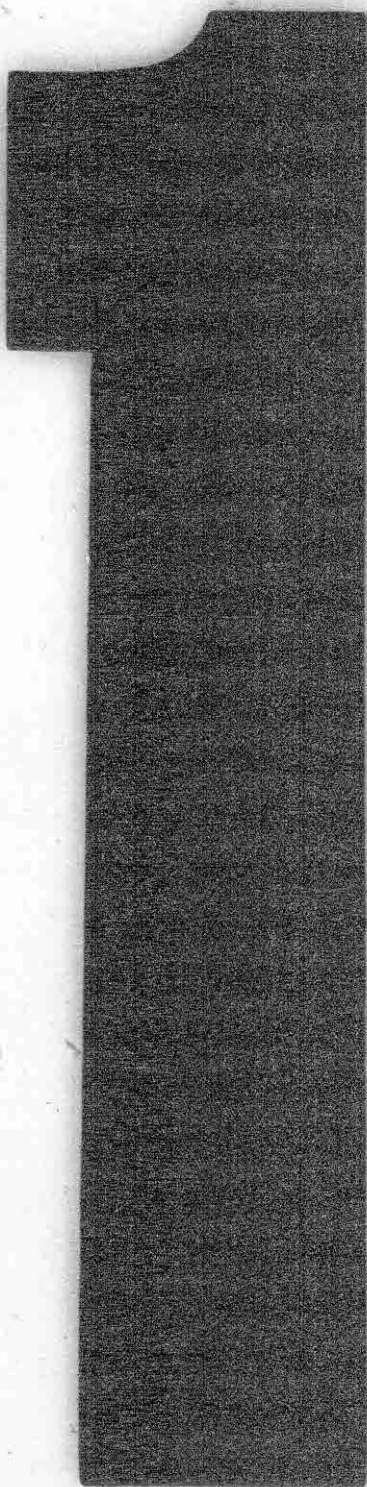


UNIT



PAIRED

AT THE FIRST SESSION

FIFTEENTH GENERAL ASSEMBLY

STATE OF TENNESSEE.

[PUBLISHED BY AUTHORITY.]

MURFREESBOROUGH:

J. NORVELL AND G. A. AND A. C. SUBLETT,

PRINTERS TO THE STATE.

1823.

Index to...

ACTS

OF A

GENERAL OR PUBLIC NATURE,

PASSED AT

THE FIRST SESSION

OF THE

FIFTEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

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law office
Tenn.
1823

46
PUBLIC ACTS

OF THE
STATE OF TENNESSEE.

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

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

CHAPTER I.

An Act respecting Jurors in the Hiwassee District.

SECTION 1. *Be it enacted by the General Assembly
of the State of Tennessee, That all persons residing
in the Hiwassee District, who may have purcha-
sed and claim lands under this state, be, and they
are hereby, declared free-holders, so far as to quali-
fy them to serve as jurors upon the trial of all causes
which may be brought by change of venue into the
courts of said district.*

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

September 24, 1823.

CHAPTER II.

An Act concerning the estates of Minors.

SECTION 1. *Be it enacted by the General Assembly
of the State of Tennessee, That in all cases where
any estate, or legacy, shall have come by descent, or
otherwise, from any collateral relation or other per-
son, to any minor or minors, the county courts shall
have the same power to appoint special guardians for*

the preservation of the same, to give bond and security as in other cases, as if said miners were orphans: *Provided always*, That the father, and in case of his death, the mother, shall have the preference, unless said courts in their discretion should think the interest of the minor requires some other person to be appointed.

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

September 24, 1823.

CHAPTER III.

An Act to compel owners of Salt-Works in this state to keep them enclosed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of May next, if any person or persons shall carry on the manufacturing of salt, without first having their works lawfully enclosed, such person or persons, forever, for every such offence, shall forfeit and pay the sum of fifty dollars, to be recovered by warrant before any justice of the peace of the county wherein such offence may be committed, by action of debt in the name of the county and person suing for the same; one half to the use of the county, the other half to the use of the person suing for the same.

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

September 25, 1823.

CHAPTER IV.

An Act to amend an act, entitled "An act for the benefit of the owners of Salt-Works," passed August 22d, 1822.

Petitioners to furnish satisfactory evidence of the truth of their statements. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person or persons, shall hereafter exhibit his or their petition to any court of Pleas and Quarter-Sessions in this state, as contemplated in the first section of the act which this is intended to amend, the said petitioner or petitioners, shall produce to the said court

satisfactory evidence of the truth of the statements contained in the said petition, before the said court shall direct a jury of view to be appointed, as contemplated by the second section of said act.

SEC. 2. *Be it enacted*, That if the persons petitioning, and intended to be benefited by the said act, shall fail to erect salt-works within two years after obtaining an order for laying out said three thousand acres of land, as contemplated in said act, which this is intended to amend, or shall suffer those which are or may hereafter be built, to be neglected, or go into a state of decay, so as not to be of public utility, then, and in that case, the said lands shall revert to the state, and the grants issued for the same shall be void to all intents and purposes.

SEC. 3. *Be it enacted*, That all grants hereafter issued by the state to the owners of salt-works, shall be upon condition that the owners thereof shall keep them in operation so as to be of public utility.

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

September 25, 1823.

CHAPTER V.

An Act prescribing certain duties to the Rangers and Registers therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any person may be, or has been, elected Ranger or Register in any county in this state, and has or may remove out of the bounds of said county, in which he may have been elected Register or Ranger as aforesaid, the office of Register or Ranger as aforesaid, is hereby declared vacant.

SEC. 2. *Be it enacted*, That it shall be the duty of the Justices of the court of Pleas and Quarter-Sessions, to hold an election to fill such vacancy as aforesaid, under the same rules and regulations as heretofore prescribed by law: any law, usage, or custom, to the contrary notwithstanding.

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

September 29, 1823.

CHAPTER VI.

An Act concerning Schools.

Acts grant-
ing the pro-
fits of certain
school lands
to the Hiwas-
see, Ritten-
house & Ten-
nessee acad-
emies repeal-
ed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of an act, entitled "An act for the benefit of Hiwassee Academy, and for other purposes," passed the fifteenth of November, one thousand eight hundred and twenty-one, as provides that the profits of two tracts of school lands, lying in M'Minn county, and nearest said Academy, shall be appropriated to the use and benefit of said Academy for the term of ten years then next ensuing; and also so much of the aforesaid act, as authorizes the trustees of Rittenhouse Academy, in the county of Roane, to appropriate the proceeds arising from the lease of the school lands in said county of Roane, to the use and benefit of said Rittenhouse Academy, for the space of five years then next ensuing; and also so much of an act, entitled "An act for the relief of Tennessee Academy, in the county of Rhea," as provides that the rents arising from the school lands in said county of Rhea, shall be appropriated to the use of said Tennessee Academy, for the space of ten years; and also provides, that the said school lands shall be under the control of the trustees of said Academy, be, and the same are hereby, repealed: *Provided, nevertheless,* That any contract or agreement heretofore entered into by the said trustees of each or either of said academies, with any person or persons, for the renting, leasing or improving any of said school lands, shall not be made void or impaired hereby, but the same shall remain and be in full force and effect.

Proceeds
transferred
to common
schools.

SEC. 2. *Be it enacted,* That the profits arising from the said school lands, shall, from and after the first day of January next, be appropriated to the use and benefit of common English schools, which shall be established therein for the instruction of children.

Commission-
ers to be ap-
pointed for
the manage-
ment of said
school funds.

SEC. 3. *Be it enacted,* That it shall be the duty of the county courts of the counties of M'Minn, Roane and Rhea, at the first term after the first day of January next, to appoint three commissioners for each of the aforesaid school sections, under the same rules, regulations and restrictions prescribed by an act, entitled "An act concerning school lands," passed the sixteenth day of November, one thousand eight hundred and twenty-one, for the purpose of establishing said schools, and of appropriating for the benefit thereof,

the proceeds arising from the rents and leases of said lands.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 30, 1823.

CHAPTER VII.

An Act to promote Morality and Religion.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any worshipping society, of any denomination of christians, hath heretofore, or may hereafter, erect a house of public worship on any vacant and unappropriated land in this state, north and east of the congressional line, may apply by their trustees, or other legal representative or representatives, to the surveyor of the district or county, as the case may be, whose duty it shall be to lay off and survey four acres of land, in a square or oblong, for and in the name of the trustees, or other legal representative or representatives of ——— church, for the time being, and their successors in office; and said surveyor shall make out and return a plat and certificate of such survey, expressing therein the county, water-course, district, range, township, section, quarter-section, east or west of the meridian, as the case may be; which plat shall be recorded in the surveyor's office, and delivered to the person or persons having an interest in the same: and it shall be the duty of the Register of East or West Tennessee, where the land lies, to make out a grant in the name of the trustees, or other legal representative or representatives, for the time being, and their successors in office, for ——— church, for the use and benefit of such church so applying, forever. And the land so granted, or which may have heretofore been entered or granted, for the use and benefit of any worshipping society or denomination of christians, shall be free from taxation of any kind whatever: *Provided always,* the said trustees pay the necessary office fees: *And provided, also,* that should any spring or springs be included in such survey, the free use of such spring or springs, shall not be withheld from persons holding lands adjoining.

Four acres of
land to be
granted to a
ny church lo-
cated there-
on.

exempt from
taxation.

SEC. 2. *Be it enacted,* That in all grants so issued, it shall be expressed that the same is to be void, and

Land to re-
vert to the
state, if not

used for re- the land again revert to the state, provided the same
ligious pur- should be appropriated to any other than religious
poses. purposes.

Not to in- Sec. 8. *Be it enacted*, That no survey directed by
clude iron this act, shall be so made as to take any iron ore or
ore. other minerals.

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

October 8, 1823.

CHAPTER VIII.

*An Act to repeal an act, entitled "An act directing the
payment of Jurors of view in the Western District."*

SECTION 1. *Be it enacted by the General Assembly
of the State of Tennessee*, That from and after the
passing of this act, the first section of the said act as
requires the county courts, in the counties in the
Western District, to pay jurors of view, for services
rendered as jurors aforesaid, be, and the same is
hercby, repealed and made void.

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

October 15, 1823.

CHAPTER IX.

An Act to provide for the payment of Talismen Jurors.

SECTION 1. *Be it enacted by the General Assembly
of the State of Tennessee*, That in all cases where it
may become necessary for any of the courts in this
state to direct good and lawful men of the bystanders
to be summoned to supply the deficiency of the ori-
ginal pannel, the said bystanders so summoned as ju-
rors, shall (provided the court levy the tax herein af-
ter provided for) be entitled to the same pay for their
services that jurymen of the original pannel are al-
lowed by law, provided said talismen should be de-
tained more than one day, then to be paid for all the
time he may be so detained,

county court
to lay tax. SEC. 2. *Be it enacted*, That the county courts, a
majority, or twelve of the acting justices being pres-
ent, be, and they are hereby, authorised at their dis-

cretion to levy and collect such a tax in their respec-
tive counties, as will be sufficient to pay said talis-
men jurors the same compensation that other jurors
are allowed in their respective counties.

SEC. 3. *Be it enacted*, That it shall be lawful for to prove at-
talismen jurors to prove their attendance before the tendance as
clerk of the court in which they may serve, and re- original pan-
ceive a certificate for the same, in the same manner
that jurors of the original pannel are authorised to do
by law.

SEC. 4. *Be it enacted*, That this act shall take ef-
fect and be in force from and after the first day of
January next.

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

October 20, 1823.

CHAPTER X.

An Act for the relief of Sheriffs and Collectors.

SECTION 1. *Be it enacted by the General Assembly* Further time
of the State of Tennessee, That the different Sheriffs of two years
and Collectors throughout this state, whose terms in for collection
office have expired, shall be allowed the further term of arrears
of two years, from and after the passage of this act,
to finish the collection of all taxes which were not
paid within the time prescribed by law, under the
same rules, regulations, and restrictions, and with
equal powers as acting sheriffs have in such cases:
Provided, That nothing in this act contained shall
be so construed, as to give any further indulgence to
sheriffs in the payment of taxes to the public, which
by law they are bound to pay.

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

October 20, 1823.

CHAPTER XI.

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

SECTION 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

Counties
composing 9
circuit.

shall be called the ninth judicial circuit, and shall be composed of the counties of Perry, Henderson, Carroll, Henry, and all the counties west of Carroll and Henry that are to be organized, shall be attached to said circuit; 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.

Appeals
where taken

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 ninth judicial circuit, shall be returned to, and 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 fifth judicial circuit.

15th Solicit-
orial district.

SEC. 3. *Be it enacted*, That there shall be a district, composed of the counties of M'Nairy, Harde- man and Shelby, to be called the fifteenth Solicitorial District; and there shall be elected a solicitor to perform the duties of said district enjoined on him by law, with the same power, privileges and emoluments of the other Solicitors-General of this state.

16th Solicit-
orial district.

SEC. 4. *Be it enacted*, That there shall be a district, composed of the counties of Obion, Gibson, Weakley and Dyer, to be called the sixteenth Solicitorial District of the state of Tennessee; and that there shall be elected a solicitor for said district, whose duty, power, privileges, and emoluments, shall be the same as those prescribed by law for other districts of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1823.

CHAPTER XII.

An Act to amend the several laws regulating proceed- ings on Executions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases in which an execution may have, or shall hereafter, come into

the hands of any sheriff, constable, or other officer, for collection, and said execution shall have thereon having and the endorsements required by the first section of the act, entitled "an act regulating proceedings on judgments, and for other purposes," passed November twenty-fourth, one thousand eight hundred and nine- teen, and by the fourteenth section of an act, entitled "an act to establish a Bank of the State of Tennessee," passed July twenty-sixth, one thousand eight hundred and twenty, the sheriff, or other officer, shall proceed on said execution agreeably to the laws now in force and use.

SEC. 2. *Be it enacted*, That in all cases in which an execution may have, or shall hereafter, come into the hands of any sheriff, or other officer, for col- lection, and said execution shall not have thereon the endorsements referred to in the first section of this act, it shall be the duty of the sheriff or other officer, to summon three respectable and disinterested house- holders of the neighborhood, wholly unconnected with the parties, either by affinity or consanguinity, who, or a majority of them, shall on oath value the property levied on by said officer, and the same shall be offered for sale; but in no case shall the same be sold, unless it will bring three-fourths of said valu- ation: and in all cases where the property does not consist of land or negroes, and cannot be sold as a- bove, the property shall be returned to the defendant; and upon the truth of the case being returned by the officer, the plaintiff may sue out another execution, notwithstanding the former levy on property as a- foresaid.

SEC. 3. *Be it enacted*, That where any execution, as described in the second section of this act, shall be levied on any slave or slaves, and the same cannot be sold agreeably to the provisions of the second section of this act, at three-fourths of the valuation, the of- ficer shall retain possession of said slave or slaves, until the return day of said execution, unless the de- fendant will give sufficient security for the forth-com- ing of said slave or slaves, at any time when called for, prior to the return day of said execution; until which time the plaintiff shall be permitted to take said slave or slaves, at three fourths of the valuation thereof; and upon his failure to do so, the slave or slaves, shall be returned to the defendant, and the plaintiff be entitled to another execution, as though none had ever issued.

SEC. 4. *Be it enacted*, That where such execution

Proceedings in case of levy on land. shall be levied on land or real estate, and the same cannot be sold for three-fourths of its valuation, the plaintiff shall have until the return day of said execution to take said land at three-fourths of its valuation, and receive a deed therefor; and in case the plaintiff shall fail to do so, his debt shall cease at that time to be a lien, as to other creditors, on said land, and he may sue out an execution, as though one had never issued.

Plaintiff may endorse on alias or pluries. SEC. 5. *Be it enacted*, That the plaintiff, his agent or attorney, although he may have sued out an execution not endorsed in the manner pointed out in the first section of this act, may, whenever he shall issue another execution on the same judgment, make the endorsements, and then such proceedings shall be had as directed by the first section of this act.

Proceedings on Ca. Sa. SEC. 6. *Be it enacted*, That in all cases where an execution shall issue against the body of a defendant, (except upon a judgment founded upon a breach of a prison bounds bond) he may release his body by surrendering property to the officer, sufficient to discharge said execution; and in all such cases, the property shall be disposed of in the manner directed in this act; but should the property so surrendered be insufficient to satisfy said execution, the plaintiff shall be entitled to another execution against the property of the defendant.

What contracts to be paid specifically. SEC. 7. *Be it enacted*, That whenever any contract may have been, or shall be made for the payment of specie, or the notes of the banks of Virginia, North-Carolina, South-Carolina, or Georgia, or any eastern funds, and shall be so particularly expressed on [the] face of the contract, it shall be the duty of the officer issuing the execution on a judgment obtained upon such contract, to endorse the same on said execution, and in all such cases none of the provisions of this act shall operate, or have effect, nor shall they apply to any case in which any banking institution may be defendant or defendants: nor shall any contract entered into after the first day of April next, nor where the cause of action not founded on contract shall arise subsequent to that day, be subject to the provisions of this act, or any former acts requiring endorsements on executions: and it shall be the duty of every officer issuing an execution, to endorse thereon, whether the contract was entered into prior or subsequent to the first day of April, one thousand eight hundred and twenty-four, or whether the cause of action arose prior or subsequent to that day.

SEC. 8. *Be it enacted*, That every sheriff or other officer, who shall knowingly make any sale of property contrary to the provisions of the second, third, and fourth sections of this act, shall be guilty of a misdemeanor in office, and on conviction by presentment, or indictment, shall forfeit and pay a fine of five hundred dollars, and be imprisoned six months, and be liable to the action of the party injured, and no purchase made under such sale, shall transfer any title whatever to the purchaser, but shall be wholly void, both in law and equity, and the title to the property shall remain in the original owner, as though no such sale had been made: *Provided*, nothing in this act contained, shall be so construed as to extend to any judgment which may have been rendered subsequent to the act of one thousand eight hundred and nineteen, referred to in the first section of this act, and on which no execution has been issued, until two years after the rendition of the same; but such judgment shall in all respects be proceeded on, as though this act had never been passed.

SEC. 9. *Be it enacted*, That this act shall be in force from and after the passage thereof, except so much of the eighth section thereof as provides, "that every sheriff and other officer, who shall knowingly make sale of any property, contrary to the provisions of the second, third, and fourth sections of this act, shall be guilty of a misdemeanor in office, and shall forfeit and pay a fine of five hundred dollars, and be imprisoned six months, and be liable to the action of the party injured," which part of said eighth section, shall be in force from and after the first day of December next, and not sooner.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

Passed October 23, 1828.

CHAPTER XIII.

An Act regulating the appointment of Overseers of Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any of the courts of any county in this state, to appoint overseers of roads who may not live within the bounds of the county.

the bounds including the hands made subject by their order to work on such road.

Appeals by overseers to be prosecuted by solicitor, ex-officio.
 SEC. 2. *Be it enacted*, That whenever any suit, brought by the overseer of any public road, shall, by appeal or certiorari, be taken by the defendant to any superior tribunal, it shall be the duty of the solicitor for that district, ex-officio, to attend to the same for the overseer.

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

Passed October 25, 1823.

CHAPTER XIV.

An Act respecting the office of Clerk and Master of the Supreme Court of Errors and Appeals and Court of Chancery, and County Court Clerks, in this state.

In case of vacancy between terms, Judge living nearest to appoint pro tem.
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when it shall so happen, that the office of Clerk of the Supreme Court of Errors and Appeals and Court of Chancery, in any circuit in this state, shall become vacant, by death, resignation, or otherwise, during the recess of such court, it shall and may be lawful for the Judge of the Supreme Court residing nearest the place of holding said court, to appoint a clerk to fill such vacancy, until the next term of the Supreme Court, at which time a permanent appointment shall be made of some person qualified to discharge the duties of said office; and the Judge making the temporary appointment, shall take bond and security as the law directs.

In county court, chairman to appoint.
 SEC. 2. *Be it enacted*, That if any vacancy should so happen in any of the county courts of this state, it shall and may be lawful for the acting chairman of the court to appoint a clerk until the next term of said court, and take bond and security for the faithful performance of his duty until the next term of such court.

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

Passed October 27, 1823.

CHAPTER XV.

An Act to provide for the attendance of witnesses on trials to be had on writs of Habeas Corpus.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any writ of habeas corpus shall have issued, and been made returnable at any particular time and place, it shall be the duty of the Judge issuing the same, or any Justice of the Peace for the county in which he may reside, to issue subpoenas for such witness or witnesses, as shall be deemed necessary, either on the part of the state, or of the defendant, for the due administration of justice on said trial; which subpoenas shall be directed to the sheriff or some constable of the county in which such witness or witnesses may reside, commanding such sheriff or constable, as the case may be, to summon such witness, or witnesses, to appear at the time and place the said writ is made returnable, then and there to testify and give evidence agreeably to the tenor of such subpoena or subpoenas; and such sheriff or constable shall be allowed the same fees therefor, as for serving subpoenas in other cases: and every witness so summoned, shall be bound to attend such trial, under the same rules and penalties that are prescribed to compel the attendance of witnesses in similar cases in courts of justice; and for his or her attendance, shall be allowed the same fees that are allowed by law for witnesses in similar cases.

SEC. 2. *Be it enacted*, That on the failure of any witness or witnesses attending at the time and place required by such subpoena, it shall be the duty of the Judge or Justices to record such failure, and transmit the same to the clerk of the circuit or county court, whose duty it shall be to issue a writ of *scire facias*, requiring the party to appear at the next succeeding court, to show cause why the forfeiture should not be made absolute: and it shall be the duty of the Judge or Justice, to permit the witnesses to prove their attendance, and transmit the same to the clerk of the circuit or county court, to the end that the same may be taxed in the bill of costs.

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

October 29, 1823.

CHAPTER XVI.

An Act for the relief of securities of Sheriffs, Coroners and Constables.

Whereas it sometimes happens, that these officers collect debts on executions, which the plaintiffs permit to remain in their hands for years, and until these officers become insolvent, and then institute suits, and recover their debts of said securities: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That, hereafter, when any execution, or other process, shall be put into the hands of any of said officers, and he shall return that the money is made, or said execution satisfied, it shall be the duty of the person or persons entitled to said money, to commence his or their suit therefor, within three years after the end of the term of the court to which the execution was returned, or within three years from the return of the execution, should judgment be had before a justice of the peace, or other tribunal, if he or they should be citizens of this state, and in four years if he or they should reside out of the state; and if he or they entitled to claim the money made on said execution, should neglect or fail to proceed in the time aforesaid, his or their right to recover the same of the securities of such officers, shall be forever barred: *Provided however*, that nothing in this act contained, shall be so construed as to affect the rights of infants, *femes covert*, persons *non compos mentis*, or imprisoned; and all persons so laboring under either of the aforesaid disabilities, shall have three years after the removal of the same, to commence his, her or their suit or suits, for the recovery of moneys so received by any of the sheriffs or other officers in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER XVII.

An Act to amend the Road Law of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the clerks of the county courts for the respective counties in this state, shall

hereafter in issuing orders to overseers of roads in their respective counties, express in such orders the class of the road which each overseer is required to keep in repair, and shall issue duplicate orders to each overseer within the time now prescribed by law, and deliver to their respective sheriffs, whose duty it shall be to deliver one of said orders to their respective overseers, as the law now directs, and make return on the other the day on which said order was so delivered, and return said order, so returned on, to the clerk from whom it issued, to be by him filed in his office, as evidence that the sheriff has done his duty.

