th regiments.

Militia officers for the 26th regiment to act in the 73rd regiment.

Duty of justices to attend the first court and swear in other justices.

Sec. 5. *Be it enacted*, That it shall be lawful for any justice of the peace for Henry county to attend at the place of holding court in Carroll county, at the first court to be holden in said county, and administer the necessary oath to the justices of the peace for the county of Carroll, and for some justice of the peace for Carroll county to attend at the place of holding court in the county of Madison at the first court to be holden for said county, and administer the necessary oath to the justices of the peace for the county court of Madison, and for some justice of the peace for said county of Madison to attend at the place of holding court in the county of Henderson, at the first court to be holden for said county and administer the necessary oath to the justices of the peace for said county of Henderson.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 13, 1821.

CHAPTER XLVII.

An Act to establish the fees of Attornes General in certain cases.

Attorney General's tax fee where county pays the costs.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases hereafter when two or more persons shall be included in the same indictment for a riot or an affray, and upon the trial said persons do not sever, but shall elect to be tried collectively, the attorney's tax fee shall be the same as is now allowed by law, where the indictment or presentment includes but one person, in cases where the county is taxed with the cost; any law to the contrary notwithstanding.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 14, 1821.

CHAPTER XLVIII.

An Act for the benefit of Occupants.

Where mistakes are made, occupants

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person or persons shall have had the right of occupancy in

this state, under the act of 1819, and made a mistake in entering the same; *Provided*, That said occupant shall make it satisfactorily appear that such mistake was actually made; *And provided also*, That when said re-entry is made, it shall be made in strict conformity with the law authorising occupant entries; it shall be lawful for such person or persons to re-enter such occupancy or occupancies so as to include their improvements.

Occupants may re-enter.

Sec. 2. *Be it enacted*, That in all cases where any occupant shall have entered his improvement, and the warrant on which said entry shall be made shall be of a greater quantity of acres than the entry thus made, it shall be lawful for such occupant or occupants to lift the residue of said warrant; *Provided* said residue shall not exceed one hundred and sixty acres, and enter the same on any unappropriated land; *Provided*, That said occupant or occupants shall enter the same in the district where the same shall be originally entered.

Occupant may lift the residue of his warrant.

Sec. 3. *Be it enacted*, That this act shall extend to any other person or persons, excepting such as were occupants under the aforesaid act.

Sec. 4. *Be it enacted*, That wherever any occupant entry has been made by mistake so as not to include the improvement, and the said improvement has been taken by a subsequent entry or entries, it shall and may be lawful for such entry, so made by mistake, to be avoided, and the warrant laid upon any other vacant and unappropriated land; *Provided* it has not been re-entered in the general office.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 14, 1821.

CHAPTER XLIX.

An Act for the relief of certain Grantees.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where grants have been issued by the state of North Carolina, north of Alexander's and Munsell's line, and within the distance of two and a half miles north of said line, the legal owners of such lands may and are hereby authorised to lay such claims before the commissioners of land claims for West Tennessee, whose duty it shall be to

N. S. Grants north of Alexander's and Munsell's line within 2 1/2 miles of said line may be laid before commissioners.

same certificates for lost lands as in other cases, upon being satisfied by evidence of such fact and of the ownership of such lands, and that the same would have been held, *Provided* such lands had fallen south of said line. But in no case shall said commissioners issue a certificate or certificates for any land lying or situate more than two and a half miles north of said Alexander's and Munsell's line, nor where any certificate hath been issued previously by said board of commissioners; *Provided*, That said grantees or the person or persons claiming under him or them shall not have the quantity of land called for in his or their grants, south of the aforesaid Alexander's and Munsell's line.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 15, 1821.

CHAPTER L.

An Act to amend an act, entitled, "An act increasing the jurisdiction of Justices of the Peace," passed at Knoxville October 31, 1817.

Justices
fees repealed.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of January next, it shall not be lawful for any Justice of the Peace in this state to exact or receive any fees for his services in rendering up judgment or issuing executions in any civil case whatsoever.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 1 1821.

CHAPTER LI.

An Act to amend an act, entitled, "An act to establish a Bank of the State of Tennessee," passed July 29, 1820.

Whereas it appears to this General Assembly that there is not sufficient money in circulation under the denomination of one dollar to answer the purposes of change, to the great inconvenience of many of the good citizens of this state; for remedy whereof;

The new
State Bank
allowed to is-

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the President and Directors of the Bank of the State of Tennessee aforesaid, be,

and they are hereby authorised to procure not exceeding fifty thousand dollars of small notes, to be neatly engraved, and struck on good paper, each of which shall be under the value of one dollar, of such sizes and in such proportions as the said President and Directors may think best suited for the purposes of change.

use change
tickets.

Sec. 2. Be it enacted, That said notes shall be signed by the President and Cashier in the same manner as other notes of the Bank of the State of Tennessee, and when completed shall be distributed in the different counties of this state, in proportion to the former distribution of the notes of said Bank, and shall be loaned or exchanged in such manner as the Directors of the Bank aforesaid may think advisable.

Must be
signed by pre-
sident and
cashier.

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

JNO. H. CAMP.

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

S. BREWER,

Speaker of the Senate.

November 15, 1821.

CHAPTER LII.

An Act supplemental to an act providing for the holding a Supreme Court of Errors and Appeals in the sixth Judicial Circuit.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That all laws and parts of laws requiring appeals and writs of error to be taken from any of the courts of the sixth circuit to the Supreme Court of Errors and Appeals for the fourth circuit at Nashville, be and the same are hereby repealed, and such appeals and writs of error shall in future be had and taken to the Supreme Court to be holden for the sixth circuit at Columbia, in the same manner, and under the same rules and regulations as the same were formerly allowed to the Supreme Court for the fourth circuit at Nashville.

Appeals in
the 6th circuit
to be taken to
the supreme
court at Co-
lumbia.

Sec. 2. Be it enacted, That it shall be the duty of the Judges of said circuit to appoint a clerk and master for said court to be holden in the sixth circuit, at least twenty days before the first term thereof.

Court to ap-
point a clerk.

Sec. 3. Be it enacted, That in appeals or writs of error, or appeals in the nature of writs of error from the circuit court of Giles, if the record be brought five days before the sitting of said Supreme Court, the

Appeal
from Giles

case shall stand in the same situation, and be tried in the same way, as if such record had been brought up fifteen days before said term.

Sec. 4. *Be it enacted*, That it shall be the duty of the clerk and master of the Supreme Court of Errors and Appeals for the fourth circuit at Nashville on or before the first day of the first term of said court in the sixth circuit, to transmit to the clerk and master of said court, all causes in his court pending there by writ of error or appeal from the counties composing the sixth circuit; and all causes heretofore tried in any of said courts on which appeals or writs of error have been prayed, to the Supreme court for the fourth circuit at Nashville, although not yet carried up, the same shall be transmitted by the clerk to the Supreme Court for the sixth circuit at Columbia; and the same judgment, orders and decrees therein shall be made as though they had been carried to the Supreme Court of Errors and appeals for the fourth circuit at Nashville,

Sec. 5. *Be it enacted*, That it shall be lawful for the Honorable Parry W. Humphreys, Judge of the fifth judicial circuit of this state to hold the Circuit Court for the county of Perry, at the approaching November term, and that his acts and judicial proceedings therein, and his acts and judicial proceedings done and performed by him, at the present November term of Hardin county circuit court since the passage of an act at the present session of this General Assembly, entitled, "An act to establish the 8th judicial circuit in this state, and for other purposes," shall have the same authority and effect as if the before recited act had not passed.

Sec. 6. *Be it enacted*, That Joshua Haskell, the Judge elect for the 8th judicial circuit, may take and subscribe the oaths of office prescribed by the Circuit Judges of this state before any Justice of the Peace for the county of Rutherford.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 15, 1821.

Clerk at Nashville to transmit the causes of the 6th circuit to the clerk at Columbia.

P. W. Humphreys to hold a court and his acts confirmed.

Joshua Haskell.

CHAPTER LIII.

An Act supplemental to an act passed at the present session of the General Assembly, entitled "An act to limit the time for the satisfaction of land warrants and certificates."

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for the purpose of adjudicating claims as contemplated in said act, there shall be two commissioners appointed by joint ballot of both houses of this General Assembly, who, together with Jesse Blackfan the late clerk, who is hereby appointed a commissioner, shall form a board, and shall on the day specified in said act commence the adjudication of such claims as may have been filed, and continue their sessions from day to day until the first day of May thereafter unless they shall have sooner completed all the business before them.

Sec. 2. *Be it enacted*, That on the said first day of May, they shall adjourn their sessions until the first day of July next following, at which time they shall recommend the adjudication of claims and continue therein, until the end of said month; or until they shall have passed on all the claims remaining to be examined at the close of the first session.

Sec. 3. *Be it enacted*, That on the said last day of July, the commissioner's office shall be closed forever; it being understood, that no fee shall be demandable for filing evidence where it consists solely of matter of record belonging to the office, and that the books are to be copied and authenticated as prescribed in the act of 1819, regulating the duties to be performed in commissioners office; and that so much of the act which this is intended to amend requiring the obtainment of grants on or before the first day of September 1823, be, and the same is hereby suspended until the end of the next stated session of the General Assembly.

Sec. 4. *Be it enacted*, That the Governor is hereby authorized to supply any vacancy in said board of commissioners which may happen in the recess of the General Assembly.

Sec. 5. *Be it enacted*, That the clerk of the board of commissioners, who by this act is appointed, one of said commissioners shall be entitled to receive six dollars for each day said board are in session and it shall be lawful for him to appoint a deputy for the purpose of receiving and filing of claims in the man-

Two commissioners appointed.

Office closed last day of July.

Governor to supply vacancy.

Clerks pay & power.

ner prescribed by the act to which this is a supplement.

Certain provisions extended.

Sec. 6. *Be it enacted*, That the provisions of the 2d and 3d sections of an act entitled "An act to make good and legal, certain land claims and land warrants," passed at Murfreesborough the first day of July, 1820, shall extend to all cases where a younger title is included within the bounds of a grant derived from North Carolina, containing more than five thousand acres.

Act of 28th July 1820, to be observed.

Sec. 7. *Be it enacted*, That the provisions of an act entitled, "An act for the relief of those who may have claims lying north of the Kentucky line," passed at Murfreesborough 28th July, 1820, shall be observed by the commissioners for the adjudication of land claims as well as the acts of 1819.

Repealing clause

Sec. 8. *Be it enacted*, That as much of the act to which this is a supplement, or of any other act as may contradict the true intent and meaning of this act be and the same is hereby repealed.

Where younger grant holds, warrants may be drawn on elder grant.

Sec. 8. *Be it enacted*, That where a younger grant holds or may hold by virtue of the statute of limitation, that the older grantee or those claiming by conveyance under him, may get a certificate for the amount of acres so interfered with by such younger grant; *Provided*, such certificate does not exceed the amount of acres wanting, to equal the number called for in the face of such older grant; *And provided*, That for that part for which such certificate is obtained such older grant, in suit or otherwise be held void, but no further; *And provided also*, That the said grant shall be founded on a good and valid warrant, and that no other grant has been issued upon the same.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November, 15, 1821.

CHAPTER LIV.

An Act to repeal part of the laws now in force concerning jurors.

Be it enacted by the General Assembly of the State of Tennessee, That all special laws or parts of laws requiring any court in this state to summon more than

All special laws about jurors repealed.

Twenty-six jurors, be and the same are hereby repealed.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 15, 1821.

CHAPTER LV.

An Act to amend the militia laws of this State.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That when any regiment or battalion court martial in this state is convened agreeable to law, and the Judge Advocate is absent, the court martial shall have power to appoint some person to act as Judge Advocate, who shall before he proceeds to act, take the oath prescribed by law, and shall receive one dollar and fifty cents a day for his services.

Court martial to appoint judge advocate.

Sec. 2. *Be it enacted*, That the commissioned and staff officers of the infantry are hereby required to meet at the place of holding their battalion musters at eleven o'clock on the day preceding said muster, armed with a rifle, musket, or shot gun and dressed in the uniform prescribed by law, for the purpose of being trained as at regimental drills, and the commanding or senior officer present shall call, or cause the roll to be called, and make a return of all delinquents to the next regimental or battalion court martial.

Commissioned and staff officers of infantry to meet & be drilled.

Sec. 3. *Be it enacted*, That Regimental courts martial shall have power to fine delinquents, field or staff officers, and it shall be the duty of the commanding or senior officer present at any regimental, battalion or drill muster, to make a return of all such delinquents to the next regimental or battalion court martial, and they shall have a discretionary power to assess fines or not as they may think proper on delinquents.

Regimental court martial to fine delinquents.

Sec. 4. *Be it enacted*, That the militia officers of this state shall wear the same uniform as that of the officers of the same grade in the army of the United States, but they are hereby authorised to have their coats made of domestic manufactured cloth, and they shall not be compelled to wear boots or gaiters.

Uniform same as that of United States.

Sec. 5. *Be it enacted*, That so much of the fifth section of an act passed at Murfreesborough, 1819, as compels privates and non-commissioned officers to bear arms at muster, shall not affect any person who

A person who does not own arms not to be fined.

is not the owner of a gun, and all laws heretofore passed authorising commissions to issue to staff officers, be and the same is hereby repealed; *Provided always*, That no captain shall hold more than two company musters in each year, at such times as he shall think proper.

Two company
musters in
each year.

Governor to
distribute
arms.

What shall en-
title to distri-
bution.

Captain to
give bond.

Light infantry,
rifle and vol-
unteer compa-
nies may ad-
opt a uni-
form.

Murfreesboro'
company.

Sec. 6. *Be it enacted*, That the Governor shall, without delay, cause the public arms now at Nashville to be transported to the seat of Government and draw on either treasurer for such amount as may be necessary for that purpose; the said arms shall be in the care of the Quarter Master General, but shall from time to time be distributed to such uniform volunteer companies as shall be entitled to the same; and in order to entitle any company to the use of a portion of said arms, it shall be necessary for the commandant of the regiment to certify on oath, that such company consists of not less than forty rank and file; that it is a uniform volunteer company; and that every member of the same is in complete uniform. It shall then be lawful for the Governor to issue his order to the Quarter Master General, directing him to deliver to the captain of said company, a number of arms, equal to the whole number of non-commissioned officers and privates, the said captain first giving bond and sufficient security to be approved by the Governor, and payable to him, that the arms thus delivered shall be kept in a soldier-like manner, and free from injury, and that they will be delivered whenever called on, for the use of the state; which bond shall be renewed by each succeeding captain within two months from the day of his election, or on failure, the Governor shall forthwith cause the arms to be redelivered to the Quarter Master General.

Sec. 7. *Be it enacted*, That hereafter all light infantry and rifle companies, as well as all other independent or volunteer companies of militia in this state may be and they are hereby authorised to choose and adopt a particular uniform for their respective companies, and when the same is chosen and adopted by a majority of the company, and entered on the minutes or journal of their Regimental Court Martial, it shall be the legal uniform of the respective company or companies so choosing, any law, usage or custom to the contrary notwithstanding.

Sec. 8. *Be it enacted*, That it shall be lawful for persons to associate themselves together, and organize a company in the town of Murfreesborough, to be called the "Murfreesborough Independent Volunteer

Company," to consist of not less than sixty four, nor more than one hundred privates, one captain, one lieutenant, & one ensign, three sergeants, three corporals and two musicians.

Sec. 9. *Be it enacted*, That the election for officers in said company shall be held under the same rules, regulations and restrictions in the town of Murfreesborough as elections for other militia officers, and that said election shall take place so soon as sixty four persons shall associate themselves together for the purpose aforesaid; *Provided*, That in forming said company it shall not be lawful to reduce any other militia company below their constitutional limits.

Officers how
elected.

Sec. 10. *Be it enacted*, That said volunteer company shall have the power to make their own bye-laws for their government, and shall have the power to add to or change them at their pleasure, a majority of such company consenting to such change, and said company shall have the power to fix upon their own uniform, a majority of said company consenting to the same.

To make bye-
laws and fix
upon their uni-
form.

Sec. 11. *Be it enacted*, That said company shall not proceed to the election of their officers until at least sixty-four members shall have subscribed to the articles regulating said company, when they shall proceed to designate their uniform and elect their officers.

Sec. 12. *Be it enacted*, That the field officers of the Regiment of Cavalry attached to the 7th Brigade of Tennessee Militia, shall review the respective troops belonging to said Regiment once in each year, at the place of holding company musters in each county, under the penalty of twenty-five dollars for every such neglect without a lawful excuse for the same.

