

Sluice not to
be turned.

SEC. 2. *Be it enacted*, That it shall not be lawful for any person or persons, or company, under any pretence whatever, to stop the water, or turn the same from said mill or sluice.

Penalty.

SEC. 3. *Be it enacted*, That if any person or persons, or company, shall turn, or obstruct, the water contrary to the intent and meaning of this act, they shall forfeit and pay the sum of one hundred dollars to the person injured, to be recovered by action of debt, before any tribunal having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1823.

CHAPTER CXXIII.

AN ACT, for the relief of James A. Turnly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James A. Turnly, of the county of M'Minn, be allowed the further time of nine months to procure a survey to be made of an entry in the fifth surveyor's district, of three acres of land, lying in Jefferson county, and to procure the issuing of a grant thereon, agreeably to the laws in use and force in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 27, 1823.

CHAPTER CXXIV.

AN ACT to establish and make it lawful to keep open the road leading from Benjamin Hill's to John Rains's, across Cumberland mountain.

Road of second class.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the road leading from Benjamin Hill's to John Rains's, across Cumberland mountain, be, and the same is hereby, established as a road of the second class, agreeably to the laws heretofore in such cases made, and provided for.

Hands to be assigned by county court

SEC. 2. *Be it enacted*, That it shall be the duty of the county courts of Bledsoe and Warren counties, to appoint an overseer or overseers, and allot to him or them a sufficient number of hands to keep up said

road, in the way contemplated by this act: *Provided*, that a majority of said courts shall deem such appointment to be necessary.

SEC. 3. *Be it enacted*, That after the passage of this act, should any person or persons fall trees in, or obstruct said road in any way whatever, he, they, or them shall forfeit and pay a sum not less than fifty dollars, nor more than one hundred dollars, for each offence, so committed, before any court of Pleas and Quarter-Sessions, or circuit court, to be holden in the counties of Bledsoe and Warren.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 28, 1823.

CHAPTER CXXV.

AN ACT for the relief of the heirs of John Sommers, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby, directed to issue to the heirs of Captain John Sommers, deceased, a duplicate warrant for three thousand eight hundred and forty acres: *Provided*, it shall be made appear to said secretary, that warrant number three hundred and forty-nine, issued to Captain John Sommers, for three thousand eight hundred and forty acres, dated twenty-seventh November, one thousand seven hundred and eighty-three, has never been granted.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1823.

CHAPTER CXXVI.

AN ACT to establish Tipton 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 Tipton county, in memory of captain Jacob Tipton, who fell at St. Clair's defeat, be, and the same is hereby, established, to be bounded as follows, viz: beginning on the line separating the eleventh and thirteenth districts,

at a point two miles west of the first range line in the eleventh district, running west on said dividing line, to the middle of the Mississippi river; thence down the main channel of the same, to [the] north-west corner of Shelby county; thence east with the northern boundary line of Shelby county, to the north-east corner thereof; thence north with the western boundary line of territorial country east of Shelby county, to the north-west corner of said territorial country; thence east with [the] northern boundary of the same, to a point three miles east of the second range line in the eleventh district; and thence north, parallel with the said line, to the beginning.

Courts when
and where
held.

SEC. 2. *Be it enacted*, That for the due administration of justice, said county shall be, and compose, a part of the fourteenth solicitorial district, and of the eighth judicial circuit; and the county and circuit courts shall be held at the house where Nathan Hartfield now lives, the county courts on the first Mondays of March, June, September, and December, of each and every year, and the circuit courts on the second Mondays of April, and October, in each and every year, until otherwise provided for by law.

Field officers
of militia
how elected.

SEC. 3. *Be it enacted*, That the militia of said county shall compose the — regiment, and shall be attached to the — brigade; and it shall be the duty of the sheriff of said county, to open and hold an election for field officers of said regiment, at the place appointed for holding courts, on the second Thursday, and Friday following, in the month of January, one thousand eight hundred and twenty-four, under the same rules and regulations as in similar cases.

Tax of 1823
how paid.

SEC. 4. *Be it enacted*, That the tax due and owing from said county for the present year, shall be collected by the sheriff of said county, in all cases where the same may remain due and unpaid; and so much of said tax as may be collected by the sheriff of Shelby county, shall be paid over by him to the sheriff of Tipton county, who shall be liable for the same to the state and county.

Justices of
the peace.

SEC. 5. *Be it enacted*, That such justices of the peace as have been commissioned for Shelby county, as shall fall into Tipton county, as now established, shall continue to hold their commissions and exercise their authority in the same manner that they would be authorized to do, had they been originally commissioned for Tipton county; and any one of said justices of the peace, or any other justice of the peace,

from any other county of this state, attending at the time and place appointed for the first county court in said county, shall be authorized to administer all oaths necessary for the organization of the same.

SEC. 6. *Be it enacted*, That it shall be the duty of the clerk of Shelby county, to furnish to the sheriff of Tipton county, when appointed, a list of the taxable property in said county, for the year one thousand eight hundred and twenty-three; and it shall also be the duty of the principal surveyor of the eleventh district, to furnish to said sheriff, a list of all lands liable to taxation for the year one thousand eight hundred and twenty-three, from which said several lists the said sheriff shall collect as soon after his election as practicable, and account for and pay over the same as other sheriffs in this state.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate,

October 29, 1823.

CHAPTER CXXVII.

AN ACT to establish precinct elections in the counties of Washington, Rutherford, and Jackson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all future elections hereafter to be held in the county of Washington, to elect electors to vote for a President and Vice-President of the United States, to elect a Governor, members to Congress, to the General Assembly, militia officers, and in all elections whatsoever in said county, where a general vote of the aforesaid county is to be taken, it shall be the duty of the sheriff of the said county, to hold precinct elections in all such cases, at the following places in said county, viz: at the Widow Billiard's house in Greasy Cove, at Ingersoll's, near Kibbler's, at James Brail's saw mill, on the south side of Chuckey river.

SEC. 2. *Be it enacted*, That the precinct elections authorized in the first section of this act, shall be under the same rules, regulations, and restrictions, as all other elections; and the returning officers of said precincts, shall make return of the state of the polls, at Jonesborough, on the last days of the election, or on the day next succeeding the said last days of each election, to the principal sheriff of the said county.

Precinct in
Rutherford

SEC. 3. *Be it enacted*, That it shall be the duty of the sheriff of Rutherford county, by himself or his deputy, on the day appointed by law for holding elections, to open and hold a separate election, at the house of William Todd, in said county, for the purpose of electing a Governor, members to Congress, electors to elect a President and Vice-President of the United States, members to the State Legislature, and field officers; which elections shall be held and conducted under the same rules, regulations, and restrictions, that similar elections are held in this state.

Precinct in
Jackson.

SEC. 4. *Be it enacted*, That it shall be the duty of the sheriff of Jackson county, by himself or his deputy, on the days appointed by law for holding elections, to open and hold a separate election at the house of William Rash, esquire, in the said county, for the purpose of electing a Governor, members to Congress, electors to elect a President and Vice-President, members to the State Legislature, and field officers; which election shall be held and conducted, under the same rules, regulations, and restrictions, that similar elections are held in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1823.

CHAPTER CXXVIII.

AN ACT supplementary to an act, passed at the present session of this General Assembly, entitled "An act to alter the time of holding Smith county courts."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all writs, recognizances, summons, and process, of all and every kind whatsoever, which were made returnable to the county court of Smith on the second Monday in November next, shall [be], and are hereby, made returnable to said court on the fourth Monday of November next, any law, usage, or custom, to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXIX.

AN ACT to attach the territory east of Shelby county to Hardeman county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the following described bounds, to wit: beginning at the south-west corner of Hardeman county, running north with the west boundary line of said county, to the fifth sectional line in the tenth district; thence west, to a point one mile west of the third range line in the eleventh district; thence south parallel with said range line, to the south boundary of the state; thence east with said boundary, to the beginning; which above-described bounds was heretofore attached to Shelby county, shall be hereafter attached to, and be a part of Hardeman county, until otherwise provided for by law.

SEC. 2. *Be it enacted*, That the citizens of the above-described bounds shall be entitled to all the privileges, and subject to all the duties, as other citizens of Hardeman county, with this exception, that they shall not be liable to pay any taxes for the purpose of erecting public buildings in said county of Hardeman.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXX.

AN ACT to extend the town of Statesville, in the county of Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Statesville be extended as follows: beginning at the spring lot of said town; thence with Smith's fork to the Sycamore fork; thence up said fork to a point due west of the south-west corner of said town; thence east to the corner of Benjamin Ruder's lot; thence north with said Ruder's lot, to the beginning.

SEC. 2. *Be it enacted*, That the above-described parcel of ground be and the same is hereby declared to be embraced within the boundaries of said town, with all the privileges and capacities, and subject to the same rules and regulations, as other lots are subject to in all respects whatever.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXXI.

AN ACT for the relief of Mary Kirk.

Whereas it has been represented to this General Assembly, that an entry was made in the name of Mary Kirk, in the seventh surveyor's district, for thirty-two acres of land, and that there has been a mistake in the location of said entry, and that it does not include the piece of land intended to have been entered: 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 surveyor of the seventh district, to permit Josephus Irvine, to withdraw a certain entry made in his office, for thirty-two acres, made in the name of Mary Kirk, and enter the same in the name of the said Mary Kirk, upon any vacant and unappropriated land in said district: *Provided*, said entry, as it now stands, is made on a good and valid warrant.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXXII.

AN ACT for the relief of Robert I. Chester, and Jonathan Pickett, merchants trading under the firm of Chester and Pickett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert I. Chester, and Jonathan Pickett, and their security John E. Chester, shall be, and they are hereby, released and discharged from the performance of the condition of a bond executed by them to William Carroll, Governor of the state of Tennessee, and his successors in office, in the penal sum of five hundred dollars, dated ninth day of January, one thousand eight hundred and twenty-two, to obtain a license as merchants to vend goods in Smith county, agreeably to the provisions of an act of the General Assembly, passed the twenty-third day of October, one thousand eight hundred and twenty-one.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXXIII.

AN ACT to compensate David Humphreys, and James P. Hulse, late Brigade Inspectors.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That either of the treasurers of this state are hereby authorized and required to pay to David Humphreys, late brigade inspector of the fourth brigade of Tennessee militia, the sum of thirty-one dollars, in full compensation for services rendered by the said Humphreys, to said brigade, under act of assembly of one thousand eight hundred and fifteen.

SEC. 2. *Be it enacted*, That either of the treasurers of this state are authorized and required to pay to James P. Hulse, late brigade inspector of the first brigade of Tennessee militia, the sum of fifty-two dollars and fifty cents, in full compensation for any services rendered by the said Hulse, to said brigade, under the act of assembly of one thousand eight hundred and fifteen; and the receipts of the said David Humphreys, and James P. Hulse, shall be a good voucher in the hands of either of the treasurers in settlement of their accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

CHAPTER CXXXIV.

AN ACT to authorize the drawing of a Lottery in the town of Kingsport, Sullivan county, for the purpose of opening and improving the navigation of Holston and Tennessee rivers.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That John Lynn, John O. brian, Phillip S. Hail, Richard Netherland, Daniel Ragan, James M'Gowan, and Joseph C. Rhea, 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 twenty thousand dollars, to be employed in opening and improving the navigation of Holston and Tennessee rivers; commencing at Hookhold's mill, on the said river Holston, and proceeding, on Watauga; thence down said river Holston and Watauga, to their junction, and thence down to the mouth of French-Broad, and so on, as said managers may think

proper, or a majority of them may find it necessary or expedient to direct.

Managers to
give bond.

Sec. 2. *Be it enacted,* That said managers, or a majority of them, before they proceed with said lottery, shall enter into bond, with good security, to the chairman of Sullivan county court, in double of 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 the said court, and remain in force for two years after the termination of the drawing as aforesaid.

Clerks to
take oath.

Sec. 3. *Be it enacted,* That said managers, or a majority of them, when about to proceed to the drawing 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 the numbers drawn, and of the blanks and prizes; and who shall, before they enter upon said duty, take an oath, truly, faithfully and impartially to keep said account of the drawing as aforesaid.

Managers to
sell tickets,
and may sue.

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 failure to comply with the terms of said bond, 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 said lottery, in any court having cognizance thereof within the state of Tennessee.

Vacancies
how filled.

Sec. 5. *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 powers, 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.

To draw and
appropriate
proceeds.

Sec. 6. *Be it enacted,* That when said managers shall have sold such portion of the tickets as shall be

their opinion authorize the drawing of said lottery, or any part thereof, they shall proceed to the same under the same rules and regulations as they may have made known in their scheme, giving notice in some newspaper printed in Knoxville, and Greeneville, at least sixty days previous to the time of drawing said lottery, setting forth the time and place the drawing will commence, and to do and transact all things necessary and proper in a fair way to carry the same into effect; and the proceeds of said lottery, when finished, shall be expended and appropriated agreeably to the first section of this act, and shall be subject and under the control of said managers, and also the managers appointed by act of assembly, passed November twenty-fourth, one thousand eight hundred and seventeen, to provide for the opening the said rivers therein named.

Sec. 7. *Be it enacted,* That in case any of the above-named managers, after having begun his or their duty as managers 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 Sullivan, a statement of his or their actings 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, in that case, he or they shall be exempt from any farther 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 shall have power to fill his or their vacancy, by the 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.

Sec. 8. *Be it enacted,* That the said lottery shall be known under the name and style of the Holston and Tennessee Navigation Lottery.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

Name of lot-
tery.

CHAPTER CXXXV.

AN ACT for the relief of the heirs of James Holland, deceased, and Brice M. Garner.

Commissioners to issue warrant. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever the heirs of James Holland, deceased, shall surrender to the commissioner of West Tennessee, grant number nine thousand six hundred and three, dated September second, one thousand eight hundred and sixteen, for two thousand five hundred and fifty-eight acres, to be cancelled, the said commissioner shall issue to the said heirs of James Holland a certificate warrant for two thousand five hundred and fifty-eight acres; and on the issuing of said warrant, the said grant number nine thousand six hundred and three shall be null and void to all intents and purposes.

Surveyor to receive entry SEC. 2. *Be it enacted,* That it shall be the duty of any of the surveyors south and west of the Congressional reservation line, on the production of said certificate warrant, to receive entry on the same for any vacant and unappropriated land within his district, and a grant shall issue on the same, as in other cases.

Warrant to B. M. Garner. SEC. 3. *Be it enacted,* That it shall be the duty of the commissioner of West Tennessee to issue a certificate warrant to Brice M. Garner, for three hundred and forty-four and three-fourth acres, in consequence of so much of a grant issued by the state of Tennessee, to John A. Chapman, and Gideon Pillow, for two thousand five hundred and sixty acres, grant number eleven thousand five hundred and eighty, dated the twentieth day of April, one thousand eight hundred and eighteen, being taken by the interference of grant number seven hundred and seventy-seven, for six hundred and forty acres, issued by the state of Tennessee to Robert Bigham, the seventh of January, one thousand eight hundred and nine; and such certificate when issued shall be located in any of the surveyors' offices south and west of the Congressional reservation line, provided the issuance of such certificate to the said Brice M. Garner shall not effect or injure the right of John A. Chapman to said certificate, should he have any legal or equitable claim to the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 31, 1823.

CHAPTER CXXXVI.

AN ACT for the relief of Gabriel Chandler.

Surveyor of the State of Tennessee. 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 make void an entry of twenty acres, which said Chandler made in his district, and through mistake did not enter the piece, or spot of ground, which was intended to be entered: And for remedy whereof.

SEC. 2. *Be it enacted,* That said Gabriel Chandler be permitted to enter his said twenty-acre warrant on the piece or spot of ground intended to be entered, if it remains vacant; and if not vacant, he may be permitted to enter his warrant on any vacant and unappropriated land within said surveyor's district: *Provided,* it is a good and valid warrant.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate,

October 31, 1823.

CHAPTER CXXXVII.

AN ACT to change the lines of the Counties therein named.

Perry boundaries changed. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the west boundary line of Perry county shall be altered as follows: beginning at the north-west corner of said county; and running thence south parallel with the range line, to a point two miles south of the line that divides the sixth and seventh sections in the ninth surveyor's district; thence east to Turnbow's creek; thence down said creek to the Tennessee river; thence down with the west bank of said river, to a point due west of the point that the west boundary line of Wayne county leaves said river; thence with the said boundary line, down said river, to the north-west corner of Wayne county; which shall be the permanent lines dividing said counties.

SEC. 2. *Be it enacted,* That the court of Perry county shall appoint a suitable persons to run the aforesaid lines, and allow them such pay as to them may seem reasonable and right.

SEC. 3. *Be it enacted,* That the south boundary line dividing Henderson and Hardin counties, shall be run as follows: beginning at the south-west corner of Perry county, and running thence west to a

point due north of the north-east corner of M'Nairy county; thence south to the south boundary line of Henderson county; which shall be the permanent lines dividing said counties.

SEC. 4. *Be it enacted,* That the court of Henderson county shall appoint some suitable persons to run said lines, and allow them such pay as to them may seem reasonable and right.

SEC. 5. *Be it enacted,* That the surveyor appointed to run the dividing line between Hardin and Henderson county, shall run the dividing line between Henderson and M'Nairy county, and shall be paid as provided for in this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 31, 1823.

CHAPTER CXXXVIII.

AN ACT for the relief of Robert Henry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Robert Henry be, and he is hereby, authorized to withdraw an entry for three hundred and sixty acres of land, made in the ninth surveyor's district, in the seventh section, and first range, in the name of said Henry; and shall be permitted by the surveyor of said district to enter the warrant upon which said entry was made, on any vacant and unappropriated land in said first range, and seventh section, in said ninth district, on application of said Henry, his agent or attorney, and a grant shall issue for the same accordingly, as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXXXIX.

AN ACT to amend an act entitled "An act authorizing the building of a bridge across Duck river, adjoining the town of Columbia."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Maury county, a majority of the acting justices of said county being present, be, and they are hereby,

authorized and empowered, at their discretion, to fix the rates, and collect toll, not exceeding the rates of ferriage heretofore paid at the ferry across Duck river, adjoining the town of Columbia, from all non-residents of said county, who may cross the said bridge, erected across Duck river, adjoining the town of Columbia, so soon as they are informed that said bridge is completed, and has been received from the contractors, by the bridge commissioners; and said court are hereby authorized and empowered to erect a gate upon said bridge, and appoint a keeper, whose duty it shall be, before he enters upon the duties of his appointment, to enter into bond, with two or more securities, in such sum as said court may think proper to prescribe, payable to the chairman of said court, and his successors in office, conditioned that he will well and truly perform the duties of his appointment, and honestly account for and pay over any moneys by him received, as the keeper of said bridge, to the trustee of Maury county: The said keeper, when appointed, shall keep his said appointment for the term of twelve months, unless he shall be sooner removed from said appointment by said court; and shall take an oath in open court, that he will honestly and correctly discharge the duties of his appointment, to the best of his skill and ability; and the said county court may allow such compensation to said keeper, for his services, as they may think right.