SEC. 2. *Be it enacted,* That hereafter, if the county courts in this state should neglect or omit to appoint overseers on roads of the first class, (particularly those that the United States mail stages pass over,) on the day set apart for county business, then, in that case, the said county courts may proceed to appoint overseers on any day of their session, on such roads; which appointments, when so made, shall be as valid as if made on the day set apart for county business.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

CHAPTER XVIII.

An Act to compel certain Public Officers to do their duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Secretary of State to issue summons to certain officers to give bond. That it shall be the duty of the Secretary of State to issue a summons, under his hand and the seal of the state, to each public officer therein, who is required by law to enter into bond payable to the Governor, for the performance of his official duty, and who may have failed or neglected, or who may hereafter fail or neglect, to forward the same, so required by law, commanding each of said officers to deposit his bond in the office of the Secretary of State.

SEC. 2. *Be it enacted,* That it shall be the duty of the sheriffs of each county in this state, to make known to each public officer in his county, against whom such summons may issue, such summons, whose return thereon shall be evidence of such service.

the tender shall be made by the defendant, or any other person entitled to redeem.

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

November 7, 1823.

CHAPTER XXI.

An Act compelling Constables to do their duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any constable shall hereafter collect any money on execution issued by a justice of the peace, and on application of the plaintiff, his agent or attorney, shall fail or refuse to pay over the money so collected, it shall and may be lawful for the plaintiff, on motion before any justice of the peace in the county in which the judgment was rendered, to obtain judgment against such delinquent constable, and his securities, for the amount so collected, with twelve and one half per cent interest; on which judgment there shall be no stay of execution: *Provided, however,* That the plaintiff shall be bound to give the constable in default five days' notice, in writing, of the time and place of such motion: *And provided, also,* That before the plaintiff shall be entitled to judgment against the securities of such constable, he shall be bound to produce to the justice a certified copy of the bond of said constable and his securities.

SEC. 2. *Be it enacted,* That if either party be dissatisfied with the judgment of the justice, he shall be entitled to an appeal to the county or circuit court of the county, as in other cases of appeal from the judgment of a justice of the peace: *Provided, however,* that if judgment be rendered against such constable and his securities, he or they shall still be liable to pay the plaintiff twelve and one half per cent interest, on the amount so recovered.

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

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

November 7, 1823.

Penalty on
officers for
not filing
bond.

SEC. 3. *Be it enacted*, That if any such bond shall not be deposited in the Secretary's office, within two months after the service of such summons, for every such delinquency the officer guilty thereof shall forfeit and pay, to the person complaining thereof, the sum of five hundred dollars, to be recovered by action or suit at law : And if any bond, for the not depositing of which as aforesaid, a recovery may be effected as aforesaid, shall not be deposited in said office by the time of effecting the first recovery, the party complaining may cause another summons of the same kind to be issued, and shall be entitled to another recovery of the same kind ; and there shall be successive summonses and recoveries, until the production of said bond in said office is effected.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 4, 1823.

CHAPTER XIX.

An Act to amend the Revenue Laws of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dearborne-wagons and Carry-alls, shall not be considered pleasure carriages ; and that hereafter such carriages shall not be liable to pay any tax whatever.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 4, 1823.

CHAPTER XX.

An Act prescribing the condition of the bond required to be given by the purchaser of a slave at execution sales.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the condition of the bond required by the laws now in force to be taken from the purchaser at execution sales, and under decrees in chancery, of any slave or slaves, shall be, that such slave or slaves shall be forthcoming at any time during the time allowed for redemption, when

CHAPTER XXII.

An Act to repeal the first, second and third sections of an act, entitled "An act more effectually to prevent obstructions to the navigation of the rivers in this state."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the first, second and third sections of the before recited act, be, and the same is [are] hereby, repealed.

SEC. 2. *Be it enacted,* That [the] seventh section of an act, entitled "An act to amend an act, entitled 'An act to provide for clearing out Harpeth,' &c. passed November seventeenth, one thousand eight hundred and thirteen, and for other purposes," passed October twenty-first, one thousand eight hundred and fifteen, be, and the same is hereby, repealed: *Provided,* That nothing in this act contained shall be so construed, or to operate, as the repeal of any act relating to the navigation of Harpeth river, Elk river, in the county of Franklin.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER XXIII.

An Act to authorize the Bank of the State to issue an additional amount in small notes.

SECTION 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, be, and they are hereby, authorized and directed to issue small notes to an amount not exceeding twenty-five thousand dollars, in addition to those already directed by law: Said notes shall be struck on as good paper as can be conveniently procured; and none of said notes shall be above the amount of fifty cents, and shall be in such proportions as the President and Directors may think best suited for the purposes of change.

SEC. 2. *Be it enacted,* That said notes shall be signed by the President, or Cashier, or either of them; and shall be distributed in the different counties in the state, in proportion to the former distribution of the notes of said Bank, and shall be exchanged in such manner as the Directors of the Bank aforesaid may think advisable.

May issue
\$25,000 in
small notes.

Order of dis-
tribution.

SEC. 3. *Be it enacted,* That, in addition to the sum specified in the first section of this act, it shall be the duty of the President and Directors of said Bank, whenever called on by the President and Directors of the Nashville Bridge Company, to furnish to said Company, in exchange for other current bank notes, any amount of change notes, not exceeding three thousand dollars in any one year, in notes of fifty, twenty-five, twelve and one half, and six and one fourth cents each, in such proportions as may best suit the convenience of said Bridge Company, and as they may direct.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER XXIV.

An Act to repeal an act, entitled "An act to place upon the same equitable grounds, Deeds of Trust and Mortgages in future," passed August 23d, 1822.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said act be, and the same is hereby, repealed.

SEC. 2. *Be it enacted.* That all real property and slaves, sold under a deed of trust, shall and may be sold subject to redemption, in the same way as the like property, when sold under execution sales and decrees in chancery.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER XXV.

An Act to preserve the purity of Elections.

Whereas it is contrary to the spirit of the constitution of this state, and beneath the dignity of a free people, for their candidates for offices of honor and trust, to be giving money, meat, or drink, to the electors, for their friendship, or support: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That, hereafter, if any per-

May issue
3,000 Dollars
for Bridge
Company.

Property
under
deed of trust
liable to re-
demption

Treating by
candidates
for office
prohibited.
Penalty.

son offering himself as a candidate for any office of honor, profit, or trust, in this state, or as candidate for Congress, or the General Assembly, or electors to vote for President and Vice-President of the United States, shall, by himself or agent, be guilty of treating the electors with spirituous liquors, directly or indirectly, for the purpose of obtaining their votes thereby, such person, on conviction by presentment, as hereinafter mentioned, in the county or circuit court of the county in which the offence may be committed, shall be fined in the sum of one hundred dollars, for the use of the county in which the offence may be committed: And it shall be the duty of the respective Judges and Solicitors, to give this act in charge to their respective grand jurors, whose duty it shall be to present all such offenders, where two, or more, of their own body have a knowledge of the fact, and not otherwise.

Betting on e-
lections pro-
hibited.

SEC. 2. *Be it enacted*, That any person or persons, who shall hereafter make any bet or wager of money, or any other valuable thing, upon any election or elections, in this state, shall be guilty of a misdemeanor; and upon conviction thereof, upon indictment or presentment, in the circuit court of the county in which such offence shall have been committed, shall pay a fine, for the use of the county, as in cases of betting on any game or games of hazard; by the laws now in force and use.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER XXVI.

An Act supplementary to an act to dispose of the Lands lying between the rivers Hiwassee and Tennessee, and north of Little Tennessee river.

Entry-Taker
to be elected

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an entry-taker be elected by a joint ballot of the present General Assembly, for the purpose of opening an office and receiving entries for all lands lying in the Hiwassee district, authorized to be sold at the sale of said lands, at Knoxville, by the act to which this is intended to be a supplement, and which were not sold.

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

the said entry-taker, before entering upon the duties of his said office, to enter into a bond, to the Governor for the time being, and his successors in office, with security to be approved of by the judge of the seventh judicial circuit of this state, in the sum of fifty thousand dollars, conditioned for the true and faithful discharge of the duties of his office. To give bond

SEC. 3. *Be it enacted*, That it shall be the duty of the said entry-taker, to keep his office in the town of Athens, in the county of McMinn, which said office shall be open from and after the first Monday in February next. Office at

SEC. 4. *Be it enacted*, That in all entries to be made in said office, pursuant to the provisions hereinafter contained in this act, the enterer shall, at the time of making his entry, be required to pay into the hands of the entry-taker, the whole sum arising from whichever of the following rates in this act he may choose to enter. Money paid in advance.

SEC. 5. *Be it enacted*, That all and every person, or persons, who was, or were, in the actual possession of, and residing upon, any piece of vacant and unappropriated land in said district, on the first day of May, one thousand eight hundred and twenty-three, or his or their rightful assigns, or assignees, shall, for the space of six months after the opening of said office, be entitled to a preference or priority of entry, for one hundred and sixty acres of land, so as to include his, her, or their improvement and dwelling-house, provided the same can be done by beginning at any one corner of a quarter section, and running with the lines thereof; for which the said occupant shall pay to the entry-taker one dollar and fifty cents per acre; and after the expiration of the aforesaid term of six months, all the vacant and unappropriated land in said district, shall remain, and be subject, for the space of three months, to the entry of all and every person, or persons, wishing to make the same, (each entry including one hundred and sixty acres as aforesaid) at the aforesaid rate of one dollar and fifty cents per acre; and after the expiration of the aforesaid three months, the said office shall, for the term of three months, be closed against the entry of all and every person, or persons, except such as were occupants, (agreeably to the foregoing provision, on the first day of May, one thousand eight hundred and twenty-three,) who shall be entitled to a preference or priority of entry, for the last aforesaid term of time, for one hundred and sixty acres of Terms of making entries graduated.

twelve and a half cents per acre, each entry to contain not less than one hundred and sixty acres, to be run with the sectional lines: *Provided, however,* should any person, or persons, enter the improvement of any occupant, then actually residing thereon, after the first day of February, and prior to the twenty-fifth day of December, in any year, such occupant shall be permitted to retain possession, free of rent, until the twenty-fifth day of December, next following the making such entry: *provided* such occupant, upon application of the entry, or within ten days thereafter, will give bond and security not to commit waste on said land: *And provided also,* That none of the islands in said district shall be liable to entry, or in any manner be disposed of, under the provisions of this act.

SEC. 6. *Be it enacted,* That all eighty-acre lots, or half quarter-sections, which may be situated in the mountainous parts of said district, and within the townships not heretofore directed by law to be divided into sections, shall be liable to entry, and be subject to appropriation, in the same manner as other lands are disposed of by this act: and if any lands in said district, not already surveyed, may be found fit for cultivation, it shall be the duty of the Surveyor-General to run out such pieces into quarter-sections, or half quarter-sections, as the case may be, in the manner that is pointed out and required by the twelfth section of the act passed at Murfreesborough, November fifteenth, one thousand eight hundred and nineteen, to which this act is a supplement; and for all surveys so made, and laid down in the general plan of said district, the Surveyor-General shall be entitled to the compensation heretofore allowed by law for similar services, which shall be paid him by the Treasurer of East Tennessee.

SEC. 7. *Be it enacted,* That all quarter-sections, fractional quarters, and half quarter-sections, or eighty-acre lots, heretofore surveyed, and laid down in the general plan of said district, and all such eighty-acre lots as may hereafter be surveyed and laid down as directed by the act passed at Murfreesborough, November fifteenth, one thousand eight hundred and nineteen, to which this is a supplement, on which no persons were actually settled on the first day of February, one thousand eight hundred and nineteen, and for which there is no right of preference, agreeable to the provisions of this act, shall be liable to be entered by all persons whatsoever, so soon as the entry is

Qr. sections
not hereto-
fore survey'd
to be laid off
and entered.

Lands not
held by occu-
pants liable
to entry when
surveyed.

land in said district, at the rate of one dollar per acre: and after the aforesaid term of three months, all the lands lying in said district, remaining vacant and unappropriated, shall, for the space of three months, again be subject to general appropriation of all and every person, or persons, who may choose to enter the same, each entry including one hundred and sixty acres, as aforesaid, at the aforesaid rate of one dollar per acre: and after the expiration of the aforesaid term of three months, allotted to general entry, all occupants settled as aforesaid on the first day of May, one thousand eight hundred and twenty-three, shall again be entitled to a preference or priority of entry, for the space of three months, for one hundred and sixty acres of land in said district, still remaining vacant and unappropriated, at the rate of fifty cents per acre: and after the expiration of the aforesaid term of three months, all the lands in said district still remaining vacant and unappropriated, shall again be subject, for the space of three months, to the entry of all and every person, or persons, wishing to make the same, each entry including not less than the aforesaid quarter section: and after the expiration of said three months, allotted to general entry, all occupants settled as aforesaid, on the first day of May, one thousand eight hundred and twenty-three, shall again be entitled to a preference or priority of entry, for the space of two months, for one hundred and sixty acres of land in said district, still remaining vacant and unentered, at the rate of twenty-five cents per acre: and after the expiration of the said two months, all the lands in said district, still remaining vacant and unappropriated, shall again, for the space of two months, be subject to the entry, at the rate of twenty-five cents per acre, of all and every person, or persons, wishing to make the same, each entry including not less than a quarter section: and after the expiration of the aforesaid term of two months, allotted to general entry, all occupants, settled as aforesaid, on the first day of May, one thousand eight hundred and twenty-three, shall again be entitled to a preference or priority of entry, for the space of two months, for one hundred and sixty acres, still remaining vacant and unentered, at the rate of twelve and a half cents per acre: and after the expiration of said two months, all the lands in said district, still remaining vacant and unentered, shall again be subject to the entry of any, and every person, wishing to enter the same, at the aforesaid rate of

ker's office may be opened, at the prices and in the manner pointed out by this act, per acre; and from and after said period, said quarter-sections, fractional quarters, and eighty-acre lots, already surveyed, or which may be hereafter surveyed, shall be entered at such times, and at such rates, as are prescribed for entering other lands in said district.

Penalty for
entering over
occupants.
Penalty on
entry-taker.

SEC. 8. *Be it enacted*, That it shall not be lawful for the said entry-taker to permit any person or persons whatever, except the said occupant or occupants, to make an entry upon any lands held by preference as aforesaid, within either of the terms aforesaid, allotted for the benefit of occupants: And if any first enterers, under either of the aforesaid provisions, shall, in making his entry, include any house or cleared land of any other person or persons, entitled to make an entry by virtue of the aforesaid provisions, without the consent of such person or persons, in writing, such first enterer shall forfeit the right given him, her, or them, by this act; and any certificate, survey, or grant obtained upon such entry, shall be null and void: And if any younger enterer, provided for in this act, shall include any lands taken by a prior entry, without the consent, in writing, of such prior enterer, the right given him by virtue of the foregoing provisions, shall be forfeited; and any certificate, survey, or grant, obtained therein, shall be null and void: And if said entry-taker shall knowingly permit any person or persons to make an entry for any of the lands included in any former entry, made in pursuance of any of the foregoing provisions, by any of the settlers or occupants herein before provided for, and knowingly record the same, for any other person, except such enterer, unless by his consent, in writing, first had and obtained therefor, said entry-taker shall forfeit and pay the sum of two hundred and fifty dollars, recoverable by action of debt, in any court having cognizance thereof, to the sole use of such first enterer.

Proceedings
to be had in
making en-
tries gener-
ally.

SEC. 9. *Be it enacted*, That it shall be the duty of all and every person or persons, whether he, she, or they, enter as occupants or general enterers, to produce to the entry-taker, at the time of making his, her or their entry, a minute description, in writing, of the piece, parcel, or tract of land, he, she, or they may wish to enter, designating the range, township, section, and quarter section, and also the corner of the quarter section at which he, she, or they may wish to begin: And all those who may wish to avail

themselves of a preference or priority of entry, under the provisions of this law, shall be required first to produce to the said entry-taker, the depositions of two respectable persons, taken before some justice of the peace in the county where the land lies, setting forth that the said deponents are acquainted with the person or persons wishing to make the entry, and that they are acquainted with the spot, piece, or parcel of land intended to be entered; that the person or persons wishing to make the entry, was or were in the actual possession of, and residing upon, the same, by himself as aforesaid, on the first day of May, one thousand eight hundred and twenty-three: And it shall be the duty of the said entry-taker, upon any person or persons wishing to make an entry, and being entitled to the same as aforesaid, and producing to the entry-taker a location setting forth minutely as aforesaid, the name of the county wherein the land is situated, the particular range, east or west of the meridian, the township, and the section of said township, the quarter section, and the particular corner of the quarter section where the entry may begin, to record the same upon a neatly bound record or entry book, by him to be kept for that purpose; and also to plainly mark the same upon the general plan of said district, or a true copy thereof, by said entry-taker to be procured and kept in his office, showing thereon the price of the same, the name of the enterer, the quarter section, and that every entry shall be made numerically and in the order of time the same shall be received, and shall be numbered accordingly: And in the event that two or more persons may wish to enter a piece or parcel of land jointly, it shall be the duty of the said entry-taker to make a joint entry; but in case they present themselves at the same time as general enterers, wishing to enter the same piece or parcel of land, or should they apply in the character of occupants claiming the same piece of land, by virtue of the right of preference herein before allowed to such, each having settled upon the same quarter section upon the same day, then and in that case, for the purpose of settling disputes between them, whether it be general or occupant enterers of the description aforesaid, it shall be the duty of the entry-taker to decide by lot, in the presence of both parties, who shall be entitled to a preference: And if it so happens, that two or more persons may have settled upon the same quarter

section, and made conditional lines between their respective improvements, then and in that case, it shall be the duty of the said entry-taker to make joint or several entries; provided said persons shall enter a whole quarter section at the same time.

Entry-Taker's fees.

SEC. 10. *Be it enacted*, That the said entry-taker shall be entitled to demand and receive the sum of fifty cents, as a compensation for receiving and recording, and laying down upon the general plan, for each and every entry made in the same, from the person or persons making said entry; and the said entry-taker shall be entitled to demand and receive from him applying for the same, the sum of twenty-five cents for making a certified copy thereof, to the register of East Tennessee, which said copy shall be made out and certified within thirty days from and after the date of said entry.

To make quarterly returns to treasurer E. Ten.

SEC. 11. *Be it enacted*, That the entry-taker shall make quarter-yearly returns of all moneys paid into his hands on account of entries made in his office, with a fair and correct account of the quantity of land entered in said office within each quarter of a year, to the treasurer of East Tennessee, and take his receipt therefor; and in consideration of the said service, and the risk of said money, the said entry-taker shall be allowed two per cent. upon all moneys by him received and paid over.

To give notice of opening office.

SEC. 12. *Be it enacted*, That it shall be the duty of the said entry-taker to give notice of the plan upon which his office is to be opened, in one newspaper printed at Knoxville, Greeneville, Nashville, and Sparta.

Kind of money receivable.

SEC. 13. *Be it enacted*, That the entry-taker is hereby authorized to receive in payment of the persons entering land in his said office, gold and silver coins, and the notes of the following banks in this state, viz: The Bank of the State of Tennessee, the Knoxville and Nashville Banks and their branches, and notes passing at par in said banks with them. And that the entry-taker shall in nowise sell or exchange any of the moneys by him received for the entries of said land in his office, but shall punctually pay the same into the hands of the said treasurer, and take his receipt therefor; in which receipt shall be specially mentioned the kind of money thus paid to the said treasurer, and the particular amount of each kind: and it shall be the duty of the said entry-taker to give receipts of the description aforesaid,

to each and every person who may make an entry in his office.

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

November 15, 1823.

CHAPTER XXVII.

An Act to amend an act, entitled "An act to prevent the evil practice of Duelling," passed November 10, 1801, and also an act, entitled "An act more effectually to prevent Duelling," passed October 19, 1809.

SECTION 1. *Be it enacted by the General Assembly* Repealed in of the State of Tennessee, That so much of the before part. recited acts as gives jurisdiction to justices of the peace to try and decide cases of duelling, be, and the same are hereby, repealed.

SEC. 2. *Be it enacted*, That the justices of the peace shall hereafter have power, and are hereby required, only to bind over or commit the parties, as in other misdemeanors; and the circuit courts shall have original and exclusive jurisdiction in such case, to hear and finally determine the same, when brought before them by bill of indictment or presentment, which is hereby declared to be the only mode in which the offences recited in the above named acts, shall be hereafter brought to punishment.

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

November 15, 1823.

CHAPTER XXVIII.

An Act to provide for Posthumous Children.

SECTION 1. *Be it enacted by the General Assembly* Succeeds to equal portion of the father's estate. of the State of Tennessee, That in all cases where any person shall hereafter, by last will and testament, dispose of his property; and the same shall contain no provision for any child, or children, born after the making thereof, whether before or after the death of the father, and such child or children be neither provided for nor disinherited but only pretermitted, in said will, nor any provision made for them by settler

ment, such child, or children, shall succeed to the same portion of the father's estate, as he, she, or they would have been entitled to, if the father had died intestate; toward raising which, the devisees and legatees, and other heirs, shall contribute, in the proportion that their respective devises, legacies, or settlements, may bear to the whole estate of the testator, out of the parts devised and bequeathed to them by the said last will and testament, or previous settlement on them by the said testator.

Manner of
recovery.

SEC. 2. *Be it enacted*, That such proportion may be recovered by petition in the county or circuit court, according to the amount; and such petition may be filed jointly against the executor, and any of the other children who may have received their interest under the will, or who may have been provided for by settlement.

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

November 15, 1823.

CHAPTER XXIX.

An Act giving further time for making Surveys, returning Plats, and obtaining Grants, for land lying north and east of the Congressional reservation line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for any person or persons, having entries lying north and east of the Congressional reservation line, which have been made on a good and valid warrant, on or before the first day of May last, and which have, or have not, been surveyed and returned agreeably to law, to have the further time of twelve months, from and after the passage of this act, to have their said entries surveyed, and return their plats and certificates to the several principal surveyor's offices to which they severally belong, as heretofore provided for by law: *Provided*, nothing herein contained shall be so construed as to authorize the making any survey upon any entry, or entries, made upon the land of any occupant, or settler, entitled to a preference of entry by the act of assembly of one thousand eight hundred and nineteen, or any act passed subsequent thereto, where such occupants or settlers have complied with the provisions of said act or

Further time
of 12 months
to make sur-
veys on en-
tries.

acts of assembly giving a preference of entry; and should any such survey be made, or grant obtained thereon, the same shall be void and of no effect, any law to the contrary notwithstanding.

SEC. 2. *Be it enacted*, That the several owners, agents, or legal representatives of such person or persons, in whose name any survey has heretofore been made, or may hereafter be made, as provided for by the first section of this act, in any of the surveyors' offices north and east of the Congressional line, on any entry founded on a good and valid warrant, shall have the further time of two years from the passage of this act, to obtain grants thereon: *Provided*, nothing herein contained shall be so construed as to authorize the removal of any entry for the purpose of entering the warrant on any other vacant land north and east of the line aforesaid.

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

November 15, 1823.

CHAPTER XXX.

An Act for the relief of the citizens residing in the district of country south of French Broad and Holston, and between the rivers Big Pigeon and Tennessee, and to appropriate the moneys due from said citizens for their lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed the twentieth day of August, in the year one thousand eight hundred and twenty-two, as makes it the duty of the treasurer of East Tennessee to collect the interest therein mentioned, and owing from the citizens south of French Broad and Holston, from the non-payment of the instalments due on their lands, is so far amended by this act, as to postpone the collection of said interest; and it shall not be the duty of said treasurer to collect said interest in the month of November, one thousand eight hundred and twenty-three, nor at any other time, nor under any other provisions than those authorized and pointed out by this act.