Regiment of
cavalry of 7th
Brigade to be
reviewed once
a year.

Sec. 13. *Be it enacted*, That the commandant of said Regiment shall issue a field order commanding the respective troops to appear at the place of holding company muster in each county, at the time therein mentioned, and in the event, any captain, subaltern officer or trooper shall fail to attend, they shall be liable to the same fine as for non-attendance at regimental musters; and all laws requiring said regiment to hold a regimental muster, be, and the same is hereby repealed.

Commandant
of said regi-
ment to issue
his order.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate

November 16, 1864.

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CHAPTER LVI.

An act to amend the law authorising the transfer of plats and certificates of survey.

Register to issue grants to assignee if satisfied with clerk's certificate.

Be it enacted by the General Assembly of the State of Tennessee, That either of the Registers of this state shall be and hereby are authorised to issue grants (for land within his division) to any assignee or assignees where the assignment of the plat and certificate of survey has been made, or hereafter may be made in any of the courts of record in this state; *Provided* he shall be satisfied with the certificate of the clerk of the court rendering such probate or acknowledgement.

JNO. H. CAMP,

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

Speaker of the Senate.

November 15, 1821.

CHAPTER LVII.

An Act making further provision for the imperfect probate and registration of deeds.

Registration of deeds and powers of attorney.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That when deeds of conveyance for land or powers of attorney authorising such conveyance shall have been registered in the county where the land lies, upon acknowledgment or probate which was by law authorised at the time such acknowledgment or probate was made, or any subsequent law, such acknowledgment, probate or registration shall be good and effectual to pass the estate thereby intended to be conveyed.

Acknowledgment before Judge good without the initials of his official character.

Sec. 2. Be it further enacted, That where any deed of conveyance for land, or powers of attorney authorising such conveyance shall have been acknowledged by the grantor or bargainor before any judge authorised to take the acknowledgment of deeds, and the same shall have been registered in the county where the land lies, and the judge before whom the acknowledgment was made shall have omitted in his certificate to state his official character, by initials or otherwise, such acknowledgment and registration shall be good and effectual to pass the estate thereby intended to be conveyed; *Provided nevertheless,* That this act shall not be construed to defeat the rights of creditors or subsequent *bona fide* purchasers for a full

consideration without notice of such deed or power of attorney.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate,

November 16, 1821.

CHAPTER LVIII.

An Act regulating the County Courts.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter at the first court in each and every year, it shall be the duty of the Justices of the County Courts on the first day of the term to class themselves into as many classes as they may think proper, for the purpose of attending and holding said courts; *Provided* said classes shall not be smaller than five Justices in each; *And provided further,* That nothing herein contained shall be so construed as to incapacitate any of said Justices presiding at any time in said court.

Justices to be classed at the first term.

Sec. 2. Be it enacted, That it shall be the duty of said Magistrates to attend according to classification so made as aforesaid, and in all cases it shall require at least three to constitute a court for the transaction of business.

Their duty.

Sec. 3. Be it enacted, That hereafter when a sufficient number of Justices shall not attend on any day for the despatch of business, the Justice or Justices so attending shall adjourn from day to day until a sufficient number attend, and if no Justice shall attend, either at the beginning of the term, or any day after the term shall have commenced, it shall be lawful for the sheriff, or in his absence, the clerk, to adjourn in the same manner as is above prescribed.

If no Justices attend to adjourn from day to day.

Sec. 4. Be it enacted, That the same rules and regulations, relative to county business, attendance of jurors, classification of causes, elections of county officers, reading of minutes, &c. shall be pursued as pointed out in the act entitled, "An act to amend the laws of this state for the regulation of the County Courts," passed at Knoxville, October 29, 1817.

Same rules as in act of 1817.

Sec. 5. Be it enacted, That the County Court of Maury is hereby authorised to allow to the clerk thereof the cost of all blank bound books that he may have occasion to purchase for the use of his office during the suspension of his allowance for *ex-officio*

Clerk of Maury to pay for blank bound books.

services under the act passed the present session for said suspension.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.

November 16, 1821.

CHAPTER LIX.

An Act concerning the public revenue.

Kentucky notes shall not be received for public dues

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any collector of public monies to receive the notes of any of the banks of Kentucky in discharge of public dues, nor shall either of the treasurers receive notes of said banks, or any of them for monies due to this state.

Treasurers to deposit in the State Bank or branch.

Sec. 2. *Be it enacted*, That it shall be the duty of the treasurer of East and West Tennessee within ten days after any portion of the public revenue shall be received by either of them, to deposit the same in the bank of the State, or Knoxville Branch thereof; and said deposit shall be made of the same money or notes received, and shall not be exchanged by said treasurer or either of them.

In his draft to specify the use to which said money will be applied.

Sec. 3. *Be it enacted*, That whenever either of said Treasurers shall wish to draw from said bank, or the Knoxville branch, any part of the money subject to the control of said Treasurer, he shall specify in his drafts or check, the purpose or use for which said money is applied for.

Sec. 4. *Be it enacted*, That this act shall commence and be in force from and after the first day of January next except the first section which shall be in force from the passage thereof.

College or Academy money to be deposited in like manner.

Sec. 5. *Be it enacted*, That all laws or parts of laws heretofore passed authorizing the treasurers of this state to vest either college or academy monies in bank stock, be, and the same is hereby repealed, and hereafter that they be required to deposit those funds in the bank of the State of Tennessee, or the branch thereof at Knoxville under the same rules and regulations as they are required to do in regard to the state revenue.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.

November 16, 1821.

CHAPTER LX.

An Act granting longer time to enterers of land in the Surveyor's office of the 2nd district to complete their surveys; and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the further time of four months be allowed for the surveying of all entries made in said office previous to [the] twenty-fifth of November, 1820; and said surveyor by himself or deputy shall complete surveys on all of said entries, and make out the plats and certificates within said time.

Four months allowed to surveyor of 2d district.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.

November 16, 1821.

CHAPTER LXI.

An Act concerning the registration of deeds.

Be it enacted by the General Assembly of the State of Tennessee, That in all cases where a deed of conveyance of land, has been acknowledged before a judge of the late superior courts of law and equity or before any court of record in this state, and since registered in any register's office in this state, or where the privy examination of a *feme covert* through whom the title is derived has been taken before any court of record and certified, and such deed registered in the proper county; such deed or an authenticated copy thereof may be read in evidence, and shall be deemed sufficient to pass the title: *Provided*, That no person claiming by a conveyance under the same title shall be affected thereby.

Deeds acknowledged, &c. & registered, or authenticated copies, may be read in evidence.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.

November 16, 1821.

CHAPTER LXII.

An Act for the relief of Sheriffs and Collectors.

Be it enacted by the General Assembly of the State of Tennessee, That the different sheriffs and collectors throughout this state shall be allowed the time of one year from and after the passage of this act to finish

One year allowed sheriffs to collect taxes

the collection of all taxes which have not been paid within the time prescribed by law, under the same rules, regulations and restrictions, and with equal powers with which sheriffs and collectors are vested by law for the collection of taxes within the time now prescribed by law.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.
November 16, 1821.

CHAPTER LXIII.

An Act to suspend the operation of the act therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed at the present session of this General Assembly, entitled, "An act to amend the 7th section of an act passed in the year 1784, entitled an act to regulate the descent of real estates, to do away entails, to make provision for widows and to prevent fraud in the execution of last wills and testaments," be and the same is hereby suspended from taking effect until the end of the next stated session of the General Assembly of this state.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.
November 16, 1821.

CHAPTER LXIV.

An Act directing the manner of collecting taxes west of Tennessee River, 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 Sheriff of Stewart county, to report and sell any lands for the taxes of 1821, not lying in the bounds of said county at the passage of this act, nor for any cost of advertising and reporting the same.*

Courts west of Tennessee to lay a tax.
Sec. 2. *Be it enacted, That it shall be lawful for [the] different County Courts, west of Tennessee river, at their first court after the passage of this act, to cause all lands being in their respective counties, and subject to taxes for 1821, to proceed to lay a tax for county purposes, not exceeding the rate of taxes laid by the county of Stewart for the present year, and the Sher-*

iffs of the several new counties west of Tennessee river to collect the same, both state and county taxes, and shall pay over to their respective county trustees and the Treasurer of West Tennessee, in the same manner as other sheriffs are bound to do, any law to the contrary notwithstanding.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.
November 16, 1821.

CHAPTER LXV.

An Act supplemental to an act to establish the 8th Judicial Circuit for the State of Tennessee, and for other purposes. Appeals from 8th circuit

Be it enacted by the General Assembly of the State of Tennessee, That all appeals and writs of error, and appeals in the nature of writs of error from the counties of Wayne, Hardin, Perry, Henderson, Madison and Shelby, shall be to the Supreme Court of Errors and Appeals for the sixth circuit at Columbia; and the said court shall have and exercise jurisdiction in all causes in law and equity arising in said counties, as by law the said court now exercises over causes in the sixth circuit.

JNO. H. CAMP,
Speaker of the House of Representatives, *pro tem.*
S. BREWER,
Speaker of the Senate.
November 16, 1821.

CHAPTER LXVI.

An Act concerning Champerty and Maintenance;

Preamble:
Whereas of late, and contrary to the laws in force and use, instances have occurred, before and after commencing suits, of agreements with the party claiming, in case of recovery to have part of the thing in dispute, upon recovery of such matter or thing, or have their fee or compensation for their labor in such suit increased or diminished, as the event of such suit may be favorable or unfavorable; and whereas great strife and law-suits have been stirred up by maintenance, embracing champerty and sinister labor, buying of titles and pretended rights of persons not being in possession; for remedy whereof;

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

Not to sell pre-
tended rights

State of Tennessee, That from and after the passing of this act, no person shall agree to buy, or to bargain or sell any pretended right or title in lands or tenements or any interest therein, and if any such agreement, bargain, sale, promise, covenant or grant be made, where the seller has not himself, or by his agent or tenant, or his ancestor been in actual possession of the same, or of the reversion or remainder, or taken the rents or profits for one whole year next before the sale, such sale, bargain, promise, covenant, grant or agreement shall be utterly void; and if any suit in law or equity shall be brought for the recovery of the lands or tenements as bargained or contracted for, whether the agreement, sale, bargain, covenant, grant or promise be executed or executory, the court in which such suit may be depending, upon the facts being disclosed in either of the ways hereinafter mentioned, shall forthwith dismiss such suit with cost; *Provided*, That nothing herein contained shall be construed to an absolute and *bona fide* sale, or mortgage of lands or tenements not possessed and held adversely at the time of such sale or mortgage; nor shall sales by execution be prevented or impaired, but continue as heretofore; *And provided also*, That nothing herein contained shall be so construed as to prevent any non-resident of this state, from selling and conveying any lands in this state which said non-resident may own, of which lands no person may at the time of such sale, hold adverse possession by deed, devise or inheritance; and if any person shall sell any lands or tenements, not having possession thereof, by himself, agent or tenant; and which land is adversely held under color of title, in such case champerty shall be presumed until such purchaser shall show that such sale was *bona fide* made.

Provisoos.

Practising attorney
guilty of champerty
stricken from
the roll for 6
years.

Sec. 2. *Be it enacted*, And it is hereby declared not to be lawful for any party, plaintiff or intending to be plaintiff to a suit in law or equity to promise or agree to pay or give any greater or less sum or sums of money, or any greater or less portion of the thing in litigation, upon any contingency or upon the amount of the suit; and if any practising attorney or other person (with the exception contained in the ancient law) shall hereafter enter into any understanding, promise or agreement, with any person who may have already brought suit in any of the courts of this state, or who may hereafter bring suit, or be about to bring suit in any of the courts holden in this state, such contract is declared to be void and of no effect; and upon the

fact of champerty or other unlawful contracts being satisfactorily disclosed to the court, where such suit may be depending in either of the ways hereinafter mentioned, the suit shall be by the court dismissed, and the attorney or attorneys so entering, after the passage of this act, into such understanding or agreement shall be by the said court stricken from the list of attorneys, and shall be adjudged disqualified to practice in any of the courts of this state for the term of five years: And for the more easy detection of such offences in future, it shall and may be lawful for any defendant or defendants by themselves or their counsel to file a bill in equity against the party claiming title, and if necessary against his attorney or attorneys for discovery and relief, and obtain an injunction where it may be deemed proper, (which bill must in every instance be sworn to) or at his election as herein specified, at the term to which the process in any suit is made returnable if the same hath been served or executed, to exhibit interrogatories to the plaintiff or plaintiffs, their agent or attorneys, for the discovery of any or all of the matters heretofore made unlawful by the laws in force and declared to be unlawful by this act, a copy of which shall be served on the attorney or attorneys supposed to be engaged in the said cause, which service shall be considered as good service, and such attorney or attorneys engaged in such cause within three days (unless on application to the court further time shall be allowed,) shall put in full, clear, and distinct answers to such interrogatories. And if thereupon it shall appear that either maintenance or champerty as aforesaid hath taken place, or on refusal of such attorney or attorneys to answer the interrogatories they shall be taken as confessed, and in both cases the suit either in law or equity shall be dismissed with costs, and said attorney or attorneys discharged from practice as aforesaid: *Provided*, That no attorney or attorneys shall be stricken from the roll of attorneys unless he has had an opportunity of answering in equity or on interrogatories; *And further provided*, That no attorney shall be stricken from the roll of attorneys by force or virtue of this act unless he shall after its passage enter into some contract or agreement hereby declared to be unlawful.

Provisoos.

Sec. 3. *Be it enacted*, That no practising attorney or person who has been a practising attorney in this state shall be permitted to give testimony against a client or person who consulted them as attorney with

Attorney not
to give evi-
dence against
his client.

a view to employ him or them by disclosing any communication made to them as attorney either during the pendency of the suit or afterwards to their injury: Nor shall any attorney or other person under the pretext of having transferred their interest to real estate, or obligations for the performance of contracts, or notes for money during the pendency of any suit at law, be permitted to give testimony in favor of those who held a joint interest with him, her, or them at the commencement of said suit or suits, or by which they themselves could be released from any liability to perform contracts or pay money. Any attorney or other person offering to give testimony in any of the above cases or situations, shall be rejected by the justice or court before whom it is offered; and if a practising attorney, it shall be considered a misdemeanor, and being thereof duly convicted shall be fined in a sum not exceeding one thousand dollars, to be assessed by a jury, and stricken from the rolls, and if any attorney having declined practice, he shall on conviction be fined in a sum not exceeding one thousand dollars to be assessed as aforesaid and imprisoned for any period not exceeding two years.

Time fixed to answer interrogatories.

Sec. 4. *Be it enacted*, That whenever it may in the opinion of the court be necessary for the discovery of any of the matters in this act declared to be unlawful, to have the interrogatories answered by plaintiff or plaintiffs or their agents, it shall be lawful for the court to prescribe the time in which they shall answer the interrogatories, and upon service of process, and their failing to answer within such time as the court shall appoint the matter in the interrogatories shall be taken as confessed, and judgment shall accordingly be given that the suit be dismissed: *Provided*, That no cause shall be heard or tried until the interrogatories shall have been fully answered; *And provided also*, That service of a copy of the interrogatories upon the counsel of record shall be good on their client or clients.

Act of 1805, if inconsistent &c. repealed.

Sec. 5. *Be it enacted*, That such parts of the act of 1805, entitled "An act to enable persons having a right or title to land, and not in actual possession thereof, to transfer their interest," as comes within the purview and meaning of this act, are hereby repealed; and all such parts of the common and statute law in force in this state, prior to the passage of

that act, and not inconsistent with this act are hereby declared to be in full force, virtue and effect.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 16, 1821.

CHAPTER LXVII.

An act concerning School Lands.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the county courts of Warren and Franklin, to appoint three commissioners for each tract of School Land within said counties who shall reside in the neighborhood thereof, whose duty it shall be to rent or lease out such tract, or any part thereof for any term not exceeding five years on the best terms they can, and to receive the rents and profits due, and to become due for the same; *Provided however*, That the court may assign three of the commissioners already appointed to each tract, appointing an additional number if necessary to make up the compliment of three for each tract, in such county, who shall perform the duties imposed on them by law until their appointments be vacated by death, resignation or otherwise; which number of commissioners shall severally be considered as constituting a board of trustees for the superintending and conducting of any English school [school] for the instruction of children which may have been, or they may hereafter establish, on such tract for which they are appointed commissioners.

Three commissioners to lease school lands.