SEC. 2. *Be it enacted,* That the keeper of said bridge shall be compelled to produce to said court, on the first day of the term of each and every county court, the receipt of the county trustee, in full of all toll by him collected, for the three months immediately preceding said court; which receipt shall be recorded on the minutes, and filed among the records of said court, as a voucher by which to settle with the said trustee; and if said keeper shall fail to produce said receipts as aforesaid, the said court shall immediately remove him from his said appointment, and appoint another in his room and stead; and all moneys so received by the county trustee, shall go to the use of the county, and be appropriated as other county moneys; and said county court are hereby authorized, on motion, to enter up judgment against said keeper, and his securities, for any moneys by him collected, and not paid over according to the requisitions of this act, and execution shall issue accordingly.

Penalty on
nonresidents
for passing
arbitrarily.

SEC. 3. *Be it enacted*, That if any person or persons, who are not resident citizens of the county of Maury, shall cross said bridge arbitrarily, or by making false representations to the keeper of said bridge, as to his, her, or their place of residence, for the purpose of evading the payment of the toll, such person, or persons, shall forfeit and pay, for every such offence the sum of twenty-five dollars, to be recovered by action of debt, before any justice of the peace in this state, one half to the use of the county of Maury, and the other half to the use of the person suing for the same.

Ford of river
to be kept in
repair.

SEC. 4. *Be it enacted*, That the county court of Maury county shall keep in good repair the banks of the river, at the ford immediately above said bridge, so as to enable all nonresidents, who may wish to do so, to cross at said ford without paying toll therefor.

Citizens of
Maury not to
pay toll.

SEC. 5. *Be it enacted*, That nothing in this act contained shall be so construed, as to authorize any toll to be collected from any of the citizens of Maury county.

County court
not to fix the
toll at their
discretion.

SEC. 6. *Be it enacted*, That if the county court of Maury county, a majority of the acting justices of said county being present, shall deem it inexpedient or unwise to fix the rates and collect the toll aforesaid, from nonresidents of said county, then, and in that case, this act is to be void, and of no effect whatever.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXL.

AN ACT to repeal an act, entitled "An act to establish the town of Royalport, in the county of Bedford, on Duck river," passed 26th July, 1820.

Former act
repealed.

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

Lots not to
be taxed.

SEC. 2. *Be it enacted*, That the lots in the said town of Royalport shall hereafter be considered as other lands in this state, and taxed accordingly.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXXI.

AN ACT for the benefit of Joseph Byrd, senior.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of East Tennessee be, and he is hereby, authorized and required to issue to Jesse Byrd a grant for an island in Tennessee river, above the mouth of Clinch river, containing about sixteen and a half acres, which island shall be held by said Jesse, in trust for said Joseph during life, with a right of dower to the widow of said Joseph, which conditions shall be expressed in the face of said grant; and upon the death of said Joseph and his wife, their interest in said island shall wholly cease, and the title thereto shall revert to the state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXLII.

AN ACT to authorize Andun Taylor, senior, to build a fish trap in Watauga river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee* That Andun Taylor, senior, of Carter county, be and he is hereby authorized to build a fish trap in Watauga river, on his own land: *Provided*, the navigation of said river is not obstructed thereby.

SEC. 2. *Be it enacted*, That said Taylor shall be liable for all respects, for damages sustained by boats lodged on said dam, that John Hoss, and others, are liable to, by an act of assembly, passed the present session.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXLIII.

AN ACT to amend an act, entitled "An act to provide for the issuance of a grant to George W. L. Marr," passed August 20th, 1822

Whereas the certificate numbered in said act was either lost during the passage of said act, or after the

papers were returned to the Secretary's office, so that the same could not be laid before the commissioners; and whereas the same was frequently inspected, and no doubt entertained of its genuineness: Therefore,

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 to issue the grant mentioned in said act, without the certificate aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXLIV.

AN ACT to authorize the county court of Stewart, to lay a tax to complete their public buildings.

Court may
lay a tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court, of Stewart county, a majority of the acting justices of the peace being present, are hereby authorized and required to lay a tax sufficient to complete the public buildings in said county, and said tax when laid shall not exceed the state and county tax for the present year, and to be continued from year to year, until said public buildings is [are] complete.

Money how
appropriated

SEC. 2. *Be it enacted,* That the aforesaid tax, when collected, shall not be otherwise appropriated than to the use of said public buildings.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 1, 1823.

CHAPTER CXLV.

AN ACT to establish Haywood County.

Haywood
County esta-
blished.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory west of Madison shall be, and is hereby, erected into a county, to be called Haywood, which shall be bounded by the same lines as are pointed out in the act of one thousand eight hundred and twenty-one, establishing the boundaries of said territory.

SEC. 2. *Be it enacted,* That for the due administration of justice in said county, the courts of Pleas and held. Quarter-Sessions, and circuit courts, shall be holden at the house of Richard Nixon, until otherwise provided for by law, and shall possess and exercise all the powers and privileges of other county and circuit courts in this state.

SEC. 3. *Be it enacted,* That the sheriff of said county field officers shall, on the first Thursday and Friday of April when elect'd next, open and hold an election for the purpose of choosing field officers for the regiment composed of the militia of said county; which shall compose the — regiment, and shall be attached to the — brigade.

SEC. 4. *Be it enacted,* That this act shall take effect, To take and be in force, from and after the first day of Janu- effect. ary next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

CHAPTER CXLVI.

AN ACT to establish a volunteer company of Riflemen.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there may be a volun- 4th reg't. teer company of riflemen formed in the fourth regiment of Tennessee militia, to be attached to and mustered with the second battalion of said regiment.

SEC. 2. *Be it enacted,* That said volunteer company Rules of gov- of riflemen shall be under the same rules and regu- ernment. lations that other volunteer companies of militia in this state are.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

CHAPTER CXLVII.

AN ACT to alter the place of holding courts in the county of Hamilton.

Whereas it is represented to this General Assembly, that great inconvenience arises to the citizens of Hamilton, from the present place of holding courts therein: For remedy whereof,

Place of holding court changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Hamilton is hereby authorized to open and hold court at the dwelling-house of John Mitchell, about one mile from the present place of holding courts, until the permanent seat of justice shall be established in said county.

Judge to adjourn circuit court.

SEC. 2. *Be it enacted,* That the judge of the seventh judicial circuit is hereby required to adjourn court, from the present place of holding court, to the house of said John Mitchell, and there to hold the same, until the seat of justice is permanently established.

County officers to remove records.

SEC. 3. *Be it enacted,* That the clerks of the respective offices of the circuit and county courts may keep their offices at said place of holding courts, and also the register, ranger, and trustee, may, if they wish so to do, under the same rules, regulations and restrictions as in other cases provided for.

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

November 3, 1823.

CHAPTER CXLVIII.

AN ACT for the relief and benefit of Catharine Hardin, of Sevier county.

Privileges of feme sole granted.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Catharine Hardin, of said county, is by that name hereby empowered and enabled to acquire and dispose of property, to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to enjoy all other rights and privileges by law belonging to a single woman, except that of intermarrying with another man.

Not to prevent remedy by divorce.

SEC. 2. *Be it enacted,* That nothing in this act contained shall be so construed, as to prevent the said Catharine from applying to the circuit court, for a divorce agreeably to the provisions of law on that subject.

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

November 3, 1823.

CHAPTER CXLIX.

AN ACT for the relief of William R. Davis, Jailer of Giles county.

Whereas it appears to this General Assembly, that William R. Davis, jailer of Giles county, incurred sundry expenses in and about keeping and maintaining in the jail of said county a certain Benjamin Bridges, which expenses, together with his fees of office, amount to the sum of thirty dollars, the vouchers for which being lost, without his default, he is unable to avail himself of the provisions of law, so as to procure the payment of said sum of money: Wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of West Tennessee be, and he is hereby, authorized and required to pay the said William R. Davis the sum of thirty dollars, and the receipt of said Davis shall be a sufficient voucher to said treasurer in the settlement of his accounts.

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

November 3, 1823.

CHAPTER CL.

AN ACT to extend the terms of the Circuit Courts of Greene, Washington, and Hawkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when there are five Mondays in the month of August, the August term of the circuit court of Greene county shall commence its session on the fifth Monday in said month, instead of the first Monday in September, and continue until all the business on the docket is finished, unless it becomes necessary, previous to the completion of the business in said court, to open and hold some other court, which the circuit judge holding the same is by law required to open and hold.

SEC. 2. *Be it enacted,* That it shall be lawful, and full power and authority is hereby given to the judge of the first judicial circuit, whenever in his judgment the business of the circuit court of Carter county can be done in three days, to continue the term of the circuit court of Washington county until such time on the Tuesday, or Wednesday, of the week on the first

19

day of which the said court has heretofore commenced in Carter, as will leave him sufficient time to go to Elizabethton, in the county aforesaid, and be ready to open said court at such time on Wednesday or Thursday, as he may have ordered at the preceding session of said court. It shall be the duty of said judge, at every term of the circuit court of Carter county, to make an order on the docket of said court, at what day of the week its next term shall be commenced; but he shall at no time begin the session of said court at a later day in the week, than Thursday; and it shall be, and is hereby made, the duty of the clerk of said court, to make all writs, recognizances, and other process, returnable to the day of the week on which the judge shall have ordered the next term of the court to commence; and it shall be, and is hereby made the duty of the sheriff of said county of Carter, to summon jurors, witnesses, and suitors, to attend on the day of the week on which the judge shall have ordered the commencement of the term.

Times of holding Hawkins courts.

SEC. 3. *Be it enacted,* That when there are five Mondays in March or September, the circuit court of Hawkins county shall be opened on the fifth Monday in said month, or either of them having five Mondays, and continue open until the business thereof is finished; or some other court, appointed by law to be holden, may require the presence of the judge presiding at said court.

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

November 3, 1823.

CHAPTER CLI.

AN ACT to secure the free navigation of Martin's creek, from James Roberts's mill to its junction with the river Cumberland.

Creek made navigable.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Martin's creek, in Jackson county, from James Roberts's mill to its junction with the river Cumberland, shall be and remain a public way, free and open to all persons for navigation with boats, crafts, or any other means of conveyance by water, without interruption or obstruction.

Penalty for making obstructions.

SEC. 2. *Be it enacted,* That if any person or persons shall hereafter make, or cause to be made, any hedge or hedges, dam or dams, shall cut or cause to be cut any tree or trees, in said creek, whereby the

navigation of said creek 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 before any jurisdiction having cognizance thereof, one half to the use of the state, the other half to the use of him who will sue for the same.

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 3, 1823.

CHAPTER CLII.

AN ACT to fix the time on which the seventy-second regiment of Wilson county militia shall hold their regimental musters.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, the seventy-second regiment of Tennessee militia shall hold said regimental muster annually on the second Saturday in October.

SEC. 2. *Be it enacted,* That the sheriff of Wilson county shall hold elections for field officers in said regiment, at the place where said regimental musters are.

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

November 3, 1823.

CHAPTER CLIII.

AN ACT to authorize the county court of Claiborne to sell the Jail of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Claiborne be authorized, and they are hereby required, to order the said jail in said county to be exposed to sale by the sheriff; and the moneys arising from the sale, shall by the sheriff be paid over to the treasurer of the county, and be subject to such order as said court may hereafter make.

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

November 3, 1823.

CHAPTER CLIV.

AN ACT for the relief of Alexander Robertson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the surveyor of the seventh district, to permit Alexander Robertson to withdraw a certain entry made in his office, for twenty acres, made in the name of David Crocket, and enter the same in the name of David Crocket, upon said Alexander Robertson's improvement, which was intended to be entered: *Provided*, said improvement is yet vacant: *And provided*, the warrant that said entry was made on is a good and valid one, and such as was 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.

November 3, 1823.

CHAPTER CLV.

AN ACT for the relief of N. T. Perkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That upon the production of grant two hundred and forty-nine, issued to Nicholas T. Perkins, for fifteen acres, it shall be lawful for the commissioner of land claims, to issue to N. T. Perkins a certificate for fifteen acres, and vacate the said grant according to law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

CHAPTER CLVI.

AN ACT to authorize the clerks of the county and circuit courts of Warren county, to build an office on part of the public square in the town of McMinnville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerks of the county and circuit courts of Warren county be, and they are hereby, authorized to build an office on some part of the public square in the town of McMinnville, which may be designated by the county court of said county.

SEC. 2. *Be it enacted*, That upon the death, or resignation, of said clerks, or either of them, the subse-

May build of-
fices on pub-
lic square.

Respect

Proceedings
in case of re-
fusal to settle

Sheriff to
pay over mo-
ney in his
hands.

Public build-
ings taken
care of.

should be, and paying the same to the county trustee, said commissioners and said trustee shall sign said account; and said trustee shall return the same to the next term of the county court to be held after said settlement is made, and the court, after examining the same, and being satisfied therewith, shall direct their clerk to endorse on the back of the same, "Confirmed by the court," adding the date at which it was returned, and sign his name officially thereto: but in the event the court should not be satisfied with said settlement, they shall point out the defect, and order said trustee to call on said commissioners, to make an additional settlement, which they are hereby required to do; and when said additional settlement is made, and returned to court, (which the said trustee is hereby required to return at the next term after he is ordered to make the same,) then the court shall confirm the said settlement as aforesaid.

SEC. 3. *Be it enacted*, That if the said commissioners shall fail or refuse to comply with the requisitions of this act, the trustee of said county shall report the same without delay to the court of Pleas and Quarter-Sessions for said county, who shall order their chairman to bring suit against said commissioners, in his name as chairman; and the money, when collected, shall be by said chairman paid over to the county trustee.

SEC. 4. *Be it enacted*, That the sheriff of said county shall pay to the county trustee, all the moneys appropriated for the use of public buildings in said county, which may be in his hands on the fifteenth of October next, whose receipt shall be a good voucher for said sheriff in the settlement of his accounts.

SEC. 5. *Be it enacted*, That the public buildings of said county of Roane, shall hereafter be under the control of the court, or such commissioners as they shall appoint; and all moneys now collected, or which may heretofore have been collected, as a tax for the building, finishing, or repairing, the public buildings of said county, shall be subject to the order of the court, and shall be appropriated as the said court may direct; and the sheriff of said county shall hereafter settle with the county trustee of said county, for the tax collected for the use of public buildings, and pay over the same in the same manner as other county moneys.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

quent clerks, or either of them, may succeed to the vacancy by reason of said death or resignation, shall have the benefit of said offices, or either of them, as the case may be, by paying the clerk or clerks so resigning, or their heirs in case of death, the value of said building, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 3, 1823.

CHAPTER CLVII.

AN ACT concerning the public buildings [in] the county of Roane.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the justices of the county court of Roane county, are hereby authorized to order the jail of said county, together with the lot on which it now stands, to be sold in such manner and on such terms as they may think most conducive to the interest of the said county; and the said justices are hereby authorized to appoint commissioners, with powers sufficient to purchase a lot of land in or adjoining the town of Kingston, and to superintend the building of a jail on said lot; and said justices are also authorized to lay a tax on the taxable property and polls of said county, for the purpose of defraying the expenses of purchasing the land, and building said jail: *Provided*, said tax does not exceed six and one fourth cents on each white poll; the same on each one hundred acres of land; twelve and one half cents on each black poll; and the same on each town lot: And the said justice shall also appropriate the proceeds of the sale of the jail and lot aforesaid, to the purchasing the land, and building said new jail.

SEC. 2. *Be it enacted*, That the county trustee of Roane county be empowered to call on the commissioners of the public buildings, heretofore appointed for said county of Roane, for a settlement, which said commissioners are hereby required to make with said trustee; and in making said settlement, said commissioners shall make out a fair statement of the moneys received for each and every year since their appointment, showing also the expenditures; and for every credit given said commissioners, in said settlement, they must produce a voucher; and after making said settlement as aforesaid, showing the amount of moneys received, paid out, and on hand, if any there

Trustee to
make settle-
ment with
former com-
missioners.

CHAPTER CLVIII.

AN ACT for the relief of Margaret Shannon, otherwise Margaret Conner.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, Margaret Shannon, otherwise Margaret Conner, a citizen of Greene county, shall be known by the name of Margaret Shannon, and that her children retain the name of Shannon, and that she is hereby authorized to bargain and sell, sue and be sued, plead and be impleaded, and to do all and every act that a feme sole could do, except that of intermarrying with another man: *Provided*, that nothing in this act shall prohibit the said Margaret from obtaining a divorce in any of the circuit courts, agreeably to law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 4, 1823.

CHAPTER CLIX.

AN ACT for the relief of Austin Miller.

Whereas it doth appear to this General Assembly, that Austin Miller made an entry for the heirs of Silas Barr, in the seventh surveyor's office, on the tenth of December, one thousand eight hundred and twenty-two, number of entry one thousand two hundred and twenty, for three hundred and twenty acres of land, founded on certificate warrant number four thousand seven hundred and forty-three, for three hundred and twenty acres, issued by the register of West Tennessee to the heirs of Silas Barr, that the same has been surveyed, and that the plat and certificate of survey, together with the said warrant, is now filed in the register's office for West Tennessee, for the purpose of having a grant issued thereon; that since the survey has been made, it has been discovered that the land included therein is taken by an older existing claim: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Austin Miller be allowed to make said entry void; and it shall be the duty of the register of West Tennessee, to permit said Austin to withdraw his plat and certificate, with the warrant upon which it is founded, and return the same to the office of the seventh district, and to vacate the same.

May make
void an entry

May re-enter
the same.

SEC. 2. *Be it enacted*, That it shall and may be lawful to enter said warrant on any vacant land in the said seventh district.

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

November 4, 1823.

CHAPTER CLX.

AN ACT for the relief [of] George Ross.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the surveyor of the seventh district shall cause to be surveyed, for George Ross, of Hardin county, an entry for one hundred acres of land in said seventh district, fourth section, eleventh and twelfth ranges, agreeably to the calls hereinafter laid down in this act, which survey, when made, shall be as legal as it would have been, had said survey been made agreeably to the original calls of said entry, to wit: beginning at the north-west corner of Kineth Murkinson's entry for three hundred and twenty acres, as originally called for in said Ross's entry, running north one hundred and two polls, and west for complement: *Provided*, said survey shall not interfere with any entry, or survey now made, or hereafter to be made previous to the making of the aforesaid survey: And should the surveyor have made the survey, as heretofore entered, such survey shall be null and void, and he is directed to make said survey in conformity to this act, on which survey a grant shall issue.

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

November 5, 1823.

CHAPTER CLXI.

AN ACT to amend an act, entitled "An act to build a bridge across the Cumberland river at Nashville, and to incorporate all the subscribers thereto," passed October 21st, 1812.

Whereas, by virtue of the above-recited act, a company has been formed, and a bridge built across Cumberland river, at Nashville, which has cost said company the full sum of eighty thousand dollars, and

said act the company were authorized to receive toll, which is found to be not equally apportioned to remunerate said company with legal interest on the sum expended in erecting so useful a bridge to the public in general, and unproductive to the company who has erected the same: For remedy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said company, their heirs, or assigns, shall hereafter be authorized to demand, and receive, the following rates of toll for passing over said bridge, to wit: for every foot passenger, six and one fourth cents; for every man, woman, boy, or girl, with a horse or mule, twelve and one half cents; for every additional horse, or mule, six and one fourth cents; for every head of cattle, five cents; for every head of sheep, two cents; for every head of hogs, two cents; the toll on all other subjects shall remain as by said act established.