Sale by Tr.
E. Tenn. sus-
pended.

SEC. 2. *Be it enacted*, That each and every person or persons, his, her, or their heirs, representatives, or assigns, being owners of land in said district of

One third re-
mitted; the
balance how
paid.

County, on which the whole of the payments have been made, shall be entitled to a remission of one third of the whole amount of debt and interest, which may be unpaid the first day of May next, on account of the purchase of said lands, on the conditions hereinafter mentioned: And it shall be the duty of the treasurer of East Tennessee to ascertain the amount of said debt, and interest up to the first day of May next; and after making said deduction, to receive of said persons the amount so ascertained as aforesaid, to be due and owing, after making the said remission of one third of the whole debt and interest as aforesaid, in seven instalments, as is hereinafter directed.

Proceedings
in default of
payment on
any instal-
ment.

SEC. 3. *Be it enacted*, That on or before the first day of May next, that every person or persons, their heirs, representatives, or assigns, claiming land as aforesaid, shall pay to the said treasurer one fifth part of the whole debt and interest ascertained to be due and owing, after said deduction is made agreeably to the second section of this act; and until the entire debt shall be discharged, shall thereafter pay one sixth of the remainder of said debt, with six per cent. interest on each instalment, on or before the first day of May in each successive year. And if any of said persons shall fail to make payment of any one of the instalments hereby directed to be paid, at the time the same is directed by this act to be made, it shall be the duty of the treasurer of East Tennessee forthwith to make publication in some newspaper printed in Knoxville, describing the tracts of land on which such default shall have been made, specifying the quantity of acres surveyed, the amount of the instalment due and unpaid, and the county in which situated, the grantee's name, or if not granted, the name of the person for whom surveyed, specifying the days on which the same shall be sold at the court-houses in the different counties in which said tracts are situated, which publication shall be made for four weeks; and if the amount of said instalment, and the interest directed by this act to be paid, together with interest on said instalment until the day of sale, and the cost attending said publication, shall not be paid before the day appointed for said sale, it shall be the duty of said treasurer to offer at public sale for ready money, receivable in such bank paper as is taken by this state in payment of the public taxes, to the highest bidder, each of said tracts; and it shall be his duty upon said sale, to offer for said land

the amount of the money directed by this act to be paid, at an previous to that time, and interest on the same, and the costs attending such sale; and if no person will give more than said sum, it shall be his duty to bid off the same, and report it as purchased for the use of the colleges and academies respectively, as the case may be; but if any person will bid more for said land, then it shall be his duty to strike off said land to the highest bidder who pays the money for it; but such land so sold, shall be liable in the hands of such purchaser, who pays the money for the same, for all of the subsequent payments directed by this act, and the interest thereon, as they may become payable, and in the manner directed by this act, and the same may be afterwards sold by the said treasurer in the same manner, as often as the same may become necessary to enforce the payment of all the money directed by this act to be paid; and whenever any of said lands shall be bid off by said treasurer as aforesaid, it shall be his duty to pay the cost and expenses attending said sale, out of the moneys in his hands arising from payments for said land, and the same shall be allowed him in the settlement of his accounts: And if any of said tracts shall sell for more than the sum directed by this act to be paid at that time for principal, interest and costs, the overplus shall be on demand paid over to the person who, at the time of the sale, owned said land, or his, her or their legal representatives: *Provided*, that whenever any person or persons, shall fail to pay any one of the instalments directed by this act to be paid, at the proper time, and said lands shall have been sold under the provisions of this act, and shall be purchased in by said treasurer, or any other person, the owner or owners of said land shall be entitled to redeem such land, by paying to the said treasurer of East Tennessee, on or before the first day of May next after such sale, the full amount of the sum due and directed to be paid, and also interest, at the rate of ten per cent. per annum from the time the same was due, and became payable, together with the costs of said sale, and shall thereupon be entitled, and restored, to all the privileges, rights, and benefits, intended to be conferred by this act, as to any subsequent payment to be made.

SEC. 4. *Be it enacted*, That Hugh L. White, of Knox, Samuel Powel, of Hawkins, Robert L. Cobbs, of Maury, P. W. Humphreys, of Dickson, Charles G. Olmstead, of Williamson, Turner Lane, of White, <sup>Commission-
ers of acad-
my fund.</sup> Their duty

John Montgomery, of Blount, Henry L. Douglass, of Wilson, and Samuel Anderson, of Rutherford, be, and they are hereby, created a body politic and corporate, by the name of the Commissioners of the Academy Fund; and in that name may sue and be sued, plead and be impleaded, in any court of law or equity; have perpetual succession, and a common seal; receive and hold title, by grant, deed, devise, donation, to real or personal property, or choses in action for the use and benefit of the academies of Tennessee, established under the act of congress of one thousand eight hundred and six, or any, or either of them, with such limitations, and according to such provisions, as the means of transfer resorted to may specify; and to do all things whatsoever, for the benefit of any funds, property, claim, or other thing vested in them, or to which they may be entitled, in as ample a manner as any person may by law: and in case of the resignation, or death, of any, or either of the persons aforesaid, or of their successors, the General Assembly shall appoint a successor, or successors; or if such death or resignation happen in the recess of the General Assembly, the Governor for the time being shall appoint such successor, who shall serve until the rise of the then next General Assembly, and until the vacancy be filled by said General Assembly: and said commissioners, or a majority of them, shall meet once in each year, and oftener if necessary, and adopt rules as to the management of the academy funds, and shall carefully record their proceedings in a bound book to be kept for that purpose.

Proceeds of
the land sold
for the bene-
fit of the
state, vested
in Colleges
and Acad-
emies.

SEC. 5. *Be it enacted*, That in consideration of the delays of payment, heretofore, and hereafter to be sustained by the colleges and academies, the moneys which are, and will be due, or owing, in principal and interest, on the first day of May next, by the purchasers of land in said district of country, agreeably to the provisions of this act, shall be, and the same are hereby, vested in the following manner: One half of the proceeds of tracts surveyed for the colleges, in the trustees of East Tennessee College, and their successors, forever, for the use of said College; the other half of the proceeds of tracts surveyed for the use of colleges, in the trustees of Cumberland College, and their successors, forever, for the use of said College; the whole of the proceeds of the tracts surveyed for the academies, in said commissioners of the academy fund, for the use of the several academies in the different counties, established in pursuance

of the act of congress of one thousand eight hundred and six, and in the proportions in which they are now entitled to the same by law; and the proceeds of the residue of the lands surveyed in said tract of country, for the use of the state, in said commissioners of the academy fund, and in said trustees of East Tennessee College, and in said trustees of Cumberland College; one half for the use of the academies, in the proportions they are now entitled by law; one fourth for the use of said East Tennessee College, and one fourth for the use of said Cumberland College; and whenever any moneys shall be, or have been, received by the treasurer of East Tennessee, or West Tennessee, he shall forthwith pay over that part to which the trustees of East Tennessee [College] is, or shall be, entitled, to the order, or receipt, of their treasurer, acting by their authority, and that part to which the trustees of Cumberland College is, or shall be, entitled, in like manner, to their treasurer; and the treasurer of East Tennessee shall invest and pay over the proportions each academy is now entitled to by law, as the said commissioners of the academy fund shall direct by their rules and orders; having a due regard to the just proportion to which each academy is entitled,—it being intended to make a final appropriation and investiture of the moneys and lands aforesaid, in said tract of country, and to put it out of the power of the legislature to interfere hereafter, by indulging the debtors, or in any other way whatsoever, except so far as legislative aid may be necessary to enable said colleges and academies to enforce their rights: *Provided also*, That nothing in this act contained shall be so construed, as to entitle the colleges and academies to any part of the moneys heretofore received by the state, for that portion of the land which was originally sold for the benefit of the state.

SEC. 6. *Be it enacted*, That when any sale of lands may be made under the provisions of this act, and the same shall be purchased in by the treasurer of East Tennessee, as aforesaid, if they be lands surveyed for the use of colleges, the right to said land, so sold, shall thereby be vested in the trustees of Cumberland College, and the trustees of East Tennessee College, in equal moieties; and if lands surveyed for the use of academies, in said commissioners of the academy fund, for the use of academies; and if any other lands in said tract of country, in the trustees of East Tennessee College, for the use of that College, in the trustees of Cumberland College, for the use of that Col-
Lands rever-
ting or non-
payment
how dispo-
sed of.

lege, one fourth undivided part of them to each, and the other half in the commissioners of the literary fund, for the use of said academies, in the proportions aforesaid; and they shall be entitled to the possession thereof immediately; and after the time for redemption, herein before provided, shall have expired, said treasurer, or his successors, shall convey to said corporations, respectively, any lands sold, and not redeemed, by deed in fee simple to them, and their successors, for the uses aforesaid; and either of said corporations may thereupon file their petition, making either or both of the others parties, as the case may require, before the court of Appeals, sitting at any of their places of holding courts, after having given twenty days' notice, in some newspaper printed in Knoxville, of such application; and said court shall have jurisdiction, and it shall be their duty, at their first, or any subsequent term, to finally divide said lands, according to the several interests of the parties; or the said trustees of the two Colleges, and said commissioners, may, by a deed under their hands and seals of such of the former as may be appointed by their respective boards, and of a majority of the latter, to be proved and registered, as in other cases, make a legal and binding division thereof.

Moneys paid
on redemption
of lands
sold, how
distributed.

SEC. 7. *Be it enacted*, That in all cases where any of said lands have been sold, and purchased by this state, either for interest or taxes, the same shall, and may be, redeemed, by such person, or persons, his, her, or their heirs, representatives or assigns, as had claim to the same at the time of said sale, on his, her, or their paying to the treasurer of East Tennessee, on or before the first day of May next, the amount of moneys for which said sale was made, with interest, together with the costs of said sale, and taxes due the state up to the time of said redemption, (the money received shall be divided between the state, the colleges and academies, according to their respective rights at the time of said sales;) and on doing so, the said person shall be entitled to all the benefits and privileges which by the provisions of this act are intended to be secured to others; and in cases of failure so to do, all title to said lands shall be vested in the trustees of East Tennessee College, Cumberland College, and said commissioners of the academy fund, in the manner, and upon the principles, herein before provided for, in case of lands to be sold hereafter, and shall be conveyed to them accordingly, and be subject

to partition in manner directed for lands hereafter to be sold.

JAMES FENTRESS,

Speaker of the House of Representatives;

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER XXXI.

An Act to provide for the recording of last Wills and Testaments made out of the limits of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where the last will and testament of any person deceased, has heretofore been proved, or may hereafter be proved, in a court of any state in the United States, or in any territory thereof, or before the mayor of any city, that it shall be lawful for any person interested to present a copy of said will or testament, duly authenticated, to the court of Pleas and Quarter-Sessions of any county in this state, where the land, or estate devised by said will, or any part thereof, is situated; and thereupon, such court may order the same to be filed and recorded, and such copy, when recorded, shall have the same force and effect, as if the original had been executed in this state, and proved and allowed in our courts, and said will shall be sufficient to pass lands, and other estate: *Provided always*, That the said last wills and testaments shall have been, or shall be, proved according to the laws now in force in this state, as to wills made and executed within the limits of this state.

How authenticated for record.

SEC. 2. *Be it enacted*, That the copy of such will shall be authenticated in the manner which has been prescribed by the Congress of the United [States,] for authenticating the records and judicial acts of any one state, in order to give them validity in any other state, in those cases where the will is proved before a court of any other state, and where the same is proved before the mayor of any city or corporation, the authentication shall be under the hand of the mayor, and the seal of the city or corporation; and such copy, so authenticated, or a copy thereof, when recorded, certified by the clerk of the court, in the state where the same is recorded, shall, and may be, read in evidence in any court of this state.

Copy to be read in evidence.

SEC. 3. *Be it enacted*, That when there shall be

Executors may qualify in this state. Validity contested. Goods and chattels in this state to be administered under any such will, the executors, or some one of them, shall be authorized to qualify as such, and shall give bond and security as required in cases where the will was made within the limits of this state, and shall be subject to be proceeded against, as in other cases; and where any person interested shall wish to contest the validity of said will, they shall be authorized to do so, in the same manner as though it had been originally presented for probate in said court.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER XXXII.

An Act to provide for the safe keeping of all Records belonging to the Commissioner's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it be made the duty of the Secretary of State carefully to arrange and preserve all the documents, books and papers belonging to the Commissioner's office; and whenever required, give certified copies, in the same manner, and under the same conditions, as of original papers pertaining to his own office, which copies may be read in evidence in courts of justice.

SEC. 2. *Be it enacted,* That whenever any original papers of said Commissioner's office may be required in a court of justice, it shall be the duty of the Secretary to deliver the same to the owner, for that purpose, first taking a true and exact copy thereof, with all the endorsements, and other marks, and filing the same in place of the original.

SEC. 3. *Be it enacted,* That all such original papers and documents, as have not been acted on by the Commissioners, may, on application of the owners, be delivered to them, at any time, without retaining copies thereof; so also may any grant which has been in part surrendered, and having the proper endorsement of such surrender in part, as heretofore required by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER XXXIII.

An Act regulating the manner of granting Licenses to Innkeepers, and to restrain Tippling-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no county court in this state shall hereafter grant license to any person whatever, to keep a public inn or house of entertainment, unless the person applying for such license shall first prove, in open court, by the testimony of credible witnesses, that the person applying has a good moral character, and that he, she, or they, are provided with bedding, stablage, and house-room, for the accommodation of travellers and lodgers; and in no case shall such license be granted, if the court should be of opinion, that the retailing of spirituous liquors is the principal object in obtaining such license; and it shall be the duty of the clerk of the county court, whenever application is made for a license, and before the testimony is given, to read this act in the presence and hearing of the court.

SEC. 2. *Be it enacted,* That every person retailing spirituous liquors without first obtaining a license, as out license, directed by the first section of this act, shall be subject to the penalties now imposed by law, on those who retail spirituous liquors without license: *Provided,* nothing herein contained shall be so construed to prevent any person from retailing spirits, who may be specially authorized by act of assembly to do so, without paying any tax therefor.

SEC. 3. *Be it enacted,* That this act shall be in force from and after the first day of April next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 18, 1823.

CHAPTER XXXIV.

An Act supplemental to an act, passed at the present session of this General Assembly, entitled "An act to promote Morality and Religion."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any school-houses, for the instruction of children, have been heretofore erected, or may hereafter be erected, on vacant and unappropriated land, the trus-

tees or subscribers to such schools may have the same privileges and advantages allowed them, for securing the same quantity of acres, as are allowed by the provisions of the act to which this is a supplement, for the use of meeting-houses, and to be under the same rules, regulations and restrictions, that are provided for in said act, to which this is a supplement.

WILLIAM YOUNG,

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

W. HALL,

Speaker of the Senate, *pro tem.*

November 20, 1823.

CHAPTER XXXV.

An Act to extend the time for locating Warrants and Certificates south and west of the Congressional reservation line, and returning Surveys thereon to the Register's office, and for other purposes.

Further time
allowed for
locating. Act
of 1819 re-
vived in part.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person or persons, or the legal representatives of any person or persons, or the rightful assignee of such person or persons, who may have procured a warrant or certificate, legally adjudicated by the board of commissioners for West Tennessee, since the year one thousand eight hundred and nineteen, shall have further time to locate and enter the same, in any surveyor's office south and west of the Congressional reservation line, agreeably to the provisions of an act providing for the adjudication of North-Carolina land claims, &c. passed at Murfreesborough, October twenty-third, one thousand eight hundred and nineteen; which said act, and those made pursuant thereto, are hereby revived, and declared to be in force, with all their restrictions, except, that the respective times allowed for making locations, and returning surveys thereon, shall be limited to the times prescribed by this act; and except, also, the provisions of said acts, which require the priority of location to be drawn for at Nashville, or any other provisions that may contradict the true intent and meaning of this act.

Time of filing
for adjudica-
tion.

SEC. 2. *Be it enacted,* That any person or persons, as aforesaid, having any warrant or warrants, certificate or certificates, which shall have been lawfully adjudicated by any commissioner or board of commissioners, appointed under the authority of this state since the year one thousand eight hundred and six,

shall be at liberty to file the same with the commissioner of West Tennessee, hereinafter appointed, on or before the first day of October next; and upon evidence of its validity, may enter the same in any surveyor's office south and west of the line aforesaid.

SEC. 3. *Be it enacted,* That any person or persons, as aforesaid, having any register's certificate, or who may hereafter procure such certificate or certificates, by virtue of a fractional part, or remnant, of warrant or certificate, not located to vacant and unappropriated land, shall be at liberty to file the same with the commissioner, and enter thereon as in other cases; and it shall be the duty of the register of East Tennessee, or West Tennessee, to issue to any person entitled, a certificate for any balance, or fractional part of a warrant or certificate, although the original certificate from which he may issue, shall have been issued by the register. The evidence of the validity of claims adjudicated by any commissioner or board of commissioners, previously to the year one thousand eight hundred and nineteen, shall be the books of said commissioner or board of commissioners, respectively; and the evidence of the validity of registers' certificates, shall be an abstract, to be procured from the registers of East Tennessee and West Tennessee, in addition to such as have been heretofore procured by the late board of commissioners.

Remnant of
warrants and
certificates.
Evidence of
validity.

SEC. 4. *Be it enacted,* That any person or persons, who may have seated him, her, or themselves on, and are in actual possession of, any vacant and unappropriated lands south and west of the reservation line, at or before the passing of this act, such person or persons shall be entitled to enter the same, upon the adduction of a good and valid warrant or warrants; and the surveyors respectively are hereby authorized, and required, to receive and record such entries, at any time previously to the time prescribed by this act for opening said offices generally, and which shall also be after the first day of January next, under the same rules, regulations, and restrictions, as pointed out by an act, entitled "An act making provision for the adjudication of North-Carolina land claims, and for satisfying the same by an appropriation of the vacant soil south and west of the Congressional reservation line, and for other purposes," passed October twenty-third, one thousand eight hundred and nineteen, and those made pursuant thereto, so far as they make provision for occupants, are hereby revived, and declared to be in full force and effect, so far as they

Preference
to occupants.

do not contradict the true intent and meaning of this act: *Provided, however,* That such occupant shall include his improvement, in a square or oblong, not exceeding one hundred and sixty acres, nor less than eighty acres, unless restricted by ancient or natural boundaries, or conditional lines, as heretofore provided for; and then this rule shall be departed from no farther than such particular circumstances may require.

Adjudication
fees.

SEC. 5. *Be it enacted,* That it shall and may be lawful for the commissioner herein appointed, to judge of the validity of claims, to demand, and receive, at the rate of one third of a cent for each acre contained in such claim, except on claims adjudicated by the board of commissioners for one thousand eight hundred and nineteen, to be paid by the party at the time of filing the same.

Act of 1821
extended.

SEC. 6. *Be it enacted,* That the provisions of an act, entitled "An act to authorize the removal of entries in certain cases," passed at Murfreesborough, November tenth, one thousand eight hundred and twenty-one, chapter forty, shall be, and the same are hereby, extended to all entries heretofore made, or shall hereafter be made, on any grant or grants, which has, or shall hereafter, issue upon any such entry or entries, shall be subject to all the regulations and restrictions therein imposed.

Time of opening entry of
fices generally.

SEC. 7. *Be it enacted,* That the offices of the surveyors, respectively, south and west of the Congressional reservation, shall be opened for receiving of entries, at ten of the clock in the forenoon, on the first Wednesday in June next; and if two or more persons shall at the same time offer locations for the same piece of land, the surveyor shall decide the priority by lot.

Time extended for return-
ing plats and
certificates.

SEC. 8. *Be it enacted,* That the further time of twelve months from and after the first day of January next, be allowed for returning plats and certificates of surveys or entries heretofore made, and no longer.

Time limited for surveys &
grants.

SEC. 9. *Be it enacted,* That in all entries hereafter to be made by virtue of this act, surveys shall be made within the term of twelve months thereafter; and all surveys made by virtue of any such entries, shall be recorded as in other cases heretofore provided for; and the plat and certificate of each returned to the Register's office, within six months from the date of such survey, and a grant shall be issued thereon within twelve months thereafter.

Penalty for
neglect.

SEC. 10. *Be it enacted,* That in all cases of failure to comply with the provisions of this act, in perform-

ing any of the duties therein severally limited, the entry shall be voidable, and liable to appropriation, as other vacant lands in this state, unless the issuance of the grant be prevented by the pendency of a caveat, or other legal prohibition.

Secretary to
act as com-
missioner of
West Tenn.

SEC. 11. *Be it enacted,* That it shall be the duty of the Secretary of State, with whom the records of the commissioner's office are deposited, to examine all such claims as shall be filed, and pass upon their validity, as heretofore done by the commissioner or board of commissioners for West Tennessee.

Land offices
closed.

SEC. 12. *Be it enacted,* That from and after the first day of June, one thousand eight hundred and twenty-five, the several offices south and west of the Congressional reservation line, shall be forever closed; and all persons failing to present their claims, and make their entries thereon, on or before the first day of June, one thousand eight hundred and twenty-five, shall be forever barred.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

November 21, 1823.

CHAPTER XXXVI.

An Act to amend the fourth section of an act, entitled "An act to amend an act for the relief of Insolvent Debtors, with respect to the imprisonment of their bodies."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in every case where any prisoner has been, or may be, committed to jail upon any mesne or final process in a civil cause, it shall be the duty of the plaintiff in such cause, at the expiration of each, and every, term of fifteen days, to pay the jailer in whose charge such prisoner may have been, the full amount of his fees for the fifteen preceding days; and upon his failing to make such payment, it shall and may be lawful for such jailer to discharge and set at liberty every such prisoner.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER XXXVII.

An Act to amend the laws providing for the assignment of Dower, and making partition of Real Estates.

Proceedings on petition of heir or devisee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage of this act, upon petition being filed, by any heir or devisee of any deceased person, or by any one having an undivided interest in any real estate, for the partition of said real estate, and the widow of such deceased person shall not, previous to the time of filing such petition, have had dower assigned according to the laws now in force and use, it shall and may be lawful for the court in which the petition is filed, to appoint five commissioners, whose duty it shall be to make partition of the whole of the real estate liable to such division, or so much thereof as may be desired by the petitioner, in the same manner that partition has heretofore been made of estates; first assigning, however, to the widow her dower of one third of the whole of said estate, which assignment of dower shall be binding: Provided, the petitioner shall have published, in some newspaper printed in this State, for six months previous to his application, his intention to make such application, or shall have given at least fifteen days' personal notice to the widow, and other heirs, or persons interested.*

Need not assign mansion house, nor one third of each tract of land.

SEC. 2. *Be it enacted, That in assigning the widow her dower, said commissioners shall not be compelled to assign her a third part of each separate tract of land, where there are more tracts than one, but may make the assignment according to quality and quantity, in such manner as will give one third in value of the whole estate; nor shall they be bound, unless to them it may seem just, to include in their assignment of dower, the mansion-house of the deceased husband: Provided, the widow shall agree that the mansion-house shall not be included.*

Report of commissioners how made.

SEC. 3. *Be it enacted, That said commissioners shall make report to the court by whom they are appointed, at the next term after they are appointed, and the same proceedings shall be thereupon had as heretofore in cases of partition, and such compensation shall be allowed the commissioners for their services as the court may think right.*

Entitled to dower of equitable estate.