Sec. 2. *Be it enacted*, That it shall be the duty of the commissioners of each tract to enter into bond with security to the clerk, which shall be approved of by the court in the sum of one thousand dollars for the true performance of the duties of their appointment.

Sec. 3. *Be it enacted*, That such board of trustees or commissioners shall have a right to sue and shall be liable to be sued as the board of commissioners or trustees of the tract of land or school for which they are appointed.

Sec. 4. *Be it enacted*, That whenever a sufficient fund may be received arising from the proceeds of any such tract of school land by any board of commissioners or trustees of said tract, it shall be the duty of said commissioners, where the same has not

May build a school house.

heretofore been done, to cause to be built a good and convenient school house, in which a common English school may be taught, and to employ and pay a good teacher of the English language to instruct all children that may be sent thereto.

To make bye-laws.
 Sec. 5. *Be it enacted*, That each and every of such board of commissioners shall be authorised to pass such rules and bye-laws for the leasing of such land and the regulation of their school as they may deem expedient, not contrary to this act and the constitution of this state.

Sec. 6. *Be it enacted*, That wherever there shall be found upon any such tracts, any seats, for mills or any other water works, that it shall and may be lawful for the commissioners of the tract upon which such site may be situated, to lease such part of said tract for a length of time sufficient to compensate the lessee for building a mill or other water works thereon, not exceeding seven years; requiring however, the lessee, by bond and security to leave the mill or other water works in good repair.

To make return of amount
 Sec. 7. *Be it enacted*, That at the expiration of each and every year, it shall be the duty of each and every of such board of commissioners, or any one of each board, to make return to the clerk of the county court upon oath, of the amount of the nett proceeds of such tract, and all disbursements made, which report shall be entered of record by the clerk; and it shall and may be lawful for the county court to make to such commissioners out of such monies, a reasonable compensation for their services.

To loan money.
 Sec. 8. *Be it enacted*, That whenever there may be the amount of one hundred dollars or more in the hands of any such board of commissioners for which there may not be an immediate use, it shall be the duty of such commissioners to loan out such monies, taking bond with sufficient security for its repayment with interest, in twelve months.

County trustee to pay to board of commissioners.
 Sec. 9. *Be it enacted*, That all monies which may have been deposited in the hands of either of the trustees of the counties aforesaid, which he may be chargeable [with]; which may have been received under the provisions of the first section of an act passed at Knoxville, by the General Assembly of the State of Tennessee on the 24th November 1817, entitled, "An act to provide for leasing school lands, and for other purposes, is hereby required to be paid over by such county trustee or trustees to the aforesaid boards of commissioners severally in equal proportions; and

all monies that may be in the hands of any such trustee or trustees, or with which [they] may be chargeable, which may have been received under the provisions of the seventh section of the above recited act, are hereby required to be paid over by such trustee or trustees to the aforesaid commissioners in manner aforesaid.

Trustees to pay to board of commissioners or deliver obligations.
 Sec. 10. *Be it enacted*, That all monies which may be in the hands of the Trustees of academies, arising from the rents of school lands, and required to remain in the hands of such trustees, as a sum inviolate, for the use of common schools, is hereby required to be paid over by such trustees to the commissioners aforesaid in equal proportions; and all monies which may have been collected by the trustees of the Quincy Adams Academy of Warren county, and the trustees of Carrick Academy of Franklin county received as rents of school lands, arising from leases made on such lands by the aforesaid trustees, under an act of the General Assembly, passed at Knoxville, the 5th November 1817, entitled, "An act appointing additional trustees to Quincy Adams Academy, of Warren county, and for other purposes;" such trustees are hereby required to pay over to the aforesaid commissioners in manner as aforesaid, to each board of commissioners, the proceeds of the tract for which they are appointed; and in the event such trustees may not have collected the same, it shall be their duty when called on to deliver to such board of commissioners severally which they may hold upon the tenant or lessee of such tract, and in case any board of trustees of academies shall refuse to pay over any money which may have been collected by them, to the commissioners as aforesaid, under any of the provisions of the before recited act of 1817, or to deliver up the obligations held by them on tenants or lessees as aforesaid, such board of commissioners may severally sue and recover by action of debt, of such board of trustees such a proportion of the money as may have been received as the profits of the tract for which they are commissioners, or from the tenant or lessee who may be in arrears to such trustees for the use and occupation of such tract, the commissioners aforesaid may recover the arrearages aforesaid by action of debt.
 On failure may be sued.

Board may prosecute in their own name.
 Sec. 11. *Be it enacted*, That each board of commissioners shall be severally vested with full power to commence and prosecute in their own name actions of ejectment against all and every person who may be

in possession of the tract of school land or any part thereof for which they were appointed commissioners and shall also have power to bring and prosecute suits against all and every person who may commit a trespass or trespasses on any such tract of school land, and shall have power to do all other acts and things necessary to be done, to carry the provisions of this or any former act into full force and effect; and the original surveys made therefor, shall be considered as vesting the legal title in the same manner as though grants had issued thereon.

Repeal of certain sections.

Sec. 12. *Be it enacted*, That the 9th and 10th sections of an act passed at Knoxville, the 24th November, 1817, entitled, "An act to provide for leasing school lands, and for other purposes," and the second and third sections of an act passed at Murfreesborough, July 28, 1820, entitled, "An act to amend an act passed at Knoxville, 24th November, 1817, entitled, "An act — to provide for leasing school lands and for other purposes," shall remain in full force and effect, and all other acts and parts of acts within the meaning and purview of this act are hereby repealed.

Sec. 13. *Be it enacted*, That all suits, either in law or equity, which may have been commenced by the chairman of the board of commissioners of school land for any county, shall continue and be prosecuted in the same way as though this act had not passed.

Sec. 14. *Be it enacted*, That the commissioners heretofore appointed for the county of Bedford shall have and exercise the powers hereby given to each and every board of commissioners hereby authorized to be created.

JNO. H. CAMP,

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

Speaker of the Senate.

November 16, 1821.

CHAPTER LXLIH.

An Act to prohibit the improper practice of shooting at marks within the limits of the towns of this state, or within two hundred yards of any public [road] of the first or second class.

Penalty for shooting within the bounds of any town or within 200

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That any person or persons who shall after the first day of January next, shoot at a mark within the bounds of any town, or within two

hundred yards of any public road of the first or second class within this state, such person or persons so offending shall be subject to a fine of ten dollars each, to be recovered before any justice of the peace within the county where such offence may be committed, for the benefit of the informer.

Sec. 2. *Be it enacted*, That if such offence shall be committed in the presence of a justice of the peace, it is hereby made the duty of such justice of the peace to give information against such offender or offenders, in which case the forfeiture shall be applied to county purposes.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November 16, 1821.

CHAPTER LXIX.

An Act prescribing the manner of listing of lands for the payment of taxes in certain districts, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of each principal surveyor south and west of the congressional reservation line, and of the Surveyor General of the district of Hiwassee, and south of French Broad and Holston, on or before the first day of April next, to make out and transmit to the clerk of each county within his district, a list or abstract of all the claims to lands that may come to his knowledge, and which may lie within the counties of said clerks respectively, and of the county or counties attached thereto, and not organized by any act passed at this present General Assembly, stating distinctly in said list, the names of the owners, and whether it be held by grant or entry, and in columns opposite the names of the owners, the number of the entry, (or grant as the case may be, if within his knowledge,) also in separate columns for that purpose the number of the range and section, and quantity of acres, contained in each claim in form following:

Owners' Names.	Description of Title	No. of entry or grant.	No. of range.	No. of section.	Quantity of Acres.
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And it shall be the duty of said Surveyors in the month of January in every year after the period aforesaid, in like manner to transmit to said clerks a list.

Duty of certain surveyors

of such entries as may be made, and of the ancient claims coming within his knowledge not stated and transmitted at any former time.

their pay.

Sec. 2. *Be it enacted*, That said surveyor shall be entitled to receive from the Treasurer of East or West Tennessee, (as the case may be) four cents for each claim as listed and received by the clerk and by him certified in the aggregate and recorded, a copy of which shall be a sufficient voucher for the treasurer in the settlement of his accounts.

Duty of clerk.

Sec. 3. *Be it enacted*, That it shall be the duty of each clerk as aforesaid, carefully to record in a book for that purpose the list of claims so transmitted to him in alphabetic order, leaving sufficient spaces between the letters for the purpose of entering such lists as by this act are required to be transmitted from time to time, and he shall carefully preserve said book as a record of his office, from which it shall be his duty to make out in his duplicate for the collectors, a fair list of all the lands, described as aforesaid, with the amount of taxes arising thereon annexed.

Clerks compensation.

Sec. 4. *Be it enacted*, That said clerks shall be entitled to receive from the treasury of their respective counties such sum as the courts of their respective counties may consider a reasonable compensation for the services required of said clerk by this act, a majority of the acting Justices being present.

On failure may be amerced.

Sec. 5. *Be it enacted*, That any surveyor or clerk failing in any of the duties by this act required, shall be indicted in the circuit court of the county in which he shall reside, and punished by amercement at the discretion of the court.

Act of Nov. 26 1819, repealed

Sec. 6. *Be it enacted*, That so much of the eleventh and twelfth sections of the act passed at Murfreesborough, November 26th, eighteen hundred and nineteen, concerning the revenue laws of this state, as comes within the purview and meaning of this act, be and the same are hereby repealed.

Secretary to furnish a copy of this act.

Sec. 7. *Be it enacted*, That the Secretary of State do, without delay, furnish to the surveyor of the district south of French Broad and Holston, and of the Hiwassee district, and to the principal surveyors of the several districts south and west of the congressional reservation line, an authenticated copy of this act, and that a copy be furnished to the register of West Tennessee, and that the same be in lieu of one directed to the surveyor of the seventh district, also a copy to each clerk of a county court within the said districts.

Sec. 8. *Be it enacted*, That it shall and may be law-

ful for the Commissioners of West Tennessee for the adjudication of North Carolina land claims to issue to Blackmon H. Mayo a certificate for 640 acres of land upon a grant No. 962, issued by the state of North Carolina to Alexander Kelly and Archibald Lackey, dated 1791, which land lies south of French Broad and Holston, and consequently is void; *Provided*, That the said Blackmon H. Mayo produce to the said commissioner's satisfactory evidence that such land was granted by the state of North Carolina as aforesaid, and that he also satisfy said commissioners that the legal title in said grant of six hundred and forty acres is in the said Mayo, and that no other grant has issued on the said warrant, or that said grant has not been provided for by any previous act of the Legislature of this state.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

November, 17, 1831.

NOTE BY THE PRINTERS.

In several instances we have inserted a word where it was necessary, and which was, no doubt, unintentionally omitted in the original. Wherever we added a word it is put in *italic*, and inclosed in brackets; thus []

ACTS.
OF A
LOCAL OR PRIVATE NATURE,
PASSED AT
THE FIRST SESSION
OF THE
FOURTEENTH GENERAL ASSEMBLY
OF THE
STATE OF TENNESSEE.

PRIVATE ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE REGULAR SESSION WHICH WAS BEGUN AND HELD AT MURFREESBOROUGH, IN RUTHERFORD COUNTY, ON MONDAY THE SEVENTEENTH DAY OF SEPTEMBER, AND ENDED ON SATURDAY THE SEVENTEENTH DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-ONE.

WILLIAM CARROLL, Governor, DANIEL GRAHAM, Secretary of State; STERLING BREWER, Speaker of the Senate, JAMES FENTRESS, Speaker of the House of Representatives.

CHAPTER LXX.

An Act for the benefit of Henry Massengill, sen'r., and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That Henry Massengill, sen'r. be, and he is hereby authorised to build a dam across the south sluice of Holston river, at Dearman's ford, in Sullivan county for the purpose of erecting a saw-mill.* H. Massengill authorised to build a dam across the south sluice of Holston river.

Sec. 2. *Be it enacted, That William Mitchell of Washington county, be and he is hereby authorised to erect a dam on Nolichucky River; Provided they do not obstruct the navigation of the river thereby.* Wm. Mitchell to build a dam on Nolichucky river.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

September 25, 1821.

CHAPTER LXXI.

An Act to authorise Jacob Dyke of Greene county to build a mill-dam across the Owl sluice of Nolichucky river.

Be it enacted by the General Assembly of the State of Tennessee, That Jacob Dyke, be and he is hereby authorised to build a mill-dam across the Owl sluice of Nolichucky river, in Greene county; Provided That such dam shall not in any wise impede or injure

the navigation of said river, or injure the adjoining property of any individual.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate;

September 26, 1821.

CHAPTER LXXII.

An Act to authorise the County Court of Carter to lay a tax for the purpose of finishing the Court House in the town of Elizabethton.

County Court of Carter to lay a tax to finish the court house.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the County Court of Carter, a majority of the acting Justices of said county being present, shall have power from time to time, to lay a tax according to their discretion, not exceeding the proportion hereinafter mentioned, on all property made taxable by law for the purpose of finishing the court house in the town of Elizabethton.

How proportioned.

Sec. 2. *Be it enacted,* That the said court in laying said tax, shall not exceed the following proportions, (to wit :) on each hundred acres of land, fifty cents ; on each town lot, one dollar ; on each free poll, thirty-seven and one half cents ; on each slave, seventy-five cents, (between the age of twelve and fifty years :) on each stud horse and jack, the price of the season of one mare ; on each retail store, fifty dollars ; on each pedlar and hawker, twenty-five dollars ; on each four wheeled carriage of pleasure, five dollars ; on each two wheeled carriage of pleasure two dollars and fifty cents.

How collected and to be paid into the hands of the chairman.

Sec. 3. *Be it enacted,* That the tax when laid shall be collected in the same manner and at the same time that other public taxes are collected and accounted for and paid into the hands of the chairman of the commissioners.

Tax laid to be a lien on property.

Sec. 4. *Be it enacted,* That the said tax when laid shall be and remain a lien upon all lands, lots, slaves and other property in the same manner and under the same rules and restrictions as is prescribed by law for the state tax, and the same when collected shall be accounted for and applied to the use hereinbefore mentioned.

Commissioners appointed &c.

Sec. 5. *Be it enacted,* That Jeremiah Campbell, William Carter, James Keys, Johnson Hampton and Alfred M. Carter, the commissioners or a majority of them appointed by the county court of Carter to su-

perintend the building of a new court house in the town of Elizabethton, it shall be their duty to proceed at their first meeting, after the first day of January next, to appoint one of their board chairman, who shall, when so appointed, enter into bond with sufficient security to the chairman of the county court of Carter, in the sum of five thousand dollars, conditioned to his faithfully applying the monies by this act to be paid into his hands to the finishing and completing of said building.

Sec. 6. *Be it enacted,* That the receipt of the chairman shall be a sufficient voucher for the sheriff or collector to produce on the settlement of his accounts. Receipt of chairman sufficient voucher.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate;

September 28, 1821.

CHAPTER LXVIII.

An Act to settle the line dividing the counties of Bledsoe and Rhea.

Dividing line between Bledsoe and Rhea counties.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the line dividing Bledsoe and Rhea counties shall be as follows, (to wit) beginning in a point on the northern boundary line of Hamilton county, near where the road from Keedy's Gap to Washington crosses the head of Sale Creek ; running thence up the general course of Walden's ridge of Cumberland mountain, so as to cross Richland Creek at the bridge on the Kincaid turnpike road ; thence to cross Loony's turnpike road so as to include the former residence of Richard Walker on said road in the county of Bledsoe ; thence a direct line to the old Cumberland turnpike road, at T. Bound's turnpike gate, and that all persons residing near to, and south of Morgan, and west of said line shall belong to the county of Bledsoe.

Sec. 2. *Be it enacted,* That said line shall be run and marked at the mutual expence of Bledsoe and Rhea counties.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate,

September 28, 1821.

CHAPTER LXXIV.

An Act to authorise Captain Nimrod Funks's company militia to hold separate company musters.

Capt. Funks's company of militia to hold separate company musters.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for Captain Nimrod Funks's company of militia, in Anderson county, to hold separate company musters, that part of said company lying north of Cumberland mountain to muster at the most convenient central place in said district, to be commanded by a subaltern officer resident in that part of the company, whose duty it shall be to train and discipline that part of the company agreeable to law, note down all delinquents and make return thereof to the captain commanding said company, for the purpose of holding company courts martial, to be dealt with according to law.

Sec. 2. *Be it enacted*, That nothing in this act shall be so construed as to exempt them from attending regimental and battalion musters.

JAMES FENTRESS,

Speaker of the House of Representatives,

S. BREWER,

Speaker of the Senate.