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

November 5, 1823.

CHAPTER CLXII.

AN ACT to compel the sheriff of Henry county to do certain duty therein named.

Whereas the inhabitants of the territory west and adjacent to the county of Henry, have petitioned this General Assembly, that two counties be erected out of the said territory; and whereas it is just and expedient, that each county should bear its own and peculiar tax, and not be burthened with the tax of any other: Therefore, for the relief of the inhabitants of said territory.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff of Henry county be required, and compelled, to refund to the trustee of the counties west and adjacent to the county of Henry, any part or portion of such money as may have been collected, as an additional tax, which was laid on the inhabitants thereof by the county court of Henry, for the purpose of defraying the expenses of the public buildings for the present year one thousand eight hundred and twenty-three, which he has collected, or may hereafter collect, after deducting his commissions for the collection of the same.

Sheriff of
Henry to re-
fund certain
taxes.

Trustee of
Henry to en-
ter credit.

SEC. 2. *Be it enacted*, That the trustee of the county of Henry is hereby required, and compelled, to give the sheriff of the county of Henry credit in his settlement of accounts with him, for all sums of money which he may be compelled to refund by the operation of this act.

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

November 6, 1823.

CHAPTER CLXIII.

AN ACT to repeal an act passed 5th October, 1813, annexing Captain John Brock's Company of Militia to the first battalion of the ninth regiment.

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

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

November 6, 1823.

CHAPTER CLXIV.

AN ACT for the relief of Russell Horner.

Register of
W. Tennes-
see to issue
a grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the register of West Tennessee is hereby authorized, and required, to issue to Russell Horner, John Horner, William Horner, George Horner, Lewis Horner, and William James, or either of them, a grant for fifty acres of land, on either of them producing to said register a plat and certificate of survey, duly certified by a deputy surveyor of the first surveyor's district, in shape and form as heretofore made by such surveyors, together with a receipt from the treasurer of West Tennessee for twenty-five dollars, stated to have been received by him in payment for the aforesaid land: *Provided*, that such survey shall not interfere with the right, title, or interest, of any person whatever, either as an occupant or otherwise, nor shall be so made as to include the improvement of any person.

Survey how
made.

SEC. 2. *Be it enacted*, That the aforesaid survey shall be made so as to include an acre of land now

owned by said Horner, which includes the mouth of a saltpetre cave in the county of Perry, and north of the Congressional reservation line.

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

November 6, 1823.

CHAPTER CLXV.

AN ACT to extend the provisions of the second section of an act passed at Murfreesborough, August 20th, 1822.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of West Tennessee shall issue to Nicholas Conrad, a certificate for ninety-two acres sixty-six poles, as required by the second section of an act passed on the twentieth day of August, one thousand eight hundred and twenty-two, chapter seventy-nine: *Provided*, it shall appear that no certificate or warrant has ever yet issued under the authority of said act.

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

November 6, 1823.

CHAPTER CLXVI.

AN ACT for the benefit of William M'Bee,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William M'Bee, of Knox county, be, and he is hereby, authorized to keep up and continue the dam of his fish trap in Holston river, near his ferry on said river: *Provided*, however, that in keeping up said dam, it shall not be lawful for said M'Bee to create or cause any obstruction to the navigation of said river: *And provided also*, that he keep open the main sluice, for boating, opposite to said dam and trap.

SEC. 2. *Be it enacted*, That if any injury be sustained by boats in descending said river, in consequence of said dam, said M'Bee shall be liable to the owner or owners, unless the injury were occasioned by the negligence or unskillful conduct of said owners or their agents: and that the same privilege be ex-

Penalty for
damages, and
privilege of
tended.

tended to John Hoss, William Massengale, Davault and Andun Taylor, for whose benefit acts were passed at the present session.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 6, 1823.

CHAPTER CLXVII.

AN ACT to authorize James Allen and Daniel [Allen,] of Greene county, to open a Turnpike Road.

J. & D. Allen
may open
turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Allen and Daniel Allen, are hereby authorized to open and cut out a Turnpike road, commencing at the foot of Paint Mountain, near William Houston's, in Greene county, across the mountain, to intersect the turnpike road leading by the Warm Springs in North Carolina, as far as the line of the state of Tennessee, which road, where the situation of the country will admit, shall be cut eighteen feet wide, clear of stumps or other obstructions; and where the road has to be causewayed, where the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, or other obstructions; and if there should be any creek or creeks, that from their nature shall require it, there shall be good, sufficient and substantial bridges built; and if there are any swamps over which said road may be taken, it shall be the duty of the proprietors of said road, to causeway said road with wood, to be made over said swamps.

Proceedings
when out of
repair.

SEC. 2. *Be it enacted*, That said road shall always be kept in repair; and if it should be permitted to be and remain out of repair for one month at any one time, after the road is opened, and established by the commissioners hereafter appointed by this act, said commissioners shall immediately make report thereof to the county court of Greene; and when said court shall receive said report, they shall order it to be recorded, and notice thereof given to the proprietors of said road; and if the said road is not put in repair within thirty days thereafter, it shall be the duty of said commissioners to open said turnpike gate, and keep the same open, until the said road shall be by them adjudged to be in repair: During which time

said road may be out of repair, the proprietors shall not exact directly or indirectly, any toll, under the penalty of twenty-five dollars, to be recovered before any jurisdiction having cognizance thereof.

SEC. 3. *Be it enacted*, That Thomas Temple, William M'Bride, and Washington Henshaw, are hereby appointed commissioners, whose duty it shall be to examine said road, so soon as the same may be opened, and if in their opinion, the road is in the repair contemplated by this act, it shall be their duty to grant a license under their hands and seals, to said proprietors, to erect thereon a gate, who shall by this act be authorized to receive the following rates of toll, to wit: for each wagon and team, one dollar; for each two-wheeled carriage, fifty cents; for man and horse, twelve and a half cents; for each pack horse, twelve and a half cents; for loose horses or mules, six and a fourth cents; for cattle, two cents each; and for hogs and sheep, one cent each; for four-wheeled carriages of pleasure, one dollar; for chairs, gigs, or deerhorns, with one horse therein, fifty cents.

SEC. 4. *Be it enacted*, That the before-named commissioners, Thomas Temple, William M'Bride, and Washington Henshaw, shall [be,] and they are hereby appointed commissioners, whose duty it shall be at any time when called on by said proprietors, to view said road, but before entering upon the duties of their appointment, take the following oath, before some justice of the peace in Greene county: "I do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and ability: So help me God." And the said commissioners, or a majority of whom may attend, shall be entitled to receive at the rate of one dollar and fifty cents for each and every day they may attend in viewing said road, to be paid by said proprietors; and it shall be the duty of said commissioners to view said road twice in each year, and oftener if required.

SEC. 5. *Be it enacted*, That if any part of said road shall be out of repair, at any time after it is received by said commissioners, and by reason of which any person, or persons, shall sustain any damage, either in person or property, he, she, or they may have and sustain an action on the case against said proprietors, as the case may be.

SEC. 6. *Be it enacted*, That if any person or persons, shall arbitrarily pass said gate, or within one

Commissioners appointed and rate of toll.

Commissioners' duty and oath.

Damages for injury when out of repair

Penalty for passing arbitrarily.

mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence, to said proprietors, the sum of twenty-five dollars, to be recovered before any jurisdiction having cognizance thereof.

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

November 6, 1823.

CHAPTER CLXVIII.

AN ACT for the benefit of David Weir.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That upon the payment of twenty-five cents per acre, to the person who may be authorized to receive payment for the lands in the Hiwassee District, David Weir shall be entitled to an entry and grant, for any quarter section he may select, on which no person has heretofore settled: *Provided*, said land be selected within three miles of the Hiwassee Academy.

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

November 6, 1823.

CHAPTER CLXIX.

AT ACT for the relief and benefit of certain persons therein named.

Commission-
ers of Sevier-
ville to make
certain con-
veyance.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners of the town of Sevierville be, and they are hereby, authorized and empowered to execute, and deliver, to the trustees of the Baptist Church in the town of Sevierville, such deed of release, or other assurance, as will vest in said trustees, or their successors, a fee simple estate in and to one acre of land, to include the house of public worship situate and being in said town of Sevierville; and the said estate, when conveyed as aforesaid, shall be held by the said trustees, and their successors, forever, in trust for the use and benefit of the said Baptist Church.

And whereas there are some purchasers of town lots who obtained from said commissioners, deeds be-

fore the said commissioners procured a grant for the said town lands, under the provisions of the act of one thousand eight hundred and six: Wherefore, for the purpose of providing a remedy for the inconsistency of the commissioners' holding a grant for lands including said lots, and purchasers' holding deeds under said commissioners, of an older date,

SEC. 2. *Be it enacted*, That the said commissioners be, and they are hereby, authorized and empowered to make, execute, and deliver, to such purchaser, his, her, or their heirs or assigns, such deed or deeds of release, or other assurances, as will divest the said commissioners of all title, and vest a perfect fee simple estate in said purchaser, his, her, or their assigns, forever. Nature of conveyance.

SEC. 3. *Be it enacted*, That the said commissioners be, and they are hereby, authorized and empowered, when any purchaser, or the heirs or assigns of any purchaser of a town lot or lots in said town, who have not obtained a deed or deeds for their said lot or lots, in consequence of the loss of the said record of the acts and proceedings of said commissioners, shall apply to them for any deed or deeds for any town lot or lots, without being able to produce sufficient written evidence of said purchase, it shall be the duty of said commissioners to receive, as evidence of the justness of the said claim, the affidavit of a former commissioner, or other credible person, stating who the original purchaser was, and also the time when said purchase was made, as near as may be: It shall also be the duty of said commissioners, to receive as proper evidence, seven years' possession, and the payment of taxes, without any adverse claim being set up for said lot or lots; and it shall be the duty of the said commissioners, upon the production of the aforesaid proof, to make, execute, and deliver, to the said applicant, such deed or deeds as will vest in him or her, as the case may be, a fee simple forever. Evidence necessary to obtain title.

SEC. 4. *Be it enacted*, That it shall be the duty of said commissioners, to give public notice in some public paper printed in Knoxville, that they are ready to make deeds to all just claimants of town lots in said town, who have not previously obtained them; and that all and every purchaser of a town lot or lots in said town, his, her, or their heirs or assigns, who shall neglect, for the space of six months from and after the publication of said notice, to apply to said commissioners, for deeds, shall be forever thereafter barred and precluded from obtaining titles therefor: And Notice to be given, and limitation.

said commissioners are hereby expressly forbid, after the expiration of the said six months' notice, to execute any deed or deeds whatever, to any claimant or claimants of town lots in said town of Sevierville.

To take effect.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 6, 1823.

CHAPTER CLXX.

AN ACT to authorize John W. Simpson and Isaac Brown, of White county, Scott Terry and Robert Montgomery, of Bledsoe county, to open and establish a Turnpike Road.

Turnpike to be opened, & regulations.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John W. Simpson and Isaac Brown, of White county, Scott Terry and Robert Montgomery, of Bledsoe county, are hereby authorized to open and cut out a road the nearest and best way from the foot of the mountain near Isaac Brown's, in White county, in a direction to Pikeville, to intersect Rancey and Hootenpile's turnpike road at or near John Hale's; and said proprietors shall be bound to do and perform the same duties on said road, and in all respects be under the same penalties, rules, regulations and restrictions that are imposed by an act of assembly, passed nineteenth of November, one thousand eight hundred and seventeen, authorizing Samuel Terry, Peter Hootenpile, and William Rancey, to open turnpike roads, but such duties as may hereafter be excepted in this act; and said proprietors shall erect a gate on said road at any point west of the junction of said roads, and receive the same rates of toll to which Samuel Terry is entitled by the before-recited act; and said proprietors shall be entitled to the use and benefit of said road, and the tollage arising from the same, for the term of ten years from the passage of this act: *Provided*, said proprietors open and keep said road in the repair required by this act.

Proprietors to give bond.

SEC. 2. *Be it enacted*, That it shall be the duty of said proprietors, to give bond and security to the Governor for the time being, and his successors in office, as required by the act to which the first section of this act refers.

Commissioners appointed

SEC. 3. *Be it enacted*, That Spence Mitchell, of White county, is hereby appointed a commissioner of

said road, who shall take the same oath, perform the same duty, and in all respects be under the same rules, regulations and restrictions, that the commissioners of Terry, Hootenpile and Rancey's turnpike road are under, excepting making his report to Bledsoe court, required by the second section of the before-recited act, which shall be made to White county court, in conformity with the said second section; and said commissioner shall receive two dollars per day for his services, to be paid by said proprietors, and it shall be recovered of them, or any one of them, before any justice of the peace of White or Bledsoe counties.

SEC. 4. *Be it enacted*, That the citizens of White or Bledsoe counties shall be permitted to pass and re-pass on a single horse, from one county to the other, through said turnpike gate, on their ordinary business, without the payment of toll; and the proprietors, or any one of them, is authorized to administer all necessary rules to prevent impositions or frauds being practised on them; nor shall it be lawful for said proprietors, or gate-keeper, to exact or receive any toll from any minister of the gospel of any denomination, or from the carrier of the United States mail.

Privileges to certain citizens.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXI.

AN ACT for the benefit of John Houston and Price C. Steele, of Bedford County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Houston, former deputy sheriff of Bedford county, be allowed the sum of twenty dollars fifty cents, as full compensation for his services, and expense in going to, and conveying Willie Garret from the jail of Lincoln county to Bedford, by order of court.

SEC. 2. *Be it enacted*, That Price C. Steele, of Bedford county, be allowed the sum of fifteen dollars twenty-five cents, as full compensation for his services and expense in conveying said Garret back from Bedford to Lincoln jail.

Allowance to Price C. Steele

SEC. 3. *Be it enacted*, That the receipt of the said John Houston or Price C. Steele, to the treasurer of West Tennessee, for the amount of either or both of

said accounts, shall be a good voucher in the settlement of his accounts.

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

November 7, 1823.

CHAPTER CLXXII.

AN ACT for the benefit of Thomas Shelton.

Preference
of certain
entry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for Thomas Shelton to have preference of entry of one quarter-section of land in the Hiwassee district, in lieu of the north-east quarter-section of section twenty-one, fractional township second, of range second east of the meridian, in said district, which had been improved by him, and which by an act of last session of the General Assembly, has been granted to John Hankins.

Limitation of
preference. **SEC. 2.** *Be it enacted,* That it shall not be lawful for said Thomas Shelton, in making selection of such quarter-section, to include the improvements of any other person whatever; and the preference hereby extended to him, shall be continued to the period of entry at fifty cents per acre.

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

November 7, 1823.

CHAPTER CLXXIII.

AN ACT for the benefit, and to encourage Edward Durant, of Overton county, to erect a Furnace for casting Pot-Metal.

Certain land
to be appro-
priated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for Edward Durant, of Overton county, to cause to be surveyed and laid off, by any legal surveyor, a tract of land, not exceeding twenty-five acres, on Flat creek in said county, and to be bounded by a tract granted in the name of Alexander on the east, and a tract in the name of Hinds on the west, and a tract in the name of Cartright on the north.

Register to
issue grant. **SEC. 2.** *Be it enacted,* That whenever the said Du-

shall produce to the Register of West Tennessee, a and limited plat of survey, made out by some legal surveyor, for of privilege any quantity of acres not exceeding twenty-five as aforesaid, and bounded as herein before described, it shall be the duty of the Register as aforesaid, to issue thereon a grant, for the quantity therein expressed, to the said Durant, his legal representative, or right-ful assignee: *Provided, nevertheless,* that should said Durant, his legal representative, or rightful assign-nee, fail or neglect to erect the said furnace, so as to be in useful operation, within three years from and after the first day of January next, then, and in that case, the said grant shall be null and void to all in-vents and purposes, and the said land shall revert to the state, and be subject to be entered as other vacant lands in this state: *And provided further,* that the said Durant shall be subject to all the expense neces-sary to carry this act into effect.

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

November 7, 1823.

CHAPTER CLXXIV.

AN ACT to confirm a survey on entry No. 788, in the name of Robert E. C. Doherty, in the Twelfth Surveyor's District, now transferred to Arabia Brown.

Whereas an entry was made by James H. Gee, in the twelfth surveyor's district, in range six, section nine, in the name of Robert E. C. Doherty, by loca-tion No. 788, for two hundred acres, upon which en-try a survey has been made, and the plat and certifi-cate transferred to Arabia Brown: And whereas it is found, that the beginning marked for said entry, and from which said survey was made, is ninety or one hundred poles too short from the calls in said entry, from the sectional or range line from which it calls to begin. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the survey as made and represented, on entry No. 788, for two hundred acre, in the name of Robert E. C. Doherty, in range six, section nine, in the twelfth surveyor's district, shall be as good and valid in law and equity, as if no mis-take had been made in the calls of said entry, and a grant shall issue on the same to Arabia Brown, to

whom the plat and certificate of survey is transferred, or to any other person to whom he may transfer the same, as in other cases of transferred plats and certificates of survey.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXV.

AN ACT to revive an act, entitled "An act for the benefit of certain less rveer" passed at Murfreesborough, August 22d, 1822.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the above-recited act be, and the same is hereby declared to be revived, and shall continue in force for the term of twelve months from and after the passage of this act; and that all persons who may have purchased life estate reservations, shall be entitled to the same benefits as those who may have purchased fee simple reservations.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXVI.

AN ACT for the relief of Robert L. Cobbs.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Robert L. Cobbs be, and he is hereby, authorized to withdraw a warrant, number two thousand one hundred and twenty-five, for two hundred and fifty acres, from an entry made thereon for him by James Brown, in the tenth surveyor's district, and to enter the same on any vacant and unappropriated land in the said tenth surveyor's district, and obtain a grant therefor.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXVII.

AN ACT for the benefit of Eppa Lee, of Hawkins county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Surveyor of Hawkins county, on application being made to him, to measure and lay off to Eppa Lee, twenty acres of land, in Hawkins county, to include her improvement; and the said surveyor shall make out a fair plat of the same, which plat shall be returned to the Register's office, of East Tennessee, whose duty it shall be to issue a grant on the same, under the same rules as other grants issue in this state: *Provided,* that no person or persons have any claim to said twenty acres of land.

SEC. 2. *Be it enacted,* That when said grant shall issue, it shall vest the title of said land in said Eppa Lee, and shall not in any wise be under the control of her husband, nor shall it vest any right, title or claim in him.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXVIII.

AN ACT for the relief of Jesse B. Gantt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the surveyor of the seventh district, or his lawful deputy, shall be authorized to survey for Jesse B. Gantt, of the county of Hardin, an entry in the name of said Gantt, for one hundred and fifty acres of land, as it is now entered in said seventh district, thirteenth range, and third section, beginning at a point two hundred and twenty-eight poles west, and eighty-five poles north, from the one-mile post in the east boundary line of said section.