SEC. 4. *Be it enacted, That widows shall be entitled to dower out of equitable estates in land of which their husbands were the owners at the time of their death, in the same manner that they are entitled to*

dower in the legal estates of which their husbands may have died seized or possessed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER XXXVIII.

An Act defining the Punishment to be inflicted on persons guilty of the Offences and Crimes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That every person, or persons, who shall be guilty of incest, shall, upon conviction, for the first offence, be adjudged and sentenced by the court before whom convicted, to receive on his or her bare back, at the public whipping post, a number of lashes, not exceeding thirty-nine; be imprisoned at the discretion of the court; shall sit in the pillory two hours on three different days, and shall be fined, at the discretion of the court, in a sum not above fifty dollars; and shall be rendered infamous, as by law persons convicted of horse-stealing are infamous, and shall be branded with the letter I. in such manner, and on such part of his or her person, as the court shall direct: and on the second conviction, shall suffer death, without the benefit of clergy.*

SEC. 2. *Be it enacted, That nothing in this act contained shall be so construed, to prevent any court from entering up judgment for a greater sum than fifty dollars, against a person guilty of the offence in this act mentioned; provided the said sum be assessed by a jury at the trial of the cause.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER XXXIX.

An Act to reduce the State Tax on free polls, and other taxable property therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the public or state tax for the next two years, shall be, and remain, as hereto-*

fore : but the different sheriffs and collectors throughout this state are hereby required to pay over one third of the state taxes arising from lands, town lots, free white polls, and slaves, for the years one thousand eight hundred and twenty-four, and one thousand eight hundred and twenty-five, to the trustees of their respective counties, whose receipts shall be good vouchers with the treasurers of this state : and should any sheriff, or other collector, fail so to pay over to said trustees, and present receipts to the treasurers, at the times required by law for settling and paying over state taxes, it shall be the duty of the treasurers to take judgment as heretofore directed ; and said one third, when so collected by said treasurers, shall be paid over to the trustees of the proper counties : and all moneys so paid over, shall constitute a fund for the payment of all debtors[debts] and demands against such counties respectively.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER XL

An Act to prevent Justices of the Peace from receiving Moneys on Judgments rendered by them, and for other purposes.

Not to receive money on judgments
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for justices of the peace in this state to receive any money on judgments rendered by them.

Sheriffs' and constables' duty.
SEC. 2. *Be it enacted,* That it shall be lawful for the constable, or sheriff, who shall serve or return a warrant, and it shall be their duty, to receive the amount of the principal, interest, and costs, without commissions, if tendered before the stay of execution shall have expired, and the receipt of either of said officers therefor, shall discharge the defendant, and the constable, or sheriff, and their securities, shall be accountable to the plaintiff therefor ; and it shall be the duty of constables, or sheriffs, on the receipt of the principal and interest, as above stated, to pay the same to the plaintiff, his or her agent or attorney, without delay.

SEC. 3. *Be it enacted,* That no justice of the peace

shall enter himself security on any judgment by him rendered for the stay of execution. Justice not to stay execut'n

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER XLI.

An Act to fix the time of holding the Circuit and County Courts for the counties hereinafter named, in the Eighth and Ninth Judicial Circuits, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly [of the State of Tennessee,] That the circuit courts holding circuits, composing the eighth and ninth judicial circuits, shall be holden, to wit:* In the county of Shelby, on the second Monday in April and October ; in the county of Hardeman, on the third Monday in April and October ; in the county of M'Nairy, on the fourth Monday in April and October ; in the county of Wayne, on the first Monday and November ; in the county of Hardin, on the second Monday of May and November ; in the county of Madison, on the fourth Monday of May and November ; in the county of Haywood, on the first Monday in June and December ; in the county of Perry, on the first Monday in April and October ; in the county of Henderson, on the second Monday in April and October ; in the county of Carroll, on the third Monday in April and October ; in the county of Henry, on the fourth Monday in April and October ; in the county of Weakley, on the first Monday in May and November ; in the county of Obion, on the second Monday in May and November ; in the county of Dyer, on the third Monday in May and November ; in the county of Gibson, on the fourth Monday in May and November.

SEC. 2. *Be it enacted,* That the judges of the said circuits may hold their courts in the counties aforesaid, until the business of the court shall be completed, or until it shall be necessary for the judge to adjourn the court for the purpose of holding some other court. To be holden till business is finished.

SEC. 3. *Be it enacted,* That the respective county courts west of the Tennessee river shall be holden as follows, to wit : In the county of Gibson, on the first Monday in January, April, July and October ; in the

county of Dyer, on the second Monday in January, April, July and October; in the county of Obion, on the third Monday in January, April, July and October; in the county of Weakley, on the fourth Monday in January, April, July and October; in the county of Henderson, on the third Monday in March, June, September and December; in the county of Madison, on the fourth Monday in March, June, September and December; in the county of M'Nairy, on the first Monday in February, May, August and November; in the county of Hardeman, on the second Monday in February, May, August and November; in the county of Shelby, on the third Monday in February, May, August and November; in Haywood county, on the second Monday in March, June, September and December.

To be holden one week. SEC. 4. *Be it enacted*, That the several county courts aforesaid shall be holden for one week, unless the business of the court shall be sooner finished.

Oaths of justices how administered. SEC. 5. *Be it enacted*, That it shall and may be lawful for any justice of the peace in the state of Tennessee, to attend at the first court of Pleas and Quarter-Sessions of any of said courts, and administer to the justices the necessary oaths of office.

Judge of Bledsoe circuit to hold spec'l terms. SEC. 6. *Be it enacted*, That it shall be lawful for the judge who may hereafter preside at Bledsoe circuit court, to appoint a time for holding one, or more, special terms of said court, for the purpose of trying the causes depending in said court; and when the time for said special courts may be fixed on, it shall be publicly announced by the judge, during the regular term, which shall be held sufficient notice of the same to all the parties concerned in said suits.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER XLII.

An Act to declare what persons shall not be eligible to the appointment of Sheriff or Constable.

Justices to resign when elected sheriff or constable. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in future, in all elections in any of the counties in this state, for sheriffs or constables, if it shall appear that any of the ma-

gistrates, of any of the counties aforesaid, shall be elected to either of said offices, such magistrate, or magistrates, before he shall be permitted to take the necessary oaths of office, and enter upon the duties of his said appointment, shall resign his magistracy, and return the documents of his office to the clerk, as heretofore directed by law in case of resignation, or removal.

SEC. 2. *Be it enacted*, That in all cases, where any magistrate, or magistrates, have heretofore accepted the office of sheriff, and their time of service have not yet expired, it shall be his duty to return all the papers, and docket, of his office, to the clerk of the county court of his county; and it is hereby made the duty of said clerk to receive the same, and issue executions, &c. thereon, in the same manner as though the said magistrate had resigned; for which services the said clerk shall receive the same fees as heretofore directed by law, in cases of death, resignation, or removal.

SEC. 3. *Be it enacted*, That no county treasurer in this state, who may be an acting justice of the peace, shall be competent to vote on any questions which may come before the county courts of this state, touching the moneys in his hands as treasurer.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER XLIII.

An Act to increase the Compensation to Jurors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of the several counties in this state, at the first court to be held in each and every year, a majority of the acting justices being present, shall, at their discretion, allow the jurors summoned to attend the circuit or county courts of their counties, any sum not exceeding one dollar per day, for their services.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER XLIV.

An Act to authorize the Circuit Judges to grant Writs of Errors in certain cases.

Whereas it appears to this General Assembly, that there is no method pointed out by law to obtain writs of errors to remove causes from the county courts to the circuit courts in this state, during the recess of said courts, which may, in many instances, operate injuriously: Therefore,

Proceedings on writ of error from co'ty to circuit court. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where either party in any suit depending in any of the county courts of this state, shall be desirous of prosecuting a writ of error to reverse a judgment rendered in any of said courts, and shall have failed to pray an appeal in the nature of a writ of error to the circuit court, it shall be lawful for such party, at any time between the rendering of such judgments, and the sitting of the next circuit court of the county wherein such judgment may have been rendered, on delivering to the clerk of said circuit court a certified transcript of the record in said suit, to demand of said clerk a writ of error to remove said cause into said circuit court; but such writ of error shall not operate as a supersedeas, unless the party suing out the same shall first obtain from one of the judges of the circuit courts an order for a supersedeas in such cause, which order said judge is hereby authorized to grant, on the petition of the party praying the same: *Provided,* that on inspection of the record in said cause, it shall appear to him, that there is error therein, for which said judgment ought to be reversed. And in all cases of writs of error operating as a supersedeas, as aforesaid, the party suing out such writ shall, before obtaining the same, enter into bond, with security, to be approved of by the clerk issuing such writ, conditioned that he will prosecute said writ of error with effect, or in case he fail therein, pay and satisfy the amount of the judgment rendered against him, in the county court, with six per cent. interest thereon from the time of rendering said judgment below, until the affirmance of the same in the circuit court, together with all costs for wrongfully suing out said writ, which bond shall be payable to the opposite party in such suit.

Nature of plaintiff's bond where SEC. 2. *Be it enacted,* That in all cases where a writ of error is obtained to reverse a judgment of the county court, which does not operate as a supersedeas,

the plaintiff in error shall enter into bond, with security, to be approved of by the clerk of the circuit court, payable to the opposite party, or defendant in error, with condition that the plaintiff in error will pay and satisfy all costs and damages which the defendant in error may sustain by reason of the plaintiff's wrongfully suing out said writ, and that he will prosecute said writ of error with effect.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER XLV.

An Act to explain an act, entitled "An act to confirm and make good all Grants issued by the state of North-Carolina, on entries and warrants made west of Brown's line," passed November 6th, 1819.

Whereas doubts have arisen, whether grants may not issue in pursuance of the above-recited act, on entries west of Brown's line, which may be situated in the Hiwassee District: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any grants to issue to any person, or persons, whatever, upon any entry made west of Brown's line, which may be situated within the Hiwassee District; and if any grant shall issue contrary to the provisions of this act, the same shall be null and void, to all intents and purposes.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER XLVI.

An Act regulating proceedings in Courts of Equity in this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, at each and every term of the court of Errors and Appeals, the judge of said court, appointed to hold the Chancery Court, at the place where any such term of the court of Appeals is held, shall, and may, open and hold the

Chancery court held for certain purposes at supreme c't terms.

court of Chancery, for that circuit, for the purpose, and with the power, to do and perform any and every act, or thing, appertaining to the jurisdiction of a chancery court, except the final hearing and determination of causes upon bills taken *pro confesso*, and set down for hearing *ex parte*, upon bill and answer without testimony, or upon bill, answer, replication, and testimony, or bills of review.

What judges may hold in absence of judge as signed. SEC. 2. *Be it enacted*, That if the judge appointed to hold the court of Chancery, at such place as the court of Appeals may be sitting, shall be absent, then another of the judges of said court of Appeals, to be selected by themselves, shall open and hold the term of the court of Chancery in the first section described.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER XLVII.

An Act to provide for the election of Electors of President and Vice-President of the United States.

State divided into 11 districts. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That this state shall be divided into eleven electoral districts, for the purpose of electing Electors of a President and Vice-President of the United States.

Counties composing the districts severally. SEC. 2. *Be it enacted*, That the first district shall be composed of the counties of Carter, Sullivan, Hawkins, Washington, and Greene; and shall elect one elector: that the second district shall be composed of the counties of Cocke, Sevier, Jefferson, Grainger, Claiborne, and Campbell; and shall elect one elector: that the third district shall be composed of the counties of Blount, Knox, Anderson, Morgan, and Roane; and shall elect one elector: that the fourth district shall be composed of the counties of Rhea, Bledsoe, Marion, Hamilton, M'Minn, and Monroe; and shall elect one elector: that the fifth district shall be composed of the counties of Franklin, Warren, White, Overton, and Jackson; and shall elect one elector: that the sixth district shall be composed of the counties of Smith, Sumner, and Wilson; and shall elect one elector: that the seventh district shall be composed of the counties of Rutherford, Davidson, and Williamson; and shall elect one elector: that the eighth district shall be composed of the counties of

Bedford, and Maury; and shall elect one elector: that the ninth district shall be composed of the counties of Lincoln, Giles, and Lawrence; and shall elect one elector: that the tenth district shall be composed of the counties of Montgomery, Robertson, Stewart, Dickson, Humphreys, and Hickman; and shall elect one elector: that the eleventh district shall be composed of the counties of Wayne, Hardin, Perry, and all the counties west of the Tennessee river; and shall elect one elector.

Time for said elections. SEC. 3. *Be it enacted*, That the election for the said electors shall be, and take place, on the first holding election of October, one thousand eight hundred and twenty-four, and the succeeding day, in each and every county in the state; and shall be held at the same places, in each and every county, where by law elections are held in the same for members of the General Assembly.

Sheriffs to advertise. SEC. 4. *Be it enacted*, That the sheriff in each and every county in this state, shall advertise in each captain's company, and also at the court-house in said county, in which he shall give at least ten days' notice of the time, and places, where he will, by virtue of this act, proceed, by himself, or his deputy, (as the case may be) to hold said election for the purpose heretofore recited.

Sheriffs to summon judges of elections. SEC. 5. *Be it enacted*, That it shall be the duty of the sheriff of each county, to summon, at least five days before the day of election aforesaid, three respectable freeholders in his county, to preside as judges of the said election, at each place, where by law elections are held in the county; who shall, previous to their acting as such, take an oath to conduct said election according to law, without favor, partiality, or affection, allowing none to vote at said elections, but such as would be entitled to vote for members of the General Assembly.

Judges of elections to give certificates. SEC. 6. *Be it enacted*, That said judges of elections, or a majority of them, shall make out, and sign, a certificate, stating the number of votes each person voted for may have, which shall be by them delivered to the sheriff, or other returning officer, of the county.

Places & time of meeting for returning officers to compare votes. SEC. 7. *Be it enacted*, That the sheriffs, or other returning officers, of the counties composing the first district, shall meet at Jonesborough; that the sheriff, or other returning officers of the counties composing the second district, shall meet at Rutledge; that the sheriff, or other returning officers of the counties composing the third district, shall meet at Knoxville.

ville; that the sheriff, or other returning officers of the counties composing the fourth district, shall meet at Washington, Rhea county; that the sheriff, or other returning officers of the counties composing the fifth district, shall meet at Sparta; that the sheriff, or other returning officers of the counties composing the sixth district, shall meet at Hartsville, Sumner county; that the sheriff, or other returning officers of the counties composing the seventh district, shall meet at Franklin, Williamson county; that the sheriff, or other returning officers of the counties composing the eighth district, shall meet at Farmington, Bedford county; that the sheriff, or other returning officers of the counties composing the ninth district, shall meet at Pulaski, Giles county; that the sheriff, or other returning officers of the counties composing the tenth district, shall meet at Charlotte, Dickson county; that the sheriff, or the other returning officers of the counties composing the eleventh district, shall meet at Jackson, Madison county; for the purpose of comparing the polls of their respective districts; which meetings of the sheriffs, or other returning officers, aforesaid, shall be on the Tuesday succeeding the days of holding the aforesaid elections; and when the polls of the elections of the respective districts shall be, by the officers aforesaid, compared, they shall immediately make out, and deliver, a certificate of election to the persons who shall have the highest number of votes in their respective districts.

Electors to convene at seat of gov't. SEC. 8. *Be it enacted*, That each of the electors at who may be elected by virtue of this act, shall convene at the seat of government, on the third Wednesday in November, next ensuing the days of election, for the purpose of voting for President and Vice-President of the United States; and shall, after giving their votes, seal up and transmit the same agreeably to an act of Congress.

Compensation to electors. SEC. 9. *Be it enacted*, That the said electors shall receive, as a compensation for their services, the sum of four dollars per each twenty-five miles they may necessarily travel in going to, and returning from, the seat of government; and also the sum of four dollars for each day that they may necessarily be engaged in, and about, delivering their votes so as aforesaid; which said sums of money shall be paid to the said electors, by either of the treasurers of this state, out of any moneys in the treasury not otherwise appropriated, by virtue of a draft, or drafts, to be drawn by the Governor, in favour of said electors.

SEC. 10. *Be it enacted*, That if any one, or more, of the persons chosen electors to elect a President and Vice-President, shall fail to attend at the seat of government at three of the clock in the afternoon of the day pointed out by law for them to assemble and give their votes, then, and in that case, the persons attending as electors, shall proceed to elect some other person, or persons, to supply the place of the absent elector, or electors; and the persons so chosen shall be entitled to vote for President and Vice-President, in the same manner as the absent elector, or electors, would be entitled to if present: *Provided*, the elector or electors whose places are intended to be supplied, should not attend, and be ready to vote, before the votes of the other electors are given and sealed up.

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

November 25, 1823.

CHAPTER XLVIII.

An Act to repeal the sixth section of an act regulating the licensing of Attorneys at Law in this state, passed 17th November, 1815.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sixth section of the aforesaid act be, and the same is hereby, repealed.

SEC. 2. *Be it enacted*, That hereafter, it shall not be lawful for any of the judges of the courts in this state, by rules for the regulation of their practice, to prohibit any of the parties, agents, or attorneys, from attending and cross-examining any witness whose deposition may be taken in any suit, or suits, depending in said courts; and the rule of the supreme court on that subject is hereby rescinded.

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

November 26, 1823.

Rule of supreme court rescinded.

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CHAPTER XLIX.

An Act to establish Offices for receiving Entries for the vacant Lands in the several counties in this state, lying north and east of the Congressional reservation line, and north of Tennessee river.

Entry-taker's
office in each
county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established in each of the counties north and east of the congressional reservation line, and north of Tennessee river, an office for receiving entries for the vacant lands lying in said counties.

Entry-takers
to be appointed.

SEC. 2. *Be it enacted,* That there shall be an entry-taker appointed, by joint ballot or vote of this General Assembly, for each of the said counties; who shall, previous to entering on the duties of said office, enter into bond, with three or more good and sufficient securities, to be judged of and approved by the county courts of each county, or by a circuit judge, either in or out of term time, in the sum of ten thousand dollars, to the Governor for the time being, and his successors in office, for the faithful discharge of his duty as entry-taker, and for the faithful accounting for, and paying over, all such sum or sums of money as may come to his hands, in the manner hereinafter directed.

Proceedings
to be had, and
manner of
making en-
tries.

SEC. 3. *Be it enacted,* That all and every person or persons, who was or were in the actual possession of any vacant and unappropriated land north and east of the reservation line, and north of Tennessee river, (except the Hiwassee district) at or before the passage of this act, shall have a preference or priority of entry for the space of three months from and after the opening of said offices, for not less than fifty, (unless confined by the lines of land already appropriated) nor more than one hundred and sixty acres, so as to include his or their improvement in as near a square or oblong, as the lines of other tracts, or natural boundaries, will permit; for which said enterers shall, at the time of making the same, pay the entry-taker the sum of twelve and a half cents per acre. And where any person or persons may be the owner or owners of any piece or tract of land less than one hundred and sixty acres, and may have made improvements thereon at or before the passage of this act, such person or persons shall have a preference or priority of entry, for so much of the vacant and unappropriated lands adjoining thereunto, which may not be in the actual possession of any other per-

son, as will increase his tract to one hundred and sixty acres, for which he or they shall pay the same price, and be under the same rules and restrictions, as are specified in case of persons in actual possession. And after the expiration of the aforesaid term of three months, all the lands still remaining vacant and unappropriated, shall remain and be subject to the entry of all and every person or persons whatsoever, each entry including not less than fifty acres, unless restricted by the lines of lands already appropriated, nor more than six hundred and forty acres, in a square or oblong, unless prevented by the lines of other tracts or natural boundaries, at the rate of twelve and a half cents per acre, after that time, to be paid to the entry-taker at the time of making such entries respectively. And when it may happen that any person or persons may have made an entry or entries on any warrant, and may have returned his or their plat and certificate to any of the former entry-takers' offices of this state, north and east of the reservation line, and north of the Tennessee river, and where it shall appear to any of the entry-takers appointed by this act, that the warrant on which said plat and certificate is founded, is lost, or by any other means the enterer deprived of the benefit thereof, the said former enterer shall be entitled to a preference, as other persons, under the provisions of this act, although he or they may not be in the actual possession of said piece of land: *Provided,* such person or persons shall not be entitled to such preference, if he or they shall have made void, or withdrawn, the entry or entries so made as aforesaid.

SEC. 4. *Be it enacted,* That where any disputes may arise, as to the division lines, among those persons to whom a preference or priority of entry is secured by the provisions of this act, it shall be the duty of the entry-taker, before he receives and records any entry for lands so in dispute, to appoint three disinterested and respectable persons, to designate where said lines should be, and on their report, the entry-taker shall conform the said entries accordingly.

Disputes
how settled.

SEC. 5. *Be it enacted,* That if two or more persons, entitled to a preference under this act, or two or more general enterers, shall desire it, it shall and may be lawful for the entry-taker to receive a joint entry, not exceeding the quantity which they would be entitled to, each entering separately under the provisions of this act: but in case two or more per-

Joint or sev-
eral entry.

sons present themselves at the same time as general enterers, wishing to enter the same piece of land, then, and in that case, the entry-taker shall decide by lot, in presence of the parties who shall be entitled to enter the same.

Occupants,
provision for.

SEC. 6. *Be it enacted*, That all those who may wish to avail themselves of a preference or priority of entry, under the provisions of this act, shall be required by the entry-taker, before he shall receive said entry, to produce to him the affidavits of two respectable persons, taken before some justice of the peace in the county where the land lies, setting forth that they are acquainted with the person or persons wishing to make the entry, and that they are acquainted with the spot or parcel of land intended to be entered; that the person or persons wishing to make the entry was or were in the possession of the same, by himself or others as aforesaid, or was or were the owner or owners of land adjoining the land intended to be entered (as the case may be) at or before the passage of this act: and on receiving said evidence, said entry-taker shall receive said entry, and record the same.

Enterers to
produce a co-
py, and entry
how made.

SEC. 7. *Be it enacted*, That all persons wishing to make an entry in any of the said offices, shall produce to the entry-taker, at the time of making the same, a location in writing, setting forth the nearest watercourses, mountains, or remarkable places, the beginning or lines of lands already surveyed, or other specialties, and shall be written on at least one quarter of a sheet of paper: and it shall be the duty of the entry-taker, on receiving such location, to enter the same in a well bound book to be by him kept for that purpose, with the name of the enterer, and the number of acres claimed: and every entry shall be made and recorded in the order of time in which it shall be received.

Surveyor to
be appointed
Oath and du-
ties.

SEC. 8. *Be it enacted*, That there shall be a surveyor appointed by joint ballot or vote of both houses of this General Assembly, for each county, who shall, previous to his entering on the duties of his office, enter into bond, with two or more good and sufficient securities, to be judged of and approved by the county courts in each county, or by a circuit judge, either in or out of term time, in the sum of ten thousand dollars, payable to the Governor for the time being, and his successors in office, which bond shall be filed in the office of the clerk of the county court, and may, on the application of any person or persons who may

conceive themselves aggrieved, be sued on, in the name of the Governor, for the use of such party, and shall not become void on the first recovery, but may be put in suit from time to time until the whole penalty may be recovered. And it shall be the duty of the several entry-takers and surveyors appointed under the authority of this act, before they proceed to the discharge of their several duties, to take and subscribe the following oath, before the county court of the county in which they are appointed, or before some judge of the circuit court:—I, A B, do solemnly swear, or affirm, (as the case may be) that I will faithfully, honestly and impartially discharge the several duties enjoined on me, as entry-taker, or surveyor, (as the case may be) according to law, and the best of my skill and ability—*So help me God.*

SEC. 9. *Be it enacted*, That it shall be the duty of the entry-taker, to endorse on the back of the copy of the entry furnished the person making the entry, the amount of money received for the land entered: and it is hereby required by the surveyor, to keep a check book in his office, in which to debit the entry-taker with the several sums so endorsed on the respective copies, before he shall proceed to survey the same; and it is further made the duty of said surveyor, semi-annually, in the months of January and July, to furnish an abstract of the moneys so charged, to the president and directors of the Bank of the State of Tennessee, at Nashville, or the branch of said bank at Knoxville, as the case may be, to the end that the entry-taker may be called to a settlement of his accounts in the manner hereinafter pointed out.