September 29, 1821.

CHAPTER LXXV.

An Act for the relief of Alexander B. Bradford and others.

Either of the Treasurers of this state to pay Alex. B. Bradford \$99 75 cents.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of ninety nine dollars and ninety five cents be paid by either of the treasurers of this state to Alexander B. Bradford, being the sum by him expended as Register of the land office for East Tennessee, for office rent, books and stationary during the years 1819 and 1820; and the receipt of said Alexander B. Bradford shall be a good voucher to either of said treasurers in the settlement of his accounts.

To pay J. W. Ford \$15

To pay Heiskell & Brown \$19 75 cents.

And H. Van pelt \$19 25

Sec. 2. *Be it enacted*, That either of the treasurers of this state pay to J. W. Ford, editor of the Sparta Gazette, the sum of fifteen dollars: to Heiskell and Brown, editors of the Knoxville Register, the sum of nineteen dollars and seventy-five cents: and to H. Vanpelt, editor of the Franklin Gazette, the sum of nineteen dollars and twenty-five cents, for printing done for the state, in publishing the Hiwassee lands

by contract with the Governor of the state; and the receipt of said editors shall be sufficient vouchers.

Sec. 3. *Be it enacted*, That James G. Rolston, editor of the Carthage Gazette, be allowed the sum of sixteen dollars eighty-seven and a half cents for publishing the sales of the Hiwassee lands.

J. G. Rolston \$16 87 1-2 for advertising sales of Hiwassee lands.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 1, 1821.

CHAPTER LXXVI.

An Act for the relief of Kittura Blevins.

Be it enacted by the General Assembly of the State of Tennessee, That Kittura Blevins, the wife of Armstead Blevins shall and she is hereby in that name enabled to sue and be sued, plead and be impleaded, and by that name to contract and be contracted with, and by that name to have, possess and enjoy all the rights that a single woman could or might have, except that of intermarrying with another man, any law, usage or custom to the contrary notwithstanding.

Kittura Blevins allowed the privilege of a single woman.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 1, 1821.

CHAPTER LXXVII.

An Act for the relief of the heirs of John M'Campbell, deceased.

Whereas the heirs of John M'Campbell, dec'd. claim title to a tract of land on the waters of the Mississippi in this state granted by North Carolina to Joseph Sitgreaves by patent No. 160, and have all the conveyances, conveying the title from the grantee to said John M'Campbell, consisting of a deed from said grantee to John Sitgreaves dated 13th March, 1789; a deed from John Sitgreaves to John P. Hains, dated the 22nd of October, 1789; a deed from John P. Hains to Abijah Hammond, dated the 11th of February, 1793; and a deed from Abijah Hammond to John M'Campbell and George Bell, dated the 20th day of May 1818; all of which have been proven or acknowledged soon after the execution thereof in other states; altho' the same are

not proven in the manner at this time required by the laws of this state; and from the death of many of the witnesses, and the remote parts in which others live it is apprehended it cannot be done in the manner required by the laws of this state to entitle the same to registration,

Executors of
J M Campbell
&c to cause
deeds to be re-
gistered in the
proper county
&c.

Be it enacted by the General Assembly of the State of Tennessee, That the executors of said John M'Campbell, or guardians of his children are hereby authorized to cause said deeds to be registered in the proper county in this State, upon the probates made thereon, which registration shall be good and sufficient in law: *Provided nevertheless,* That such probates and registration, shall in no manner affect the title, or injure the rights of any other persons or purchasers who may have heretofore acquired title to the same from the rightful owner.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 1, 1821.

CHAPTER. LXXVIII.

An Act to establish the line of Roane and Monroe counties.

Line establish-
ed between
Roane and
Monroe.

Be it enacted by the General Assembly of the State of Tennessee, That the following line be established between the counties of Roane and Monroe: Beginning on the south bank of Tennessee river, on the second range line east of the meridian; thence south with said line to the present line, as heretofore run and marked.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 1, 1821.

CHAPTER LXXIX.

An Act for the benefit of John M'Essee and others:

J. M'Essee to
erect a fish
dam on Wata-
uga.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John M'Essee of Washington county be, and he is hereby authorised to erect and keep up a fish dam on Watauga river, where his fish trap now is; *Provided,* That said dam shall in no wise injure the safe navigation of said river, or impede boats in descending the same.

Sec. 2. *Be it enacted,* That Leonard Heart and James Range of Carter county, be and they are hereby authorised each, to build a dam on Watauga river, under the same restrictions as prescribed by the preceding section.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 2, 1821.

CHAPTER LXXX.

An Act to repeal an act, entitled, "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."

Be it enacted by the General Assembly of the State of Tennessee, That the above recited act, passed at Murfreesborough, the 20th day of October, 1819, be and the same is hereby repealed.

Act of 20th
October, 1819
repealed.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 3, 1821.

CHAPTER LXXXI.

An Act for the relief of Nathan Shipley and John McCracken

Whereas it is represented to this General Assembly that the commissioner of East Tennessee did issue to John Russell, on the 20th day of January, 1814, a certificate for fifty-two acres of No. 67, which certificate was afterwards assigned by said Russell to Nathan Shipley and John McCracken, and on which the said Nathan and John made entries in the sixth surveyor's district, and procured said entries to be surveyed and their plats and certificates of survey to be returned to said surveyor's office. And as it is also represented that said certificate has been lost by casualty in said office since the return of said plats, and the enterers aforesaid are likely to sustain great injury on account of the loss of said certificate; for remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Register of East Tennessee, be and he is hereby authorised to issue to, and

Register of E. Ten. to issue grants to Nath. Shipley and J. McCracken. the Governor and Secretary perfect for, the said Nathan and John grants on the aforesaid plats and certificates of survey, in the same manner as if said certificate of No. 67 had not been lost.

Sec. 2. *Be it enacted*, That said certificate of No. 67, issued as aforesaid to John Russell, and by him assigned to Nathan Shipley and John McCracken, shall be null and void in whosoever hands the same may be.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 4, 1821.

CHAPTER LXXXII.

An Act for the relief of certain purchasers at the Hiwassee Land Sales.

Preamble.

Whereas it is represented to this General Assembly that a number of the purchasers of the land in the Hiwassee district, have been, and will be sued for the lands they have purchased from this state by Indian reservees; whereby they may be put to great cost and trouble; for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized and directed to employ two counsel to defend such suits as may have been, or shall hereafter be brought by persons claiming reservations against purchasers from this state at the Hiwassee land sales: And the Governor is hereby authorized to draw on the Treasurer of East Tennessee, for any sum not exceeding two hundred dollars for each counsel employed by him as aforesaid: And any additional compensation to be allowed the council employed as aforesaid, shall hereafter be allowed by the General Assembly.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 10, 1821.

CHAPTER LXXXIII.

An Act to provide for the settlement of the accounts of the commissioners of Duck river Navigation, for Bedford county.

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

State of Tennessee, That the county of Bedford County Court, shall at the first session after the first day of January next, appoint three of their body as commissioners to settle with the commissioners of Duck river Navigation, for all the money by them received for the purpose of opening Duck river through said county; that it shall be the duty of the commissioners hereby appointed to give said navigation commissioners five days notice of the time and place where and when said settlement shall take place; and in the settlement of said accounts, said commissioners shall be charged with all the money by them received for the purpose of opening Duck river; and have a credit for such sums as they have expended in the execution of the work for which such sums was raised.

Sec. 2. *Be it enacted*, That on settlement made the said commissioners shall pay over what may be found remaining in their hands; and on failure to do so, said court may order their county trustee to institute suit against said commissioners, and said settlement shall be evidence of the amount of the sum in their hands, and judgment shall be rendered on motion against said commissioners, or their chairman, President or Treasurer as the case may be, after the trustee having given him or them ten days notice in writing of his intention to move against him or them: which money in such suit shall be collected by the sheriff, and paid over to said trustee, or other county money, and by him accounted for to the county court.

Sec. 3. *Be it enacted*, That the money so paid over or collected shall be paid to the Treasurer of the county of Bedford, to be applied by said court of Bedford to county purposes, in such manner as a majority of the Justices of the Peace in said county may direct.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 11, 1821.

CHAPTER LXXXIV.

An Act to lay off and establish the town of Mount Etna, in the County of Hardin.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town be and is hereby established in Hardin county, on the south bank of Ten-

Town laid off and commissioners appointed.

nessee river, opposite the mouth of Swift creek, on the lands of Joseph M'Mahan and James F. M'Mahan, to consist of one hundred lots, to contain one half acre each, to be laid out in proper streets, lanes and alleys, under the direction of Joseph M'Mahan, James F. M'Mahan, John Watson, Henry Mahon and John Kendle, who are hereby declared commissioners for laying out and regulating said town, which shall be called and known by the name of Mount Etna.

To be called Mount Etna.

Lots sold to be taxed.

Sec. 1. *Be it enacted*, That when any of the lots are sold in the aforesaid town, they shall be liable to taxation as other town lots in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 12, 1821.

CHAPTER LXXXV.

An Act for the benefit of Absalom Looney and others.

Either of the treasurers of this state to pay A. Looney \$252.

And the further sum of \$298 50 cents.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That either of the Treasurers of this state, is hereby authorized and required to pay unto Absalom Looney, surveyor appointed on the part of this state, to run and mark the boundary line between this state and the state of Kentucky the sum of two hundred and fifty-two dollars in full compensation for fifty-six days service employed in running said line; and that the further sum of two hundred and ninety-eight dollars and fifty cents be paid to said Looney, one half of the joint account paid by him and William Steele surveyor on the part of Kentucky to chainmen, markers, &c. and the receipt of said Absalom Looney shall be a good voucher in the hands of either of the Treasurers of this state in the settlement of their accounts. And,

To pay Wm. Steele, jr. \$70

Sec. 2. *Be it enacted*, That either of the aforesaid Treasurers is further authorized and required to pay unto William Steele, jun'r. assistant surveyor in running the aforesaid line, the sum of seventy dollars, the proportional quota of this state of the amount due him for performing such services, and either of said Treasurers is further authorized and required to pay unto Berry Searcy the sum of fourteen dollars and fifty cents to Samuel Lane twelve dollars and fifty cents, to Daniel G. Miller thirteen dollars, to William M. Johnson eleven dollars and seventy-five cents, to George Argenbright eleven dollars and seventy-

To B. Searcy 14 dolls 50 cts
S. Lane 12 50
D.G. Miller 13
W.M. Johnson 11 75

five cents, and unto Richard Steele eleven dollars and seventy-five cents, the proportional quota of this state of the amounts severally due said Searcy, Lane, Miller, Johnson, Argenbright and Steele, as additional compensation for their services, as chainmen, and markers in running the aforesaid line, and the receipts of the aforesaid William Steele, jun'r. assistant surveyor, and the aforesaid chainmen and markers shall be sufficient vouchers to either of said Treasurers, in the settlement of their accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 12, 1821.

CHAPTER LXXXVI.

An Act to provide for the distribution of Scott's Revisal of the Laws.

Whereas by an act passed at Murfreesborough, on Preamble. the 27th day of November, 1819, it is provided that one copy of Scott's Revisal of the Laws when completed, shall be deposited in the office of each and every clerk in this state, and in order to effectuate the intention of said act,

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 required, at the expence of the state, and in whatever manner he may deem best to procure one copy of said revisal to be delivered to each and every Clerk of a court in this state, for the use of said court, and upon the delivery of said revisal, it shall be the duty of each Clerk to execute to the Treasurer a receipt for the same, which receipt, so executed, shall be filed by the Treasurer in his office.

Sec. 2. *Be it enacted*, That it shall be the duty of the said Treasurer of East Tennessee to transmit the residue of said revised laws to the office of the Secretary of state, to remain in his possession for the use of the Legislature.

Sec. 3. *Be it enacted*, That it shall be the duty of the Treasurer of East Tennessee to transmit to the Secretary of state, upon the proper order of said secretary, at the expence of the state, such a number of the said Revisal as may be called for by said secretary, not exceeding one for each state and territory in the United States; and it shall be the duty of the secre-

Treasurer of E. Ten. to deliver one copy of Scott's Revisal to each of the clerks of the several courts of this state

Clerks to give receipts

To transmit residue to the Secretary's office.

One copy to be sent to the Secretary's office of each State & Territory in the U. States

One copy to
Library of
Congress.
And one to the
Agent of the
Cherokee Na-
tion.

tary to transmit one copy of the said Revisal, when obtained from the Treasurer, to the secretary's office of each state and territory in the United States, and also, one copy to the Library of Congress.

Sec. 4. *Be it enacted*, That one copy of said Revisal be presented by the Treasurer of East Tennessee, on behalf of the state, to the Agent of the United States for the Cherokee Nation of Indians, to be there kept and preserved for the use of himself and successors agents for said Nation.

JAMES FENTRESS

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 15, 1821.

CHAPTER LXXXVII.

An Act authorizing and directing a grant to be issued to Hugh Leeper.

Register of W.
Tenn. to issue
a grant to Hu-
Leeper for
400 acres.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of West Tennessee be authorized and directed to issue to Hugh Leeper, a grant for six hundred and forty acres of land lying on the waters of Harpeth river, on a large fork generally known by the name of Leeper's fork of Harpeth, on warrant No. 141, an entry dated 16th January, 1784: Beginning about half a mile below a spring generally known by the name of the Beaver Spring at a walnut and two sugar trees, on the west side about eighty poles west of where his north boundary crosses the creek; thence south three hundred and twenty poles to a large red oak, thence east three hundred and twenty poles to two elms and ash on the north side of a large branch, thence north three hundred and twenty poles to three ashes and elm on a small ridge, thence west three hundred and twenty poles to the beginning; and that said grant be signed, dated and countersigned as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 16, 1821.

CHAPTER LXXXVIII.

An Act to authorize the Register of the land office for West Tennessee, to issue grants upon the warrants or certificates therein specified.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the land office for West Tennessee is hereby authorized and required to issue grants north and east of the reservation line, to the owner or owners upon the following warrants or certificates, to wit: No. 1391, for two hundred and fifty acres; No. 1517, for ninety acres; No. 1548, for one hundred and sixty acres; No. 1396, for one hundred acres; No. 1470, for two hundred acres; No. 1398, for two hundred and fifty acres; No. 1394, for two hundred and ten acres; No. 1397, for one hundred acres; No. 1489, for two hundred acres; No. 2723, issued by David M'Gavock; No. 1490, for fifty acres; also, No. 1464, for two hundred acres; No. 1465, No. 1466, No. 1468, No. 1472, and No. 1312, for five hundred acres; No. 1477, for three hundred acres; No. 1458, for twenty-five acres, and No. 1462, for one hundred acres; which several warrants or certificates have heretofore been issued to the respective owners by the commissioners of the land office or by the Registers of the land office in this state: *Provided however*, That before any grant or grants be issued upon the numbers herein before specified, it shall satisfactorily appear to the Register of West Tennessee that said warrants or certificates were issued and signed by the proper officers of this state.

Register of W.
Tenn. to issue
grants on cer-
tain warrants.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 17, 1821.

CHAPTER LXXXIX.

An Act for the relief of Jesse Byrd and Austin A. King.

Be it enacted by the General Assembly of the State of Tennessee, That Jesse Byrd and Austin A. King of the county of Roane, be and they are hereby released from the forfeiture of their recognizance for the appearance of Abel R. Richardson in the county court of Sevier, and that the said county court of Sevier shall upon the shewing forth of this act, release them from said recognizance; *Provided*, said Jesse Byrd

J Byrd & A.
A. King relea-
sed from the
forfeiture of a
recognizance,
&c.

and Austin A. King by themselves or their counsel, confess judgment for the cost of said prosecution, and all other cost.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate.

October 17, 1821.

CHAPTER XC.

An Act for the benefit of Henry Harklerode, junr. and others.

H. Harklerode to erect a dam on Holston &c.
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Henry Harklerode, junr. be and he is hereby authorized to erect a dam above Middletown, at an island on Holston river, for the purpose of erecting mills; *Provided,* the said dam does not obstruct the navigation of the said river.

E. Cole to build a mill or mills on Holston river.
Sec. 2. *Be it enacted,* That Elisha Cole be and he is hereby authorized, to build a mill or mills on Holston river, at Middletown in Sullivan county; *Provided,* the navigation of said river is not obstructed by the erection of said dam.