SEC. 2. *Be it enacted,* That it shall be the duty of the register of West Tennessee, to issue a grant for said land in the same manner that he could have done had said entry been made in strict conformity with the law under which it was made.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXIX.

AN ACT to provide for the distribution of Scott's Revisal in the counties therein mentioned.

Secretary to
procure cer-
tain copies.

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 procure, at the price heretofore allowed, as soon as practicable, so many copies of Scott's Revisal of the Laws of Tennessee, as may enable him to furnish one copy to the clerk of the court of Pleas and Quarter-Sessions, and one copy to the clerk of the Circuit Court, in each county that has been, or may be, organized during the present session of this General Assembly.

Printers to
distribute.

SEC. 2. *Be it enacted,* That it shall be the duty of the Public Printers to distribute the said copies, and take receipts for the same, at the time, and in the manner, pointed out for the distribution of the acts and journals, and shall receive such compensation as the Secretary shall think right for the distribution of the same.

Compensat'n
how made

SEC. 3. *Be it enacted,* That the Governor shall draw by warrant, on the Treasury, to defray any expense incurred under the provisions of this act: and it shall be the duty of the said clerks, on the reception of the laws aforesaid, to execute their receipt for the same, which receipt shall be filed in the Secretary's office: and it shall further be the duty of the said clerks, on going out of office, to deliver said laws to their successors in office, or to the court of which they are clerk; and in case of failure, they shall be liable to the same penalties that other clerks are liable to in similar cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXX.

AN ACT authorizing certain Land Warrants to be located and granted.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon the commissioner of West Tennessee adjudging the military land warrants numbers one thousand one hundred and one, and one thousand one hundred and two, the latter for one thousand nine hundred and twenty, and the former for

six hundred and forty acres, to have been issued by the Secretary of North-Carolina, the persons entitled to said warrants may cause entries and surveys to be made thereon, south and west of the Congressional reservation line, and obtain grants therefor as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 7, 1823.

CHAPTER CLXXXI.

AN ACT for the relief of Warren Lodge, No. 19.

Whereas a house has been built on the public square in the town of Fayetteville, by general subscription, to answer for a market house below, and masonic hall above: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Warren Lodge, number nineteen, and their successors, shall hereafter be entitled to, and have the free and uninterrupted use and enjoyment of the upper story (or the room and hall) of said building, so long as the same shall continue erected.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CLXXXII.

AN ACT to authorize the County Court of Montgomery to lay an additional tax.

SECTION 1. *Be it enacted by the General Assembly* County court of the State of Tennessee, That the county court of Montgomery county, (nine, or a majority of the acting justices for said county being present,) are hereby authorized to lay an additional tax the ensuing two years, on all taxable property in said county, for the purpose of defraying the expense of recent repairs made to the court-house and jail in said county; and also the expense of transcribing six Register's books for said county.

SEC. 2. *Be it enacted,* That said county court, in laying the tax aforesaid, shall not exceed the amount

half of the amount of the state tax in said county, in each year.

How appropriated.

SEC. 5. *Be it enacted*, That the tax when laid as aforesaid, shall be collected and accounted for, under the same rules, regulations, and restrictions, that other county tax [taxes] are, subject to the order of said county court, for the purposes mentioned in the first section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CLXXXIII.

AN ACT for the relief of James Lynch.

Corporation of Pulaski to sell certain lot.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the mayor and aldermen of the town of Pulaski, to advertise, and sell at public sale, giving forty days' notice, by advertisement at the court-house door in Pulaski, to the highest bidder, one quarter of an acre of the commons of said town, whereon said Lynch has erected a turning factory; to be laid off under the direction of said mayor and aldermen, to the best advantage to the said Lynch on the one hand, and the public on the other.

Privileges to purchaser.

SEC. 2. *Be it enacted*, That the purchaser or purchasers shall have the use and enjoyment of the race cut for the purpose of conveying water to said factory, and of the water of Pleasant Run, except so much as may be allowed by said mayor and aldermen, from time to time, to the owners or occupiers of lots adjoining said Run.

Proceedings if not purchased by James Lynch.

SEC. 3. *Be it enacted*, That if any other person or persons than the said James Lynch shall become the purchaser or purchasers of said ground, it shall be the duty of the mayor and aldermen of said town, to choose two disinterested persons, to act with two others to be chosen by said Lynch, which four may choose a fifth in case of disagreement, to value the improvements on said ground, (the race inclusive;) for which valuation, such purchaser or purchasers shall give bond and security, to be approved of by said mayor and aldermen, to the said Lynch, payable in twelve months from the date of such valuation: *Provided*, nothing herein contained shall be so construed

as to prevent said mayor and aldermen from making, from time to time, such orders and regulations relative to the covering or enclosing said race, making bridges, &c. over the same, as they may think proper.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CLXXXIV.

AN ACT to amend an act, entitled "An act to extend the town of Carthage, in the county of Smith," passed July 23d, 1820.

Whereas disputes may hereafter arise, as to the locality and number of the lots laid out by Stump and Cox, adjoining the town of Carthage, in Smith county, on the north; and the act of assembly to which this is intended as an amendment, have made no provision for the safety of the plat and plan of said lots: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the original plat and plan of the lots laid out adjoining Carthage on the north, as aforesaid, or a copy thereof, when duly certified by Wilson Cage, who surveyed the same, be filed in the office of the clerk of Smith county court, and be by him recorded; and that the same, or a copy thereof, may be read as evidence on the trial of any suit in which the locality of said lots may come in question.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CLXXXV.

AN ACT to amend an act passed at Murfreesborough on the 17th day of August, 1822.

Whereas, by an act of the legislature of the state of Tennessee, passed at Murfreesborough on seventeenth August, one thousand eight hundred and twenty-two, incorporating the town of Jackson, and appointing additional commissioners therefor, some doubt may arise with regard to the manner in which suits should be commenced, on the bonds executed to

the commissioners who were first appointed by the county court of Madison, to lay off and sell the lots in said town: And whereas the act above alluded to, does not by any of its provisions, express in a way sufficiently explicit, the manner in which said money should be collected. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the bonds taken by the commissioners of the county of Madison, shall be sued for, and collected by and in the names of the several commissioners to whom the same were given, or their assigns, without having any regard to the incorporation, or alteration in the name of said town, or the additional commissioners who have been appointed; and that all suits so commenced, and now pending, shall be deemed and considered as being commenced correctly, any law, usage, or custom, to the contrary notwithstanding.

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

November 8, 1823.

CHAPTER CLXXXVI.

AN ACT to authorize the Sheriffs of the counties therein named to appoint additional Deputies.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the sheriffs of Knox, Davidson, Maury, Smith, Rutherford, Jefferson, Sumner, and Washington counties, to appoint one deputy each, in addition to the number now allowed by law; and that, hereafter, the sheriffs of said counties may, each, if they should think it necessary, have three deputies.

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

November 8, 1823.

CHAPTER CLXXXVII.

AN ACT for the relief of the heirs of Hugh Neilson, deceased.

Register to
issue warrant
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 to issue

to the heirs of Hugh Neilson, deceased, a warrant for six hundred and forty acres of land, so soon as the heirs of the said Hugh Neilson, deceased, shall deposit in the office of the Secretary of State, a grant issued by the state of North Carolina to the said Hugh Neilson, deceased, bearing date the twenty-seventh day of August, in the year of our Lord one thousand seven hundred and ninety-five, founded on a military warrant issued to James Owen, and assigned to the said Hugh Neilson.

SEC. 2. *Be it enacted*, That upon the issuance of Condition ^{issuing} the said warrant by the Register of West Tennessee, said grant shall be null and void to all intents and purposes, any law to the contrary notwithstanding; *Provided*, said commissioner shall be satisfied that the warrant upon which said grant is founded, is a good and valid one, and that no other grant has issued on the same.

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

November 8, 1823.

CHAPTER CLXXXVIII.

AN ACT for the relief of the heirs of Philip Philips, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State be, and he is hereby, authorized and required to examine grant number one thousand two hundred and sixty-seven, for six hundred and forty acres of land, issued by the state of North Carolina to Philip Philips and Michael Campbell, as assignees of Andrew Ramsey, and which grant is founded upon a military warrant, number two thousand five hundred and forty-one, the said grant bearing date tenth December, one thousand seven hundred and ninety; and on its appearing satisfactorily to said Secretary, that the said grant issued on a good and valid warrant, not previously, or in any other way since satisfied, and that the said heirs are entitled to one equal half of the said warrant, as legal heirs of Philip Philips, deceased, by descent, to issue a duplicate warrant to the said heirs, by the name and description of the heirs of Philip Philips, deceased, for three hundred and twenty acres of land, the same being one half the number of acres called for in said grant, on the said

heirs delivering up said grant, or a certified copy thereof, to the said Secretary, to be cancelled for that half of the same which belongs to said heirs.

Warrant
where loca-
ted.

SEC. 2. *Be it enacted*, That the said three hundred and twenty acre land warrant, when issued by the Secretary of State as aforesaid, to the heirs of the said Philip Philips, deceased, may, and is hereby authorized, to be laid, or located, on any vacant and unappropriated land south and west of the Congressional reservation line.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CLXXXIX.

AN ACT giving an additional term to Davidson Circuit Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Judge of the fourth judicial circuit, to adjourn at the expiration of the term which commences in the month of May in each year, until the first Monday in July in each year, and then to continue two weeks, if the business require it: *Provided*, that should the business of said court at any time not require it, the said judge need not hold the additional term hereby allowed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CXC.

AN ACT for the relief of Robert Gamble, Benjamin Bond, and Henry Matlock.

Whereas the above-named persons have been sued by Indian reservees, claiming under the treaties between the United States and the Cherokee tribe of Indians; and whereas it is important to the defendants to effect a compromise: Therefore,

Certain suit
to be com-
promised.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Robert Gamble, Benjamin Bond, and Henry Matlock, be, and they are hereby, entitled to compromise their suits in the

same manner, and upon the same terms, as are contained in the act, entitled "An act for the relief of Stanwix Bond and others," passed at the present session of this General Assembly.

SEC. 2. *Be it enacted*, That said compromise shall be effected by Samuel M'Connell, as agent for the defendants; and before it becomes binding on the state, shall be approved of by Matthew McKim, John Williams, William C. Minatt, and Thomas L. Campbell, or any three of them, as commissioners on behalf of this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CXCI.

AN ACT to amend an act passed at Murfreesborough, the 8th day of October, 1819, authorizing Peter Loony, John Kelly, and James Mayo, to open and establish a Turnpike known by the name of the Tumbling Shoal Turnpike Road.

Whereas it appears to this General Assembly, that the said John Kelly has purchased the whole interest in said road, and has been at very considerable expense in opening the same: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Tumbling Shoal Turnpike Road, heretofore known by the name of Kelly's Turnpike Road, and that the whole interest of the same be vested in John Kelly and his heirs, by his keeping the same in the ordinary repair contemplated by the act which this is intended to amend.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CXCH.

AN ACT to authorize the issuance of a Grant to David Nichols, as Military Warrant No. 41.

Whereas it appears, that a transfer was made by Cornelius Cooper, to John W. Simpson, and by said Simpson to David Nichols, for ten acres of military warrant number forty-one, on which transfer an entry

and survey has been made, and said transfer lost or mislaid. For remedy whereof.

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 a grant to David Nichols, for ten acres of land, on military warrant number forty-one, for six hundred and forty acres; and said register shall mark on said warrant, that the ten acres to which Cornelius Cooper is entitled, is granted to David Nichols, by directions of this act: *Provided*, nothing in this act contained, shall in anywise affect the right, or title in law, or equity, of the said Cornelius Cooper, or his heirs, in and to said warrant, should he or they hereafter claim the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 8, 1823.

CHAPTER CXCIH.

AN ACT for the relief [of] Susan Fussell, of Davidson county.

To have certain privileges of feme sole.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, Susan Fussell, of Davidson county, wife to Harrison Fussell, be authorized, and entitled by law, to have and to hold real and personal property, in her own name, and to her own use, and in all respects to act and manage for herself and her children, as a *feme sole*; and that all the property which she may hereafter acquire, by descent or distribution, gift, contract or purchase, shall be for her own use, and that of her children, and free from the liability to pay the debts of said Harrison Fussell, and not be subject to his control in any manner.

Made guardian to her children.

SEC. 2. *Be it enacted*, That the said Susan Fussell shall, and is hereby, constituted guardian to her children, which privilege she shall be at liberty to exercise free from the control of her said husband: *Provided*, the said Susan Fussell give bond and security for her guardianship, in the county court of Davidson, as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 10, 1823.

CHAPTER CXCI.

AN ACT for the appointment of additional Trustees to Cumberland College.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the appointment of Nathan Ewing, James Roane, Alfred Balch, Andrew Hays, Francis B. Fogg, Ephraim H. Foster, John Bell, and Charles L. Love, as trustees of said college, be, and the same is hereby, confirmed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 10, 1823.

CHAPTER CXCV.

AN ACT to repeal an act, entitled "An act granting an extra session of the Circuit Court in Dickson county."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act passed at this present General Assembly, granting an extra session of the circuit court in Dickson county, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 10, 1823.

CHAPTER CXCVI.

AN ACT for the relief of Richard Grant.

Whereas, Richard Grant heretofore made his entry for one hundred acres in the sixth surveyor's district, on Sinking-cane creek, in Cocke county, on which an entry and survey was also made by a certain David Shields, and caveat filed to prevent the issuance of a grant thereon to the said David, which suit, after pending a long time in court, was decided against the said Richard: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Richard Grant have leave to withdraw his said warrant from the surveyor-general's office, or clerk's office, as the case may be, and locate the same on any vacant land south and west of the Congressional reservation: *Provided*,

the said Richard Grant shall have his warrant adjudicated by the commissioner, as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 10, 1822.

CHAPTER CXCVII.

AN ACT to regulate the County Courts of Rutherford, and other counties.

May select 3 of their body to hold court. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the justices of the court of Pleas and Quarter-Sessions for Rutherford county, nine, or a majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein, at their first court in each and every year, on the first day of the term, shall select, by ballot, three of their own body, to hold the said courts for that year; and the clerk shall enter upon record, the names of the justices thus chosen, and deliver a copy thereof to the sheriff, whose duty it shall be to notify the persons thus chosen, as soon as practicable.

Justices chosen how to hold terms. SEC. 2. *Be it enacted,* That it shall be the duty of the three justices thus chosen and selected, to attend at the terms of Rutherford county court, and hold the court each day of the term, except the day or days set apart for county business, until the end of the term, or until the business shall be finished: and the said court shall proceed with the trial of the civil and criminal business, in the same manner, and have the same jurisdiction thereof, and the same power, that the justices of the county courts now possess.

Compensat'n SEC. 3. *Be it enacted,* That each of the three justices thus chosen and selected, shall be entitled to receive the sum of one dollar and fifty cents per day, for every day they are necessarily engaged in holding the courts, except the days set apart for county business: *Provided, nevertheless,* this act shall not be so construed as to prevent any other justice of the peace for Rutherford county, from sitting and holding the courts, with the three appointed, or any one or two of them.

Provisions on nonattendance or incompetency. SEC. 4. *Be it enacted,* That if it should happen at any court, the three justices chosen to hold the court should not attend, or they should be incompetent to decide any suit, owing to their connexion with one or

Both of the litigant parties, then, and in that case, it shall be lawful for any three or more of the justices, to make a temporary appointment of a sufficiency of justices, who are competent to hold the court, for the time being, who shall be notified as prescribed in the first section of this act, and who shall have the same powers and privileges, and be entitled to the same pay and emoluments, during the time they hold the court, as are allowed the justices appointed permanently for the year: and until a court can be formed in this way, it shall be lawful for the business to be done before any three justices who may attend to hold court.

Mode of raising fund for compensat'n. SEC. 5. *Be it enacted,* That the clerk of the Court of Pleas and Quarter-Sessions for Rutherford county, shall, after the first day of January next, tax in the bill of costs in each suit, one dollar, in addition to the costs at present authorized by law to be taxed, for the purpose of paying the three justices their *per diem* allowance, which shall be collected by execution as other costs, and paid over to the justices by the clerk: *Provided always,* that if the clerk should receive more than sufficient at any one court, to pay the justices of the preceding term the sums allowed them by this act, it shall be kept in his hands, to supply any deficiency that may happen at any one court during that year: And if there should be a balance in his hands at the end of the year, then, and in that case, the clerk of the court shall account and pay over to the trustee of Rutherford county such moneys, under the same rules, regulations and restrictions, as he is now by law required to pay over other county moneys: *And provided,* that it shall not be lawful for said clerk to tax, in the bill of costs, the amount aforesaid, unless said court shall have elected three of their own body, according to the first section of this act.

Wilson county, like provisions. SEC. 6. *Be it enacted,* That the justices of the court of Pleas and Quarter-Sessions for Wilson county, nine, or a majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein, at their first court in each and every year, on the first day of the term, shall select, by ballot, three of their own body, to hold the said courts for that year, and have the same powers, and be under the same rules, regulations and restrictions, as the court of Rutherford county are.

Montgomery county. SEC. 7. *Be it enacted,* That the court of Pleas and Quarter-Sessions for the county of Montgomery, nine, county.

or a majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein, at their first court in each and every year, on the first day of the term, shall select, by ballot, three of their own body, to hold the said courts for that year, and have the same powers, and be under the same rules, regulations and restrictions, as the court of Rutherford county are, according to the provisions of this act.

Smith county SEC. 8. *Be it enacted*, That the justices of the court of Pleas and Quarter-Sessions for the county of Smith, at their first court in each year, on the first day of the term, shall select, by ballot, three of their own body, to hold the said courts for that year, and have the same powers, and be under the same rules, regulations and restrictions, as the court of Rutherford county: *Provided*, nine, or a majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 11, 1823.

CHAPTER CXCVIII.

AN ACT for the relief of Thomas Batte, of Giles County.

May build a dam. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said Thomas Batte be, and he is hereby, authorized to build a dam across (or so far into) Elk river as he may think proper, at any point on said river where it passes through his land: *Provided*, the same be so built as not to prevent the safe passage of boats, and other water crafts, up and down said river.

Remedy for injuries. SEC. 2. *Be it enacted*, That if any boat, or other water craft, shall at any time be delayed, injured, or destroyed, by said dam when built, the owner or owners thereof, or the owner or owners of the freight thereof, may have an action against the said Batte, his heirs, executors, and administrators, for all damages sustained in consequence thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CXCI.

AN ACT for the relief of Abial C. Parks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the tax of fifty dollars, imposed on Abial C. Parks, for the purpose of building a court-house in Elizabethton, be, and the same is hereby, reduced to fifteen dollars, for the present year.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CC.