Moneys how
accounted
for.

SEC. 10. *Be it enacted*, That it shall be the duty of the surveyors of the respective counties, upon receiving a copy of the entry, to proceed to survey the same, within ninety days after the receipt of such copy of the entry, agreeably to the directions of this act; and shall make out a fair plat thereof, on not less than a half sheet of paper, setting forth in such plat, the date and number of the entry, by virtue of which the same shall be made, and shall set down in words at length, the beginning, corners, distances, courses, roads, and watercourses, over which the lines thereof shall pass, together with the lines of such tracts as the same may adjoin, and the quantity of acres; which plat, after being signed by said surveyor, or his deputy, shall be recorded in a well bound book to be by him kept for that purpose. And it shall be the duty of the surveyors in the respective counties,

Surveyors
to make sur-
veys, receive
fees, and re-
turn to Re-
gister.

at the end of every six months, to transmit all the plats and certificates in their offices to the register of East Tennessee, when the surveys are made in East Tennessee, and to the register of West Tennessee when the surveys are made in West Tennessee. And it shall be the duty of the register to whom such plats and certificates may be transmitted, within each and every six months after the same may come to hand, to make out grants conformably thereto, and transmit them to the Secretary of State, whose duty it shall be to have such grants completed, and returned to the registers, within two months after the same shall be received. And it shall be the duty of the registers, within two months to record all such grants, and transmit the same to the respective entry-takers where the land lies, to be by them delivered to the owners. And for their services, the registers shall be entitled to one dollar, and the Secretary of State to thirty-seven and a half cents, for each and every grant. And it shall be the duty of each and every person procuring a survey, at the time of making the survey, to pay the above-mentioned fees to the surveyors, to be by them transmitted to the registers and secretary.

Penalties on
Register and
Secretary.

SEC. 11. *Be it enacted*, That if either of the registers of the land office, or the Secretary of State, shall omit, neglect, or refuse, to perform the duties required of them within the time specified in this act, the officer so offending shall forfeit and pay the sum of five dollars for each and every delinquency, to be recovered before any justice of the peace, by the party injured. And the expenses incurred for the transportation of said plats and certificates, or grants, as the case may be, if by mail, shall be paid by the respective officers to whom the same may be directed, according to the provisions of this act; and the postage paid by the respective entry-takers, for grants directed to them, shall be refunded to them, by the owners of grants, when the owners receive the same from the entry-taker.

Entry-taker
to pay over,
and to whom

SEC. 12. *Be it enacted*, That the said entry-takers shall pay over, every three months, to the agents of the Bank of the State of Tennessee, in their respective counties, except the counties of Davidson and Knox, who shall pay to the principal bank, or branch thereof, as the case may be, all moneys by them received, so long as said agents shall be continued; for which said agents shall give duplicate receipts, one of which shall be kept by the said entry-taker, and the other

transmitted by him to the president and directors of said bank, at Nashville, or Knoxville, as the case may be; and if said agencies should hereafter be discontinued, then the said entry-takers shall pay over the moneys by them received, to the president and directors of the Bank of the State of Tennessee, at Nashville, or to the president and directors of the branch of said bank at Knoxville, as the case may be; and all moneys so paid in, shall, by said president and directors, be loaned out to the citizens of the different counties, in the proportion pointed out by the law establishing said bank; and the principal whereof shall remain, and constitute, a perpetual and exclusive fund, for the establishment and promotion of common schools, in each and every county in this state; and the interest shall be semi-annually paid, to the school commissioners hereinafter directed to be appointed, on the first of January and July, in each and every year, to the said counties respectively.

SEC. 13. *Be it enacted*, That for the purpose of making the aforesaid fund adequate to the valuable and important purposes for which the same is intended, that the taxes accruing to the state, on all the lands entered in said offices, and where said entry is provided for in the provisions of this act, shall be kept separate and apart, by the different sheriffs and collectors, and be paid over in the same manner as is required by the different entry-takers; and duplicate receipts shall in like manner be taken, one to be kept by the sheriff, and the other transmitted to the said president and directors, and constitute a part of said exclusive fund for the establishment and promotion of common schools; and shall be, by said president and directors, paid over to the treasurer of the school commissioners, hereinafter directed to be appointed in each county in this state, in equal proportions, semi-annually, in the months of January and July, in each and every year, to be by said commissioners appropriated for the use of common schools, as hereinafter directed.

Taxes how
paid, and to
whom.

SEC. 14. *Be it enacted*, That for the purpose of separating said taxes, it shall be the duty of every person taking a list of taxable property under the laws of this state, to inquire of the person giving in any lands, whether the same were entered under the provisions of this act, and if they were, to note the same in his list as common school lands; which memorandum shall be put down in the tax list made out by the clerk and the sheriffs, and other collectors shall be

Tax lists how
made out.

regulated accordingly : and where any person shall make return to the clerks as provided by law, the said clerks shall make the same inquiry, and note the same in like manner, and in all cases of double taxes, the said sheriffs and collectors shall, at the time of receiving the same, make the same inquiry, and be regulated in their return and settlement accordingly.

School com-
missioners to
be appointed

SEC. 15. *Be it enacted*, That the several county courts in the respective counties in this state, at their first term after the first day of January, one thousand eight hundred and twenty-five, shall appoint five discreet persons of their county, a board of school commissioners, for their respective counties, whose duty it shall be, previous to entering on the duties of their appointment, to enter into bond, in the sum of one thousand dollars each, with two or more good and sufficient securities, to be judged of and approved by said courts, payable to the Governor for the time being, and his successors in office, conditioned for the faithful discharge of the duties imposed on them by this act, and the faithful application of all moneys which may come to their hands, which said bonds shall be lodged with the clerks of said courts respectively; and said commissioners shall annually make a report to said courts respectively, of the moneys by them received, and the manner they have been disbursed; and shall continue in office two years, and no longer; and shall receive no compensation for their services.

Their duty.

SEC. 16. *Be it enacted*, That said commissioners, as soon after their appointment as convenient, shall appoint a treasurer of their own body, whose duty it shall be to receive and pay out all moneys, according to the provisions of this act; and shall keep a correct record of the same, so as to enable the said board of school commissioners to make the reports contemplated by the foregoing section of this act.

Appropriat'd
to the educa-
tion of the
poor.

SEC. 17. *Be it enacted*, That the said board of school commissioners shall appropriate all moneys by them received under the provisions of this act, to the education of the poor, either by establishing poor schools in their different counties, or by paying the tuition of poor children in schools which are, or may be, established in their respective counties, as to them shall seem best, and in the purchase of books for the use of such children; and shall, as far as practicable, dispose of said moneys in such way as to extend equal advantages to each and every part of their respective counties.

SEC. 18. *Be it enacted*, That it shall and may be lawful for the respective entry-takers and surveyors to appoint a sufficient number of skilful deputies, for whose conduct in all points touching his office, the said entry-taker, or principal surveyor, shall be responsible; and it may be lawful for said entry-taker, or principal surveyor, to take bonds from said deputies, for their own security, if he thinks proper so to do, and the said deputies shall be required to take the same oath that their principals are required to take.

Entry-takers
& surveyors
may appoint
deputies.

SEC. 19. *Be it enacted*, That any entry-taker, or surveyor, failing in any of the duties required by this act, shall be liable to be indicted in the circuit court of the county in which he shall reside; and on conviction, may be punished by amercement and deprivation of his office, and incapacity to take it again; and shall, moreover, be liable to any party injured for all damages he may sustain by such failure.

Penalty for
neglect of
their duties.

SEC. 20. *Be it enacted*, That it shall be the duty of the entry-taker to receive from each and every person making an entry, gold, silver, or such bank notes as are current; and shall receive for each and every entry, and recording the same, seventy-five cents, and for issuing a certified copy of the entry, the sum of twenty-five cents.

Their fees,
and kind of
money receiv-
able.

SEC. 21. *Be it enacted*, That the several entry-takers appointed by virtue of this act, shall be entitled to receive two per cent. on all moneys by them received, and paid over, according to the provisions of this act.

Per cent. on
collections.

SEC. 22. *Be it enacted*, That the several entry-offices, to be kept by the respective entry-takers, shall be kept in the towns where the courts are severally held, in the respective counties; and shall be opened for the reception of entries, in the manner prescribed by this act, on the first Monday in April next, for the benefit of all those entitled to a preference or priority of entry, and for all others, on the first Monday in July following.

Offices open-
ed for occu-
pants and o-
thers when
kept in
towns.

SEC. 23. *Be it enacted*, That the several surveyors appointed by virtue of this act, shall receive the same fees as are now allowed by law for similar services.

Surveyors'
fees.

SEC. 24. *Be it enacted*, That it shall not be lawful for any person, directly or indirectly, to enter a greater quantity of land than six hundred and forty acres.

Quantity lim-
ited to 640
acres.

SEC. 25. *Be it enacted*, That where any county lies partly within, and partly without, the bounds described in this act, entry-takers and surveyors shall be appointed for such county, or counties, and

Counties ly-
ing partly
within the
bounds pro-
vided for.

all the provisions of this act shall take effect in such parts of such counties as may lie within the bounds aforesaid: *Provided*, that no part of the Hiwassee district shall be embraced by the provisions of this act.

School lands reserved.

SEC. 26. *Be it enacted*, That no lands laid off for the use of schools, on which no grants have yet issued, on account of inaccuracy in the surveys, or for any other cause, shall be liable to appropriation under the provisions of this act.

Reservations for national armory.

SEC. 27. *Be it enacted*, That all the vacant lands within five miles of the narrows of Harpeth; the Stone Fort; the falls of Fallingwater; the Harriet iron-works, near Sparta, in White county; the falls of Cany-fork, in Warren county; are hereby reserved from appropriation, until it shall be ascertained whether the national armory may be established by the general government at either of said places; and should said armory not be established at either of said places, then the land reserved shall be subject to appropriation as in other cases. And should any person reside on any such vacant land so reserved from appropriation, at or before the passage of this act, who would be entitled to a preference or priority of entry, under the provisions of this act, they shall have a preference for the term of three months, to enter after the fact is ascertained, by act of congress, that the national armory will not be fixed at either of said sites around which the reservations are made. And the senators in congress from this state are hereby authorized to convey to the government of the United States, any portion of said reserved lands that may be deemed necessary by the general government; provided the said armory be established within this state, as aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER L.

An Act to continue the respective Agencies of the Bank of the State of Tennessee, and for other purposes.

Agencies continued.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That it shall be the duty of the president and directors of the Bank of the State of Tennessee to continue the respective agencies, as

established by the provisions of the thirteenth section an act, entitled "An act to establish a Bank of the State of Tennessee," passed July twenty-sixth, one thousand eight hundred and twenty, until the first day of January, one thousand eight hundred and twenty-six, or until the legislature shall otherwise provide.

SEC. 2. *Be it enacted*, That it shall be the duty of Agent's bond the president and directors, on or before the first day renewed. of January next, to require a renewal of the bond of each and every agent acting thereunder, and continue so to proceed at the commencement of each and every year thereafter: *Provided, however*, that the securities to the original bond shall be bound until said new bond is executed.

SEC. 3. *Be it enacted*, That the president and directors of the Bank of the State of Tennessee shall appoint an agent, and establish an agency, in the Agencies extended to different counties. counties of M'Minn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll, and Henry; and shall place in the hands of said agents the amount that said counties are entitled to agreeably to the taxation, as other counties in this state, to be loaned by said agents, to the citizens of the counties of M'Minn, Monroe, Madison, Wayne, Hardin, Henderson, Carroll, and Henry, and the citizens of the counties which have been created at the present session, and previously formed a part of the territorial limits of said counties respectively, as authorized by law.

SEC. 4. *Be it enacted*, That so much of the first Act discontinued and repealed. section of an act, entitled "An act to continue the respective agencies of the Bank of the State of Tennessee, and for other purposes," passed August twenty-fourth, one thousand eight hundred and twenty-two, as authorize the president and directors of said bank to discontinue said agencies, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER LI.

An Act for the relief of Jailers in this state.

Whereas in the commitment of prisoners to the jails of other counties than those in which the offences charged were committed, the jailers who keep such

prisoners, committed to their charge, are compelled, by law, to appear before the court when trial is had, to prove their accounts; which is expensive and oppressive: Therefore,

Fee bill for keeping prisoners from another county How made out.
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where prisoners have been, or may hereafter be, kept in the jail of any county other than that in which the offence charged was committed, or in which such prisoners have been, or may be, tried, it shall be lawful for the jailer keeping such prisoner, to make out and swear to his account, before any judge of the circuit court, as well in vacation as in term time; and such account, so made out and sworn to, may be allowed, in part or in whole, by said judge before whom it is proven; and when so allowed, shall be paid by the county trustee or state treasurer, as the case may be, agreeably to the laws now in force and use in this state.

Jail fees on prisoners from another county to have preference.
SEC. 2. *Be it enacted,* That hereafter, when any person shall be arrested for trial in any county, and for want of a sufficient jail in said county, shall be committed to the jail of another county for safe keeping, all costs occasioned by his confinement in the jail of another county, shall be entitled to a preference in payment over the claims of persons in the county where the offence was committed; and when said criminal is tried, and found not guilty, or when found guilty, and his estate will not pay the costs; it shall be the duty of the county court where the offence was committed, to lay and collect a tax sufficient to discharge all the jail fees which may have been incurred by the confinement of said criminal in the jail of another county.

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

November 27, 1823.

CHAPTER LII.

An Act to repeal an act, entitled "An act to equalize the Tax on Merchants," passed October 23d, 1821.

Former act repealed in part.
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That an act passed October twenty-third, one thousand eight hundred and twenty-one, entitled "An act to equalize the tax on merchants," be, and the same shall, from and after

the first day of January next, stand repealed, except the fourteenth section thereof, which shall be, and remain, in force and effect.

SEC. 2. *Be it enacted,* That the laws in force and use before the passage of the above-recited act, regulating the tax on merchants, be revived, and the same shall be in force and effect from and after the first day of January next.

SEC. 3. *Be it enacted,* That where any merchant has failed to comply with the act which this act is intended to repeal, shall be at liberty to pay to the treasurer of East or West Tennessee the sum of one hundred dollars each, for each and every year, until the first day of January next, which shall be in full for the taxes heretofore imposed by law: *Provided,* they and each of them pay all legal costs, should suit or suits have been brought for the recovery of said taxes: *Provided, however,* that if any of the merchants against whom suits have been instituted under the act which this is intended to repeal, should fail to pay to the state the sum of one hundred dollars, then, and in that case, the repeal of the former act shall in nowise affect the right of the state to recover the amount for which such merchant, or merchants, may have been sued.

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

November 27, 1823.

CHAPTER LIII.

An Act to amend an act, entitled "An act to compel the Banks therein named to pay Specie, and for other purposes."

Former act of the State of Tennessee, That the second section of the act which this is intended to amend, be, and the same is hereby, suspended, on the following express conditions—that is to say: If said banks shall redeem their notes in circulation, in the following manner, to wit: one fourth, in specie, of each note, at any time when presented, on which no payment in specie has been previously made, between the first Monday in April, one thousand eight hundred and twenty-four, and the first Monday in January, one thousand eight hundred and twenty-five; one third of each note pre-
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of the act which this is intended to amend, be, and the same is hereby, suspended, on the following express conditions—that is to say: If said banks shall redeem their notes in circulation, in the following manner, to wit: one fourth, in specie, of each note, at any time when presented, on which no payment in specie has been previously made, between the first Monday in April, one thousand eight hundred and twenty-four, and the first Monday in January, one thousand eight hundred and twenty-five; one third of each note pre-

sented between the first Monday in January, one thousand eight hundred and twenty-five, and the first Monday in October, one thousand eight hundred and twenty-five, on which no payment in specie has been made within the said last-mentioned period; one half of each note presented between the first Monday in October, one thousand eight hundred and twenty-five, and the first Monday in July, one thousand eight hundred and twenty-six, on which no payment has been made within the last-mentioned period; and after the said first Monday in July, one thousand eight hundred and twenty-six, the full amount of each and every note presented: But on a failure so to redeem for any one of the periods herein above specified, said second section shall be in full force and effect.

Penalty on president or cashier.
SEC. 2. *Be it enacted,* That if any president, cashier, director, or stockholder, shall be guilty of any of the offences pointed out in the first section of an act passed at Murfreesborough, November thirteenth, one thousand eight hundred and twenty-one, entitled "An act to compel the banks therein named to pay specie, and for other purposes," he or they, on conviction by indictment or presentment in any circuit court in this state, shall be fined by the court, each, in any sum not less than one thousand dollars, and be imprisoned not less than five years.

Remedy in case of failure to pay at principal banks—summary way.
SEC. 3. *Be it enacted,* That if at any time the Nashville Bank, or the State Bank at Knoxville, shall fail or refuse to pay in specie any note, bill, or check, justly due from such bank, according to the provisions of this act, when the same shall be presented for payment within the usual hours for doing business at such bank, the person or persons, body or bodies politic or corporate, injured by such failure, shall and may obtain a judgment and execution for the amount of such note, bill, or check, with six per centum per annum interest thereon, to be computed from the time of such failure or refusal, and costs, on motion in the circuit court of the county in which such bank is established, upon ten days' notice of such motion, to be served in writing, upon the cashier, chief clerk, president, any director, or manager, of such bank, being at the time of such service within the county within which such bank is established.

Remedy at branch banks Summary way.
SEC. 4. *Be it enacted,* That if any note, or bill, of either of said banks, made payable by such bank, at the office of discount or deposit of one of its branches, be presented at such branch bank for payment, with-

in the usual hours of doing business at such branch, or if any check for money justly due from such branch, be presented for payment in like manner, and if in any such case there shall be a failure or refusal on the part of such branch bank, to pay in specie the amount due upon such note, bill, or check, it shall and may be lawful for the party presenting the same, to obtain judgment and execution for the amount thereof, with interest at the rate of six per centum per annum from the time that payment is demanded, until the same shall actually be made, upon motion against the president, directors, and company, of the bank to which such branch bank belongs or appertains, before the circuit court of the county where such branch bank is established: and in all such cases, it shall be sufficient for the party making such motion, to give ten days' previous notice, thereof to the president, cashier, chief clerk, or any of the directors, of such branch bank, if within such county at the time of the service of such notice; and the execution which may issue upon such judgment, shall and may be levied upon any property of the principal bank, or branches, within this state.

SEC. 5. *Be it enacted,* That upon the appearance of the bank by their attorney, and pleading immediately to issue, in the court where such motion shall be made, the court shall, without delay, on the motion of either party, direct a jury to be empanelled to try the facts in issue between them: but if the said bank shall neglect or refuse to appear according to notice given, or upon appearance shall fail to plead immediately to issue, then the court shall proceed immediately to enter up judgment, and award execution, on the motion of the plaintiff, against such bank, without directing a jury to be empanelled.

SEC. 6. *Be it enacted,* That nothing herein contained shall be so construed, as to give the summary remedy before created, to either of said banks, or the agent or agents of such banks; and the plaintiff or plaintiffs in any such motion against either of said banks, or the agent or attorney of such plaintiff or plaintiffs, shall, if required by the attorney for the defendant, make oath, that the sum or sums demanded thereby, is, or are, justly due the plaintiff or plaintiffs, in his, her, or their own right, or in the right in which he makes his motion: *And provided,* that if the State Bank at Knoxville, or its branches, the Nashville Bank, or its branches, shall fail or refuse to comply with the provisions of the first section of this act, then,

in that case, the provisions of the third, fourth, fifth, and sixth sections of this act shall be in force, and not otherwise.

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

November 27, 1823.

CHAPTER LIV.

An Act to regulate proceedings in Civil Cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, any two justices of the peace shall have jurisdiction in all cases of damages, whether the same arise from matter of contract, or any kind of tort, or wrong done whatsoever, except actions of slander, where the damages claimed by the plaintiff do not exceed twenty dollars: *Provided,* that either party shall have the right to an appeal from the judgment of the justices, to the county court, or circuit court, of said county: *And provided also,* that nothing in this section contained shall be construed, as to take from justices of the peace any part of their present jurisdiction.

SECTION 2. *Be it enacted,* That all appeals in the nature of writs of error, in all actions of debt, on bonds for the payment of money, bills single, bills of exchange, promissory notes, or liquidated accounts, signed by the parties to be charged therewith, hereafter taken from an inferior to a superior jurisdiction, the security, or securities, of the party appealing, shall be bound for the payment of the whole debt, damages, and costs, and for the satisfaction of the judgment of the superior courts: *Provided, however,* that in any case when the party shall fail to take an appeal in the nature of a writ of error, until after the expiration of the term at which judgment is rendered, and a judge of the circuit or supreme courts, as the case may be, shall, upon inspection of the record, be of opinion, from errors apparent upon the face of the record, that a writ of error and supersedeas ought to be granted, and shall so direct, then the security, or securities, shall be taken, and be bound, for the damages and costs as heretofore.

SECTION 3. *Be it enacted,* That in all cases where an appeal in the nature of a writ of error shall be taken,

as when a writ of error, and supersedeas, shall be obtained from a judge of the circuit or supreme court, as the case may be, and the judgment of the inferior court shall be affirmed, the defendant in error shall recover, in addition to the judgment of the court below, at the rate of twelve and one half per cent. per annum interest thereon up to the time of the rendition of the judgment in the court above; and in all appeals hereafter taken from an inferior to a superior jurisdiction, when the judgment of the inferior court shall be affirmed, the plaintiff shall recover, in addition to the judgment of the court below, at the rate of twelve and one half per cent. per annum thereon up to the time of the rendition of the judgment in the court above.

SEC. 4. *Be it enacted,* That all executions issued on judgments hereafter rendered in any of the chancery or supreme courts in this state, shall be returnable in six months, that is to say, all executions issued on judgments, or decrees rendered, or made in the chancery courts, shall be made returnable to the first day of the term of the supreme court next to be holden in the circuit in which the chancery court is holden; and all executions issued on judgments hereafter rendered in the supreme courts, shall be made returnable to the first day of the term of the chancery court next to be holden in the circuit in which said supreme court shall sit.

SEC. 5. *Be it enacted,* That it shall be the duty of the judges of the supreme court, immediately to deliver to the clerk of said court, all opinions, in writing, by them delivered in causes depending, and hereafter to be determined, in said courts; and it shall be the duty of the clerks of said courts to preserve said opinions as other records of their offices, subject to inspection of all persons wishing to examine the same: and it shall be the duty of said clerks to deliver to any person making application for the same, a certified copy of any opinion filed in his office, for which he shall be paid by the person applying for the same, by the copy sheet, as in equity causes: and any clerk, who shall suffer an original opinion of any of the judges of said courts to be taken out of his office, shall pay the sum of twenty dollars, to be recovered before any justice of the peace, to the use of the person suing for the same.