Heirs, &c of L. Sharptore to build their mills and fish traps.
Sec. 3. *Be it enacted,* That the heirs or representatives of Lawrence Snap, dec'd. be and they are hereby authorized to rebuild their mills and fish traps, at Snap's ferry in Sullivan county; *Provided,* they do not obstruct the navigation of Holston river.

G. Willow to keep up his fish traps.
Sec. 4. *Be it enacted,* That George Willow be, and he is hereby authorized to keep up his fish traps on Holston river, where they now stand; *Provided,* he does not obstruct the navigation of said river.

W. Lyon & A. Ruster to build a mill or mills on Holston.
Sec. 5. *Be it enacted,* That William Lyon and Abraham Ruster be and they are hereby authorized to build a mill or mills on Holston river about one mile and a half above the town of Surgoinville in the county of Hawkins; *Provided,* the navigation of said river be not obstructed by said dam.

J. A. McKinney to erect a mill dam on Holston river.
Sec. 6. *Be it enacted,* That John A. McKinney be authorized to erect a mill dam in Holston river, in such way, and at such place, as may best suit the operation of his mill in said county; *Provided however,* That the dam hereby authorized shall not obstruct the navigation, nor injure Dodson's ford in said river near to said mills.

G. M. Combs may complete his dam.
Sec. 7. *Be it enacted,* That George M. Combs may be permitted to complete his dam on Holston river, opposite the mouth of Mossy Creek; *Provided,* That

the navigation of said river shall not be impeded by said dam.

JAMES FENTRESS,
Speaker of the House of Representatives;
S. BREWER,
Speaker of the Senate.

October 17, 1821.

CHAPTER XCI.

An Act to establish the town of Carrollville in the county of Wayne.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town shall be and hereby is established on the land of John Blackburn, John Johnston and Woolsey Warrington at Reeves's ferry on Tennessee river agreeably to a plan now in their possession. Town established.

Sec. 2. *Be it enacted,* That such town shall be called Carrollville in honor of his excellency William Carroll, and that John Blackburn, John Johnston, Woolsey Warrington, John W. Nunley, and William B. Ross be and are hereby appointed commissioners of said town with full power to regulate the laying out streets and alleys and to see that the same are not encroached upon; and to enter into such rules and regulations concerning the improvement of the same as shall seem to them proper, not inconsistent with the constitution of the state. To be called Carrollville. And commissioners appointed and their duties.

Sec. 3. *Be it enacted,* That the lots of said town when sold shall be subject to the same tax as other town lots in this state.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 17, 1821.

CHAPTER XCII.

An Act to provide for holding courts in the county of McMinn.

Be it enacted by the General Assembly of the State of Tennessee, That the county and circuit courts in the county of McMinn shall hereafter be opened and held in such house in the town of Calhoun in said county as may best suit, for the transaction of public business; and all judicial process, which heretofore may have issued and made returnable at the house of John Walker, County court of McMinn to sit in some house in Calhoun, &c.

shall be returned to the court holden at the house which may hereafter be selected for that purpose, until the seat of justice of said county be permanently fixed, and shall be good and valid to all intents and purposes, any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,
the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 17, 1821.

CHAPTER XCIII.

An Act to establish the town of Harrisburgh.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Cherry be and he is hereby authorized to lay out a town on his own land on forked Deer river at Harris's Bluff, to consist of lots with convenient streets and alleys.

Sec 2. *Be it enacted*, That said town shall be called and known by the name of Harrisburgh, and that Robert Weakley, Joseph B. Porter, Robert E. C. Doherty, Adam R. Alexander and Daniel Cherry or a majority of them be commissioners of said town, to consult on the plan thereof, and when laid out to preserve the plan of said town.

Sec. 3. *Be it enacted*, That the lots of said town when sold by the said Cherry shall be subject to the tax laid on and collected off town-lots in this state.

JAMES FENTRESS,
Speaker of the House of Representatives.
W. HALL,
Speaker of the Senate, *pro tem*.

October 18, 1821.

CHAPTER XCIV.

An Act for the payment of Archibald Arms and others, certain monies therein mentioned.

Preamble. Whereas it appears to this General Assembly that his excellency the Governor, on the 27th September, 1820, in conformity with the acts of 1815 and 1819, issued his warrant directing the Treasurer of East Tennessee to pay to sundry persons, certain monies for arms pressed into the United States' service during the late war; and whereas, it also appears, that said warrant has passed the committee of finance, and that there is yet due and unpaid on

the same, the sum of eighteen dollars to each of the following persons, to wit: Archibald Arms and Elizabeth Tinnesty of Jackson county, and John Nothern of Jefferson county; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That either of the Treasurers of this state, be and they are hereby authorised and required to pay to the aforesaid Archibald Arms, Elizabeth Tinnesty and John Northern the sum of eighteen dollars each, in full discharge of their claims on said warrant, and their receipts shall be good vouchers for such Treasurer in the settlement of his accounts.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 19, 1821.

CHAPTER XCV.

An Act to alter the names of the persons therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of December next, the name of Thomas Pye be changed to Thomas Pye Clarke, and that of his wife Isabella Pye to Isabella Pye Clarke, and that of his oldest son from William Pye to William Clarke, and that of his youngest son from Thomas Chapman Pye to Thomas Chapman Clarke; and by such name shall be as capable of suing and being sued, pleading and being impleaded, receiving, inheriting, and doing all acts, and things whatever, as they were or would be capable of doing, had such change not been made.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 19, 1821.

CHAPTER XCVI.

An Act for the relief of Alexander Smith, Isaac Allen, Simon Perry, and others.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That either of the Treasurers of this state is authorised and required to pay unto Alexander Smith, the sum of two hundred and twenty-three dollars, seventy-three and one-fourth cents, to Isaac Allen, the sum of two hundred twenty-three dollars seventy-three and one-fourth cents, and to Si-

Either of the Treasurers to pay certain persons \$18 each.

Names of certain persons altered.

Either of the Treasurers to pay A. Smith \$223 73 1-4.
I. Allen \$223 73 1-4 cents.

To S. Perry \$169 53 cents
 And the further sum of \$84 each.

meon Perry, the sum of one hundred and sixty nine dollars, fifty three cents, the amounts due them as commissioners on the part of this state, for services rendered in running the boundary line between this state and North Carolina; and likewise the further sum of eighty four dollars each, the amount due them for furnishing pack-horses and pack-horse-men whilst employed in performing the above services.

To R. Armstrong \$187
 Their receipts to be sufficient vouchers

Sec. 2. *Be it enacted*, That either of said Treasurers is authorised and required to pay unto Robert Armstrong, the sum of one hundred and eighty-seven dollars, the amount due him for his services, as surveyor in running the aforesaid boundary line, and the receipts of said Smith, Allen, Perry and Armstrong for those several amounts, shall be sufficient vouchers to either of said treasurers in the settlements of their accounts.

To pay S. Perry \$30.
 R. Armstrong 45 dollars.
 And U. Haney \$17 50 cents.
 Their receipts to be sufficient vouchers

Sec. 3. *Be it enacted*, That either of said Treasurers is hereby authorised and required to pay unto Simeon Perry the sum of thirty dollars for six days services in going to, waiting at, and returning from, the Warm springs; to Robert Armstrong, surveyor, forty-five dollars, for nine days services in going to, waiting at, and returning from, said springs; and to Uriah Haney, the sum of seventeen dollars and fifty cents for seven days services in going to, waiting at, and returning from said springs, under an agreement to meet the commissioners of North Carolina, in order to commence the running the aforesaid line, the meeting having failed on the part of the commissioners of North Carolina; and the receipts of said Perry, Armstrong and Haney for those several amounts, shall be sufficient vouchers, to either of said Treasurers in the settlement of their accounts; and

To pay John Brown \$50
 And to I. Allen \$36
 Their receipts to be sufficient vouchers

Sec. 4. *Be it enacted*, That either of the aforesaid Treasurers, is authorised and required to pay unto John Brown, commissioner on the part of this state, the sum of fifty dollars for ten days services in going to the Warm springs to meet the commissioners of North Carolina, under an agreement with said commissioners, for the purpose of commencing the running the aforesaid line; and unto Isaac Allen, the sum of thirty dollars for six days services in going to Waynesville, North Carolina, in June, subsequent to the aforesaid disappointment, to make an arrangement with the commissioners of North Carolina, and settle upon the time at which they would commence the running said line; and the receipts of said Brown and Allen, shall be sufficient vouchers in the hands

of either of said Treasurers in the settlement of their accounts.

JAMES FENTRESS,
 Speaker of the House of Representatives.
 S. BREWER,
 Speaker of the senate.

October 19, 1821.

CHAPTER XCVII.

An Act for the relief of Daniel May.

Be it enacted by the General Assembly of the State of Tennessee, That Daniel May, be, and he is hereby authorized to retail spirits and other liquors, in the counties of Maury and Lawrence without obtaining licence, or paying any state, county or corporation tax for so doing.

D. May allowed to retail liquors in Maury and Lawrence without licence.

JAMES FENTRESS
 Speaker of the House of Representatives.
 S. BREWER,
 Speaker of the Senate.

October 20, 1821.

CHAPTER XCVIII.

An Act to divorce David C. Kinnard from his wife Hannah.

Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony heretofore entered into and now existing between David C. Kinnard of the county of Williamson and his wife Hannah Kinnard, be and the same are hereby dissolved.

Matrimony dissolved.

JAMES FENTRESS,
 Speaker of the House of Representatives.
 S. BREWER,
 Speaker of the Senate.

October 20, 1821.

CHAPTER XCIX.

An Act to incorporate the inhabitants of Winchester, in the county of Franklin.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Winchester, in the county of Franklin, and the inhabitants thereof are hereby constituted a body politic and corporate, by the style and name of the intendant and council of the town of Winchester, and shall have perpetual succession, by their corporate name; may sue and be sued, plead and be impleaded, grant, receive, pur-

Town of Winchester constituted a body politic, &c.

chase, and hold real, mixed, and personal property, or dispose of the same, for the benefit of the town, and use a town seal.

its power.

Sec. 2. *Be it enacted*, That the corporation aforesaid shall have full power, and authority, to enact and pass all laws and ordinances, necessary and proper, to preserve the health of the town, prevent and remove nuisances, to provide for licensing, and regulating auctions, taxing, regulating, and restraining theatrical and other public amusements and shows, within the bounds of the corporation; to restrain and prohibit gambling, to establish night watches and patrols, to ascertain when necessary, the boundary and location of streets, lots, and alleys; to appoint a surveyor for said town, who shall, whenever directed, proceed to survey, and designate the lots, by fixing a stone or some other lasting monument at the corner of each; he shall also make, or cause to be made out, a plan of said town, upon a large scale, in which shall be marked the number of each lot, and the name of the person who originally possessed the same, which said plan, he shall deposit with the said intendant and council; 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 pave and keep in repair the streets, to pass all laws necessary for the same; to cause to be built a market house, on some suitable part of the public square, the situation of which shall be at least fifty feet from any private lot, and said market-house shall be well supported by durable stone or brick pillars; to regulate markets, to provide for the establishing and regulating of a fire company; and the sweeping of chimneys; to procure water on the public square, by digging wells or otherwise, to erect and regulate pumps; to impose and appropriate fines, penalties, and forfeitures for a breach of their bye-laws and ordinances; to appoint a treasurer, clerk, and town constable, to lay and collect taxes, for carrying the necessary regulations into effect, for the benefit of the town; to restrain tipling houses; to impose a fine on any of the inhabitants of said town, for keeping more than a certain number of swine, running at large in said town, to prohibit any person from keeping more than one dog, male or female, in said town, 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 of this state.

Sec. 3. *Be it enacted*, That all fines, forfeitures, and penalties, imposed by the bye-laws and ordinances of said corporation; if not exceeding fifty dollars, shall be recovered before a single magistrate, and if exceeding that sum, then to be recovered by action of debt in the county court of Franklin, in the name of the intendant of the corporation, and for the use and benefit of the town.

Fines, &c.
how to be recovered.

Sec. 4. *Be it enacted*, That the sheriff of Franklin county, shall himself or deputy, hold an election at the court-house in the town of Winchester, on the first Monday in December 1821, and on the same Monday in each and every succeeding year thereafter, for the purpose of electing seven persons, to serve as council of the corporation of the said town of Winchester, for one year commencing on the first Monday next succeeding their election, and all persons owning freeholds, and all persons who have resided within the limits of said corporation six months, and who would be entitled to vote for members to the General Assembly shall be entitled to vote for council of said corporation, and no person shall be eligible to the appointment of council unless he be a freeholder in, and a citizen of the said town of Winchester.

Sheriff or Deputy, to hold an election to elect a council of the corporation.

Who eligible.

Sec. 5. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes at any election held as aforesaid, shall be taken as duly elected, and the sheriff of Franklin county, shall within three days thereafter, give to each of the seven council elect, a certificate of his election, and it shall be the duty of the persons so elected, to meet at the court-house on the second Tuesday succeeding their election, five of whom may constitute a quorum, and they shall proceed to elect by ballot one of their own body to be an intendant of said corporation, for the same time for which the council were elected as aforesaid: And when any intendant of said corporation shall die, remove out of said town or resign, another election shall be held by the council, in manner aforesaid for another person to fill the time unexpired, until the next general election for council, and when any council shall die, remove out of said town, or resign, such vacancy shall be filled by the intendant and council, at any regular meeting, and the person, or persons appointed by them, shall serve until the next general election.

Those having the highest number of votes duly elected, and to nominate an intendant out of their body.

Sec. 6. *Be it enacted*, That the said intendant and council, shall before they enter upon the duties of their office, take the following oath:

I, A. B. do solemnly swear (or affirm) that I will faithfully execute and discharge the duties of council of the corporation, to the best of my abilities.

SO HELP ME GOD.

Treasurer to hold his office for two years, and his duties defined.

Sec. 7. *Be it enacted*, That the Treasurer appointed for said corporation, shall hold his office for the term of two years, and shall before entering upon the duties of his office, enter into bond with good security, with said intendant and council, in the sum of \$500 for the faithful performance of his duty, and said Treasurer shall keep a regular and just account of all monies received, and paid out by him, in a bound book kept for that purpose, which said book, with the monies then in the Treasury, and all papers appertaining to said office, he shall deliver up to his successor; and the clerk of said corporation shall be appointed annually, and it shall be his duty to keep in a bound book kept for that purpose, a true and regular account of the proceedings of said intendant and council, and shall advertise the rules and regulations by them adopted, whenever they may deem it necessary; and said Treasurer, and clerk shall receive a compensation for their services, which shall be fixed upon by said intendant and council.

When tax imposed and no property to be found, clerk's duty therein.

Sec. 8. *Be it enacted*, That when any tax or duty shall be imposed on any real property, lying within the bounds of the corporation, and not paid by the owner, or occupier of the same; and there shall not be any personal property of the owner or occupier of such lot within the bounds of the corporation upon which an execution could be levied, then it shall be the duty of the clerk to certify the same to the county court of Franklin, at the time to which the sheriff of said county is required to report lands in his county upon which the state and county tax have not been paid; and upon said report at said term, it shall be the duty of said court to enter up judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non payment of the tax due the state and county, within the county, and the same shall be sold, at the same time, and in the same manner and subject to the same rules and restrictions, that are by law required for the sale of lands, lying within the bounds of said county, on which the county and state tax have not been paid, which tax when collected by said sheriff shall be paid by him into the hands of the Treasurer for the use of said corporation, which sale when made in the manner aforesaid, shall vest the same right and

title in the purchaser as if the sale had been made for the tax due the state.

Sec. 9. *Be it enacted*, That the town constable appointed by said corporation, shall continue in office twelve months from the time of his appointment; and shall before entering upon the duties of his office, give bond and sufficient security to the intendant and council for the time being, for the faithful discharge of the duties of his appointment, and accounting for all monies by him collected.

Town constable to remain in office one year, &c.

Sec. 10. *Be it enacted*, That the sheriff of Franklin county shall previous to holding an election for intendant and council, as provided for in the fourth section, appoint three respectable citizens, freeholders in the town of Winchester, who shall act as judges of said election.

Sec. 11. *Be it enacted*, That if said sheriff should fail to hold an election as pointed out in the fourth section of this act, on the first Monday in December aforesaid, he may and he is hereby required to hold said election on the succeeding Monday, in said month, and said sheriff is hereby required to give notice of said election, by advertising on the court-house door, at least three days previous to holding such election, and if said sheriff shall fail or refuse to comply with the requisitions of this or the 4th section of this act, he shall forfeit for every such offence one hundred dollars, to the corporation of the town of Winchester, to be recovered by action of debt, before any jurisdiction having cognizance thereof, for the use of said corporation.