AN ACT to establish the town of Overton, in the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town shall and may be laid off on the land of Elijah Cotton, in Perry county, to be known and called by the name of the town of Overton. *Overton established.*

SEC. 2. *Be it enacted*, That Elijah Cotton, Andrew Stobough, Elijah Moore, Isham H. Beard, and William Holmes, be, and they are hereby, appointed commissioners of the town of Overton; and said commissioners, or a majority of them, shall have full power and authority to lay off said town, upon such plan as they may think proper, designating in the plan thereof, such streets, lanes, and alleys, as they may think necessary: And said commissioners, or a majority of them, shall have full power and authority to adopt such rules, and pass such by-laws, for the regulation of said town, not inconsistent with the constitution and laws of this state, as in their opinion will be necessary for the government of said town; *Commissioners appointed—their duties.* *Provided*, said commissioners, before they enter upon the duties assigned them by this act, shall respectively take an oath faithfully to discharge the duties of their appointment.

SEC. 3. *Be it enacted*, That the lots in said town, which may hereafter be sold, shall be liable to the same tax as lots in the other towns in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CCI.

AN ACT to authorize the issuance of Grants on certain plats and certificates of surveys

Whereas two surveys hath been made in the name of James Turner, one for forty-seven acres, the other for twenty acres, and one in the name of Samuel Dyer, for thirty acres, founded on entries made in the office of the surveyor of [the] third district, which plats have been transferred by the persons in whose names they were made, and said assignments proven only by one witness, when the law requires them proven by two, on account of which the Register refuses issuing grants. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of West Tennessee be authorized and required to issue grants to the assignees of said plats and certificates of surveys, in the same manner he would be authorized if said assignments had been proven by two witnesses: *Provided*, the warrants on which said surveys were founded, are good and valid, and the persons in whose names said surveys are made were entitled to the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CCII.

AN ACT defining the duties of the Nolichucky Navigation Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Nolichucky Navigation Company are required, and it is hereby made their duty, at the first court of Pleas and Quarter-Sessions to be holden for the county of Greene, after the first day of January next, to report on oath to said court, the amount of funds and property now in the possession of said company, the whole amount received by lottery, or otherwise, the time when received, the amount expended in the improvement of the navigation of Nolichucky river, and the time when expended.

Balance how
appropriated SEC. 2. *Be it enacted*, That it shall be the duty of said Navigation Company, after they shall have reported the state of their funds as required by the first

section of this act, if any shall be found remaining in their hands, to proceed forthwith to apply them to the improvement of the navigation of the Nolichucky river, according to the intent and meaning of the original act of incorporation.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CCIII.

AN ACT to alter the time of holding regimental musters in the sixty-second, twenty-third, and twenty-fourth regiments of Tennessee Militia.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, the regimental muster of the twenty-third regiment of Tennessee militia, shall be holden on the first Saturday in October, in each and every year; and the regimental muster of the sixty-second regiment of Tennessee militia, shall be holden on the last Saturday in September, in each and every year, instead of the times heretofore pointed out by law for the holding of regimental musters in said regiments.

SEC. 2. *Be it enacted*, That the twenty-seventh regiment shall hereafter hold regimental muster on the fourth Saturday in October annually, instead of the times heretofore provided by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1823.

CHAPTER CCIV.

AN ACT for the relief of Toliver Hughlet, John Long, James Hughlet, Mark Patterson, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of West Tennessee be, and he is hereby, authorized and required to issue to Toliver Hughlet, a certificate warrant for one hundred and forty-five and a half acres, in lieu of so much of grant number six thousand six hundred and seventy-one, taken by the interference of grants number two thousand eight hundred and

twelve, and number two thousand eight hundred and nineteen; and also a certificate warrant for nine and a half acres, in lieu of grant number six thousand six hundred and seventy-two, taken by the interference of grant number two thousand eight hundred and twelve; and also a certificate warrant for eleven acres, in lieu of grant number thirteen thousand nine hundred and seventy-five, taken by the interference of grant number two thousand eight hundred and twelve: *Provided*, said grants, respectively, to said Toliver Hughlet, are founded on good and valid warrants.

To John Long.

SEC. 2. *Be it enacted*, That the commissioner of West Tennessee be, and he is hereby, authorized and required to issue to John Long a certificate warrant for one hundred acres, in lieu of grant number eight thousand six hundred and seventy-seven, taken by the interference of grant number two thousand eight hundred and twelve: *Provided*, said grant to said John Long is founded on a good and valid warrant.

To James Hughlet.

SEC. 3. *Be it enacted*, That the commissioner of West Tennessee be, and he is hereby, authorized and required to issue to James Hughlet a certificate warrant for five acres, in lieu of so much of grant number three thousand three hundred and seventy, taken by the interference of grant number two thousand eight hundred and twelve: *Provided*, said grant is founded on a good and valid warrant.

To Mark Patterson.

SEC. 4. *Be it enacted*, That the commissioner of West Tennessee be, and he is hereby, authorized and required to issue to Mark Patterson a certificate warrant for fifty-two acres and one fifth, in lieu of so much of grant number eleven thousand two hundred and thirty-five, taken by the interference of grant number two thousand eight hundred and nineteen: *Provided*, said grant to said Mark Patterson is founded on a good and valid warrant.

To Drury Smith and John Rose.

SEC. 5. *Be it enacted*, That it shall be lawful for Drury Smith, and John Rose, of White county, to file their grants, or entries, (as the case may be,) with the commissioner, who shall examine the same; and should said commissioner be satisfied, that the warrants on which said grants or entries are founded are good and valid, and that the same are taken by better titles, and so decided in the federal court, (as to Smith's claim,) it shall be the duty of said commissioner to issue certificates to the said Drury Smith, and John Rose, for the quantity of acres called for in their grants or entries, respectively, which shall be located as other warrants south and west of the Congressional

line; all of which said warrants and certificates shall be located south and west of the Congressional reservation line.

SEC. 6. *Be it enacted*, That it shall be lawful for the heirs or executors of Abner Hendly, deceased, to file with the commissioner grant number two thousand two hundred and thirty-six, issued by the state of Tennessee, to Abner Hendly, on the twenty-second of May, one thousand eight hundred and ten, for two hundred and eighty-six acres, together with a certified copy of a grant of better title, covering the whole of said grant number two thousand two hundred and thirty-six; and should said commissioner be satisfied, by a plat of interference, which shall accompany the grant, sworn to by some surveyor, that the whole of said grant number two thousand two hundred and thirty-six is taken by a grant of better title, it shall then be lawful for him to issue a certificate to the legal heirs of the said Abner Hendly, deceased, for the whole of said grant number two thousand two hundred and thirty-six, or for such other quantity of acres so interfered with, and taken by grant of better title; which certificate, when issued, shall be located as other warrants south and west of the Congressional line.

To Abner Hendly.

SEC. 7. *Be it enacted*, That it shall be lawful for Edmond Roberts to file his grant, or mesne conveyances, vesting the title in himself; and also a copy of a grant of better title, together with a plat of interference sworn to, with the commissioner; and should said commissioner be satisfied of such interference of better title taking said Roberts's land, as has been decided by the circuit court of Jackson county, it shall be his duty to issue to the said Edmond Roberts a certificate for such quantity of acres, so taken by the grant of better title, which shall be located as other warrants south and west of the Congressional line.

To Edmond Roberts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 12, 1829.

CHAPTER CCV.

AN ACT for the relief of the owners of lots in the town of Vernon, Hickman County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all acts incorporating

the town of Vernon, shall be, and the same are hereby, repealed; and hereafter the owners of lots in the town of Vernon, shall pay taxes as for other lands, and not as for town lots.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 13, 1823.

CHAPTER CCVI.

AN ACT appointing Commissioners to establish the permanent Seats of Justice in the counties therein named.

Commissioners appointed—their duties.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That Abram Maury, William Hall, James Fentress, Benjamin Reynolds, be, and they are hereby, appointed commissioners, to fix on a site for the permanent seat of justice in the counties of Weakley, Gibson, M'Nairy, Dyer, Hardeman, Obion, Tipton and Haywood; and the said commissioners, or a majority of them, shall, on or before the first Monday in November next, proceed to fix on a place, as near the centre of each of the respective counties as an eligible site can be procured, or on such other place as they, in their discretion, may think will be most conducive to the interest and convenience of the citizens of the said several counties; and shall procure by purchase or otherwise, at least fifty acres of land, at the several sites so fixed on by them, for which they shall cause a deed, or deeds, to be made to themselves and their successors in office, by a general warranty.

Other regulations how provided for.

SEC. 2. *Be it enacted,* That all other matters and things relating to a transfer of title by the commissioners, and laying off and establishing towns at the several sites in the first section of this act provided for, and making sale of lots in the towns aforesaid, together with the appropriation of the moneys arising from the sale of the same, and all other things touching the said seats of justice; and the courts of the said several counties not specified in this act, shall be governed by the same laws, rules, and regulations, as are prescribed in an act, entitled "An act appointing commissioners to establish the permanent seats of justice in the counties of Henry, Carroll, Henderson and Madison," passed at Murfreesborough, November sixteenth, one thousand eight hundred and twenty-one.

And whereas, in designating and prescribing the boundaries of several counties west of Tennessee river, the call of running parallel with the sectional or range line has been omitted: Therefore,

SEC. 3. *Be it enacted,* That in all such cases it is hereby declared and made lawful for such boundary lines to be run parallel with the sectional, or range lines, as the case may be. Boundaries how run.

SEC. 4. *Be it enacted,* That owing to the overflowed lands, swamps, and other peculiarities in the situation of the county of Shelby, there shall, on the first Monday of February next, be held an election by the sheriff of said county, at the usual place or places of holding elections, to ascertain the sense of a majority of the voters of said county, whether it is their wish to fix the permanent seat of justice thereof at the centre, or within three miles of it, or at some point on the Mississippi river, or within three miles of it: and said sheriff shall hold such election on the day aforesaid, after duly advertising the same throughout his county; and he shall make return of the result of said election to the commissioners appointed by this act, who shall accordingly examine for a site, and so fix it, unless said commissioners should be of opinion, considering all circumstances, that a more advantageous site can be had in said county, in which case they shall fix the seat of justice at such last-mentioned place. Shelby boundaries, and court-house.

SEC. 5. *Be it enacted,* That the said commissioners shall be entitled to four dollars per day, for each and every day they may be necessarily employed in the business imposed on them, which shall be paid by the counties respectively. Commissioners' compensation.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 13, 1823.

CHAPTER CCVII.

AN ACT to authorize Lodge No. 8 to make a deed of conveyance for the purposes therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the master and wardens of Lodge number eight, in the town of Nashville, be, and they are hereby, authorized to convey to the corporation of Nashville any portion of the lot of

ground owned by said Lodge, which may be necessary for fixing a reservoir of water for the benefit of said town, together with the necessary privileges for the full enjoyment of the same.

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

November 13, 1823.

CHAPTER CCVIII.

AN ACT for the relief of Joseph H. and Robert Scales, heirs of Joseph Scales, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner be, and he is hereby, directed to issue to Joseph H. and Robert Scales, heirs of Joseph Scales, deceased, a certificate warrant for three hundred and twenty nine acres: *Provided*, said Joseph H. and Robert Scales shall satisfy said commissioner, that there is taken of grant number one thousand and thirty, for six hundred and forty acres, issued by the state of North-Carolina to Joseph Scales, three hundred and twenty-nine acres, by a North-Carolina grant, number four hundred and forty-seven, to David Harbison, for four hundred acres: *And provided*, that said commissioner shall be satisfied, that the said Joseph H. and Robert Scales are entitled to the same, and that grant number one thousand and thirty is founded on a good and valid warrant, and that no other grant has issued on the same, and that no certificate has heretofore issued to any person on account of such interference: *Provided*, said commissioner shall cancel so much of said grant number one thousand and thirty, as he may issue a certificate for.

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

November 13, 1823.

CHAPTER CCIX.

AN ACT to appoint a Trustee for Anderson Academy, in the county of Cocke, in place of Augustine Jenkins, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Daniel C. Chamberlain

is hereby appointed trustee for Anderson Academy, in the county of Cocke, in place of Augustine Jenkins, deceased.

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

November 13, 1823.

CHAPTER CCX.

AN ACT to appoint additional Commissioners for Lawrence county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George Isom, George Rogers, John M'Clarín, Isaac Reader, Jesse M'Nally, and William Wisdom, be, and they are hereby, appointed commissioners of the town of Lawrenceburgh, in the county of Lawrence, in addition to those already appointed, to act jointly with them, to have the same powers and authority, and be subject to the same duties, and under the same responsibility.

SEC. 2. *Be it enacted*, That such persons, or as many of them as may act in conformity with this appointment, together with the former commissioners, or as many of them as continue such, shall enter into a bond of eight hundred dollars each, to the county court, for the faithful performance of their duties; and all the said commissioners, or a majority of them, shall be known, and act under the same name and style as heretofore prescribed by law, any law to the contrary notwithstanding.

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

November 13, 1823.

CHAPTER CCXI.

AN ACT making lawful the proceedings of the commissioners for the town of Huntington, in the county of Carroll.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proceedings of the commissioners appointed to lay off the town of Huntington, in the county of Carroll, are hereby recognized and made lawful, and that the boundaries of the public square, streets, and alleys, and lots, as now laid off by said commissioners, shall be and remain valid. Acts of former commissioners made valid.

permanent, as if laid off agreeable to the act of one thousand eight hundred and twenty-one, any former law to the contrary notwithstanding.

Town incorporated.

SEC. 2. *Be it enacted*, That Huntingdon, in Carroll county, and the inhabitants thereof, is hereby declared to be incorporated, with all the privileges and power which are by law prescribed to the town of Paris, in the county of Henry, passed at the present session, any law to the contrary notwithstanding.

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

November 14, 1823.

CHAPTER CCXII.

AN ACT to enlarge the limits of the town of Jackson, in the county of Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passing of this act, the limits of the town of Jackson shall be, and the same is hereby, enlarged, so as to include all the citizens now settled, or which may hereafter be settled, within two hundred yards of the present limits or boundaries of said town.

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

November 14, 1823.

CHAPTER CCXIII.

AN ACT for the relief of William B. Nelson.

Certificate to issue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of West Tennessee be authorized to issue to William B. Nelson a certificate, or warrant, for two hundred and eighty-five and one fourth acres, on grant number fourteen thousand nine hundred and nineteen, issued by the state of Tennessee, to the said William B. Nelson, for two hundred and eighty-five and one fourth acres, dated thirteenth September, one thousand eight hundred and twenty, being delivered to said commissioner, to be cancelled: *And provided*, it

shall appear that said grant issued on a good and valid warrant.

SEC. 2. *Be it enacted*, That it shall and may be lawful for said warrant, when issued as aforesaid, to be located on any vacant and unappropriated land south and west of the Congressional reservation line.

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

November 14, 1823.

CHAPTER CCXIV.

AN ACT to extend the term of Anderson Circuit Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, it shall and may be lawful for the Circuit Courts for Anderson, to be extended until Thursday after the fourth Monday in February and August, in each year: *Provided*, the business in said court may require an extension of the term to that time.

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

November 14, 1823.

CHAPTER CCXV.

AN ACT for the relief of Levi Woolly and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Levi Woolly be, and he is hereby, authorized to make void an entry, made in the ninth Surveyor's district, on the seventeenth day of December, one thousand eight hundred and twenty-two, for seventy acres, in the name of said Levi Woolly, number of entry one thousand one hundred and eleven, and shall be permitted to enter the warrant upon which said entry is founded, on any vacant and unappropriated land in said district, at any time after the passing of this act, that he may wish to do so; and it shall be the duty of the surveyor of the ninth district, on the application of the said Levi Woolly, his agent, or attorney, to make void said entry, and permit said Levi Woolly, his agent, or attorney, to enter the warrant on which said entry is founded, on any vacant and unappropri-

To make void location, and re-enter.

ated lands within said ninth district: *Provided*, said entry shall include the improvement of said Levi Woolly.

Same privilege to J. Jackson.

SEC. 2. *Be it enacted*, That John Jackson be allowed to remove entry number one thousand one hundred and thirty three, in the ninth Surveyor's district, under the same restriction that Levi Woolly is allowed to remove his entry.

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

November 14, 1823.

CHAPTER CCXVI.

AN ACT for the benefit of Elisha Floyd.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the Treasurer of West Tennessee is hereby authorized and required to pay to Elisha Floyd, one hundred and seventy-nine dollars; and the receipt of the said Elisha Floyd, shall be a good voucher in the hands of the Treasurer in the settlement of his accounts.

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

November 14, 1823.

CHAPTER CCXVII.

AN ACT to authorize the Surveyor General of the 12th district to extend the lines of entry No. 337, for 16,000 acres, made in the name of General Robert Howe.

Whereas it is represented to this General Assembly, that the surveyor, in making the survey on said entry number three hundred and fifty seven, by mistake in calculation, did not include in the lines of said survey the quantity called for in said entry.—
For remedy whereof,

To extend lines of survey.
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the surveyor of said district be, and he is hereby, authorized to extend the lines of said survey agreeably to the entry thereof, so as to include the quantity called for in the warrant on which the entry is founded; and the Register of West Tennessee is hereby authorized to alter the grant agreeably to said re-survey.

SEC. 2. *Be it enacted*. That if there should not be vacant land sufficient to make the quantity called for in said entry, that the Register of West Tennessee is hereby authorized to issue a certificate to the heirs of General Robert Howe, for the balance for said warrant.

Register to issue certificate.

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

November 14, 1823.

CHAPTER CCXVIII.

AN ACT supplementary to an act, entitled "An act for the relief of James A. Wilson," passed August 19th, 1822.

Whereas, by the before-recited act, the commissioners for the adjudication of North Carolina land claims were authorized to issue to the said James A. Wilson a certificate warrant for forty acres of land: And whereas it has been represented to this General Assembly, that the said James A. Wilson failed to avail himself of the provisions of said act before the closing of said commissioners' office. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the Secretary of State, or Commissioner, issue to the said James A. Wilson, a certificate warrant for forty acres of land, in the same manner that the commissioners were authorized to do under the law to which this is a supplement.

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

November 14, 1823.

CHAPTER CCXIX.

AN ACT to establish a Town on the north bank of Tennessee river, opposite to Perryville, in Perry county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That John Copeland, John Davidson, Paul H. Nealy, and West Wood, shall proceed to purchase twelve acres of ground, as near opposite to Perryville as a convenient landing and suitable site can be procured, and they shall proceed to lay off a town, with one acre of ground as near the centre of said town as may be, for the purpose of building a warehouse; and said town shall be known as the town of Perryville, and town established.

by the name of Coplensburgh, in honor, and to perpetuate the name of Colonel Reuben Copeland, late deceased, of Perry county.

Christmas-
ville.

SEC. 2. *Be it enacted*, That it shall be lawful for the commissioners hereinafter named, to establish and lay off a town on the north side of the south fork of Obion river, at or near the place called "M'Lemore's Bluff," on the land of John C. M'Lemore, and that said town be known by the name of Christmasville.