SEC. 6. *Be it enacted,* That hereafter, when it shall so happen, that any one or more persons may have knowledge of such facts, as are necessary for

the information of the court upon motions for a new trial, and such person, or persons, shall refuse to give their affidavits voluntarily to the party requiring the same, then, and in that case, it shall be the duty of the court to award a subpoena to the party asking the same, to compel the attendance of such person or persons to make an affidavit of the facts required to be made known.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER LV.

An Act to amend the second section of an act, entitled "An act in addition to an act, entitled 'An act to repeal the second section of an act, entitled 'An act allowing and regulating certain officers' fees in particular cases,' passed November 6th, 1811."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That all judgments heretofore rendered, or which may hereafter be rendered, agreeably to the provisions of the first section of the act to which this is intended as an amendment, the papers of which have heretofore been filed, or which hereafter may be filed, in conformity to the said first section of the aforesaid act, shall not die for want of an execution having issued thereon within the time prescribed by law, but that the clerk shall proceed thereon as in other cases.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER LVI.

An Act to provide for the trial of certain causes in the Supreme Court of Errors and Appeals.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That two persons, one residing in East and one in West Tennessee, shall be selected by the Governor of this state, who shall preside on the trial of any causes in which a competent court cannot be formed by the present judges, by reason of any constitutional or legal disability of said*

special judge,
as how ap-
pointed.

judges; and said persons thus settled shall preside in manner following: In all cases to be tried in East Tennessee, the judge appointed in East Tennessee shall preside with such judge of the court of appeals as can sit in said cause; and in all cases to be tried in West Tennessee, the person selected in West Tennessee shall preside with such judge as can sit in said cause; and in any case where none of the present judges can sit, the court shall consist of both judges appointed by this act.

SEC. 2. *Be it enacted, That if two fit and proper persons, one in East and one in West Tennessee, cannot conveniently be had, to preside in the trial of the causes, as contemplated in the first section, then it shall and may be lawful for the Governor to select two persons in East Tennessee, to try all causes depending in the courts of East Tennessee, and two persons in West Tennessee, to try all causes depending in West Tennessee, which the present judges, or any of them, are incompetent to try.*

Two special
judges.

SEC. 3. *Be it enacted, That if it be practicable for the persons appointed as judges under the provisions of this act, to attend at an earlier period than the regular term of the supreme court in East Tennessee, it shall be lawful for such persons, together with any of the judges who may be competent, to meet at Knoxville, and hold a special term, at any time before the first Monday in February next, and to try all such causes depending in said court, as they may be required by this act to hear and determine.*

SEC. 4. *Be it enacted, That it shall be the duty of the supreme court, to set apart a particular period of the term of said court, for the trial of the causes contemplated by this act, and notify the judges to be appointed by this act, of the same; and each judge appointed by virtue of this act, shall be commissioned by the Governor, under this act, and shall receive for his services, six dollars per day for the time he may be engaged in the trial of said causes, and the same mileage which is allowed to the members of the General Assembly.*

Particular
period for
trial of spe-
cial causes.
Judges' com-
pensation.

SEC. 5. *Be it enacted, That the judges appointed by this act, shall sit in no case in which the present judges can constitutionally and legally form a court for the trial of such cause.*

Not to sit
where pres-
ent judges
are com-
petent.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER LVII.

An Act to repeal the fourth section of an act, entitled "An act to suppress Tippling-shops, and for other purposes," passed October 28th, 1813.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the fourth section of the above-recited act be, and the same is hereby, repealed; and hereafter, if any person or persons shall hire to any slave or slaves the time of such slave, the person or persons so offending, shall forfeit and pay not less than one dollar, nor more than two dollars for each and every day such slave or slaves shall have hired his, her, or their time, and been absent from the owner or owners, to be recovered by any person who will sue for the same, one half to the use of the person suing, and the other half to the use of the county in which the suit may be brought.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER LVIII.

An Act to tax Brokers.

Tax on license \$5000.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each broker or factor, dealing in gold or silver, or in the notes of banks of this state, of any other state, or of the United States, or in drafts or bills of exchange drawn for the payment of money, by buying and selling the same, shall be bound, on or before the first day of January next, and at the end of every subsequent year, to apply to the clerk of the court of Pleas and Quarter-Sessions of the county in which he shall reside, for a license to follow such business for the term of twelve months thereafter, which license the clerk shall be bound to issue upon such applicant's paying to him five thousand dollars at the time of obtaining said license; and the said clerks respectively shall pay to the treasurer of East or West Tennessee, the moneys so received by them, in the same manner that other public moneys are now directed to be paid by law.

Penalty for selling without license.

SEC. 2. *Be it enacted,* That if any person shall, contrary to the true intent and meaning of this act, buy or sell, barter or exchange, any gold or silver,

or any bank notes of this state, or of any other state, or of the United States, or any drafts or bills of exchange drawn for the payment of money, as a broker or factor, without a broker's license first had and obtained, he shall, for every such offence, forfeit and pay the sum of one thousand dollars, together with double the amount so bought or sold, bartered or exchanged, to be recovered of him before any court having jurisdiction thereof, one half to the use of the state, and the other half to the person suing for the same; and such offender shall be further liable, at the suit of the treasurer of that end of the state in which he shall reside, to pay a tax for the use of the state: *Provided always,* that no person shall be considered a broker, within the meaning of this act, and be exposed to the penalties thereof, who does not make a business of buying and selling, bartering and exchanging, of gold or silver, or bank notes of this state, of any other state, or of the United States, or drafts or bills of exchange drawn for the payment of money, one for another, for the sake of money. *Nevertheless,* any person who shall, in the term of four weeks, exchange the amount of five hundred dollars in Tennessee bank notes, for the value thereof in any other of the above-described funds, and shall, also, during the term of four weeks respectively, exchange the sum of five hundred dollars in any of the above-described kind of funds, except Tennessee bank notes, for their value in Tennessee bank notes, shall be deemed to follow the business of a broker within the meaning of this act, and shall stand exposed to the penalties thereof.

SEC. 2. *Be it enacted,* That the clerk shall be entitled to receive from the applicant, one dollar for issuing the license in this act mentioned.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER LIX.

An Act to provide for the sale of the Islands in the Tennessee District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the several islands in the Tennessee river, in said district, which are not

called for and included in the lines of any grant or grants issued by the state of North-Carolina, be, and the same are hereby, directed to be sold to the highest bidder for ready money.

Sales when
and where
made.

SEC. 2. *Be it enacted*, That the sales aforesaid shall commence on the first Monday in March next, at Athens, and be continued from day to day until the whole of said islands shall be sold: *Provided, however*, that said sales shall not be kept open, nor continued longer than one week.

Surveyor &
entry-taker
to superin-
tend sales.
Their pay.

SEC. 3. *Be it enacted*, That the surveyor-general of said district, and entry-taker, shall be required to superintend said sales in like manner as required by the treasurer and register in the former sales of said lands, and shall be at liberty to receive, each, four dollars per day for each day they may be necessarily employed in superintending said sales.

Notice to be
given.

SEC. 4. *Be it enacted*, That it shall be the duty of the surveyor-general, by advertisement in some newspaper printed in Knoxville, Nashville, and another in Nashville, to give two months' previous notice of the time and place of said sale.

Terms of
sale.

SEC. 5. *Be it enacted*, That none of said islands shall be sold at a less price than three dollars per acre, to be paid to the entry-taker of the Hiwassee district, in ready money, at the time of the sale, and by him paid over to the treasurer of East Tennessee.

Auctioneers
appointed—
compensat'n.

SEC. 6. *Be it enacted*, That said entry-taker shall employ one crier of said sale, who shall be allowed four dollars per day for his services.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate

November 26, 1823.

CHAPTER LX.

An Act supplemental to an act, entitled "An act to encourage the building of Iron Works," passed November 2d, 1809.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That wherever any person or persons have heretofore procured the condemnation of any one or more tracts of land for the use of iron works, which land lies north and east of the Congressional boundary line, such person or persons shall not be required to procure a warrant or war-

rants to be applied to said lands directed by the above-recited act; but such person or persons shall have a preference as occupants, to obtain grants for said lands, upon paying to the entry-takers of their respective counties, the sum of twelve and one half cents per acre, for each and every tract condemned for the purposes aforesaid: *Provided*, it does not interfere with appropriated lands, or the claims of occupants, or lands reserved for the United States armory at this session of the General Assembly.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER LXI.

An Act to amend the Militia Laws of this state.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commandants of companies shall muster their respective companies twice in each and every year; the first muster shall be held on the Saturday preceding the battalion muster, the second on the Saturday preceding the regimental muster.

SEC. 2. *Be it enacted*, That hereafter, company officers shall not be compelled to give notice in writing, to their men, of the time and place of holding muster and court-martials; but it shall be the duty of the officer in command of each company muster, to give notice of the time of the next succeeding muster, and of court-martials.

SEC. 3. *Be it enacted*, That court-martials appointed for the trial of officers for neglect of duty, disobedience of orders, or disorderly and ungentlemanly conduct, shall have power to remove from office any such officer who shall be found guilty of either of the crimes: *Provided always*, that the officer so removed shall have the right of appeal as in other cases.

SEC. 4. *Be it enacted*, That all executions for fines assessed in each regiment, shall be directed to the constable in the captain's company where the delinquent resides, who shall collect and make return of the money so collected, to the judge of the peace, and shall receive for each and every fine by him so collected, the sum of twenty-five cents; and if the constable so collecting shall fail or refuse to pay over the

money as by this act directed, within sixty days, it shall be lawful for the judge-advocate, by motion in the county court of the county where such delinquency shall happen, to take a judgment against said delinquent officer, for the principal so collected, together with twelve and a half per cent. interest; *Provided always*, that the said delinquent shall have ten days' notice, in writing, from the judge-advocate, of his intention to take judgment as aforesaid.

Clarksville
Blues.

SEC. 5. *Be it enacted*, That the company now commanded by Captain Cornelius Crusman, known by the name of the Clarksville Blues, of Montgomery county, be, and the same is hereby, placed under the same rules and regulations prescribed for the government of the Knoxville Blues, by an act of the present General Assembly.

House for
keeping arms
to be built.

SEC. 6. *Be it enacted*, That the Governor of this state be, and he is hereby, empowered to contract for building of a house in the town of Nashville, for the purpose of depositing therein, for safe keeping, all the military arms that is or may be the property of the state of Tennessee; and that it shall be the duty of the Governor to draw a draft upon the treasurer of West Tennessee, for the sum of money not exceeding one thousand dollars, for to defray the expenses of building said house.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 29, 1823.

CHAPTER LXII.

An Act to amend an act, entitled "An act to suppress the issuance of a kind of paper called Change Bills, or Change Tickets, and for other purposes," passed October 31st, 1817.

Penalty for
issuing.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person or persons, firm, corporation or copartnership, shall issue any change bills, or change tickets, or accepted orders, or bills of exchange, with a view of circulating them to supply the scarcity of change, or to make profit thereby, contrary to the provisions of the act which this is intended to amend, the person or persons, firm, corporation or copartnership, so offending, shall be subject to indictment in either the county or cir-

cuit [court] in the county where the offence shall be committed; and shall, on conviction, be fined, at the discretion of the court where such conviction is had, in a sum not more than five hundred dollars, nor less than fifty; and it is hereby made the duty of the attorney-generals of this state, to give this act in charge to the respective grand juries.

SEC. 2. *Be it enacted*, That no auctioneer, or auctioneers, in this state, shall pay any tax whatever for selling any article or articles of the growth, product, or manufacture of any of the United States, or the territories thereof. Auctioneers exempt from certain tax.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 29, 1823.

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 enclosed in brackets, thus [].

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

ACTS

LOCAL OR PRIVATE ACTS

THE FIRST SESSION

FIFTEENTH GENERAL ASSEMBLY

STATE OF TENNESSEE

of said court, and in said case, the court shall have jurisdiction to hear and determine the same, and to do all such other things as may be necessary to give effect to the provisions of this act.

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 FIFTEENTH DAY OF SEPTEMBER, AND ENDED
ON SATURDAY THE TWENTY-NINTH DAY OF NOVEMBER, ONE
THOUSAND EIGHT HUNDRED AND TWENTY-THREE.

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

CHAPTER LXIII.

AN ACT to extend the terms of Bledsoe Circuit Court.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the circuit court of Bledsoe county, which commences on Monday next, shall continue its session two weeks before [it] shall not be disposed of at an earlier period; and the next March term of said court shall also continue two weeks in like manner.

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

September 15, 1823.

Sec. 2. Be it enacted, That if any person shall hereafter erect a dam or any other structure in that part of said river declared navigable by this act, they shall be liable to the cost of the channel, and to the expense of the removal of the same.

CHAPTER LXIV.

Whereas it appears to the General Assembly that there is depending in the county court of Marion county an action of debt in the name of Matthew Barbee, assignee of Thomas C. Davis against Elizabeth Pack, for a large sum, in which the defendant has pleaded non est factum on oath; and it is also

represented, that a fair and impartial trial cannot be had in said county of Marion, and the defendant is unable to give security for an appeal to the circuit court: Therefore,

Cause removed to Franklin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said cause shall be removed to the circuit court of the county of Franklin for trial, and the said circuit court of Franklin shall possess power, authority and jurisdiction, to try and determine said cause, in as full and ample a manner as though said cause had originated therein.

Clerk of Marion to transmit papers.

SEC. 2. *Be it enacted,* That it shall be the duty of the clerk of the county court of Marion, forthwith to transmit the papers in said cause, together with a transcript of all the steps and orders taken therein, to the clerk of the circuit court of Franklin county, who shall place the same upon the trial docket of said court, and shall immediately issue a notice directed to the plaintiff in said cause, informing him of the removal of said cause, and that the same stands for trial in the circuit court of Franklin county.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

September 20, 1823.

CHAPTER XLV.

AN ACT to declare Beech River navigable.

Beech river navigable to Brown's mill.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Beech river, from its junction with Tennessee river to Brown's mills, shall be deemed a navigable stream, free and open to all persons, for navigation with boats, crafts, and other means of conveyance by water, without interruption or obstruction.

Persons building mills to open a channel.

SEC. 2. *Be it enacted,* That if any person or persons shall hereafter erect a dam for any purpose whatever in that part of said river declared navigable by this act, they shall leave open, in the deepest part of the channel of said river, a space sufficiently wide for the easy and safe passage of boats, crafts, &c.

Penalty for failure to comply.

SEC. 3. *Be it enacted,* That if any person or persons fail to comply with the provisions of this act, they shall forfeit and pay the sum of five hundred dollars, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the state.

SEC. 4. *Be it enacted,* That if any person or persons shall hereafter make, or cause to be made, any hedge or hedges, or shall cut, or cause to be cut, any tree or trees in said river, whereby the navigation of said river shall be obstructed, he or they so offending, for every such offence shall forfeit and pay the sum of one hundred dollars, to be recovered and appropriated as aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

September 20, 1823.

CHAPTER LXVI.

AN ACT prescribing certain duties to the Sheriff and Ranger of Lincoln county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, it shall and may be lawful for the sheriff and ranger of Lincoln county, to advertise all execution sales of land and estrays in some newspaper printed in the town of Fayetteville: *Provided, however,* that in case at any time hereafter, there should be no paper published in said town, such publication shall be made in some newspaper as heretofore authorized by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

September 20, 1823.

CHAPTER LXVII.

AN ACT supplementary to an act, entitled "An act to establish the permanent boundary of Wayne county, and for other purposes," passed 5th November, 1821.

Whereas the before-recited act does not provide for the adjournment of the circuit courts of Wayne county, from the former place of holding courts for said county, to the present seat of justice of the same: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the presiding judge of the eighth judicial circuit of the state aforesaid, to hold the circuit courts of Wayne county in the town of Waynesborough, the present seat of justice for said county.

Judge to hold court in Waynesboro

Clerk of circuit court to remove records.

SEC. 2. *Be it enacted*, That it shall be the duty of the clerk of said circuit court of Wayne county, to remove his office, and all papers belonging thereto, to said town of Waynesborough; and all writs, and other process, or recognizance, whatever, now made returnable to said court, or which hereafter shall or may be made returnable to said court, shall be returnable to the court-house in the town of Waynesborough; and all matters, causes, and things, now depending in said court, and all matters, causes, and things, which may hereafter be pending in said court, shall and may be heard, tried, and determined, in said town of Waynesborough, in the same manner as if they had been originally made returnable to said place, in as full and ample a manner as could have been done had the before-recited act fully provided for the adjournment of said circuit court to the present seat of justice for said county.

JAMES FENTRESS,

Speaker of the House of Representatives.
W. HALL,
Speaker of the Senate, *pro tem.*
September 22, 1823.

CHAPTER LXVIII.

AN ACT to remove the Circuit and County Courts of M'Ninn county, from Calhoun to Athens.

Clerks to remove records to Athens.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the clerks of the circuit and county courts of the county of M'Ninn, and they are hereby directed, forthwith to remove all the papers, documents and records of their respective offices, from Calhoun to the town of Athens; and all writs and process whatever, heretofore issued from said courts, and made returnable to the place of holding said courts in Calhoun, shall be returned to the court-house in the town of Athens, and the same shall be good and valid in law; and all recognizances shall be obligatory for the appearance of the parties at Athens, instead of Calhoun.

Terms of court altered.

SEC. 2. *Be it enacted*, That the term of the said circuit court to be holden on the third Monday in October, one thousand eight hundred and twenty-three, and the session of the said county court to be held on the first Monday in December, one thousand eight hundred and twenty-three, and all subsequent terms and sessions of said courts, shall be held in the town of Athens.

SEC. 3. *Be it enacted*, That the clerks of said courts shall provide a temporary room in the said town of Athens, in which the said courts shall be held until the court-house of said county of M'Ninn shall be completed, which room shall be taken and deemed to be the temporary court-house of M'Ninn county: *Provided, however*, that the said courts may be held in the court-house of said county, should the contractor of said building agree thereto previous to its completion.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

September 22, 1823.

CHAPTER LXIX.

AN ACT to authorize John Hoss and others, to rebuild their fish traps and dams in Watauga river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Hoss, William Massengill, John Houston, and others, of Washington county, be authorized to rebuild their fish traps and dams in Watauga river: *Provided*, they do not thereby obstruct or injure the navigation of said river.

John Hoss & others permitted to rebuild.

SEC. 2. *Be it enacted*, That Valentine Davalt, of Washington county, be authorized to rebuild his fish trap in Watauga river, under the same restrictions as pointed out in the first section: *Provided, nevertheless*, that the persons designed to be benefited by this act, shall be liable for all damages sustained by any boat or boats lodging on any of said dams, as well for detention as any injury that either boats or loading therein shall sustain, to be recovered before any tribunal having cognizance thereof.

Valentine Davalt and others.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WINKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXX.

AN ACT for the benefit of Richard Anderson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Richard Anderson, of Maury county, be, and he is hereby, authorized to build a fish dam and trap across Duck river, upon

Richard Anderson to build fishdam.

his own land: *Provided*, that said dam and trap shall not in any way impede or obstruct the easy navigation of said river.

liable for injury to boats.

SEC. 2. *Be it enacted*, That if any boat or other craft whatsoever shall be impeded, delayed or injured, either in ascending or descending said river, by reason of the erection of said dam or trap, the said Richard Anderson shall be liable to pay to the owner or owners thereof, all such damage as he, she or they may have sustained by reason of the erection of said dam or trap, to be recovered before any tribunal having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXXI.

AN ACT to establish permanently the seat of justice in Henry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the permanent seat of justice is hereby established and fixed in the county of Henry, at the place chosen by Sterling Brewer and James Fentress, the commissioners appointed for that purpose, at the session of our General Assembly in the year one thousand eight hundred and twenty-one.

SEC. 2. *Be it enacted*, That the name of the town in the county of Henry shall be called Paris.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXXII.

AN ACT authorizing Christian Shell to build a Bridge over Collins's river, in the county of Warren.

To build a bridge on Collins' river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the said Christian Shell, his heirs, executors, administrators or assigns, to erect and build a good substantial bridge over Collins's river, near the place where his mills now stand. It shall and may be lawful for the said Christian Shell, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons

that pass over the same, such rates of toll as the county court of Warren county shall allow him.

SEC. 2. *Be it enacted*, That it shall be the duty of County court the county court of Warren county, at their first session held for said county, after the said bridge shall be completed, or at any succeeding session thereof, twelve of the acting justices being present, to establish and fix the rate of toll that may be received by the proprietor thereof.

SEC. 3. *Be it enacted*, That the said Christian Shell, his heirs, executors, administrators or assigns, shall have the exclusive right and benefit of said bridge: *Provided*, he keeps the same in good repair, and shall be answerable for all damages that may be sustained by any person crossing the same, if it is made appear the aforesaid bridge was the cause thereof.

To have exclusive benefit, and liable for damages.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXXIII.

AN ACT to authorize the sale of the former jail and court-house in the town of Vernon, Hickman county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners for establishing a seat of justice for the county of Hickman, be, and they are hereby, authorized to sell the jail and court-house in the town of Vernon, on a credit of twelve months, taking from the highest bidder bond, with security, to be by them approved, for the payment of the purchase money: *Provided*, that said commissioners shall give thirty days' notice of such intended sale, by advertising the same in three public places in said county.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXXIV.

AN ACT to alter the time of holding the Courts in Campbell and Claiborne counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the time of holding the

county courts in the county of Campbell, shall be on the second Mondays in March, June, September and December; and that the county courts of Claiborne be held on the third Mondays in the months of March, June, September and December.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 23, 1823.

CHAPTER LXXV.

AN ACT for the relief of James Wrather.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the fine of one hundred dollars imposed on James Wrather, a citizen of Wilson county, by Smith circuit court, at — term of said court, one thousand eight hundred and eleven, for an assault and battery, on the body of Job Swindle, with an intent to kill, be, and the same is hereby, remitted.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 24, 1823.

CHAPTER LXXVI.

AN ACT granting an extra session of the Circuit Court for Dickson county.

Extra session when held.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be an extra session of the circuit court in the county of Dickson to be holden at the court-house in the town of Charlotte, on the third Mondays in May and November, in each year, in addition to the terms now holden in the weeks succeeding the first Mondays in March and September of each year, and to continue, each, one week, and no longer.

Judge's duty at March and Sept. terms.

SEC. 2. *Be it enacted*, That it shall be the duty of the judge who may preside at their March or September terms hereafter, after he has completed the services of the first week succeeding the first Mondays in March and September, in each year thereafter, and there remaining causes still untied on his docket,

shall forthwith adjourn to the third Monday in May or November, then next ensuing, notifying at the same time, the jurors who may be appointed for said March or September term, then in session, to attend as jurors at the extra session, on the third Monday in May and November, as the case may be.

SEC. 3. *Be it enacted*, That the first extra session shall commence on the third Monday in November, one thousand eight hundred and twenty-three, hold one week, (if necessary) and no longer; and that the county court of Dickson, shall, at their October term, one thousand eight hundred and twenty-three, appoint and cause to be summoned, twenty-four jurors, who shall be empannelled as traverse jurors for said extra session or term, as contemplated by this third section.

First extra session how provided for.

SEC. 4. *Be it enacted*, That the extra session as contemplated by this act, shall or may hold one week, and no longer.

Order of publication.

SEC. 5. *Be it enacted*, That this act be published twice in the Tennessee Watchman, printed in Clarksville, and twice in the Nashville Whig, printed in the town of Nashville, at least eight days previous to the October term of the county court of Dickson county.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 24, 1823.

CHAPTER LXXVII.