Sheriff's duty on failure to hold elections.

Sec. 12. *Be it enacted*, That an act passed the — day of — 1813, for the regulation of the town of Winchester, be and the same are hereby repealed.

Sec. 13. *Be it enacted*, That the town of Reynoldsburg, in the county of Humphreys, be and the same is hereby incorporated, under the same rules, regulations and restrictions, as is provided for by the foregoing sections of this act, for the incorporation and government of the town of Winchester, in the county of Franklin; and the sheriff of Humphreys county, shall hold an election, in the court-house in the town of Reynoldsburg, on the first Saturday in January in each and every year, for the purpose of electing seven intendant and council for the town of Reynoldsburg.

Reynoldsburg incorporated.

JAMES FENTRESS,

Speaker of the House of Representatives

S. BREWER,

Speaker of the Senate

October 20, 1821.

CHAPTER C.

An Act to lay off and establish a town in the county of White, by the name of Milledgeville.

Town to be laid off and established, and commissioners appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That a town be laid off and established on the lands of Jose C. Dew, and James K. Eason, on the falling water of Caney Fork, to consist of any quantity of acres not exceeding twenty, at the discretion of the proprietors and the lots to contain one fourth of an acre each, with proper streets and alleys, under the direction of Zachariah Sullens, John B. Garret, Jose C. Dew, and James K. Eason, who are hereby declared commissioners, for laying out and regulating said town, which town shall be called and known by the name of Milledgeville.*

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

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER CI.

An Act authorizing the Sheriffs and Rangers of Wayne and Hardin counties to advertise in some Newspaper printed in Nashville or Columbia.

Sheriffs of Wayne & Hardin where to advertise land

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the sheriffs of Wayne and Hardin counties be and they are hereby required to advertise all lands by them to be advertised in some paper printed in Nashville, either by execution or for taxes.*

Where to advertise strays.

Sec. 2. *Be it enacted, That the rangers for said counties of Wayne and Hardin, be required to advertise all estrays posted on their books in some paper printed in Columbia, under the same rules and regulations as rangers are now required by law to advertise, any law usage or custom to the contrary notwithstanding*

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER CII.

An Act for the relief of Charles McAnally.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, is authorized and required to refund and pay unto Charles McAnally, sheriff and collector of the state tax for Grainger county, for the year 1816, one hundred and five dollars, the amount of tax paid by said sheriff to the Treasurer aforesaid, on 14,000 acres of land, for the years, 1813, '14, '15 and 1816, returned for taxation, to the court of pleas and quarter sessions of the county aforesaid in the name of Thomas Ketland, which tax was not made by said collector, as appears to this General Assembly, but was paid by him as aforesaid, to the aforesaid Treasurer; and the receipt of said McAnally shall be a sufficient voucher to said Treasurer, in the settlement of his accounts;

JAMES FENTRESS.

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 22, 1821.

CHAPTER CIII.

An Act to alter the names of the persons therein mentioned.

Whereas it appears to this General Assembly, that a certain Polly McConnel, formerly Polly Powel of Maury county, did some years since legally intermarry with a certain James McConnel of said county, and during the continuance of said marriage, had two children born in lawful wedlock, to wit: Andrew Jackson McConnel, and Charlotte Matilda McConnel; and whereas it also appears to this General Assembly, that the said Polly did afterwards by a due course of law, in the honorable the Circuit Court for Maury county, obtain a divorce from her said husband James McConnel, and is now desirous to retain her former name, and that her children may assume her former name instead of her said husband's; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That Polly McConnel, formerly Polly Powel of Maury county, be hereafter called and known by the name of Polly Powel, and that her two children Andrew Jackson McConnel, and Charlotte Matilda

Preamble.

Names of certain persons altered.

Mc'Connel, be hereafter called and known by the name of Andrew Jackson Powel, and Charlotte Matilda Powel.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 22, 1821.

CHAPTER CIV.

An Act authorising Mary Humphreys to be appointed guardian of her husband Jesse Humphreys.

County Court of Carter to appoint Mary Humphreys guardian of her husband.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Carter county, five or a majority of said justices present, be and they are hereby authorised to appoint Mary Humphreys, guardian of her husband Jesse Humphreys, during his insanity, by her giving bond with sufficient security as other guardians are required to do, and when so appointed, she shall have full power and authority, to sue for and recover all just debts, owing to and being due to the said Jesse Humphreys, or that may hereafter become due to him, and she shall be liable for all just debts owing by the said Jesse Humphreys, and may be sued and recovered of by all and every person or persons having any just claim against the said Jesse Humphreys, any law, usage or custom to the contrary notwithstanding.

Court's duty on failure.

Sec. 2. *Be it enacted*, That in case of the refusal of the said Mary Humphreys to act as guardian, or to enter into bond with security as required by the foregoing section, it shall be the duty of said court to appoint some other person to act as guardian of said Jesse Humphreys under the same rules and regulations before mentioned.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 22, 1821.

CHAPTER CV.

An Act authorising the election of three commissioners in the town of Lovesville in Knox county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff of Knox county

shall on the first Saturday in March in each and every year, hold an election at the house of Samuel Love in the town of Lovesville, for the purpose of electing three commissioners from amongst the citizens thereof and all persons residing in said town, and who are entitled to vote for members of General Assembly shall be entitled to vote at said election.

Commissioners when and how elected.

Sec. 2. *Be it enacted*, That said commissioners or a majority shall have power to appoint a clerk or recorder and one town constable, and they shall have full power to pass all laws, or ordinances necessary for the suppression of vice and immorality, and especially the vice of gaming, they shall have power to remove nuisances, to establish night walks or patrols, to ascertain the boundaries of lots, streets and alleys, and all other powers necessary and proper for the peace, harmony and good government of said town, not inconsistent with the established laws and constitution of this state.

Commissioners to appoint a clerk & constable, &c.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 22, 1821.

CHAPTER CVI.

An Act to provide for the trial of causes depending in the Special Court at Knoxville.

Whereas by the third section of an act of the General Assembly of this state, passed at Knoxville, 13th November 1817, entitled an act for the trial of certain causes circumstanced as therein mentioned, should be transferred to the circuit court for the county of Knox and be there tried by a Special Judge, to be appointed in the manner therein prescribed. And whereas, the Judge appointed, hath failed to hold said court from time to time as by law was intended, whereby many of said causes are supposed to be discontinued, and the power of appointing another judge by the Governor, wholly at an end, by reason whereof great evils are likely to befall the suitors in that court; for remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the respective causes transferred to said special court under the law aforesaid and which have not been already tried, shall be transferred to the circuit court for the county of Knox,

Certain causes transferred to the circuit court of Knox county.

except the cause of Lamotte and Calhoun against the administrators of Lillard and Hunt which shall be transferred to the circuit court for the county of Cocke, and placed on the docket of those courts respectively and tried on their merits in the same manner as if those causes had been respectively commenced in those courts, any discontinuances or other legal objection which but for this act might have been taken, to the contrary notwithstanding, and that all orders for taking testimony or other preparatory steps taken in said special court, in those causes shall be as good and effectual as if the same had been taken by the courts to which they are now transferred.

Sec. 2. *Be it enacted*, That for the purpose of collecting the costs or monies due on judgments in suits that may have been tried in said special court, the clerk of the circuit court of Knox county may issue execution in the same manner as he might or could have done if the causes had been tried and determined in the circuit court of the county of Knox.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 23, 1821.

CHAPTER CVII.

An Act for the benefit of George and James Mitchell.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of West Tennessee be, and he is hereby authorised and required to make out a grant to George Mitchell for eighty acres of land on entry No. 7513, founded on one hundred acre of a certificate warrant No. 142, for four hundred and ninety acres issued to John Overton and assigned to the said Mitchell by Harrison Blagrove. Also a grant to James Mitchell for twenty acres on entry No. 7514, founded on so much of the above recited warrant assigned by George Mitchell to the aforesaid James Mitchell in the same way that he would or might do if the said warrant was on file in his office.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 23, 1821.

CHAPTER CVIII.

An Act to authorise the Register of East Tennessee to issue grants to certain persons therein named.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Register of East Tennessee to issue grants, (viz :) one to Andrew Cowen, one to George Snider, one to William Morrison, one to the heirs of David Miller, and one to Jacobus Thurman, on their delivering into the said Register's office, the plats and certificates of surveys from the Surveyor General's office of the Hiwassee district, under the same rules, regulations and restrictions that other grants for occupant claims were obtained south of French Broad and Holston, and Between the rivers Big Pigeon and Tennessee, under the laws of this state, passed 1806; *Provided always*, That the first instalment shall not become due until the first day of November, 1822, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 23, 1821.

CHAPTER CIX.

An Act to establish a town on the lands of Thomas Roundtree in the county of Lincoln.

Whereas it is represented to this General Assembly that the public convenience will be promoted by establishing a town on the land of Thomas Roundtree, in the county of Lincoln; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That a town shall be, and hereby is established, on the land of Thomas Roundtree in the county of Lincoln to include such lots, streets, lanes and alleys, as may have been heretofore laid off, or may hereafter be laid off, by said Roundtree or under his direction; and said town shall be called and known by the name of Lynchburg; and such lots Lynchburg when sold shall be liable to taxation as other town lots are, according to the laws of this state.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 23, 1821.

CHAPTER CX.

An Act for the relief of Thomas Palmer, jun'r.

Be it enacted by the General Assembly of the State of Tennessee, That Thomas Palmer, jun'r. of Cocke county, shall be and he is hereby released from the payment of a fine assessed against him, on his recognizance in Knox county, for his non-attendance as a witness in a cause of the state against Joseph McPeters; *Provided* the said Thomas Palmer, jun'r. shall pay all cost which have or may accrue against him on a *scire facias*.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 23, 1821.

CHAPTER CXI.

An Act making allowance for the necessary expense of house rent for the Secretary's office.

Be it enacted by the General Assembly of the State of Tennessee, That Daniel Graham be allowed the sum of one hundred and sixty-eight dollars, expended by him in house rent for the use of his office from the 31st day of August, 1820, to the first day of January, 1822, and that his receipt be a good voucher for that amount to either Treasurer on a settlement of accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 23, 1821.

CHAPTER CXII.

An Act for the relief of James Starr.

Be it enacted by the General Assembly of the State of Tennessee, That James Starr, a fourth blood of the Cherokee Nation of Indians, and an inhabitant of Monroe county, be and he is hereby authorised to have and exercise all and singular the rights, privileges and immunities of a free white male citizen of the state of Tennessee.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 23, 1821.

CHAPTER CXIII.

An Act to make legitimate Mariam Taylor.

Be it enacted by the General Assembly of the State of Tennessee, That Mariam Taylor, the natural born child of Audley Taylor and Eliza Mc'Clelland, shall and she is hereby made capable of taking by descent, distribution or otherwise, any of the estate of the said Audley Taylor either real or personal, in the same manner, and under the same rules and regulations, that she could or might have taken the same, had she been born in lawful wedlock, any law or usage to the contrary notwithstanding: And from and after the passage of this act, the said Audley Taylor shall and may exercise all the rights, power and authority over the said Mariam Taylor, that a father could and of right should do, was the said Mariam Taylor born in lawful wedlock.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 24, 1821.

CHAPTER CXIV.

An Act to prohibit Charles Gamble, Esq. Sheriff of Hamilton county from collecting more than the single tax due and owing on sundry tracts of land reported by him for the tax of 1820.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee. That Charles Gamble, Esquire, sheriff of Hamilton county, shall not be authorised to collect more than the single tax due and owing upon the several tracts of land in said county now advertised for sale, and the cost that has accrued thereon, and that the sale of said reported lands shall be postponed until the first Saturday in April next.

Sec. 2. Be it enacted, That the sales hereafter to be made shall be as good and effectual as they would have been, had the County Court of Hamilton proceeded as the law in such cases may have required for the sale of lands for taxes.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 25, 1821.

CHAPTER CXV.

An Act supplemental to an act, entitled, "An act to incorporate the Turnpike Companies therein mentioned, passed the eighth day October, 1819."

Proprietors of the Kincah Turnpike road to open and keep in repair a certain road

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That David Ragsdale, William Smith and Lewis Morgan, proprietors of the Kincah Turnpike road, be and they are hereby required to open and keep in repair the road leading from said road, at the place known by the name of Tigner's cabbins at the foot of the mountain in Bledsoe county, at the Gap known by the name of Keedy's Gap, and keep the same in the repair which the Kincah road is required to be kept in; and that they shall put said road in repair against the first of March next, or otherwise the turnpike gate now established shall be opened by the commissioners, and which gate shall remain open until the said road is put in repair as contemplated by this act, and that said Turpike Company shall not be entitled to demand and receive any additional toll whatever.*

Sec. 2. *Be it enacted, That William Christian shall be a commissioner for the Kincah Turnpike road, and the road hereby required to be kept in repair, and the commissioners already appointed shall act in conjunction with said William Christian in viewing and examining the state and condition of said roads once in every three months or oftener if circumstances require it.*

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 25, 1821.

CHAPTER CXVI.

An Act to authorise Aaron Higanbotham to open a Turnpike road.

A. Higanbotham to open a turnpike road.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That Aaron Higanbotham be and he is hereby authorized to cut out and open a Turnpike road, beginning at the foot of the mountain in Warren county, on a direction from M'Minnville to Jasper in Marion county, the nearest and best way over which a road can consistently pass across the mountain and to the foot of the same in Marion county.*

Sec. 2. *Be it enacted, That the said Aaron Higan-*

botham shall be under the same rules, governed by the same regulations and subject to the same penalties that Peter Hoodenpile and William Rainey proprietors of the road leading from the foot of the mountain in Bledsoe county, to the foot of the mountain, in Warren county, are under and shall receive the same rates of toll for the compensation that the above named proprietors do.

Sec. 3. *Be it enacted, That Jacob Woodley and William Nunley of Warren county, Luke Hendrix, of Marion county, be and they are hereby appointed commissioners to said road, who shall be bound to discharge similar service and be under the same regulation that the commissioners of the above recited act are under, with the exception of viewing and marking said road; which they shall not be bound to do, unless required by the proprietor, and shall receive the same compensation for their services that the commissioners of the before recited act receive.* Commission-ers appointed.

Sec. 4. *Be it enacted, That William Rainey and his associates, be and they are hereby authorised and required to cut out and open the road which turns out of said Rainey's and Companies road at Brush creek to the foot of the mountain in Warren county, which is known by the name of Hill's road, and shall be bound to keep it in the same repair, and be liable to the same penalties and forfeitures in every respect that they are now liable to, agreeably to an act passed the 19th November, 1817, and shall not be entitled to receive any more toll than they are now entitled to receive by law.* Road to be opened.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 25, 1821.

CHAPTER CXVII.

An Act to alter the names of the persons therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That Samuel Jefferson Lane, Nathan Allen Lane, Nancy Basset Lane, Prudence Giles Lane, Sally Lee Lane and Polly Lane be, from and after the passage of this act, called and known by the names of Samuel Jefferson Alsup, Nathan Allen Alsup, Nancy Basset Alsup, Prudence Giles Alsup, Sally Lee Alsup and Polly Alsup, children of William Alsup of Names of persons altered.

Wilson county, and by that name they shall be capable of inheriting the estate of said Alsup as if born in wedlock.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER CXVIII

An Act for the relief of John Mc'Millan and others.

Treasurer of
E. Ten. to pay
certain per-
sons for guns
pressed.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee be authorised to pay to John Mc'Millan the sum of twenty four dollars, to Samuel Todd the sum of fifteen dollars and fifty cents, and to Barclay Walker the sum of eighteen dollars, being the appraised value of guns pressed from them during the late war; Provided however, That before said payments be made, it shall be the duty of the claimants, respectively, to make out and swear to their accounts, setting forth the appraised value of the guns pressed; And provided also, That each of said claimants shall state on oath, that the officer who pressed said guns, and the officer who commanded the regiments for whose use they were pressed, are dead or removed, so that their certificates cannot be obtained.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER CXIX.

An Act to alter the name and make legitimate the person therein mentioned.

Name altered.

Be it enacted by the General Assembly of the State of Tennessee, That the name of Carson Odle, an illegitimate son of William Wilson, of the county of Williamson, be and the same is changed to John Carson Wilson, and he is hereby enabled to inherit of the estate of the said William Wilson in the same manner as if he had been born in lawful wedlock, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER CXX.