Commission-
ers appoint'd

SEC. 3. *Be it enacted*, That John C. M'Lemore, Robert E. C. Doherty, John Woods, Littleberry White, David Gillespie, Samuel M'Corkle, James H. Gee, James Greer, Edward Bucie, and James Lattemore, be, and they are hereby, appointed commissioners of said town; and the said commissioners, or a majority of them, shall have full power to regulate any matter that may concern them, and to adopt such by-laws, not inconsistent with the constitution and laws of this state, as may suit the interest and convenience of the proprietor or proprietors of said town of Christmasville: *Provided*, the said commissioners, before entering upon the duties of their office, take an oath well and truly to discharge the duties of their appointment.

Proprietors
to erect a
warehouse.

SEC. 4. *Be it enacted*, That it shall be lawful for the proprietor or proprietors of said town of Christmasville, to erect a warehouse or warehouses in said town, for the safe keeping of cotton and tobacco, and for the inspection of tobacco and other articles of exportation; and that said warehouse or warehouses, and inspections, be under the same rules, regulations and restrictions, that other establishments of a similar nature are under.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 14, 1823.

CHAPTER CCXX.

AN ACT to make an appropriation of money to complete the opening of that part of the Public Road leading from Jonesboro' to North Carolina, by Elizabethton, in Carter county.

Whereas the state of North Carolina has appropriated the sum of five thousand dollars, for opening, and putting in complete repair, two roads leading from Wilkesboro', in that state, over Stone's Moun-

tain to the line of this state, in Carter county: And whereas the great benefits derived from such public spirited exertions, in the improvement of their highways, will in a great measure be lost to the good people of both states, without corresponding exertions on the part of the legislature of Tennessee: And whereas objects so laudable and beneficial, should not be defeated. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James P. Taylor, John Kennedy, Christian Carriger, William Lindsey, Leonard Shown, and Johnston Hampton, or a majority of them, be, and they are hereby, authorized to draw upon the Treasurer of East Tennessee for the sum of five hundred dollars, which sum, when received, shall be by them appropriated in clearing out, and putting in good repair, that part of the public road from Jonesboro', by way of Elizabethton, to North Carolina, which passes over the mountain between Elizabethton and the North Carolina line; and the same shall be expended on the Stone Mountain, or so much thereof as will be sufficient to open and clear out the road to the best advantage, and in the manner pointed out and required by an act passed at Murfreesborough, November fourteenth, one thousand eight hundred and twenty-one. Money to be
drawn, and
now appro-
priated.

SEC. 2. *Be it enacted*, That the receipt of the persons mentioned in the first section of this act, or a majority of them, shall be a good voucher to the treasurer in the settlement of his accounts. Vouchers to
treasurer.

SEC. 3. *Be it enacted*, That it shall be the duty of the county court of Carter county, at their first court after the money has been expended on said road, to appoint an overseer, and allot him a sufficient number of hands to open and clear out, and put in complete repair, the said road, and keep the same in repair. Carter court
to appoint o-
verseer.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXI.

AN ACT supplemental to an act, entitled "An act for the relief of Willie Cherry," passed at Murfreesborough, August 17, 1822, and for other purposes.

Whereas the said Willie Cherry filed his claim in pursuance of the provisions of the above-recited act,

and it does not appear that the same was finally acted on: For remedy whereof,

Former act
revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of the land office be, and he is hereby, authorized to adjudge the claim of said Willie Cherry, upon the terms, and in the manner, pointed out in the act to which this is a supplement.*

Wm Leaton's
heirs.

SEC. 2. *Be it enacted, That an act passed by the General Assembly of the state of Tennessee, August twenty-third, one thousand eight hundred and twenty-two, entitled "An act for the relief of the heirs of William Leaton," be, and the same is hereby, revived; and the commissioner of West Tennessee, who may be appointed at this present session, be, and he is hereby, authorized and required to issue to the heirs of the said William Leaton, a certificate warrant for six hundred and forty acres, according to the provisions, and under the restrictions contained in the above recited act.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXII.

AN ACT for the relief of Samuel R. Rucker, Robert H. Dyer, and Blackman Coleman.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for Samuel R. Rucker, Robert H. Dyer, and Blackman Coleman, to file a grant issued to them by the state of Tennessee, for two hundred acres, number fifteen thousand three hundred and forty-five, with the commissioner, together with a plat of interference, made out and sworn to by some legal surveyor, reciting the quantity of said grant which is taken by a grant of better title, issued by the state of North Carolina to Reding Blount; and should said commissioner be satisfied from the plat of interference, or other satisfactory testimony, that the said Rucker, Dyer, and Coleman, are entitled to any greater quantity of acres of certificate, than was issued to them by the former board of commissioners on account of said interference, the said commissioner shall issue to such claimants such balance of certificate which they may be entitled to, and vacate the*

grant number fifteen thousand three hundred and forty-five, for such quantity as issued; which certificate, if issued, shall be located on any vacant land south and west of the Congressional reservation line.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXIII.

AN ACT for the relief of George Worly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Daniel Cherry be authorized to make void an entry for twenty-five acres of land, in the seventh district, thirteenth range, third section, (on which land George Worly now lives,) and re-enter the same in said district, section, and range, to include the improvement of said Worly: Provided, said entry is founded on a good and valid warrant.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXIV.

AN ACT for the benefit of the legatees of Walter Sims, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the double taxes arising on the lands of Walter Sims, deceased, lying in the county of Hawkins, and which have been sold and purchased in for the benefit of the state by the sheriff of said county, be, and the same are hereby, remitted; and that the legatees of said Walter Sims have until the meeting of the next General Assembly to redeem the same, upon their paying the single taxes that have arisen, or may arise, on the same up to that time, together with ten per cent interest thereon until paid, and upon their paying all other costs and charges arising on the same.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXV.

AN ACT empowering the commissioners of the town of Perryville, in the county of Perry, to erect a public jail in said town, for the use of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of the town of Perryville, in the county of Perry, be, and they are here [hereby,] empowered and authorized to select and set apart some suitable lot of land in said town, not otherwise by them sold or disposed of, for the site of a public jail for the use of said county; and the said commissioners aforesaid, are hereby authorized to erect, or to cause or to procure to be erected, such a public jail on said lot, when so set apart, as they may deem convenient for the benefit and use of said county; and to pay for the building of said jail out of any public funds in their hands arising from the sale of lots in said town, not otherwise disposed of, or otherwise appropriated by law: *Provided,* nothing herein contained shall authorize the said commissioners to have said jail erected either on or adjoining the public square in said town.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXVI.

AN ACT to authorize additional terms of the County Court of Davidson to be held in certain cases.

Extra session
of Davidson
county court
provided for.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever it so happen during the recess of the county court of Davidson, that any person, or persons, shall be confined in the jail of said county, for any offence which is cognizable in the county court, it shall be lawful for any three or more justices of the peace in said county, on being notified by the sheriff of the fact of the confinement of such persons, to open and hold an extra session of said county court, for the purpose of trying such persons as may be confined in jail for any such offences; and said justices shall have power to order the sheriff forthwith to summon a jury to attend and form a grand jury and petit jury, and shall have and possess all the powers of the county court, and be governed by all the rules, regulations, and restrictions, applicable to the ordinary sessions of the said court;

the clerk of the county court shall attend, and do all the necessary process for the trial of said state cases, and of carrying into effect the judgments which may be rendered: *Provided,* that said extra court shall not have any power to try any civil causes.

SEC. 2. *Be it enacted,* That the Solicitor for the state for said county, shall attend said sessions, ^{Prosecuting attorney.} and prosecute in said causes, if he shall not necessarily be absent at some other court; and if it so happens that he does not attend, said court shall appoint some attorney to prosecute during that term.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CCXXVII.

AN ACT to authorize the issuance of a grant to William Burgess on entry No. 728.

Whereas it is made satisfactorily to appear to this General Assembly, that William Burgess made an entry for ninety-nine and one half acres of land, in the twelfth surveyor's district, on the seventeenth of May, one thousand eight hundred and twenty-one, by entry number seven hundred and twenty-eight, in the fourth range and ninth section in said district, upon which entry a survey and plat and certificate was rightfully made out by the surveyor of said district, but by accident the warrant upon which said entry was founded, and survey made, has been lost or mislaid, so that it cannot be found, by reason whereof the Register refuses to issue grant: For remedy whereof,

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 William Burgess, a grant for ninety-nine and a half acres of land, in the twelfth surveyor's district, range four, and section nine, agreeably to the calls of the plat and certificate made out by the surveyor of said district on entry number seven hundred and twenty-eight, without requiring the warrant upon which said entry was founded to be produced to him: *Provided,* the said William Burgess, previous to the issuing said grant, shall enter into bond, with security to be approved of by said Register, in the sum of five hundred dollars, payable to the Go-

vernor, for the time being, and his successors in office, conditioned, that said certificate warrant, which entry number seven hundred and twenty-eight, shall nothwithstanding appear, or become chargeable on the state; and said bond, when taken, shall be deposited in the office of the Secretary of State: *And provided*, said entry number seven hundred and twenty-eight was founded on a good and valid warrant.

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

November 15, 1823.

CHAPTER CCXXVIII.

AN ACT for quieting the owners of Lots in the town of Winchester in the possession of their improvements.

Whereas it appears to this General Assembly, that the commissioners of the town of Winchester, in laying off the lots, streets, and commons, and public square of said town, committed a mistake in this, that in the plan by them made, said lots and the public square are represented, and were intended, to be bounded by lines at right angles with each other, and to lie in a square form, and said streets to be of equal width, and to cross each other at right angles, and said commons to be of equal width: And whereas, upon a survey of said town, it appears that the streets do not cross each other at right angles, and are not of equal width; the public square was not laid off at right angles, and the commons are not of equal width; by reason of which, owners of lots, from an ignorance of said mistake committed by said commissioners, have in many instances, in erecting their houses and buildings, have encroached upon what now appears to be within the public square, or the streets and commons of said town: And whereas it appears, that the Intendant and Council of said town, have caused a re-survey of said town to be made, since the discovery of said mistake, in such manner as to include the buildings and improvements of the proprietors of lots, on the lots respectively to which they were intended to belong; and have, by an order of their board, established said re-survey as the plan of the town. Therefore, in confirmation thereof, and

prevent any future litigation, uncertainty, or controversy, about said lots and buildings,
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the re-survey and plan of said town, made out by William M. Quisenberry, surveyor thereof, pursuant to an order of the Intendant and Council of said town, be established as the plan of said town; and that the proprietors of houses and lots in said town, shall be quieted in their possessions and improvements, and that said lots shall be considered as extending over, and including the improvements and buildings so erected: *Provided, however*, that nothing in this act contained, shall be so construed as to affect or interfere with the conflicting rights of individuals owning adjoining lots, where the improvements made by one shall have been erected on the ground of another: *And provided further*, that nothing in this act contained shall be so construed, or shall so operate, as to affect or interfere with the decision of any suit or suits, either in law or equity, now depending in any of the courts of this state, in relation to any of the lots or improvements in said town.

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

November 15, 1823.

CHAPTER CCXXIX.

AN ACT for the relief of Lewis R. Vance.

Whereas it is represented to this General Assembly, that a road of the third class is laid out by order of Jackson county court, which passes through the plantation of said Vance, and which is very injurious to the same: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for Lewis R. Vance, of Jackson county, to keep gates across the road which leads through his plantation, which gates shall be of corresponding width with the class of said road: *Provided*, that all persons be permitted to pass through said gates without paying any toll therefor: *Provided, nevertheless*, that should any person be guilty of wilfully leaving said gates open, they shall be liable to such damages as may be sustained by the party injured, to be re-

covered before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 15, 1823.

CHAPTER CXXX.

AN ACT to empower the Court of Pleas and Quarter-Sessions of Bedford county, to appoint Commissioners to contract for, and superintend, the building of a Bridge over Duck river, and for other purposes.

County court of Bedford to lay tax for building bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of Pleas and Quarter-Sessions for Bedford county, may, and they are hereby, authorized, should they think proper, (three-fourths of said justices being [present,] and agreeing thereto, at the time they proceed to lay the county tax in said county,) to lay a tax on all taxable property in said county, so that said tax shall not exceed four hundred dollars per annum for three years, provided it should be found necessary to continue said tax during that time; which tax, when collected, shall constitute a fund in the hands of commissioners to be appointed to contract for, and superintend the building of a bridge over Duck river, at the town of Shelbyville, in the county of Bedford.

To appoint persons to contract.

SEC. 2. *Be it enacted*, That it shall be the duty of the court of Pleas and Quarter-Sessions of Bedford county, three fourths of said justices being present, at the first session of said court after the last day of January, one thousand eight hundred and twenty-four, to appoint three suitable persons to contract for and superintend the building a bridge [over] Duck river, at such place as said commissioners, or a majority of them, may select as the most suitable, at or near the place named in the first section of this act.

Commissioners to procure site, and take title.

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

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

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

SEC. 6. *Be it enacted*, That it shall be the duty of the treasurer, or receiver of moneys as provided for by this act, to procure a book, in which he shall receive the subscriptions of individuals for any sum or sums of money any person may subscribe towards raising a fund in addition to that contemplated in the first section of this act, payable at such time as said commissioners may require and subscribe.

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

SEC. 8. *Be it enacted*, That said court shall not levy and collect, in each and every year, a greater sum than four hundred dollars for the purposes aforesaid: *And provided*, that said court shall not have the power to lay and collect the tax aforesaid for a longer period than three years.

SEC. 9. *Be it enacted*, That it is hereby made the duty of the treasurer, appointed under the authority of this act, when the bridge aforesaid shall be completed, if any funds shall remain in his hands, collect-

ed by him as aforesaid, to pay the same over to the trustee of said county, and the receipt of said trustee shall be a good voucher in the settlement of his accounts.

Provisions if not built by county, and rates of toll. SEC. 10. *Be it enacted*, That if the court of Pleas and Quarter-Sessions of Bedford county shall fail or refuse, or not deem it expedient, to lay and collect the tax for the purposes aforesaid, then, in that case, it shall and may be lawful for Newton and Robert Cannon, of the county of Williamson, to build said bridge, at any point they may think most eligible in the neighbourhood of Shelbyville, across said stream, at their own expense; and shall be allowed to demand and receive not exceeding the following rates of toll, to wit: for each horse and rider, twelve and one half cents; for each led or loose horse, six and one fourth cents; for each wagon and team, one dollar; for each cart, twenty-five cents; for each two-wheel carriage of pleasure, fifty cents; for each four-wheel carriage of pleasure, one dollar; for each head of cattle, hogs, and sheep, one cent; for each foot passenger, six and one fourth cents: *Provided*, that the carrier of the United States mail shall pass over said bridge free from toll.

Liability for damages. SEC. 11. *Be it enacted*, That said bridge shall be kept in good repair at all times, for the safety of those who may wish to cross the same; and if any damage may happen to any passenger, in consequence of said bridge being out of repair, said proprietors shall be bound to pay the same, to be recovered before any jurisdiction having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 17, 1823.

CHAPTER CCXXXI.

AN ACT directing to the County Court of Rutherford County.

Edm'd Jones may emancipate certain slaves. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the court of Pleas and Quarter-Sessions for the county of Rutherford, at their January sessions, one thousand eight hundred and twenty-four, or at any subsequent term, of Edmond Jones, setting forth his wish to emancipate three negro boys, Sim, about seventeen, Ben, fifteen, and Tom, about fourteen years

of age, to act upon said petition for the manumission of said slaves, if the said Edmond shall previously enter into bond with good and sufficient security, in the sum of one thousand dollars, to the chairman of said court, to prevent and keep said slaves from being or becoming a county charge, in any county in this state, then said slaves shall be free, according to said manumission of the said Edmond, and shall enjoy all the liberties of other free persons of colour in this state, and shall be known by the name of James Hill, Benjamin Hill, and Thomas Hill.

SEC. 2. *Be it enacted*, That the clerk of said court shall enter the same of record, and shall give to said slaves a certificate of their manumission, for which he shall receive the same fees as for similar services, in other cases, to be paid by the owner of said slaves.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 17, 1823.

CHAPTER CCXXXII.

AN ACT for the relief of the County Treasury of the county of Rutherford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee is hereby authorized, and required, to pay over to the county trustee of the county of Rutherford, the sum of sixty-one dollars and ten and one third cents, the same being so much of the revenue for the county of Rutherford, raised and collected by the sheriff of said county in the year one thousand eight hundred and twenty-one, which was paid by mistake by the sheriff of said county, into the state treasury, which by law, and by right, ought to have been paid into the treasury of said county; and when said treasurer of West Tennessee shall pay the said sum of money into the hands of the county trustee of said county, for the time being, the said trustee's receipt shall be a good and sufficient voucher in the hands of said treasurer in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 18, 1823.

CHAPTER CCXXXIII.

AN ACT for the benefit of Daniel Trigg and others.

Certificate
to issue.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of West Tennessee be, and he is hereby, directed to issue to Daniel Trigg a certificate for forty-four acres of land, in consequence of so much of grant number one thousand one hundred and eighty-nine, being taken by the better title of grant number one thousand one hundred and eighty-six: *Provided*, it shall appear that the said grants have been founded on good and valid warrants, and that the issuance of said certificate, for the quantity of acres aforesaid, to the said Daniel Trigg, shall in nowise affect the legal or equitable title of Samuel Hodge, or his legal representatives, in and to said certificate, should he or they hereafter claim the same.

James Lard,
certificate for
interference.

SEC. 2. *Be it enacted*, That the commissioner be authorized, and required, to examine three grants for six hundred and forty acres each, issued by the state of North Carolina to James Lard; and if it shall be made appear to said commissioner, that the said grants are founded on good and valid warrants, on which no other grants have ever issued, and that said grants have been taken by interferences of better title or titles, it shall be the duty of said commissioner to issue certificates upon said grants, or such part or parts as may have been taken by interferences, in the name of James Lard, or such person or persons as may be entitled to the same: *Provided*, no certificates have heretofore issued on account of said interferences; and which certificates, when issued, may be located on any vacant and unappropriated lands south and west of the Congressional reservation line.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 18, 1823.

CHAPTER CCXXXIV.

AN ACT for the benefit of John L. Williams, William M'Nabb, Jr. and David M'Nabb, Jr. sons of William M'Nabb, Sr.

Prior right
to enter land

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John L. Williams, William M'Nabb, junior, and David M'Nabb, junior, sons of William M'Nabb, senior, shall have the

prior right of entering fifty acres of any vacant land, in each and every place they may have discovered lead ore, in Carter county, previous to the third day of September, one thousand eight hundred and twenty three: *Provided*, they make said entries within three months after the opening an office for the entry of said lands; and they are hereby required to make such entries special in their beginning, and pay the price that may be affixed on said vacant lands by the General Assembly, when such entries are made.

SEC. 2. *Be it enacted*, That the county court of Carter shall cause to be condemned two hundred acres of land, unfit for cultivation, for the use and benefit of said lead works, in the same manner as prescribed by act of assembly to condemn land for the use and benefit of iron works; and that said John, David, and William, shall pay the usual fees of the clerk, sheriff, and surveyor.

SEC. 3. *Be it enacted*, That said Williams and M' Nabbs shall run out and mark the several tracts of land which they may appropriate, and shall moreover make out locations of the same, which shall be filed with the surveyor of Carter county.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 18, 1823.

CHAPTER CCXXXV.