AN ACT to authorize John West and Hugh Montgomery, administrators with the will annexed of Robert Brooks, deceased, to sell the real estate, and execute the will of said deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John West and Hugh Montgomery, the administrators with the will annexed of Robert Brooks, deceased, late of Franklin county, be, and they are hereby, authorized to sell the real estate of the said testator, as in and by said will is directed to be done, and make titles to the purchasers; and that the acts of said administrators, in executing the will of the said Brooks, shall be as good and valid in law, to all intents and purposes, as though they had been duly appointed executors for that purpose.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 25, 1823.

CHAPTER LXXVIII.

AN ACT authorizing Joseph and John Greer, of Lincoln county, to build a mill dam across Elk river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for Joseph and John Greer, of Lincoln county, to build a mill dam across Elk river, at the place where they are erecting a grist and saw mill: Provided, they shall construct such locks in said dam, that the safe passage of all boats, and other water-crafts, ascending or descending said river, may not be impeded by the erection of said dam.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 25, 1823.

CHAPTER LXXIX.

AN ACT prescribing certain duties to the Sheriffs and Rangers of the counties therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the sheriffs and rangers in the counties south and west of Tennessee river, to publish all execution sales of land and estrays, in some newspaper printed in said counties: Provided, there be a paper printed in said counties, which will give the necessary information.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 25, 1823.

CHAPTER LXXX.

AN ACT for the benefit of Michael Carmichael.

Whereas it appears to this General Assembly, that Maurice Carmichael, formerly of North-Carolina, but at present residing in Scotland, made and executed a deed of conveyance, dated the eighteenth day of February, in the year one thousand eight hundred and twenty-three, in which he conveyed to Michael Carmichael, three tracts of land in the western parts of this state; which deed appears to have been proven in Scotland, before James Tytler, a justice of the

peace for the county of Edinburgh, whose official character is certified by Robert Grieve, vice-consul of the United States for the port of Leith, with his official seal thereto affixed: and whereas it is represented, that there is no law in this state authorizing the registration of deeds made in foreign parts, or prescribing the manner of probate in parts beyond the United States: For remedy of which inconvenience to said Michael Carmichael,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for said Michael Carmichael, his heirs or assigns, to cause and procure the said deed to be registered in the proper county or counties in this state, with certificates of probate, and authentication; and said registration shall be good in law, without the forms of probate prescribed for grantees living in the United States: Provided, that nothing herein contained shall in any manner injure the rights of any other person claiming under the said Maurice Carmichael.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 27, 1823.

CHAPTER LXXXI.

AN ACT for the relief of Clement T. Baldwin.

Whereas it appears to this General Assembly, that Clement T. Baldwin did, on the eighth day of March, one thousand eight hundred and twenty, purchase from Joseph Royall and Richard R. Royall, fifty acres and one half of land, lying on the north side of Duck river, in Bedford county; and whereas the said Joseph and Richard R. did afterwards, in the year one thousand eight hundred and twenty, procure an act of assembly to be passed, incorporating a town called Royallsport, including a part of said fifty and a half acres of land, whereby the said Baldwin has become liable to pay taxes for a part of the same as town lots: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That no part of a tract of land of fifty and one half acres, purchased by Clement T. Baldwin, by deed bearing date the eighth of March, one thousand eight hundred and twenty, from Joseph and Richard R. Royall, shall be considered as included within the bounds of the town of Royallsport, in*

Royallsport
disfranchised

the county of Bedford, and shall not be taxable as town lots, but as other lands.

Taxes re-
mitted.

SEC. 2. *Be it enacted*, That all taxes and costs, which have heretofore accrued on said land, or any part of it, considered as town lots, shall be remitted, and the said Clement T. Baldwin shall be bound to pay taxes for the same, as for other lands, if the same has not been paid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 27, 1823.

CHAPTER LXXXII.

AN ACT to lay off and establish a town on the land of John Stiffe, in Grainger county.

Stiffeestown
laid off.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Stiffe be, and he is hereby, authorized to lay off and establish a town on his own land in the county of Grainger, near the mouth of Blackwell's branch, on the north side of Holston river, to consist of not more than fifty lots, with suitable streets and alleys.

Commrs ap-
pointed, and
town named.

SEC. 2. *Be it enacted*, That John Stiffe and Joseph Kender be appointed commissioners to lay off and establish said town, and that said town, when so laid off and established, shall be known by the name of Stiffeestown, and the lots subject to taxation as other town lots in this state are by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 29, 1823.

CHAPTER LXXXIII.

AN ACT to repeal an act to incorporate the Elk-river Navigation Company, passed at Murfreesborough, November 13th, 1821.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the aforesaid act be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 29, 1823.

CHAPTER LXXXIV.

AN ACT for the benefit and relief of Thomas Little, an alien and resident of White county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Little, an alien and resident of White county, be, and he is hereby, entitled to all the benefits, privileges and immunities set forth and expressed in an act of the General Assembly, passed at Murfreesborough, the thirteenth day of November, one thousand eight hundred and nineteen, entitled "An act for the relief of aliens in certain cases:" *Provided*, the said Thomas Little hath or shall comply with the requisitions of said act within twelve months from and after the first day of January next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 29, 1823.

CHAPTER LXXXV.

AN ACT for the relief of James H. Martin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit court of the county of Humphreys, shall, on application, direct an issue to be made up in a certain case lately pending in said court, wherein James H. Martin was charged with bastardy at the instance of Elizabeth Miller, and judgment rendered thereon against him, to be tried by a jury, for the purpose of ascertaining the facts, upon the evidence produced to them, whether the said James H. Martin is guilty of the bastardy as charged against him by the said Elizabeth Miller; and if said jury shall, by their verdict, say that the defendant is not guilty, the said court shall remit the judgment heretofore rendered, and the said Martin shall be discharged from any further liability.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 29, 1823.

CHAPTER LXXXVI.

AN ACT to restore Adkins Powell to the rights and privileges of citizenship.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Adkins Powell, who

was rendered infamous by reason of a conviction of the crime of forgery, at the April term, one thousand eight hundred and twenty, of the circuit court of the county of Robertson, be, and he is hereby, restored to all the rights and privileges of citizenship, in all respects, as though said conviction had never taken place.

JAMES FENTRESS.

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 29, 1823.

CHAPTER LXXXVII.

AN ACT to incorporate the inhabitants of the town of Paris, in the county of Henry.

Paris incor-
porated, and
style.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Paris, in the county of Henry, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Paris, and shall have perpetual succession by their name of incorporation, may purchase and hold either real or personal estate, and dispose of the same for the benefit of said town, use a common seal, and possess all the powers, privileges and immunities incident to such corporations.

Powers dele-
gated to may-
or and alder-
men.

SEC. 2. *Be it enacted*, That the corporation afore-said shall have full power and authority to enact and pass such laws and ordinances, as may be proper to preserve the health of the town, prevent and remove nuisances, establish night watches and patrols, to ascertain, when necessary, the boundaries and location of streets, lots, and alleys, to establish new streets, lanes and alleys, with the consent of the proprietors of the lots or houses adjacent thereto, to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing or restraining theatrical or other public amusements within the town, to keep in repair the streets, to establish and regulate markets, to provide for the establishment of a fire company, to erect pumps on the public square, to convey water from the vicinity into town, to impose and appropriate fines, forfeitures and penalties for the breach of their by-laws, to lay and collect taxes for the purpose of carrying the necessary regulations into operation for the benefit of said town, to restrain and regulate

tipping-houses, and to pass all laws necessary to carry into effect the intent and meaning of this act: *Provided*, they are not inconsistent with the laws and constitution of this state.

SEC. 3. *Be it enacted*, That the laws of said corporation shall be in nowise obligatory upon the persons or property of nonresidents of said town, being citizens of this state, unless in case of intentional violation of by-laws previously promulgated: *Provided*, nevertheless, the property of such nonresidents shall be taxed as other property in said town.

Ordinances
obligatory on
whom.

SEC. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the by-laws 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 Henry, for the use of the town.

Penalties
how recover'd.

SEC. 5. *Be it enacted*, That the sheriff of Henry county shall open and hold an election at the court-house in the said town on the first Monday of January, one thousand eight hundred and twenty-four, and on the same day in each succeeding year, for the purpose of electing seven persons to serve as aldermen of the corporation of the said town, for one year commencing on the day of the election; and all persons owning a freehold in said town, and also all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said election for aldermen; and no person shall be eligible to the appointment of alderman, unless he be a citizen and freeholder of the town of Paris.

Election for
aldermen
how held.

SEC. 6. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes, at any election held as aforesaid, shall be taken to be duly elected; and the sheriff of said county shall, within two days thereafter, give to each of the seven aldermen elect, a certificate of his election; and it shall be the duty of the persons so elected, to meet at the court-house, on the Saturday next succeeding the day of their election, and any number not less than five shall be a quorum, and they shall then proceed to elect, by ballot, one of their own number to be mayor of said corporation for the term of one year; and whenever any mayor of said corporation may die, remove, or resign, another election shall take place, as before directed, to fill the vacancy until the next general election; and when any alderman shall die, remove, or resign, the vacancy shall be filled in like manner.

Aldermen e-
lect to meet
and appoint
mayor.

Mayor and Aldermen to take oath. SEC. 7. *Be it enacted*, That the mayor and aldermen of said town shall, before entering on the duties of their respective offices, take an oath before some justice of the peace for said county, faithfully, uprightly and honestly to demean themselves in their said respective offices, during the term of their continuance therein.

Constable chosen. SEC. 8. *Be it enacted*, That there shall be a town constable appointed by said corporation, who shall hold his office for one year, and give bond with security, and be liable, in all respects, as other constables appointed by the county courts now are.

Sheriff to collect taxes. SEC. 9. *Be it enacted*, That the sheriff of said county shall collect all taxes imposed by said corporation, and account for the same to the mayor, under the same penalties as are imposed on the collectors of public taxes by the existing laws.

Former laws repealed. SEC. 10. *Be it enacted*, That all laws, and parts of laws, coming within the perview and meaning of this act, be, and the same are hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 30, 1823.

CHAPTER LXXXVIII.

AN ACT to allow convenient places for holding elections for officers of the regiment of cavalry attached to the eighth brigade of Tennessee militia.

Whereas voters in the regiment of cavalry attached to the eighth brigade of Tennessee militia are put to much inconvenience in assembling at some place to vote for officers of said regiment: Therefore,

Officers where to vote. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall and may be lawful for the officers authorized to vote at said election, to vote at their respective court-houses in said brigade.

Election returns how made. SEC. 2. *Be it enacted*, That when said election shall be closed, it shall be the duty of the respective sheriffs or other returning officers, holding the same, forthwith to certify the result to the sheriff of the county to whom the writ of election originally issued, or to the sheriff who advertised said election; and it shall be the duty of the sheriff receiving the returns so certified, from the sheriff or officers holding the elections, without delay to make out and transmit full and

complete returns to the Governor, who shall thereupon issue a commission to the person or persons elected.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 3, 1823.

CHAPTER LXXXIX.

AN ACT to establish an Academy in the county of M'Minn.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Sloan, Floyd M'Gonnical, Lewis Bailey, Samuel M'Connell, Henry Bradford, A. P. Fore, Robert H. Patton, William L. Taylor, John Pickens, Samuel Dickey, and William Weaver, shall be, and they are hereby constituted and appointed a body politic and corporate, to be known by the name of the Trustees of the Hiwassee Academy, in the vicinity of Columbus, in the county of M'Minn. Hiwassee academy established: trustees appointed.

SEC. 2. *Be it enacted*, That the trustees of said academy, and their successors by the name aforesaid shall have, possess and enjoy, the same powers, privileges and authorities, and be under the same rules and restrictions, as are prescribed in the second, third, fourth, fifth, sixth, and seventh sections of an act, entitled "An act to establish academies in the several counties in this state, and for the appointment of trustees thereof," passed September thirteenth, one thousand eight hundred and six: *Provided*, that said corporation shall not continue longer than twenty years, and be at all times, and all respects, subject to the laws imposed on it by the General Assembly of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1823.

CHAPTER XC.

AN ACT for the relief of Derinder Stone.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Derinder Stone, of Maury county, wife of Lemuel Stone, be, and she is

hereby, authorized and enabled to hold property by descent or otherwise, in her own name, as a *feme sole*; and the property so hereafter to be passed or acquired by her, shall be free from the contracts of the said Lemuel Stone, and from all liability for the payment of the debts of the said Lemuel Stone, any law, usage or custom to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1823.

CHAPTER XCI.

AN ACT for the benefit of Daniel Huff and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel Huff, John Overton, James Overton, Edward Reilly, shall jointly have and be entitled to all the benefits of an act passed at the present session of this General Assembly, entitled "An act to amend an act for the benefit of the owners of salt works," passed August twenty-second, one thousand eight hundred and twenty-two, and shall exhibit their petition as contemplated by the provisions of said act, and the act which it is intended to amend, to the court of Pleas and Quarter-Sessions of Claiborne county in this state, who shall have full cognizance of the same as though their salt works were within the limits of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate,

October 6, 1823.

CHAPTER XCII.

AN ACT to amend an act, entitled "An act authorizing Mary Humphreys to be appointed guardian of her husband Jesse Humphreys."

Need not
give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the before-recited act as requires the said Mary Humphreys to give bond and security for the guardianship of her said husband, be, and the same is hereby, repealed; and that the county court of Carter county are hereby authorized and required to appoint said Mary Hum-

phreys, guardian, as pointed out in the before-recited act, with the above exception.

SEC. 2. *Be it enacted*, That it shall be the duty of said court, on it being made to appear to them that said Mary Humphreys is squandering or wasting the estate of her said husband, to require of her, bond and security agreeably to the provisions of the before-recited act; and in case she fail or refuse to give such security, to remove her from said guardianship, and appoint some other person in her stead.

SEC. 3. *Be it enacted*, That the said Mary Humphreys be, and is hereby, authorized to contract and be contracted with, as a *feme sole*, in all matters relating to the stock or produce of the farm of her said husband.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 7, 1823.

CHAPTER XCIII.

AN ACT authorizing John Potter to erect a mill and make a mill dam across the south sluice of French-Broad river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Potter be, and he is hereby, authorized to build a mill and make a mill dam across the south sluice of French-Broad river, in Jefferson county, opposite to Hamston's large island.

SEC. 2. *Be it enacted*, That said mill dam shall extend from the southern bank to a small island in said sluice.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 8, 1823.

CHAPTER XCIV.

AN ACT for the relief of Elizabeth Williams.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elizabeth Williams, wife of Nicholas Williams, 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 con-

tracted 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.

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

October 8, 1823.

CHAPTER XCV.

AN ACT to lay off and establish a Town near Tollet's mill, in Bledsoe county.

Town to be
laid off.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners hereinafter named, be, and they are hereby, authorized to lay off and establish a town near, or within half a mile of, Tollet's mill, in the county of Bledsoe, to consist of not more than twenty lots, with suitable streets and alleys.

Commission-
ers appoint-
ed—own
nam'd Iredill

SEC. 2. *Be it enacted*, That Charles Therrel, Thomas C. Pile, and George Vaughn, be appointed commissioners to lay off and establish said town; and that said town, when so laid off and established, shall be known by the name of Iredill, and the lots subject to the same taxation that other town lots are by law in this state: *Provided*, said lots shall not be subject to taxation until sold.

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

October 8, 1823.

CHAPTER XCVI.

AN ACT to establish a new County west of Hardin county.

M'Nairy c'ty
established,
and bounda-
ries.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a county, to be called and known by the name of M'Nairy, be, and the same is hereby 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 one 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 ninth

district; thence south, parallel with said range line, to the south boundary of this state; thence east, on said boundary, to the beginning.

SEC. 2. *Be it enacted*, That for the due administration of justice for said county, the courts of Pleas and Quarter-Sessions and circuit courts of said county shall be held at the house of Abel V. Maury, near the centre of said county, until otherwise provided for by law, viz: The courts of Pleas and Quarter-Sessions, on the second Mondays in January, April, July and October, and the succeeding days, and the circuit courts on the third Mondays in May and November, and the succeeding days, in each and every year, under the same rules, regulations and restrictions, and to have and exercise the same powers and jurisdiction, that other courts of judicature of like grades in this state now or hereafter may have.

SEC. 3. *Be it enacted*, That the sheriff of said county shall open and hold an election on the first Friday and Saturday in April next, at the place of holding courts for said county, for the purpose of electing field officers for the militia of said county, under the same rules, regulations and restrictions as are pointed out by law in similar cases; and the militia of said county shall compose the eightieth regiment of Tennessee militia, and be attached to the eleventh brigade.

SEC. 4. *Be it enacted*, That it shall be the duty of the commandant of said regiment, having been first commissioned and sworn according to law, to divide his regiment into such number of companies as he shall think best for the convenience of said companies; and it shall further be the duty of said commandant, to issue writs of election for company officers according to law, as provided for in other cases of elections for captain and subaltern officers.

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

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

October 8, 1823.

CHAPTER XCVII.

AN ACT for the relief of Jane Jones, of Sumner county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, Jane Jones, wife of William Jones, be able to

have and hold property by descent or otherwise, in her own name, to sue and be sued, and in all respects to act and manage for herself, as a *feme sole*, except that of intermarrying with another man; and the property so hereafter to be possessed or acquired, to be free from all liability for the payment of the debts of the said William Jones, any law, usage or custom to the contrary notwithstanding.

Construction. SEC. 2. *Be it enacted*, That nothing in this act contained, shall be so construed as to bar her petition for a divorce now pending in the circuit court of Sumner county.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 8, 1823.

CHAPTER XCVIII.

AN ACT to alter the place of holding a precinct election therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the precinct election heretofore held at the house of Henry Hyde, in the county of Robertson, be hereafter holden at the house of Thomas Williams, in said county, under the same rules and regulations as heretofore pointed out by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 8, 1823.

CHAPTER XCIX.

AN ACT to provide for the building of a Jail in Humphreys county.

County trustee to pay over money collected. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of Humphreys county shall pay over to the commissioners hereafter mentioned, all moneys in his hands collected from the sale of the lots in the town of Reynoldsburg, for the purpose hereinafter named.

Court to lay tax. SEC. 2. *Be it enacted*, That the county court of Humphreys, a majority of the justices being present, may appoint commissioners to build a public jail, and may impose a tax on said county, which they may deem sufficient, with the moneys in the hands of the treasurer for said county, for that purpose.

SEC. 3. *Be it enacted*, That the aforesaid commissioners are hereby authorized and required to purchase a suitable lot in the town of Reynoldsburg, for the purpose of erecting said jail.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1823.

CHAPTER C.

AN ACT for the relief of Spencer E. Gibson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spencer E. Gibson shall and may commence his turnpike road at the foot of Wolf Hill, instead of Martha Dilliard's, and open his road from the foot of said Hill to the North-Carolina line, as contemplated by the act of assembly, passed in the year one thousand eight hundred and nineteen, authorizing said Gibson to open and establish a turnpike road.

SEC. 2. *Be it enacted*, That so much of said act of one thousand eight hundred and nineteen, as shall come within the purview and meaning of the above section of this act, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1823.

CHAPTER CI.

AN ACT to alter the times of holding the County Courts of Smith county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of Smith county shall be holden on the fourth Mondays in February, May, August, and November.

SEC. 2. *Be it enacted*, That this act shall take effect from and after the passage thereof; and that all laws, and parts of laws, coming within the meaning and purview of this act, the same is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 10, 1823.

CHAPTER CII.

AN ACT to authorize the drawing of a Lottery for the erection of a Hospital in the town of Nashville.

Lottery au-
thorized, and
managers
appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Boyd M'Nary, Felix Robertson, James Overton, and James Roane, are hereby constituted managers, and authorized to draft the scheme of a lottery, and superintend the drawing of the same, in any manner they may think most advisable, for the purpose of raising a sum of money not exceeding ten thousand dollars, to be employed in erecting, in the town of Nashville, or its vicinity, a building to be used under the direction of said managers, as a hospital for the reception of indigent sick persons, and for such other purposes connected with the healing art, and the needs of afflicted humanity, as from time to time the aforesaid managers, or a majority of them, may find it necessary and expedient to direct.

Managers to
give bond.

SEC. 2. *Be it enacted, That* the said managers, or a majority of them, before they proceed with said lottery, shall enter into bond, with good security, to the chairman of Davidson county court, in double the whole amount of capital in said scheme, for the faithful payment of the prizes when drawn; or in case of failure to draw said lottery, for the repayment of such persons as shall have purchased tickets in said scheme, of the amount of money by them paid for said tickets, without interest; and which bond, when executed, shall be filed with the clerk of said court, and remain in force for two years after the termination of the drawing as aforesaid.

Clerks ap-
pointed.
Their oath.

SEC. 3. *Be it enacted, That* said managers, or a majority of them, when about to proceed to the drawing of said lottery, shall, in the presence of two justices of the peace for the county aforesaid, put into the box the numbers, prizes, and blanks, contemplated by said scheme; and shall appoint two clerks to keep a regular account of numbers drawn, and of the blanks and prizes; and who shall, before they enter on said duty, take an oath, truly, faithfully and impartially to keep said account of the drawing as aforesaid.

Managers to
sell tickets.

SEC. 4. *Be it enacted, That* said managers, or a majority of them, shall have power to make sale of tickets; to take bonds of such persons as they may sell tickets to, or from such persons as they may deposit tickets with for sale; and in case of a failure to comply with the terms of said bonds, or contracts, the

said managers, or a majority of them, are hereby authorized to sue for, and recover, on said contracts, in their names as managers of the said lottery, in any court having cognizance thereof within the state of Tennessee.

SEC. 5. *Be it enacted, That* said managers, or a majority of them, shall have power to assign to said building, such appellation as they may seem most compatible with its object; and should it seem advisable, at any time, to connect it with any other public institution, they may do so, upon such conditions as a majority of said managers may deem best calculated to advance the objects of its erection.

Name to be
assigned to
the building,
and appro-
priated.

SEC. 6. *Be it enacted, That* in case of the death, resignation, or refusal to serve, of any of the above-named managers, the remainder of said managers shall have power, by a majority of their votes, to elect another fit person, or persons, to serve in his or their stead; and said managers, or a majority of them, shall have power to elect one or more fit persons, as members of their body, who, when so elected, shall have vested in them, in consequence of such election, equal power with that hereby granted to the individual managers already mentioned in this act: and said managers, or a majority of them, or their successors forever, shall have the entire control and management of said building; and make and enforce such rules for its operations and government, not inconsistent with this act and the laws of the state, as they, or a majority of them, from time to time may find expedient for the advancement of its interests.

Vacancies
how filled, &
powers dele-
gated.

SEC. 7. *Be it enacted, That* in case the above-named managers, after having begun his or their duty as manager of the lottery aforesaid, should find it necessary to retire from the further execution of his or their office, it shall be lawful for him or them so declining further to act, to notify those acting with him or them as managers, of his or their intention so to decline; and upon his or their exhibiting to any two magistrates of the county of Davidson, a statement of his or their actings and doings as managers aforesaid, and obtaining their certificate that his or their accounts are correct, and paying over to the remaining managers such sums of money as the aforesaid justices shall award; then, and in that case, he, or they shall be exempt from further responsibility on account of his or their bond for the execution of his or their office as managers aforesaid, above specified in this act: and the remainder of said managers

Proceedings
on resignation
of a manager.

shall have power to fill his or their vacancy, by a vote of a majority of its members, who shall still continue to serve; and the manager or managers so elected, shall give bond and security for the execution of his or their office, in the manner already specified in this act, before he shall enter upon the duties thereof.