An Act authorising the commissioners of the town of Lawrenceburg to build the public jail and stocks on some lot in said town other than the public square.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of the town of Lawrenceburg are hereby authorised and required to build the public jail and stocks of said county of Lawrence, on some lot in the town of Lawrenceburg and not on the public square thereof, as required by "An act, entitled an act to establish the seat of Justice of Lawrence county," passed at Murfreesborough, 23d November, 1819.

Commission-
ers of Law-
renceburg to
build jail and
stocks.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER CXXI.

An Act for the benefit of Richard Campbell.

Whereas it hath been represented to this General Assembly that Richard Campbell hath been at considerable expence and labor erecting a grist-mill in the county of Hickman, upon poor and vacant land, and having exhausted his funds in building, is, at present, unable to purchase a warrant to save the same, and having prayed us for relief in the premises; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That it shall not be lawful for any person, except the said Richard Campbell, to enter or obtain a title to fifty acres of land including the said mill in the center, for one whole year from and after the passage of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 26, 1821.

CHAPTER CXXII.

An Act for the relief of Joseph Cavit.

Whereas a certificate warrant No. 2885, issued by the Register of West Tennessee to Alexander Mc'Millen, for one hundred and twenty acres, on the 17th day of April, 1818, in lieu of so much of military

warrant No. 5120, for six hundred and forty acres, which certificate was levied on by the sheriff of Sumner county, at the suit of Claxton against said Mc'Millen, and was sold by said sheriff to Redmond D. Barry, the highest bidder, which warrant was transferred by said sheriff to said Barry, and by his executors to Joseph Cavit, and it being satisfactorily shewn that the said certificate warrant has been lost or destroyed by accident.

Register of W. Ten to issue a certificate to J. Cavit.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of the land office of West Tennessee issue to Joseph Cavit, a certificate for one hundred and twenty acres in lieu of the original, reciting the certificate lost.

Sec. 2. *Be it enacted*, That the original certificate warrant, should the same hereafter be found in the hands of any person, the same and any entry or entries, grant or grants that may be made, or issue thereon shall be absolutely void.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate.

October 27, 1821.

CHAPTER CXXIII.

An Act to authorise the Clerk of the Court of Pleas and Quarter Sessions, of Jefferson county, to build a Clerk's Office on a part of the public square, in the town of Dandridge.

Clerk to build an office.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerk of the court of Pleas and Quarter Sessions of Jefferson county, be and he is hereby authorized to build a house for the use of a clerk's office, on some part of the public square in the town of Dandridge, which may be designated by the court aforesaid.

Sec. 2. *Be it enacted*, That upon the death, resignation or removal of such clerk, his successor to said office, shall have the benefit and use of said house for the use of his office, upon his paying the clerk so resigning or removing, or his heirs or representatives in case of his death the value of said building; any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives,
S. BREWER,
Speaker of the Senate

October 27, 1821.

CHAPTER CXXIV.

An Act authorising the County Court of Franklin county to keep certain Coves of Cumberland Mountain inclosed.

Whereas it is represented to the present General Assembly, that the soil of certain coves of Cumberland Mountain in Franklin county, is productive of some vegetable, or other substance, which is very deleterious to the lives of such animals as feed upon it, and particularly that species called the black cattle, and that the milk and butter prepared from the milk of cows having fed upon the same, and eaten by the human family is capable of, and does excite in such persons a very mysterious, and distressing disease, generally terminating life in a few hours; therefore to prevent stock from ranging at large in such districts of country,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Straughtner, David Brakefield and Joseph Champion, be and they are hereby appointed commissioners, to survey and designate the ground, upon which a fence should be built, in order to debar any neighbouring stock from access to those coves of the mountain in which those poisonous vegetables grow, in all that range of mountain, from that prominent point nearly opposite Carter's Cotton Gin, to the lower end of the cove called Bowen's cove and make report of such survey to the county court.

Commissioners appointed and their duty

Sec. 2. *Be it enacted*, That it shall be the duty of the county court aforesaid upon the report of such survey having been made by the aforesaid commissioners, to set apart and assign a certain number of such citizens, as are required to work on public roads, to erect and keep in repair a good and sufficient fence, under the direction of an overseer who shall be appointed by said court, and who shall perform the duties of overseer, such number of months, as it may appear to said court, such fence ought to be kept up in each year; *Provided however*, That in case it should be deemed necessary, to erect and keep up a fence in the neighbourhood of any county road, already established by the court, or to open any new road, through the neighbourhood of such fence after it may be built, that the court shall divide the hands as equally between the two, as their knowledge of the quantity of labour which each will require, will enable them.

County Court to assign hands to keep a sufficient fence, &c.

Sec. 3. *Be it enacted*, That it shall be the duty of the overseer of such fence at such time as the court

Duty of overseer.

shall direct, to notify the hands assigned to it and proceed to the erecting of the same, and when it may be necessary to cross any private neighbourhood, or public road with such fence, it shall be the duty of the overseer to have erected at such crossing, a good and sufficient gate, wide enough to admit the passage of a wagon, and if any overseer shall neglect to do his duty, or if any hands who may be assigned to the building of and keeping up such fence, shall fail or refuse to serve, or furnish a hand to work in his stead, he or they shall incur the same fines and penalties, as are incurred by overseers and persons appointed to keep in repair, and work on public roads.

Fence to be kept in good repair, &c.

Sec. 4. *Be it enacted*, That such fence shall be kept up, and in good condition a certain number of months in each year, to be determined by the court, and if any person or persons shall, wilfully throw down or open a gate in such fence, or leave open any gate erected in said fence, for the passage of a road through the same, or shall break down said fence by falling trees across it, and shall not remove the same and repair the breach made thereby, he may, upon satisfactory proof being made thereof to the county court, be fined in any sum under ten dollars, which shall be collected and applied to the use of the county.

Commissioners appointed to survey the ground where the fence is to be built.

Sec. 5. *Be it enacted*, That George Caperton, John Cowen, William Foster and Samuel Norwood, be and they are hereby appointed commissioners to survey and designate the ground on which any fence or fences shall be built, to inclose and exclude stock from ranging in any part of (what is called) Caperton's cove, of the aforesaid mountain in which such noxious vegetable may grow, or any of the coves of that part of the mountain which surrounds the main branch, or Norwood's fork of the boiling fork of Elk river, and upon the said commissioners making report to the aforesaid court of such survey of ground, on which any such fence or fences as aforesaid shall be built, the court shall proceed to appoint an overseer, and allot hands to build and keep in repair the same.

Court's duty on refusal of commissioners to act.

Sec. 6. *Be it enacted*, That if either, or any of the aforesaid commissioners, does, or do refuse to serve, or resign, it shall be the duty of the court aforesaid to appoint another person or persons to fill such vacancy, and in case, from the representation of any of the citizens of the county aforesaid, it may appear to said court, that there are other coves of said mountain, other than those included, in those range of moun-

tains designated in the foregoing sections of this act which ought to be inclosed, it shall be the duty of said court to appoint three commissioners to survey and designate the ground on which a fence should be built, in order to exclude stock from ranging in such coves, and the report of such survey being made to said court, it shall be the duty of said court to appoint an overseer, and assign hands to build and keep in repair such fence under the same regulations as are pointed out in the foregoing sections of this act.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

October 27, 1821.

CHAPTER CXXV.

An Act to appoint commissioners to run out and mark the lines of Humphreys county agreeable to an act of the General Assembly passed the 26th day of July 1820, defining the limits of Humphreys county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David B. Carns, Joseph Urry, Hugh Ross, Dawsey P. Hudson and Benjamin Hudson, be and they are hereby appointed commissioners with full power and authority to employ a surveyor, out of their own body or any other person, as they or a majority of them may think proper, and employ two chain carriers, and have the lines of Humphreys county run out and marked agreeable to the before recited act, beginning at the north east corner of Humphreys county near David Wells's, and run west to the mouth of White Oak creek, crossing Tennessee river, and still running west four miles and a half, thence south forty-five degrees west ten miles and a half, thence south so far that an east course will give Humphreys county six hundred and twenty-five square miles; also to calculate and take into Humphreys county that part of the head of White Oak, that was taken off from Dickson county in the year 1809 and added to Humphreys county.

Commissioners appointed to run & mark the lines Humphreys county.

Its boundary.

Sec. 2. *Be it enacted*, That said commissioners and chain carriers, before they enter upon the duties of their office, shall take an oath before some justice of the peace in said county, to run and mark the lines of Humphreys county, agreeable to the before recited act to the best of their skill and judgment, and said commissioners shall proceed to the duties of their appointment as soon as convenient, and the county

Commissioners and chain carriers to take oath.

court of said county are hereby authorised to pay said commissioners, surveyor and chain carriers, such sums as said court may deem a sufficient compensation for their services required of them by this act, out of any monies belonging to said county, not otherwise appropriated.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 27, 1821.

CHAPTER CXXVI.

An Act authorising George Caperton of Franklin County to open a Turnpike Road.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That George Caperton is hereby authorised to open and cut out a Turnpike Road, commencing at Winchester, in the county of Franklin, the nearest and best way, crossing Cumberland mountain, to intersect a road at the state line, leading from Gunter's ferry on Tennessee river, to Winchester; which road, where the situation of the country will admit of it, shall be cut eighteen feet wide, and cleared of stumps and 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 across them; and if there should be any swamps over which said road may be taken, it shall be the duty of the proprietor of said road to causeway said road with either stone or wood to be made over such swamps, at least twelve feet wide, clear of stumps, logs or other obstructions.*

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 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 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*

Geo. Caperton
to cut out and
open a turn-
pike road.

Road to be
kept in repair

open, until 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 proprietor, 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, for every such offence, shall forfeit and pay the sum of thirty dollars, to be recovered before any justice of the peace, by any person that will sue for the same; and if the road shall 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, which proprietor, when so elected, shall be entitled to receive all the toll rated in this act, and shall be bound to the same duties, regulations, restrictions and penalties as prescribed by this act for the original proprietor to do and perform.

Sec. 3. *Be it enacted, That John Cowen, William Foster and Leonard Tarant shall be and they are hereby appointed commissioners of the aforesaid road, and they or any two of them shall be capable 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 road is cut out and completed for use, said commissioners shall proceed to examine said road, and if said road, in their opinion, is in the order contemplated by this act, they shall proceed to licence said 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 wagon and team fifty cents; cart and driver, twenty-five cents; four wheel carriage of pleasure, seventy-five cents; two wheel carriage of pleasure, thirty-seven and one half cents; man and horse or mule, twelve and one half cents, loose or led horse or mule not in a drove, six and one fourth cents; horses or mules in a drove, three cents; each head of cattle two cents; each head of hogs or sheep one cent.*

Sec. 4. *Be it enacted, That the commissioners herein 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 for said county, (to wit:)*

Commissioners appointed and their duty

Proprietor to erect a gate.

Rates of toll

Commissioners to take oath.

I, A. B. 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 each per day, for every day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietor of said road.

Penalty on proprietor in failing to keep road in repair.

Sec. 5. *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 sustain an action on the case against said proprietor [for] the damage sustained.

Penalty for evading the toll

Sec. 6. *Be it enacted*, That if any person or persons shall pass said gate arbitrarily 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 proprietor, the sum of twenty-five dollars, to be recovered by action of debt, before any justice of the peace within this state.

Sec. 7. *Be it enacted*, That any mail carrier on horse back shall at all times pass said gate free from paying any toll.

JNO. H. CAMP,

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

Speaker of the Senate.

October 29, 1821.

CHAPTER CXXVII.

An Act to prolong the January and July Sessions, of the County Court of Greene, and for other purposes.

County Court of Greene may hold its Jan & July sessions two week.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the court of Pleas and Quarter Sessions of Greene county, to continue and be held for the term of two weeks, at each session to be held in the months of January and July in each and every year.

Sec. 2. *Be it enacted*, That all proceedings of said court, to be had on the second week, shall be as valid as if the same had taken place on the first week thereof.

County Court of Washington when to sit.

Sec. 3. *Be it enacted*, That the court of Pleas and Quarter Sessions for Washington county, shall hereafter commence on the second Monday of January, April, July, and October in each year, and shall con-

tinue in session for two weeks, unless the business in said court shall sooner be dispatched.

Sec. 4. *Be it enacted*, That all returns made to, and proceedings had in said court, on the first week of said several sessions, shall be as valid as if the same had been made, and transacted within the period now prescribed by law for transacting business in said court.

Sec. 5. *Be it enacted*, That the passage of this act shall not effect a change in said court until the first session after the first day of January next.

Sec. 6. *Be it enacted*, That the circuit court for the county of Wilson, shall hereafter commence its sessions as heretofore, and sit for two weeks, unless the business thereof shall be sooner disposed of.

Circuit Court of Wilson may sit two weeks.

Sec. 7. *Be it enacted*, That the circuit court for the county of Davidson, shall hereafter commence its sessions on the second Monday in May and November in each year, and continue five weeks unless the business of said court shall be sooner disposed of.

Circuit Court of Davidson may sit five weeks.

Sec. 8. *Be it enacted*, That the court of pleas and quarter sessions, for the county of Wilson, shall commence its sessions on the fourth Monday in December, March, June, and September in each year, and continue for two weeks, unless the business thereof shall be sooner disposed of.

County Court of Wilson when and how long to sit.

Sec. 9. *Be it enacted*, That the court of pleas and quarter sessions for the county of Rutherford, from and after the first day of April next, shall regularly sit on the third Monday of January, April, July and October, and shall continue for two weeks, unless the business in said court shall be sooner disposed of, and that all process returnable after the first day of April shall be returnable to those times.

County Court of Rutherford when and how long to sit.

Sec. 10. *Be it enacted*, That so much of this act, as relates to the circuit courts of Davidson and Wilson counties shall take effect from and after the first day of January next, and all process issuing from either of said courts after the commencement of their next terms, be made returnable to the times herein by this act directed.

Sec. 11. *Be it enacted*, That so much of this act as relates to the court of pleas and quarter sessions of Wilson county, be in force from and after the first day of December next, and that all writs or other process which may issue from the November term, shall be returnable to the December term on the fourth Monday.

Sec. 12. *Be it enacted*, That the quorum justices of

the Wilson county court of pleas and quarter sessions shall hold the December term by this act directed, under the same rules, regulations, and restrictions as heretofore prescribed by law for holding quorum courts in this state.

County Court
of Roane may
sit two weeks

Sec. 13. *Be it enacted*, That hereafter the county court of Roane may sit two weeks, at every term of said court, when there are five Mondays in the month in which such terms may commence.

JNO. H. CAMP,

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

S. BREWER,

Speaker of the Senate.

October 30, 1821.

CHAPTER CXXVIII

An Act to authorise the County Court of Robertson County to lay a tax

County Court
of Robertson
to lay a tax to
remove & re-
build the jail.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That at the first court of Pleas and Quarter Sessions to be held for the county of Robertson, in the year 1822, it shall be the duty of the justices of the peace of said county, a majority of them being present, to levy a tax for the purpose of removing and rebuilding the jail in the town of Springfield from the public square, to some lot or parcel of ground in said town; and it shall be their duty in each and every succeeding year, should it be necessary for the completion of said work, to levy a tax therefor, which tax when collected by the sheriff, shall be paid over to the said commissioners for the purposes therein mentioned.

[Commission-
ers appointed
and their duty

Sec. 2. *Be it enacted*, That Thomas Johnston, Benjamin Tucker, Richard Cheatham, Benjamin Porter and William Steele, be and they are hereby appointed commissioners to contract for the removal and rebuilding of said jail, which shall be removed to and rebuilt on, some lot or parcel of ground in said town, which shall be purchased by said commissioners for that purpose. And the said commissioners are hereby authorised and required to purchase a lot or parcel of ground in said town for the aforesaid purpose, and draw on the collector of said tax for the amount of money contracted to be given for the same. It shall be their duty to superintend said removing and rebuilding, for which they shall be allowed a compensation by the county court on the completion and reception of said building. And it shall be

their duty to take and receive from the person or persons with whom they may contract a bond in double the amount of the contract money, conditioned for the faithful execution of the work according to the terms which may be prescribed by said commissioners.

Sec. 3. *Be it enacted*, That said commissioners shall at their discretion let out the removal and rebuilding of said jail to the lowest bidder, of which they shall give twenty days notice. Lowest bidder
to build the
jail.

Sec. 4. *Be it enacted*, That the balance of the money which was levied for the purpose of building a court house in the town of Springfield, and which remains unappropriated, be applied to the defraying of the expences which may be incurred in the removal and rebuilding of said jail.