AN ACT pointing out the duties of the Trustees of Wertemberg Academy, in the county of Giles, and to appoint additional Trustees therefor, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty report of the trustees heretofore appointed of Wertemberg Academy, at the first court of Pleas and Quarter-Sessions to be holden for Giles county, after the first day of January next, to report to said court, upon oath, the amount of funds which may have come into their hands since their appointment, the amount by them paid out and expended, and in what manner, and the purposes for which such expenditures were made.

SEC. 2. *Be it enacted*, That G. D. Taylor, Thomas Wilkerson, H. Higgin, A. Black, Fountain Lester, John M'Cracken, Samuel Y. Anderson, and Charles C. Abernatha, be, and they are hereby, appointed ad-

Additional
trustees for
Wertemberg
Academy.

ditional Trustees for the Wertenberg Academy, in the county of Giles, and shall possess all the rights, privileges, and capacities, that the original trustees have, and be subject to the same rules, regulations, and restrictions, as those heretofore appointed.

For Liberty
Academy.

SEC. 3. *Be it enacted*, That William Seal, Richard Cheatham, and John T. Priestley, be, and they are hereby, appointed additional Trustees for Liberty Academy, in the county of Robertson, and that they shall have the same powers and privileges, and be subject to the same regulations, as those heretofore appointed.

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

November 18, 1823.

CHAPTER CCXXXVI.

AN ACT for the relief of the Commissioners of the town of Athens, and seat of justice for the county of M'Minn.

Commission-
ers to be com-
pensated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That for such services as have by law been required of the commissioners of the town of Athens, and seat of justice for the county of M'Minn, and have been accordingly performed by them, or any of them, the court of Pleas and Quarter-Sessions of said county may allow to the said commissioners, such compensation, severally, as to the said court may appear reasonable; and that such allowance so made, be retained by said commissioners out of the moneys in their hands: *Provided*, that a majority of the justices of the peace of said county concur in making such allowance or allowances.

Former laws
repealed.

SEC. 2. *Be it enacted*, That all laws coming within the purview of this act, be, and are hereby, repealed.

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

November 18, 1823.

CHAPTER CCXXXVII.

AN ACT for the benefit of the heirs of Jerome M'Clain and others.

Land warrant
to be adjudi-
cated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the heirs of Jerome M'Clain, deceased,

to cause military land warrant number one thousand and seventy-six, issued for the military services of said Jerome, to be laid before the proper tribunal of this state, for adjudication; and if the same shall be found good and valid, and in all respects entitled to satisfaction by this state, it shall be so declared, and shall thereupon be located upon any vacant and unappropriated lands in this state, which are or may by law be made liable to the same.

SEC. 2. *Be it enacted*, That it shall be lawful for the heirs of Eli Ely, in like manner to cause military land warrant number eight hundred and eighty-one, issued for the military services of the said Eli, and for John Harrison, in like manner, to cause military land warrant number one thousand and ninety-nine, issued for the military services of said John, to be laid before such tribunal for adjudication, and to be respectively adjudged, and appropriated, as required in the case of the heirs of Jerome M'Clain, specified in the first section of this act.

SEC. 3. *Be it enacted*, That the commissioner of land warrant West Tennessee [issue] to Samuel K. Blythe a war-
rant for two hundred and sixteen and one half acres of land, it being the quantity of acres taken by the better title of Benjamin Hancock, out of grant number eight hundred and eighteen, issued by the state of Tennessee to William Nash, by virtue of a decree of the supreme court of Errors and Appeals, sitting in the fourth judicial circuit; and all of said warrants, when adjudicated to be valid, may be located on any vacant and unappropriated lands south and west of the Congressional reservation line.

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

November 18, 1823.

CHAPTER CCXXXVIII.

AN ACT to authorize the running and marking certain county lines.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John H. Bills, of the county of Hardeman, be, and he is hereby, appointed surveyor, to run, and cause to be measured and marked, the south boundary of the county of Madison; And the county court of Madison are hereby required to appropriate a sum of money sufficient to defray the expense of running and marking said line.

Hardeman and M'Nairy. SEC. 7. *Be it enacted*, That the said John H. Bills be, and he is hereby, appointed surveyor, to run, and caused to be measured and marked, the dividing line between the counties of Hardeman and M'Nairy; and that the expense of running and marking said line, be equally divided between the said counties: And the county courts of the counties of Hardeman and M'Nairy, are hereby required to appropriate a sum of money sufficient to defray the expense of running and marking said line.

compensation to surveyor and others. SEC. 3. *Be it enacted*, That the said surveyor be allowed the sum of three dollars, and the chain carriers and markers, each, be allowed the sum of one dollar and fifty cents, per day, for each and every day they may be necessarily employed in running and marking said lines; and the county courts of the counties aforesaid, are hereby authorized (if necessary) to lay a tax sufficient to carry this act into effect: And the said surveyor, in running said lines, shall be governed by the existing laws dividing said counties.

WILLIAM YOUNG,

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

W. HALL,

Speaker of the Senate, *pro tem.*

November 20, 1823.

CHAPTER CCXXXIX.

AN ACT to repeal the fourth section of an act passed October 25th, 1821, entitled "An act to authorize Aaron Higginbotham to open a turnpike road."

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

Penalty for obstructing road. SEC. 2. *Be it enacted*, That if any person or persons shall in any manner obstruct that part of Hill's road leading from it to connect with Raney and Hoodenpile's turnpike road, on Cumberland Mountain, he or they shall be subject and liable to the same penalties as for obstructing public roads, and shall be recovered in the same manner.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

November 21, 1823.

CHAPTER CCXL.

AN ACT directory to the Judges of the First and Second Circuits.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Judge of the Circuit Court, either for the first or second circuit, be required, in or out of term time, to examine all the bills of costs chargeable on the Treasury, in the case, the State against Delop, and to allow the same according to law, notwithstanding said case may have been removed to, and finally determined in, the Court of Appeals at Rogersville.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

November 21, 1823.

CHAPTER CCXLI.

AN ACT for the benefit of the widow Margaret Henderson, her heirs, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the surveyor of the Hiwassee District, on application of the widow Margaret Henderson, to make out a plat and certificate of the north-east quarter of section third, township second, and second range east of the meridian; and deliver the same to the said Margaret Henderson, to the intent the same may be presented to the register of East Tennessee, together with the treasurer's receipt for forty dollars, that a grant may issue in the name of Margaret Henderson, and her heirs jointly, as in other cases; *Provided*, the said sum of forty dollars be paid as aforesaid, within twelve months from the passage of this act.

SEC. 2. *Be it enacted*, That Captain James Royall is hereby authorized to select any quarter-section of land in the Hiwassee District, not heretofore appropriated, or settled or improved, by any other person; and upon his selecting such quarter-section of land, and making it known to the entry taker, he shall mark such quarter-section as appropriated, on the general plan of his office; and shall issue an order to the surveyor-general of said District, who shall proceed to survey such quarter-section of land for said Royall, and deliver to him a plat and certificate thereof, which shall entitle him to a grant, as in other

cases: *Provided*, the said James Royall shall pay all the necessary office fees in perfecting said title; which quarter-section shall be disposed of, under the direction of the county court of Smith, for the support of his family, and the education of his children.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 21, 1823.

CHAPTER CCXLII.

AN ACT to authorize the building of a house of Public Worship on the site therein mentioned.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporation of the town of Columbia, in Maury county, be, and they are hereby, authorized and empowered to permit any of the citizens of said county, on application to them made, to build a church in the north-east end of Embargo street, in the town of Columbia, to be used as a house of public worship: *Provided*, said corporation may think it consistent with the interest of said town and county, to grant said privilege.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

November 21, 1823.

CHAPTER CCXLIII.

AN ACT to authorize the issuance of a grant to Jesse Pullum for twenty acres of land, on entry No. 2273.

Whereas Jesse Pullum made an entry, number two thousand two hundred and seventy-three, in the fourth surveyor's district, for twenty acres, founded on a good and valid warrant, upon which entry the surveyor of said district made a survey, and delivered the plat and certificate thereof to John M. Davis, together with the warrant upon which said entry was founded, for the purpose of enabling him to obtain a grant thereon from the Register of East Tennessee: And whereas, before a grant was obtained thereon, the said plat and certificate, and warrant, were consumed, together with the house of said Davis, by fire. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of East Tennessee be, and he is hereby, authorized and required, upon the production of a regularly certified copy of the plat and certificate of survey of entry number two thousand two hundred and seventy-three, made in the fourth surveyor's district, for twenty acres, to issue a grant to Jesse Pullum for the same, agreeably to the calls of said certified copy of said plat and certificate, without requiring the warrant upon which said entry number two thousand two hundred and seventy-three was founded, to be produced.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLIV.

AN ACT to repeal the second section of an act to establish a town on the lands of Daniel Graves, in the county of Knox, passed 22d November, 1817.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the above-recited act be, and the same is hereby, repealed, so far as it compels Jonathan White, of Hawkins county, to pay tax for any lots that are unoccupied in the town of Mount Sterling. *Former act repealed.*

SEC. 2. *Be it enacted*, That the owners of lots in the town of Haysborough, in the county of Davidson, shall not hereafter pay taxes on their lots as for town lots, but as for other lands, except so far as dwelling-houses may have been erected, and shall be occupied as such, on lots in said town. *Haysboro exempt from taxation.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLV.

AN ACT for the relief of Allen Morris.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a fine of fifty dollars, *Fine remit.* imposed on Allen Morris by the county court of Williamson county, in the year one thousand eight hundred

and eleven, or thereabouts, on a charge of having committed an assault and battery on the body of one Caleb Manly, be, and the same is hereby, remitted: *Provided*, that said Morris shall pay the costs of said prosecution.

Sheriff to re-
fund if col-
lected,

SEC. 2. *Be it enacted*, That if the said fine, imposed by the said county court of Williamson, has been paid over by the sheriff of Maury county, or his deputy, to the clerk of said court, in consequence of a failure on the part of said sheriff, to whom the execution was directed against said Allen Morris, to return the same within the time prescribed by law, then, and in that case, the amount of said fine so paid over, shall be refunded to said sheriff, by the county or state officer, as the case may be, into whose hands the same may have gone; and the receipt of said sheriff shall be a good voucher in the settlement of the accounts of said officer.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLVI.

AN ACT for the relief of John Rossin and others.

Preference
of entry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Surveyor General of the ninth surveyor's district, is hereby authorized and required to permit John Rossin to make an entry on a certain mill seat, in the first range, third section, on his producing to him a good and valid warrant, not exceeding one hundred and sixty acres, at any time previous to the opening of the office for general entering: *Provided*, said Rossin do not interfere with any other claim.

John Roark
same.

SEC. 2. *Be it enacted*, That John Roark be allowed the same privileges in the ninth surveyor's district, that John Rossin is allowed in the tenth surveyor's district.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLVII.

AN ACT to authorize the county court of Henderson county to appoint an additional number of Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of Henderson county, a majority of the acting justices being present, are authorized to appoint a suitable number of commissioners, to assist the present commissioners appointed to attend to the public business of said county: and when so appointed, shall be subject to the same rules and restrictions as the former commissioners, and shall be considered equal, in all cases, to said former commissioners now in office: *Provided*, that the number so appointed shall not exceed twelve, together with the present commissioners now acting.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLVIII.

AN ACT for the relief of the heirs of James M'Cartney.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of an act for the relief of the heirs of James M'Cartney, passed twenty-first August, one thousand eight hundred and twenty-two, chapter one hundred and fifteen, be revived and extended, so as to enable the said heirs to lay their claim specified in said act, before the proper tribunal for adjudication, under all the restrictions, privileges, and limitations, to which by the terms of the act aforesaid, they are justly entitled.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCXLIX.

AN ACT for the relief of John Rice and Palatia Shelton.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Rice and Palatia Shelton, of Rhea county, shall have a preference for the term of six months, to enter and obtain a grant Preference of entry.

for six hundred and forty acres of land on the top of Walden's ridge, on the waters of Richland creek, at such price per acre as may be required upon entries for lands north and east of the Congressional boundary line.

Restrictions in preference SEC. 2. *Be it enacted*, That the right of preference hereby reserved, shall not be permitted to interference [interfere] with any tract upon which any person or persons may be settled; nor shall the said Rice and Shelton be entitled to said preference, unless, on or before the first day of March next, they shall designate by marked lines the tract to be appropriated, and shall also file a copy of their location with the surveyor in whose office said lands may be entered.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate

November 22, 1823.

CHAPTER CCL.

AN ACT supplemental to an act, passed 1817, authorizing Jehu Stephens to build a dam across Little river, in Blount county.

Court to appoint commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Blount, a majority of the acting justices of the peace being present, are hereby authorized and required to appoint three persons, whose duty it shall be to go and examine said dam, and make report upon oath, to the next county court, of the mischiefs and evils likely to arise therefrom; and it shall be the duty of said court, a majority of the acting justices being present, to make such order upon said report, as to them shall in their discretion seem right and proper; and it shall be the duty of said Jehu Stephens, or other proprietors of said dam, to abide by, and perform, the order of said court.

Penalty for non-compliance.

SEC. 2. *Be it enacted*, That in case the said Jehu Stephens, or other proprietor or proprietors of said dam, shall fail or refuse to comply with the order of said court, he or they shall be liable to an indictment in the county court of said county, and on conviction shall be fined in a sum not exceeding fifty dollars, unless good cause can be shewn for such failure or refusal; and shall moreover be subject to pay all damages occasioned to any boat or other water craft in passing said slope; which damages, together with

all costs, shall be recovered by the owner or owners of the property sustaining the damage, in any court having cognizance thereof: *Provided*, such damage is occasioned in consequence of such passage not being made and constructed in such a way as to admit the safe passage of boats and other water craft.

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

November 22, 1823.

CHAPTER CCLI.

AN ACT to change part of the line between Humphreys and Stewart Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the lines dividing the counties of Humphreys and Stewart, shall be changed as follows: Beginning at the first ford on White Oak creek below M'Kernan's mill, thence north two miles, thence eastwardly to the north-east corner of Humphreys county, at or near David Wills's; which lines shall be the permanent dividing lines between said counties.

SEC. 2. *Be it enacted*, That the county court of Humphreys shall appoint some suitable person to run said lines, and allow them such pay for their services as may seem reasonable and right.

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

November 22, 1823.

CHAPTER CCLII.

AN ACT to amend an act, passed at the present session of the General Assembly, entitled "An act to alter the times 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 present sheriff of Claiborne county, whose term of service expires on the second Monday in February, one thousand eight hundred and twenty-four, shall be, and continue, the acting sheriff of said county until the sitting of the next county court of said county, on the second Monday in March, after the expiration of his aforesaid term of office.

Sumner
county court. **SEC. 2.** *Be it enacted,* That the county courts of Sumner shall hereafter commence their sessions on the second Mondays, instead of the third Mondays, in the same months in which they are now holden.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCLIII.

AN ACT to authorize the Commissioner of West Tennessee to adjudicate a certain Land Warrant, and for other purposes.

To the certi-
ficate for ad-
judication. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee.* That the heirs, or legal representatives of John Craddock, deceased, be authorized to file with the commissioner of West Tennessee warrant number five hundred and thirty, in the name of John Craddock; and it shall be the duty of said commissioner, to adjudicate said warrant, and issue a certificate to the heirs, or legal representatives of the said Craddock; and that it shall be lawful for the said heirs, or legal representatives of said Craddock, to locate said certificate on any vacant and unappropriated land south and west of the Congressional line: *Provided,* it shall be a good and valid warrant, and that no grant has issued thereon.

Hugh Nel-
son's heirs. **SEC. 2.** *Be it enacted,* That an act passed at the present session of the General Assembly, entitled "An act for the relief of the heirs of Hugh Nelson, deceased," be so amended, as that the commissioner of land claims issue the certificate to said heirs, instead of the register of West Tennessee, as directed in said act, under the restrictions therein contained.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCLIV.

AN ACT for the relief of John Hunt, Sheriff of Claiborne county.

Whereas it is made appear to this General Assembly, that John Hunt, sheriff and collector of the public taxes of Claiborne county for the year one thousand eight hundred and twenty, and one thousand

eight hundred and twenty-two, was compelled to pay the sum of sixteen dollars and twenty cents, the amount of state tax on one six thousand and one acre tract of land, wrongfully listed in the name of Charles Buck within said years: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the treasurer of said Tennessee be, and he is hereby, authorized and required to refund to John Hunt the sum of sixteen dollars and twenty cents, being the amount of state tax paid into the treasury by said John Hunt, on one six thousand and one hundred acre tract of land, in the name of Charles Buck, for the years one thousand eight hundred and twenty and one thousand eight hundred and twenty-two: and the receipt of said John Hunt shall be a good voucher in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCLV.

AN ACT for the relief of Newton Cannon and James Wilborn.

Whereas it is represented to this General Assembly, that the military land warrants number three hundred and thirty-one, in the name of John Conway; number one thousand and one, in the name of the heirs of Benjamin Pendleton; number one thousand and four, in the name of the heirs of William Toby; number one thousand and seven, in the name of the heirs of Lewis Richards; number one thousand and twelve, in the name of the heirs of Jonathan Allen, for six hundred and forty acres each, and warrant number one thousand, for two hundred and seventy-four acres, in the name of the heirs of Joseph White, were sold and transferred to James Wilborn, by the said owners and heirs, who transferred one half of the said warrants to Newton Cannon some time before said warrants were filed in the commissioners' office at Nashville, for adjudication; which warrants are found to be good and valid, and have been located and surveyed in the Western District, in the names of the persons from whom the said Wilborn and Cannon purchased, in consequence of the proof of heirship of the persons from whom they purchased not having been received by the said commissioners within the time proscribed

by law: and whereas it appears, by the transfers made on said original warrants, now deposited in the office of the Secretary of the state of Tennessee, that said warrants were transferred to said Wilborn and Cannon; and by the evidence forwarded to said commissioners at Nashville, by the Secretary of the state of North-Carolina, that the persons who transferred said warrants were the legal heirs, and rightful owners at the time of making said transfers to the said Wilborn and Cannon: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the register of West Tennessee be authorized and required to issue the grants (agreeably to the surveys made on the before-described warrants, when the plats and certificates are returned to his office for that purpose,) in the name of James Wilborn and Newton Cannon; and that he attach to the plat and certificate of each tract a copy of the transfer on the original warrant, also the evidence of heirship certified by the Secretary of the state of North-Carolina in each case: *Provided,* nothing herein contained shall be so construed as to affect the right or interest of the persons, or any of them, who have sold and transferred said warrants to the said Wilborn and Cannon, their heirs, or any other person claiming under either of them, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

CHAPTER CCLVI.

AN ACT to establish the Seat of Justice in the county of Monroe, and enlarge the territory thereof.