Take effect. SEC. 8. *Be it enacted*, That this act shall commence and be in force from and after the passage thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 15, 1823.

CHAPTER CIII.

AN ACT to legalize the names of the persons therein mentioned.

Whereas it doth appear to this General Assembly that Lawson Goodwin, of Carter county, has been long known by that name, and has acquired land and other estate by that name, when his proper name was Lawson Dugger: Wherefore,

Lawson
Goodwin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That his name be, and is hereby, established Lawson Goodwin; and all contracts made, and deeds of conveyance made to, or by, the said Lawson Goodwin (alias Lawson Dugger,) shall be as good and valid in law, as if they had been made in his proper name.

Wm H. Wells

SEC. 2. *Be it enacted*, That an act passed at Murfreesborough on the twenty-third of August, one thousand eight hundred and twenty-two, entitled "An act to make legitimate the persons therein named," be amended so as to read William Henry Wells, instead of Henry Wells.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 15, 1823.

CHAPTER CIV.

AN ACT for the benefit of Patsey Sleeker.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Patsey Sleeker, wife of George Sleeker, of Williamson county, be, and she is hereby, authorized to sue and be sued, contract and be contracted with, in her own name and in her own behalf, and that she have full power and

authority to sell, dispose of, and convey, all or any part of such property or estate, as she may hereafter acquire, by her own industry, by inheritance, gift, or otherwise, and to hold, use and enjoy the same, in as free and ample a manner as if she had never been married to the said George Sleeker, and that she be confirmed in all the privileges of a *feme sola*, except that of intermarrying with another man during the natural life of the said George Sleeker.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1823.

CHAPTER CV.

AN ACT to appoint commissioners for the town of Centreville, in Hickman county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Edward Nunnely, James Young, Jonathan J. Stanfield, Robert Anderson, and Eli Hornbeck, be, and they are hereby, appointed permanent commissioners for the town of Centreville, Hickman county, who are hereby authorized, and required, to sell and dispose of the balance of the lots in the town of Centreville, not yet disposed of, at public sale, on a credit of twelve months, giving due notice thereof in some newspaper printed in the town of Columbia, and Nashville, and shall take bond with sufficient security from the purchasers of said lots, payable to themselves and successors in office, and shall make a title in fee simple to the respective purchasers of said lots; and said commissioners are hereby authorized and required to make deeds of conveyance to the purchasers of lots heretofore sold in the town of Centreville, by Edward Nunnely, James Young, Jonathan J. Stanfield, Robert Anderson, and Eli B. Hornbeck, and such deeds, when made, shall communicate to the respective purchasers an estate in fee simple.

SEC. 2. *Be it enacted*, That the proceeds of the sales of said lots shall be a fund in the hands of said commissioners, for paying for the building of a court-house, prison and stocks.

SEC. 3. *Be it enacted*, That said commissioners shall let and superintend the building of said court-house, prison and stocks, and shall let the said buildings to the lowest bidder, advertising the same sixty

days previous to the letting of the same, in some newspaper printed in the town of Columbia, and Nashville, setting forth the dimensions of which they shall consist, and the materials of which they shall be built, and shall take bond with sufficient security from the person or persons to whom the said buildings are let, in double the sum let for, conditioned for the faithful performance of his or their contract, and should not the moneys accruing from the sales of said lots, be sufficient to defray the expenses of building said court-house, prison and stocks, the county court of Hickman county may, at their discretion, levy a sufficient sum therefor, by taxation, in the same way that the state and county taxes are levied in said county, and at their discretion appropriate any public moneys of which they may have the control and disposition, a majority of the acting justices of peace of said county being present.

Comm'rs to
take oath.

SEC. 4. *Be it enacted*, That said commissioners, and each of them, who have not heretofore given bond and security according to the requisitions of an act of the General Assembly, passed the eighteenth day of November, one thousand eight hundred and nineteen, and such of said commissioners as shall not have taken an oath faithfully and impartially to demean themselves, as commissioners for the town of Centreville to the best of their ability, shall give such bond and security, and take such oath of office, before entering upon the duty of a commissioner; and that a majority of said commissioners shall in all cases constitute a quorum to do business, and their acts when done shall be to all intents and purposes the acts of the whole commissioners.

Courts to be
held at Cen-
treville.

SEC. 5. *Be it enacted*, That the county and circuit courts for the county of Hickman, shall in future be held at the town of Centreville.

Former laws
repealed.

SEC. 6. *Be it enacted*, That all laws and parts of laws heretofore made, appointing commissioners in the county of Hickman, for the ascertaining and locating of towns in said county, and selling the lots thereof, and for other purposes, so far as they relate to the appointment of said commissioners, be, and the same is hereby repealed; and that all laws and parts of laws coming within the perview and meaning of this act, be, and the same are hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 15, 1823.

CHAPTER CVI.

AN ACT prescribing certain duties to the Sheriff and Ranger of Robertson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff and ranger of Robertson county may hereafter advertise lands for sale under execution, and estrays, in some newspaper printed in Nashville.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 15, 1823.

CHAPTER CVII.

AN ACT for the relief of William Kenney.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the principal surveyor of the ninth district, to admit William Kenney to enter a twenty-five acre land warrant, and receive a grant for the same. *Provided*, the said William Kenney enter his warrant on any vacant and unappropriated land within said ninth district, any law to the contrary notwithstanding: *Provided*, said warrant be a good and valid one, and authorized by law to be located in that section of country.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 15, 1823.

CHAPTER CVIII.

AN ACT to establish two new Counties west of Tennessee river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a county heretofore laid off south of Madison county, beginning at 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 tenth 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 ninth and tenth surveyors' districts; thence north to the Madison county line; thence west with the same, to the begin-

Hardeman
county esta-
blished.

ning; be, and the same is hereby established, to be called and known by the name of Hardeman county.

Courts when
and where
held.

SEC. 2. *Be it enacted*, That for the due administration of justice in the said county of Hardeman, the circuit court, and court of Pleas and Quarter Sessions, for said county, shall be held at the house of Thomas M'Neil, at the following times, to wit: the court of Pleas and Quarter Sessions, in said county, on the third Mondays in November, February, May, and August, in each and every year; and the circuit court, in said county, on the first Mondays in May and November, in each and every year; at which place and times 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 are now possessed by the said courts respectively in other counties of this state.

Field officers
of militia
how elected.

SEC. 3. *Be it enacted*, That the sheriff of the said county of Hardeman shall hold an election at the house of Thomas M'Neil, the place of holding courts in said county, on the second Thursday and succeeding day in February, for the purpose of electing field officers of the militia for said county, under the same rules, regulations, and restrictions, as are pointed out by law in similar cases; and the militia of the said county of Hardeman shall compose the eighty-first regiment, and shall be attached to the — brigade.

Company of
officers.

SEC. 4. *Be it enacted*, That it shall be the duty of the commandant of the said eighty-first regiment, having first been commissioned, and sworn according to law, to divide his regiment into such number of companies as he shall think best for the convenience of said companies; and it shall be the duty of said commandant, to issue writs of election for company officers according to law.

Takes effect.

SEC. 5. *Be it enacted*, That this act shall go into effect from and after the passage thereof.

Dyer county
established,
and bound-
aries.

SEC. 6. *Be it enacted*, That a new county, to be called and known by the name of Dyer county, be and the same is hereby established, on the west side of the Tennessee river, and shall be bounded as follows, to wit: beginning at the north-west corner of the first county west of Carroll county, running thence south with the first range line, to the south boundary of the thirteenth district; thence west to the district line, to the western boundary of this state; thence on said western boundary, to the fifth sectional

line; thence east with the said line, to the beginning.

SEC. 7. *Be it enacted*, That for the due administration of justice, the courts of Pleas and Quarter Sessions shall be held at the house of John Warrens, in said county, on the fourth Mondays in December, March, June, and September; the circuit courts shall be held at the same place, on the first Mondays of June and December, until otherwise provided for by law.

Courts when
and where
held.

SEC. 8. *Be it enacted*, That it shall be the duty of the sheriff of said county, on the first Thursday and Friday of February next, to open and hold an election for field officers in the regiment of militia in said county, which shall compose the — regiment and be attached to the — brigade, and said election shall be held under the same rules and regulations as are by law provided in similar cases.

Militia off-
cers how and
when elect'd

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

October 16, 1823.

CHAPTER CIX.

AN ACT to appoint additional Commissioners for the town of Rutledge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Brown, and Warham Easley, be, and they are hereby, appointed additional commissioners for the town of Rutledge, in the county of Grainger; and the said John Brown, and Warham Easley, are hereby vested with all the privileges, powers and authorities, that the commissioners heretofore appointed by law for said town possess.

JAMES FENTRESS,

Speaker of the House of Representatives

R. WEAKLEY,

Speaker of the Senate.

October 16, 1823.

CHAPTER CX.

AN ACT for the relief of Mary S. Hooper.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mary S. Hooper, of the county of Perry, shall be, and is hereby, enabled

Privileges of
feme sole

to sue and be sued, to 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.

Not to ex- S. c. 2. *Be it enacted*, That nothing in this act clude remar- contained, shall be so construed as to prevent the said dy by divorce Mary from petitioning for a divorce agreeably to the laws now in existence on that subject.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1823.

CHAPTER CXI.

AN ACT to establish a new County west of Carroll county.

Gibson county established, and boundaries.

SECTION 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 Gibson county, in honor of, and to perpetuate the memory of Col. John H. Gibson, shall be, and is hereby, established, west of Carroll county; 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 thirteenth district; thence north, to the fifth sectional line; thence west on said sectional line, to the fifth range line; thence south with the said range line, to a point two and a half miles south of the line separating the tenth and thirteenth 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.

courts where held.

SEC. 2. *Be it enacted*, That for the due administration of justice, the courts of Pleas and Quarter-Sessions, and circuit courts, for said county, until otherwise provided for by law, shall be holden at the house of Luke Biggs, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdiction, as are, or shall hereafter be, prescribed for the several counties in this state.

Field officers of militia how elected.

SEC. 3. *Be it enacted*, That it shall be the duty of the sheriff of said county of Gibson, to hold an election at the place of holding courts in said county, on the third Thursday and Friday in January next, for the purpose of electing field officers for said county, which shall be conducted under the same rules and

regulations as are prescribed by law in similar cases; and the militia of said county shall compose the — regiment, and be attached to the — brigade.

SEC. 4. *Be it enacted*, That the election for company officers for said county, shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said elections shall be held on the third Monday in February next, under the same rules, regulations and restrictions, as are prescribed in like cases.

Company officers.

SEC. 5. *Be it enacted*, That the sheriff of said county, on the days prescribed by law, shall hold an election at the place of holding court, for the purpose of electing a Governor, members of the State Legislature, members to Congress, and electors to vote for a President and Vice-President of the United States, under the same rules and regulations as prescribed by law.

General elections.

SEC. 6. *Be it enacted*, That a majority of the justices of the peace for said county shall have power to adjourn said court to any other place within said county, that would better suit their convenience.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1823.

CHAPTER CXII.

AN ACT to establish a new County west of Henry county.

SECTION 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 Weakley county, shall be, and is hereby, established west of Henry county; 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 two, fractional section ten, in the thirteenth district; thence south to the fourth sectional line in said district, running parallel with the range line; thence east with the fourth sectional line, to the second range line in the twelfth surveyor's district; thence north with said range line, to the beginning.

Weakley county established, and boundaries.

SEC. 2. *Be it enacted*, That for the due administration of justice, the court of Pleas and Quarter-Sessions held, and circuit courts of said county, until otherwise provided for by law, shall be holden at the house of

courts where held.

John Tyrrell, under the same regulations and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall hereafter be prescribed for the several counties in this state.

Field officers
of militia
now elected.

SEC. 3. *Be it enacted*, That it shall be the duty of the sheriff of said county to hold an election at the place of holding courts in said county, on the first Thursday and Friday in February next, for the purpose of electing field officers for said county, which shall be conducted under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county shall compose the — regiment, and be attached to the — brigade.

Company of
ficers.

SEC. 4. *Be it enacted*, That the election of company officers for said county shall be held at such places as the commandant of the militia of said county may think proper to appoint, which said election shall be held on the — Monday in — next, under the same rules, regulations and restrictions as are prescribed in like cases.

General e
lections.

SEC. 5. *Be it enacted*, That the sheriff of said county, in the days prescribed by law, shall hold an election at the place of holding court, for the purpose of electing a Governor, members of the State Legislature, members of Congress, and electors to elect a President and Vice-President of the United States, under the same rules and regulations as are prescribed by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1823.

CHAPTER CXIII.

AN ACT for the benefit of Samuel S. Holding.

Managers of
lottery ap-
pointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Bright, Francis Porterfield, and Robert H. McEwin, are hereby appointed trustees for the purpose of accepting of a conveyance of certain personal estate of the said Samuel S. Holding, and for the purpose of conducting and managing a lottery for the benefit of the creditors of the said Holding.

Their pow'rs

SEC. 2. *Be it enacted*, That the aforesaid trustees shall have power, and possess all the privileges, and be governed by the same rules, regulations and restrictions, that the trustees appointed for the drawing

of a lottery for the relief of Perry Cohea were, passed at Murfreesborough, August the nineteenth, one thousand eight hundred and twenty-two.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXIV.

AN ACT for the establishment of a new County in the north west corner of this State.

SECTION 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 Obion county, be, and is hereby, established, and shall be bounded as follows: beginning on the north-west corner of a county already laid off west of Henry county, running thence south with the west line of said bounds, to the fifth sectional line in the thirteenth 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.

SEC. 2. *Be it enacted*, That for the due administration of justice, the courts of Pleas and Quarter-Sessions, and circuit courts, for said county, shall be held at the house of William M. Wilson.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXV.

AN ACT to appoint certain persons therein named commissioners of a road to be opened by the Smoky Mountain Turnpike Company.

Whereas, William Cate, one of the commissioners of said road, as heretofore appointed by the General Assembly, has removed from that part of the country where said company resides: Wherefore, for remedy whereof,

SECTION 1. *Be it enacted [by the General Assembly of the State of Tennessee]* That John Hoak be, and is hereby is, appointed a commissioner of said road, instead of Wm. Cate.

in the room and stead of said William Cate, with all the rights, powers, privileges and emoluments of any other commissioner belonging to said company.

And whereas also, Robert H. Rogers, one of said commissioners has for a long time past been in so bad a state of health as to be altogether unable to perform the duties of a commissioner: Wherefore, for remedy whereof,

Instead of
Robert H.
Rogers.

SEC. 8. *Be it enacted*, That Samuel Henderson be, and he hereby is, appointed a commissioner, in the room and stead of the said Robert, to exercise and perform all the duties, rights, powers, privileges and emoluments of any other commissioner of said road, until the said Robert H. Rogers shall report himself to the said commissioners, able to attend to the duties and business of a commissioner of said road; and that so soon as the said Robert shall make the said report, he shall be restored to all the rights, powers and privileges to be enjoyed by any other commissioner, and the rights, duties, powers, privileges and emoluments of the said Samuel shall cease.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 23, 1823.

CHAPTER CXVI.

AN ACT for the relief of John Carter.

Whereas it is made appear to this General Assembly, that John Carter, of Green county, purchased from a certain Benjamin Gest, two hundred acres, part of a tract of land containing four hundred acres, granted by the state of North-Carolina, by patent, grant number two hundred and seventy, which grant was interfered with by grant number one hundred and two, in consequence of which interference the said John Carter lost one hundred and fifty-six acres, for which he filed his claim with the commissioners of West Tennessee, and by reason of omitting to file the deed of conveyance made to him by the grantee, Benjamin Gest, the commissioners issued the certificate of one hundred and fifty six acres for the aforesaid interference, to the grantee Benjamin Gest; by reason whereof, and forasmuch as the said Benjamin Gest, after conveying to the said John Carter, departed this life intestate, the said John

Carter is wholly deprived of the benefit of said certificate: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby made the duty of the Secretary of State, upon production of said certificate of one hundred and fifty-six acres, issued as aforesaid to Benjamin Gest, together with the conveyance, or a certified copy thereof, made to the said John Carter, to correct the certificate issued to the said Benjamin Gest, and issue to John Carter a certificate for the like quantity of acres: *Provided*, nothing in this act contained, shall in anywise be so construed as to effect the legal or equitable right of the heirs, or the representatives of the said Benjamin Gest, in and to said warrant, should they hereafter claim the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXVII.

AN ACT for the relief of Thomas Gray, sheriff of Henry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the treasurer of West Tennessee, to give Thomas Gray, sheriff of Henry county, a credit in the settlement of the state tax, for the year one thousand eight hundred and twenty-two, for the sum of three hundred thirty-one dollars and fifty-two cents, which sum the said sheriff overpaid the aforesaid treasurer, in the settlement of the state tax, due from the county aforesaid for the year one thousand eight hundred and twenty-one, owing to his not having obtained or produced to the said treasurer his release, made by the county court of Henry, for the aforesaid amount of the state tax, which said sheriff was bound to collect for the year one thousand eight hundred and twenty one; and the production of this act shall be good with the treasurer in the settlement of his accounts, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXVIII.

AN ACT for the relief of Stanwix Hord and others, purchasers, or assignees of purchasers, at the Hiwassee land sales.

Whereas, John Hildebrand, Taloluskee, and Columbuskee, instituted suits in the circuit court of Knox county, against the persons for whose relief this act is intended, claiming certain lands which had been purchased by said Hord and others, at the Hiwassee land sales, as reservations under the late treaties between the Cherokee tribe of Indians and the United States; and whereas said purchasers are desirous of accommodating said suits by compromise: Therefore,

Sam'l M'Connell to make compromise.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel M'Connell be appointed to make said compromise in behalf of said purchasers: *Provided always*, that said compromise shall not be made on such terms as shall prevent the state from receiving at least two dollars per acre for the land: *And provided also*, that she shall not be bound to refund any money that has been heretofore paid into the treasury of the state.

Commissioners to approve or reject.

SEC. 2. *Be it enacted*, That John Williams, Matthew Nelson, and William C. Minatt, be, and the same are hereby, appointed commissioners in behalf of the state, to examine and consider said compromise, if the same shall be effected; and if said compromise should be by them deemed just and equitable between the state and the individuals concerned, the said commissioners are hereby required to sign and seal said agreement of compromise, which shall be binding as well upon the state as said purchasers, or their assignees.

Provisions in case of failure to compromise.

SEC. 3. *Be it enacted*, That if said commissioner should fail to make such compromise, on such failure being certified by him to the treasurer of East Tennessee, it shall be the duty of said treasurer, and he is hereby required, to issue to such purchasers, or either of them, a certificate for as much land as the amount of money he or they have paid into the treasury on the original purchase, at fifty cents per acre; and the surveyor of the Hiwassee district is hereby required to survey and lay off the same to him or them: *Provided*, that they are hereby prohibited from selecting any of the islands in said district, whether occupied or not; nor shall they select any other lands in said district, on which any person may be settled, without the consent of such settler: *And provided also*, that the lands selected shall be surveyed according to the original sectional lines.

SEC. 4. *Be it enacted*, That so soon as the above-named lawsuits, now pending on said reservations, shall be decided, in case they should be determined in favor of the purchaser or purchasers, that then it shall be the duty of said purchasers, within three months thereafter, to pay into the treasury of East Tennessee, the whole amount of the purchase money for said land, as aforesaid, to be surveyed and laid off to him under the provisions of this act, or forfeit the same to the state.

SEC. 5. *Be it enacted*, That if the aforesaid purchasers, who are claiming under the state, shall lose said suits, and by the final determination of said courts, the title of the reservee shall prevail, then the moneys which have been heretofore paid by said purchasers, shall be applied to the payment of the purchase money of the aforesaid land, herein above directed to be surveyed and laid off for said purchasers, and they shall be entitled to receive a grant, or grants, for the same: *Provided always*, that nothing in this act contained shall be so construed, as to render the aforesaid purchasers liable for the costs of said suits, or any damages they may sustain, touching the premises.

SEC. 6. *Be it enacted*, That if the above-mentioned suits be not compromised agreeably to the provisions in this act, the purchasers of said lands shall not be required to make any further payments for the same, until after said suits shall be finally tried and determined.

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

October 24, 1823.

CHAPTER CXIX.

AN ACT for the relief of David Gee.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of West Tennessee be, and he is hereby, authorized and required to issue to David Gee, a grant for one hundred and sixty acres of land, according to the metes and bounds prescribed to said Gee, in a deed of conveyance made by Peter Edwards to said Gee, under date July twelfth, one thousand eight hundred, and registered in Williamson county, which said one hundred and sixty acres being part of a six hundred and

forty acre tract heretofore entered in the name of the heirs of Jacob Skeeter, by virtue of a warrant issued by the state of North Carolina, on the sixteenth day of August, seventeen hundred and eighty-five, to Joseph Skeeter; the said entry having been made by mistake, in the name of the heirs of Jacob Skeeter, instead of the heirs of Joseph Skeeter.

Not to affect
the rights of
others.

SEC. 2. *Be it enacted*, That nothing in this act contained shall defeat the right, title, interest, or claim, of the said heirs of Jacob Skeeter, if such persons exist, or the right, title, or interest of any person or persons claiming by, through, or under them, or any of them, but they shall in all respects be secured in their rights, should they hereafter appear, notwithstanding the issuance of said grant to said David Gee.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXX.

AN ACT to repeal a part of the second section of an act, entitled "An act to authorize Alfred M. Carter and James P. Taylor, of Carter county, and Adam Boyd, of Sullivan county, to keep up their mill dams on Watuga and Holston rivers," passed at Murfreesborough, July 3d, 1820.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That that part of the second section of the above-mentioned act, which requires the said Adam Boyd to remove the obstructions from the other sluice of the river, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

CHAPTER CXXI.

AN ACT for the relief of the citizens of the town of Reynoldsburg.

Whereas it is represented to this General Assembly, that a number of the citizens of the town of Reynoldsburg have made considerable improvements in said town, and through mistake in the original survey of said town, a number of their buildings have

been found, by a late survey, to be in part either on the public square, or in the streets: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William W. Mallory, Alexander M'Clure, John Thompson, James Rutherford, and James R. M'Means, are hereby appointed commissioners, to alter said streets, alleys and public square, in such manner as to them may seem most proper, so as not to injure any private property, or houses, that have been built through mistake, in said streets, alleys, or public square; and when so altered, they shall have full power to extend all lots that were intended to adjoin said streets, alleys, or public square, so as to adjoin the streets, alleys, and public square, so altered; and when so extended, the former commissioners who sold said lots, shall convey each part of the lot so extended, to the rightful owner, or owners thereof.

Commissioners to alter streets, alleys and squares.

SEC. 2. *Be it enacted*, [That] should any of the aforesaid commissioners fail or refuse to serve, the county court are hereby authorized to fill such vacancy.

Vacancies how filled.

SEC. 3. *Be it enacted*, That the aforesaid commissioners, before they proceed to such business, shall take an oath faithfully and impartially to discharge the duties required of them.

Commissioners to take oath.

SEC. 4. *Be it enacted*, That the county court, a majority of the acting justices of the peace being present, shall make such payment to said commissioners and surveyor so employed, as to them may appear proper and reasonable.

Their compensation.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 25, 1823.

CHAPTER CXXII.

AN ACT for the benefit of Eli Boykin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Eli Boykin, of Hawkins county, be, and he is hereby, authorized to keep up his mill and dam on the west sluice of Holston river, opposite to Cobbs's islands, agreeably to an order of the court of Hawkins county, authorizing him to build said mill.

mill dam.