JAMES FENTRESS,

Speaker of the House of Representatives,

S. BREWER,

Speaker of the Senate.

October 30, 1821.

CHAPTER CXXIX.

An Act for the benefit of the executors of the last will and testament of Frederick Stump, dec'd

Be it enacted by the General Assembly of the State of Tennessee, That it may and shall be lawful for the county court of Davidson, to grant letters testamentary to the executors of the last will and testament of Frederick Stump dec'd, or such of them as may take upon themselves the execution of said will, without requiring security from said executors for the due execution of said will.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 30, 1821.

CHAPTER CXXX.

An Act to emancipate certain persons therein named.

Be it enacted by the General Assembly of the State of Tennessee, That two colored men usually called Sam Molloy and Harry Molloy, formerly the slaves of Thomas Molloy deceased, late of Davidson county in this state, conveyed by the executors of said Molloy to John Cockrell of said county, be and by this act, Certain slaves
emancipated.

are freed and emancipated, with all the privileges, rights and advantages conferred by the laws on freed colored persons to all intents and purposes whatever, on the following conditions, (viz :) that said Cockrell shall go before the circuit court of Davidson county, in open court, and give his assent to such emancipation, and moreover, enter into bond and sufficient security in a sum to be approved of by said court, not under five hundred dollars each, payable to be conditioned to indemnify, not only said county of Davidson, but all and every county in the state of Tennessee, for and on account of said two persons of color, or either of them ever hereafter becoming chargeable in any manner agreeable to the laws in force, on said county of Davidson, or any other county in said state.

JAMES FENTRESS,
Speaker of the House of Representatives
S. BREWER,
Speaker of the Senate.

October 30, 1821.

CHAPTER CXXXI.

An Act for the relief of Urstley Baker.

Be it enacted by the General Assembly of the State of Tennessee, That either of the Treasurers of this state, is authorised and required to pay unto Urstley Baker, administratrix of John Baker dec'd, the sum of thirty six dollars and fifty cents, for a rifle gun and accoutrements, to the same belonging which was pressed from said Baker, for the use of the United States on the 1813, by order of Major Alex. S. Overton; and the receipt of the said Urstley Baker, shall be a sufficient voucher to said Treasurer in the settlement of his account.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 30, 1821.

CHAPTER CXXXII

An Act to establish the town of Murrysville in the county of Sumner and for other purposes

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town laid out by Thomas Murry of Sumner county on the north bank of the Cumberland river on the lands of the said Murry, shall

Murrysville
established.

be and the same is hereby established by the name of Murrysville, agreeable to the plan by him made out and preserved.

Sec. 2. *Be it enacted,* That the lots when sold shall be taxed as other town lots in this state.

Sec. 3. *Be it enacted,* That the said Thomas Murry is hereby authorised to erect a warehouse near the mouth of his ferry branch on Cumberland river; and a tobacco inspection is hereby established at said place.

T. Murry to erect a warehouse. &c.

Sec. 4. *Be it enacted,* That the county court of Sumner shall appoint three inspectors whose duty it shall be to attend the inspection of tobacco at said place, and be governed by the same rules, regulations and restrictions as tobacco inspections are bound to observe, agreeably to the laws of this state.

Court to appoint inspectors of tobacco.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

October 30, 1821.

CHAPTER CXXXIII.

An Act to provide for the issuance of certificates to the persons therein named.

Whereas it appears to this General Assembly that Nathan Shipley, former commissioner of East Tennessee, did on the thirtieth day of December, 1814, issue to Even Shelby a certificate for two hundred acres of No. 99; as also, two hundred acres of No. 46, to the heirs of Richard White, of date December 26th, 1814, and which certificates have been severally assigned; and it is also represented that the respective claimants are non-residents, and were prevented thereby from procuring a re-examination of said certificates, before the closing of the late commissioner's office: Wherefore, and forasmuch as the act of Congress requires all claims which are to be located south and west of the congressional line to be re-adjudged,

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Secretary of this state (as a commissioner for West Tennessee) shall issue to the above recited claimants, duplicates under the same rules as were directed by the act opening the late commissioners office for West Tennessee.

Secretary to issue duplicates to certain claimants

Sec. 2. *Be it enacted,* That the said Secretary of state shall, under the same rules, issue to Joseph Gra-

ham or his rightful assignee, a duplicate on warrant No. 1060, issued by the commissioner of West Tennessee to said Joseph Graham.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

October 31, 1821.

CHAPTER CXXXIV.

An Act to authorise the jail of Marion County to be built upon some lot in the town of Jasper, other than the public square

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of the town of Jasper, in the county of Marion, be and they are hereby authorised and required to build the public jail for said county upon some eligible lot in said town by them to be designated, instead of building the same upon the public square as heretofore required by law ; Provided, the consent of those who own adjoining lots is obtained.

JAMES FENTRESS,

Speaker of the House of Representatives.

S. BREWER,

Speaker of the Senate.

September 24, 1821.

CHAPTER CXXXV.

An Act to establish permanently the lines of Hardin county, and for other purposes.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the lines of Hardin county shall be as follows, (to wit :) Beginning at the south west corner of Wayne county, thence west with the southern boundary line of this state, to the south west corner of section one in range six in the 9th surveyors district, thence north thirty miles to the north west corner of section 6, in range 6, thence east to the east bank of Tennessee river, thence up with the meanders of said river, to the point where Wayne county leaves said river, thence with Wayne county line to the beginning.

Sec. 2. Be it enacted, That James Barnes, Robert Shannon, Hieram Boon, John Williams, Alexander Swaney, Tilman Patton and John Kendle, be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county,

Commissioners appointed to fix on a site for a town.

and as much nearer the center as a suitable situation can be procured, and the said commissioners shall purchase fifty acres of land at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves, and their successors in office and shall lay off the said fifty acres of land into a town to be known by the name of Hardinsville, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper for the purpose of having a jail built thereon for the use of the said county of Hardin.

Hardinsville.

Sec. 3. Be it enacted, That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in one or more of the public newspapers, printed in Columbia or Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and successors in office for the use of said county, and shall make titles in fee simple to the respective purchasers of said lots.

Commissioners to sell said lots on a credit of 12 months.

Sec. 4. Be it enacted, That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expense incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, and also for the defraying the expense of building a court-house, prison and stocks.

Monies arising from said sales how to be appropriated.

Sec. 5. Be it enacted, That the said commissioners shall superintend the building of said court-house, prison and stocks, and shall let the court-house to the lowest bidder, advertising the same sixty days, in one of the newspapers printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient securities from the person to whom the said court-house is let, payable to themselves and successors in office, in the sum of ten thousand dollars, conditioned for the faithful performance of his contract ; and if the proceeds of the sales of said lots is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Hardin, to lay a tax not exceeding the amount of the state tax levied in said county to be applied to the objects aforesaid, and to be continued until all arrearages are paid off.

Commissioners to superintend the building of a court-house, prison and stocks in said town.

Sec. 6. Be it enacted, That the said commissioners before they enter upon the duties of their appointment

Commissioners shall give each, payable to the chairman of the county court of Hardin, and his successors in office for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath :

When said town to be the seat of justice. Their oath. I, A. B. do solemnly swear (or affirm) that as a commissioner to act for the county of Hardin, I will do equal and impartial justice to the citizens of said county to the best of my skill and ability,

SO HELP ME GOD.

And the said bond shall be filed in the clerk's office for the county of Hardin, and shall not be so construed as to make any one of said commissioners security for another.

When said town to be the seat of justice. Sec. 7. *Be it enacted*, That so soon as said scite shall have been fixed upon, and purchased by said commissioners, the county court of Hardin county, shall at their discretion adjourn said court and all proceedings therein to said place, and from thence forth the same shall be the seat of justice for said county, and all matters, causes and things then depending in the county and circuit courts of Hardin county, shall be tried and determined in the same manner as if they had been originally made returnable to that place.

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

Repealing clause. Sec. 9. *Be it enacted*, That all laws and parts of laws, coming within the purview and meaning of this act, be and the same are hereby repealed, and this act shall take effect and be in force from and after the first day of January next.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 1, 1821.

CHAPTER CXXXVI.

An Act to exempt Captain Thomas Miller's company from attending regimental and battalion musters in Bledsoe county.

Be it enacted by the General Assembly of the State of Tennessee, That captain Thomas Miller's company. (to wit :) that part who lives in the grassy cove, be and they are a distinct company, and shall be exempt from attending regimental and battalion musters, but shall perform and hold company musters in the same manner and under the same rules, regulations and restrictions, as other militia companies of this state : and shall be liable to be called on by the colonel of Bledsoe county to furnish their quota of men when called into actual service, to suppress invasion or insurrection.

JAMES FENTRESS.

Speaker of the House of Representatives
S. BREWER,

Speaker of the Senate.

November 1, 1821.

CHAPTER CXXXVII.

An Act to authorise the removal of the offices of the 11th, 12th and 13th Surveyors Districts.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John B. Hogg surveyor of the thirteenth district is hereby authorized to remove his office from the house of Robert H. Dyer to his own residence, provided such removal shall not exceed the distance of three miles, unless the same be into his own district. John B. Hogg surveyor of the 13th district authorized to remove his office.

Sec. 2. *Be it enacted*, That Jacob Tipton surveyor of the eleventh district, and Robert E. C. Doherty surveyor of the twelfth district, are hereby authorised to remove their offices, to any part of their districts ; *Provided*, such removals shall be nearer the center of said districts, than where said offices are now kept, any law to the contrary notwithstanding. J. Tipton surveyor of the 11th district, & R. E. C. Doherty surveyor of the 12th district authorized to remove their offices.

JAMES FENTRESS,

Speaker of the House of Representatives.
S. BREWER,

Speaker of the Senate.

November 1, 1821.

CHAPTER CXXXVIII.

An Act to authorise Jacob Huft of Sevier county to build a dam in Little Pigeon river.

Be it enacted by the General Assembly of the State of Tennessee, That Jacob Huft of Sevier county is hereby authorised to construct a dam in Little Pigeon river, in the south sluice above his mill; Provided, he construct a lock or locks so that the navigation be not obstructed; And provided, he obtain the consent of the owner or owners of the lands adjoining to said dam.

J. Huft to construct a dam on Little Pigeon.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 2, 1821.

CHAPTER CXXXIX.

An Act for the relief of the heirs of John Ross, dec'd.

Whereas military warrant No. 2051 for 640 acres was issued by the state of No. Carolina to the heirs of John Ross, the authority issuing the same believing said Ross to be dead; which warrant was taken out of the office by captain John Mc'Neese, now deceased, who had commanded the said John Ross; which warrant is lost, and the same not having been appropriated, as appears by the certificates of William White Secretary of the state of North Carolina, and J. Blackfan clerk to the board of commissioners of this state; wherefore,

Be it enacted by the General Assembly of the State of Tennessee, That the commissioners of land claims be, and they are hereby authorised to issue a duplicate land warrant, No. 2051 for 640 acres to Wyly Ross, John Ross, Joshua Claxton and Thomas B. Ross, deceased, in lieu of the original.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 2, 1821.

CHAPTER CXL.

An Act to divorce Martha H. Lewis from her husband James W. Lewis.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passing of this act

the bonds of matrimony now existing and heretofore entered into by and between Martha H. Lewis, formerly Martha H. Figures of Wilson county, and her husband James Wilson Lewis of Franklin county, be and the same are hereby dissolved; and that the said Martha H. Lewis shall hereafter be called and known by the name of Martha H. Figures.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 2, 1821.

CHAPTER CXLI.

An Act for the relief of Abraham Boyler, and others.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the commissioners of land claims for West Tennessee to be hereafter appointed, or in case no appointment shall be made, the secretary of state, in place of the commissioner for West Tennessee to adjudicate for Abraham Boyler and others five thousand acres of duplicate land warrants, heretofore issued by the commissioner of East Tennessee, to George and Joseph Greenway, under the authority of an act of the General Assembly of this state, passed November 1st, 1813, and founded on Nos. 2,548 and 2,545, and dated the 12th day of January, 1785;—on which adjudication, the proper signatures of the officers authorised to issue the same, together with the regular endorsement to the applicants, shall be the only evidence of validity required.

JAMES FENTRESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 3, 1821.

CHAPTER CXLII.

An Act to provide for the payment of certain costs therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That the costs of a prosecution instituted in the county of Jackson, against Thomas Pack for the murder of Jones and Bates, which accrued subsequent to the change of venue, be paid by the Treasurer of West Tennessee when the same is certified to be correct by some judge of the Circuit Courts of

this state; whose certificate shall be a good voucher in the settlement of the accounts of said Treasurer.

JAMES FEN RESS,
Speaker of the House of Representatives.
S. BREWER,
Speaker of the Senate.

November 3, 1821.

CHAPTER CXLIII.

An Act to establish the permanent boundary of Wayne county and for other purposes.

Boundary lines of Wayne county.
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the lines and boundaries of Wayne county shall be as follows, (viz :) Beginning at the south west corner of Lawrence county on the state line, and running north with the west boundary of said county to the north west corner thereof, where James Hardin marked said corner, thence running west to the Tennessee river so as to leave cedar creek in Perry county, and white oak creek in Wayne county, thence up said river so far as to include the residence of William B. Ross, thence south parallel with the range line to the south boundary of the state, thence east with said boundary line to the beginning.

Commissioners appointed to fix upon a suitable place for the town of Waynesborough.
Sec. 2. *Be it enacted,* That James Hollis, John Ingram, John Nunley, Esq. Cary W. Pope, Arthur Choat, William Pyburn, Esq. and Malachi Wemberly or a majority of them be and they are hereby appointed commissioners to fix on a place within three miles of the center of said county, or as nearly so as a suitable situation can be procured, and the said commissioners shall purchase forty acres of land, at the place which they may fix upon as aforesaid, and shall receive a title to the same in fee simple to themselves and their successors in office, and shall lay off the said forty acres of land into a town to be known by the name of Waynesborough, reserving near the center thereof a public square of two acres, on which the court-house and stocks shall be built, likewise reserving any other lot they may think proper, for the purpose of having a jail built thereon, for the use of said county of Wayne.

Said commissioners to sell the lots of said town at public sale, on a credit of 12 months.
Sec. 3. *Be it enacted,* That the said commissioners shall sell the lots of said town at public sale on a credit of twelve months, giving due notice thereof in a public paper printed in Columbia and Nashville, and shall take bond with sufficient security from the purchasers of said lots payable to themselves and their

successors in office, and shall make titles in fee simple to the respective purchasers of said lots.

Sec. 4. *Be it enacted,* That the proceeds of the sales of the lots aforesaid, shall be a fund in the hands of the said commissioners for defraying the expense incurred in the purchase of the tract of land on which the town above mentioned is directed to be laid off, also for defraying the expense of building a court-house, prison and stocks. *Monies arising from said sales how to be appropriated.*

Sec. 5. *Be it enacted,* That the said commissioners, shall superintend the building of the said court-house, prison and stocks, and shall let the said buildings to the lowest bidder, advertising the court-house sixty days in said paper printed in Columbia, setting forth the dimensions of which it is to consist, and the materials of which it is to be built, and shall take a bond with sufficient security from the person to whom the said court-house is let, payable to themselves and their successors in office in the sum of ten thousand dollars; conditioned for the faithful performance of his contract, and if the proceeds of the sale of said lots, is not sufficient for the purposes above mentioned, it shall be the duty of the county court of Wayne to lay a tax, not exceeding the amount of state tax levied in said county, to be applied to the objects aforesaid, and to be continued until all arrearages are paid off. *Commissioners to superintend the building of a court-house, prison and stocks in said town.*

Sec. 6. *Be it enacted,* That the said commissioners before they enter on the duties of their appointment shall give bond in a sum of five thousand dollars each, payable to the chairman of the county court of Wayne, to him and his successors in office, for the use of said county, conditioned for the faithful performance of the trust reposed in them, and shall likewise take the following oath: *Commissioners to give bond.*

I, A. B. do solemnly swear (or affirm) that as a commissioner to act for the county of Wayne, I will do equal and impartial justice to the citizens of said county, to the best of my skill and ability. *Their oath.*

SO HELP ME GOD.

And the said bond shall be filed in the clerk's office for said county, and shall not be so construed as to make any one of the commissioners security for another.

Sec. 7. *Be it enacted,* That so soon as the above mentioned town is laid off it shall be the duty of the court of Wayne county to hold said court in said town so laid off, and all matters, causes and things now depending in the county court of Wayne, shall and *As soon as said town is laid off, to be the seat of justice for said county.*