Boundaries
defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the following line be, and is hereby, established between the counties of Roane and Monroe: Beginning on the second range line east of the meridian, where the present Roane and Monroe line leaves the same; thence with said line to where the same strikes the township line, at or near Taylor Eldridge's reservation; thence with said line to the extreme height of the Black Oak ridge; thence along the same to the present line as heretofore marked and run. And the following be, and the

same is hereby, established between the counties of Roane and Monroe: Beginning on the north bank of Little Tennessee river, at a point called Wild Cat Rock; thence a direct line to the Millin Springs; from thence along the Indian boundary to the first corner on said line, opposite to William Scottlander and William M'Nabb; thence to Abram's cross, at the mouth of the second branch above its junction with the Tennessee, as marked on the General Plan; thence a south-east course to the North Carolina boundary line; thence with said line to the Tennessee river: Which said territory shall hereafter belong to, and compose a part of, Monroe county, in addition to the original limits thereof.

SEC. 2. *Be it enacted,* That Nathan Hendrix and Nicholas S. Peck shall be appointed commissioners in the upper end of said county, and Charles Keiser and Jesse Melton be appointed commissioners in the lower end of said county, and Jones Griffin in the centre of said county, whose duty it shall be to select the most eligible site that can be had on Tennessee river, and one other site the most eligible that can be procured in the interior of said county; and when said sites are thus selected, all the freemen of said county of twenty-one years and upwards, shall be entitled to vote between the two places so selected. The said commissioners shall make out a fair and explicit report to the sheriff of said county, of the sites so selected by them, the donations offered to either of the sites put in nomination; whose duty it shall be to publish the same, by advertising at the muster ground of each captain's company in said county, at least thirty days previous to the day on which such election shall be held, which shall be held on one day, at the same rules, regulations, and restrictions, as observed in electing members of the General Assembly; and the site receiving a majority of said votes, shall be the permanent seat of justice for Monroe county.

SEC. 3. *Be it enacted,* That should any of said commissioners die, remove, fail or refuse to act, then, and in that case, the county court shall supply such vacancy, two thirds of the acting justices being present: *Provided always,* that it shall be the duty of said sheriff to hold an election at the dwelling-house of David Russell, for the aforesaid sites, on the same day, for that portion of Monroe county lying north of Tennessee river.

SEC. 4. *Be it enacted,* That said commissioners,

Commissioners (to take oath.) before they enter upon the duties assigned them by this act, shall take before some justice of the peace the following oath or affirmation: "I, A. B. do solemnly swear, or affirm, (as the case may be,) that in fixing on suitable places for the permanent seat of justice for Monroe county, I will do equal and impartial justice to the people of said county, and that I will not be influenced by any private interest in fixing the same, provided it does not accord with the interest of the county; and that I will to the best of my judgment, perform the duties enjoined upon me by the act appointing me commissioner."

To give bond. SEC. 5. *Be it enacted*, That the aforesaid commissioners shall enter into bond, with security to be approved of by the clerk of said county court, in the sum of ten thousand dollars, payable to the chairman of said court and his successors in office, for the due and faithful discharge of the duties devolving upon them as commissioners aforesaid; which bond shall be filed in the office of said clerk.

To procure title to site. SEC. 6. *Be it enacted*, That said commissioners shall make such agreement with the owner of the land whereon they may wish to fix said seat of justice, as to them shall seem right and just, and for the lowest price the same can be procured, for any quantity not less than forty acres, and shall take a title from the owner of said land to themselves and their successors in office, as commissioners of said county town.

To lay off a town. SEC. 7. *Be it enacted*, That said commissioners shall, as soon as may be after obtaining a title to said land, cause a town to be laid off thereon, into a public square, lots, streets, and alleys, of convenient size, which said town shall be known by the name of *Tellico*.

To advertise and sell lots. SEC. 8. *Be it enacted*, That the said commissioners be, and they are hereby, authorized to sell the lots of said town at public sale, to the highest bidder, allowing such credit as they may think proper, giving at least thirty days notice in the Knoxville Register of such sale, taking bond with sufficient security for the payment of the purchase money to themselves and their successors in office; and the said commissioners, or a majority of them, are hereby authorized to execute, in due form of law, deeds of conveyance for the same to the purchasers, which shall be good and valid in law to all intents and purposes.

To contract for public buildings. SEC. 9. *Be it enacted*, That it shall be the duty of said commissioners to contract with suitable work-

men to build a court-house, prison, and stocks, to be placed on the public square; and said commissioners may build said town some other lot in said town, as to them shall seem right.

SEC. 10. *Be it enacted*, That said commissioners shall appropriate the money arising from the sale of the town lots aforesaid, to the payment of lands, (if printed, they shall be compelled to purchase a site,) and the public buildings. If there shall be a surplus in their hands after said buildings are finished, it shall be deposited in the treasury of said county, and to remain there for the use of said town, subject to the disposition of the county court of said county.

SEC. 11. *Be it enacted*, That the said commissioners, when the buildings are completed, shall lay before the court of said county, a fair and just statement of the costs and expenses of said purchase and buildings, together with receipts, and shall be allowed a reasonable compensation for their services by the said court; *Provided*, a majority of the acting justices of said county shall make such allowance.

SEC. 12. *Be it enacted*, That said commissioners shall be permitted to select one hundred and sixty acres of vacant and unappropriated land in said county of Monroe, and obtain a grant from the Register of East Tennessee for the same, in their name as commissioners aforesaid, for the use and benefit of said county town, and exchange, or otherwise dispose of said land, in such manner as they may deem most for the advantage of said county town, and execute a deed or deeds of conveyance for the same; *Provided nevertheless*, that if any person shall have improved said land, said commissioners shall not be entitled to a grant for the same, until they shall have secured to said improver the value of said improvement, and be paid out of the money arising from the sale of lots in said town; and the said commissioners, on obtaining the said grants, shall pay to the Treasurer of East Tennessee one dollar per acre for the vacant land selected as a site for said town.

SEC. 13. *Be it enacted*, That when said commissioners shall have finished said public buildings, and reported the same to the county court of Monroe county, the courts in said county shall thereafter be held at said court-house, and all process, recognizances, and other process, which may be issued in said county or circuit court, and made returnable to the house where such courts are now held, shall be returned to said court-house, and shall be as good and va-

lid in all respects, as if they had been returned to the house where said courts are now held.

Clerks to
remove re
cerds. SEC. 14. *Be it enacted*, That as soon as the aforesaid courts shall be removed to the seat of justice in said county, it shall be the duty of the clerks of said courts to keep their offices at said town.

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

November 22, 1823.

CHAPTER CCLVII.

AN ACT supplemental to an act, entitled "An act prescribing the manner of listing of lands for the payment of taxes in certain districts, and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the commissioner of West Tennessee to issue to Blackmore H. Mayo, certificates for six hundred and forty acres of land, upon grant number nine hundred and sixty-two, issued by the state of North-Carolina to Alexander Kelly and Archibald Lackey, dated one thousand seven hundred and ninety-one, which land lies south of French Broad and Holston, and consequently void: *Provided*, the said Blackmore H. Mayo produce to the commissioner of West Tennessee satisfactory evidence, that such land was granted by the state of North-Carolina as aforesaid, within six months from and after the passage of this act: *Provided*, he also satisfy said commissioner, that the legal title is in him, of said grant of six hundred and forty acres, and that no other grant has ever issued on said warrant.

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

November 22, 1823.

CHAPTER CCLVIII.

AN ACT for the relief of Peter Bryan, Samuel Blair, senior, and others, securities of William Mitchell, late Sheriff of Sevier county.

Allowed
time to col-
lect taxes, &
proceedings
therein. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said Samuel Blair and Peter Bryan, securities of the said William

Mitchell, late sheriff of the said county of Sevier, he, and they are hereby, authorized and empowered, for the term of one year from and after the first day of January next, to collect all the uncollected taxes, which by law he, the said William, might have collected whilst he was in office, or after the expiration of his term of service: *Provided always*, that where any person or persons, who may not have paid their said taxes to the said William, sheriff, as aforesaid, or to his deputies, and who may have honest claims for money against the said William, he or she shall have a right to set off said claims as far as it will go, against the demand made on him for said taxes; and where he, the said collector, shall be satisfied of the justness of said claim, it shall be the duty of said collector, and he is hereby required, to give to the said person a certificate, in writing, that the said taxes have been paid, provided the amount offered to be set off is equal in amount to the taxes demanded; and where the amount offered to be set off is less in amount than the taxes demanded, in that case, if he or she shall tender so much money as will make up the deficiency in the amount of the set-off, it shall then be the duty of said collector to give to him or her a certificate showing how much of said tax has been paid to the said William, and how much he himself has received, which said certificates, when given, shall be considered as good evidence of the payment of said taxes, as a receipt given by the said William Mitchell whilst in office: but if the said collector shall not be satisfied as to the justice of the claim offered to be set off against the demand for taxes, he shall not have power to levy the same by distress, but may, in his discretion, cite the said person so applied to for taxes, to appear before some justice of the peace for said county, whose duty it shall be to hear and determine the matter in controversy between them; and it shall be the duty of the said justice, to permit the said defendant to prove, by his own oath, so much of his said set-off as shall be sufficient to meet the amount of taxes demanded of him; and the said justice shall render such judgment, without the taxation of costs, as he shall believe to be equitable and just, and shall, if required, issue execution thereon: *Provided*, if either party be dissatisfied with the judgment of said justice, he or she, as the case may be, shall be entitled to take an appeal to the next county court, under the same rules and regulations that appeals are allowed in other cases.

To divide money collected. SEC. 2. *Be it enacted*, That when they, the said Bryan and Blair, shall have finished the collection of said taxes, they shall divide the moneys so collected, between themselves, Peter Andes, Josiah Rogers, and Isaac Love, who are also securities of the said William Mitchell, in shares, or dividends, proportioned to the amount of money each one may have paid, or are liable to pay by judgments finally entered up against them, on account of their having been securities of the said William.

Collector to take oath. SEC. 3. *Be it enacted*, That each of said collectors shall, before they attempt to collect taxes by virtue of this act, take an oath before some justice of the peace, that they will, when making said collections, to the best of their skill and ability, do equity and justice to those of whom they may demand and receive taxes, and to the other securities herein mentioned.

Compensat'n SEC. 4. *Be it enacted*, That said collectors shall be at liberty to retain, for the trouble of collection, eight per cent. on the whole amount collected, which said per cent. shall not be liable to a division amongst the other securities.

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

November 24, 1823.

CHAPTER CCLIX.

AN ACT to authorize the County Court of Marion County to levy an additional tax, and for other purposes.

Court to levy a tax. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Marion county, a majority of the acting justices of said county being present, be, and they are hereby, authorized to lay and collect a tax on all the taxable property in said county, not less than one hundred and fifty dollars, nor more than six hundred dollars, in any one year, for the purpose of completing the payment for the public buildings in said county: *Provided*, that nothing herein contained shall be so construed as to release the commissioners of the town of Jasper, who have contracted for the public buildings in said county, from any part of their liability, or responsibility in any respect whatever, for the solvency of debts made payable to themselves as commissioners or otherwise.

SEC. 2. *Be it enacted*, That the county of Marion Part of 8th be, and the same is hereby, added to the eighth solicitor's district, and shall in future form a part thereof.

SEC. 3. *Be it enacted*, That the court of Pleas and Sevier court Quarter-Sessions of the county of Sevier, a majority to lay tax. of the acting justices of said county being present, are hereby authorized and required to lay a tax on all taxable property in said county, the amount of which shall not be less than one hundred dollars in any one year, until a sufficient sum be collected to pay the costs and charges that have accrued, or may hereafter accrue, on the imprisonment of Horman Mayfield, alias Horman M'Kinly, Leonard Cain, and William Atkeson, in the jail of Knox county, who have been sent to said jail on a charge of the state against them, and as a part of their punishment on conviction.

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

November 24, 1823.

CHAPTER CCLX.

AN ACT for the relief of William Robinson and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for William Robinson to file a grant issued to him by the state of Tennessee, for forty acres, number fourteen thousand four hundred and nineteen, with the commissioner, together with a plat of interference made out and sworn to by some legal surveyor, reciting the quantity of said grant which is taken by a grant of better title, issued by the state of North Carolina to Bushnall and Dobbins; and should said commissioner be satisfied, from the plat of interference, or other satisfactory testimony, that the said William Robinson has lost by interference the number of acres aforesaid, then the said commissioner shall issue to such claimant a certificate for the number of acres so interfered with, and vacate the grant number fourteen thousand four hundred and nineteen, for such quantity so issued; which certificate, when issued, shall be located on any vacant land south and west of [the] congressional line.

SEC. 2. *Be it enacted*, That it shall and may be lawful for James Miller to file a grant issued to him

by the state of Tennessee, for thirty acres, number seven thousand and thirteen, with the commissioner, together with a plat of interference, made out and sworn to by some legal surveyor, reciting the quantity of said grant which is taken by a grant of better title, issued by the state of North Carolina to Benjamin Sheppard; and should said commissioner be satisfied from the plat of interference, or other satisfactory testimony, that the said James Miller has lost by interference the number of acres aforesaid, then said commissioner shall issue to such claimant a certificate for the number of acres so interfered with, and vacate the grant number seven thousand and thirteen, for such quantity so issued; which certificate, when issued, shall be located on any vacant land south and west of the congressional line: *Provided*, that in all cases the claimant shall produce a certified copy of the grant or grants of better title.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER CCLXI.

AN ACT directing the Treasurer of East Tennessee to redeem the land sold as the property of Robert Delop.

Treasurer to
redeem cer-
tain lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the treasurer of East Tennessee, and he is hereby required, to redeem the lands heretofore sold by the sheriff of Campbell county, under an execution issued in behalf of the state of Tennessee, against the estate of the said Delop, for costs.

Land to be
sold.

SEC. 2. *Be it enacted*, That the land so redeemed shall be exposed to sale, for current bank notes receivable in the payment of taxes in this state, at Jacksborough, by the treasurer of East Tennessee, after giving forty days' notice of the time and place of said sale, in the Knoxville Register; and the moneys arising from said sale shall be placed in the treasury.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate

November 24, 1823.

CHAPTER CCLXII.

AN ACT for the relief of Mary Alley and Kizziah Stone.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Mary Alley, wife of William Alley, of Rutherford county, shall hereafter be entitled to all the rights and privileges of a *feme sole*, to sue and be sued, plead and be impleaded, contract and be contracted with, and hold, use, and possess, real and personal estate, in as full and ample a manner as though she was a single woman, in all things except that of intermarrying with another man; and that no property which she may hereafter possess, shall be liable or subject to any of the contracts or debts of the said William Alley, but be and remain as the property of her, the said Mary Alley, and children, or other legal representatives.

Certain pri-
vileges of
feme sole.

SEC. 2. *Be it enacted*, That Kizziah Stone, wife of William Stone, of Dickson county, be entitled to all the rights and privileges of a *feme sole*, in as full and ample a manner as is provided for Mary Alley, in the first section of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER CCLXIII.

AN ACT to amend an act, entitled "An act to incorporate the Nashville Library Company," passed 28th October, 1813.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the directors of the said Library Company shall have power to annex, as a penalty to a failure to comply with any of their by-laws, a forfeiture of the share, or shares, of the member failing to comply.

Powers gran-
ted to direc-
tors.

SEC. 2. *Be it enacted*, That John H. Eaton, James Trimble, Wilkins Tannehill, Ephraim H. Foster, Francis B. Fogg, Alexander M'Call, John Catron, Henry Crabb, and John O. Ewing, be, and they are hereby, authorized to draft a scheme of a lottery, raising a sum of money not exceeding five thousand dollars, for the purchase of books for the use of said library.

Managers
appointed to
make lottery

SEC. 3. *Be it enacted*, That said trustees, or a ma- To give bond

majority of them, before they proceed with said lottery, shall enter into bond, with good security, payable to the Governor of Tennessee, and his successors in office, in double the whole amount of the capital in said scheme, for the faithful payment of the prizes, when drawn, or in case of failure to draw said lottery, for the repayment to such persons as may have purchased tickets, of the sums by them advanced; which bond shall be executed under the inspection, and to the satisfaction, of the clerk of the county court, and shall be filed with said clerk; and may, if necessary, be put in suit from time to time, for the use of any one injured.

Manner of drawing.

SEC. 4. *Be it enacted*, That the said trustees, or a majority of them, when about to proceed to the drawing of said lottery, shall, in the presence, and under the inspection, of two justices of the peace of Davidson county, put into the wheels the number of prizes and blanks contemplated by the scheme, and shall appoint two clerks to keep a regular account of the numbers drawn, and of the blanks and prizes, who shall take an oath, faithfully, truly, and impartially, to keep an account of the drawing of said lottery, and in failure to comply with said oath, shall suffer the pains and penalties of perjury.

In different classes.

SEC. 5. *Be it enacted*, That the said trustees, or a majority of them, shall have power to raise the sum hereby authorized, by drawing the said lottery in one or more classes, as they shall think fit.

General limitations.

SEC. 6. *Be it enacted*, That said trustees, or a majority of them, shall have power to make sale of tickets; to take bonds from such persons as they may sell tickets to, or from such persons as they may deposit tickets with for sale, and in case of failure to comply with the terms of said bond, they are hereby authorized to sue for, and recover the same, in their names as trustees of said lottery; and to do and transact all things necessary and proper to carry the same into effect; and the proceeds of said lottery, when finished, they are hereby directed to pay over to the directors of the Nashville Library Company, for its use, after paying the necessary expenses of drawing said lottery.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 24, 1823.

CHAPTER CCLXIV.

AN ACT to authorize raising a Rifle Company out of the 10th and 40th regiments of Tennessee Militia, and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for a volunteer rifle company to be raised out of the tenth and fortieth regiments of Tennessee Militia, to consist of not less than one hundred men, which company so raised, shall enjoy all the privileges, and be subject to all the duties, of the militia of this state, with this exception, that they shall not be compelled to attend the battalion or regimental musters of either the tenth or fortieth regiments of militia. Volunteer company authorized.

SEC. 2. *Be it enacted*, That whenever seventy-five men may have enrolled themselves, they shall have power to choose their own officers, and be at liberty to assess fines, under such by-laws and regulations as may be adopted for their own government; and such fines when collected, shall be applied for the benefit of said company. May elect officers.

SEC. 3. *Be it enacted*, That said company, when organized, shall have power to prescribe their own uniform, and shall hold their musters in the town of Knoxville. Prescribe uniform.

SEC. 4. *Be it enacted*, That the company heretofore authorized to be raised, denominated the Knoxville Blues, shall be attached to, and constitute a part of, the rifle company contemplated in this act. Knoxville Blues.

SEC. 5. *Be it enacted*, That where any militia officer have, or may hereafter remove out of the bounds of his command, the office shall be considered vacant, and the proper officer shall issue a writ to fill such vacancy. Vacancy how filled.

SEC. 6. *Be it enacted*, That captain John J. Hinton's company of cavalry, raised in the twentieth regiment of Tennessee militia, shall be and remain a lawful company, and shall be under the same rules, regulations, and restrictions, as other cavalry of this state; and the commandant of said company shall have liberty to increase said company to the number of other companies in the cavalry, if thereby no militia company in said regiment shall be reduced below its constitutional number. Hinton's cavalry.

SEC. 7. *Be it enacted*, That when it shall so happen that no person will serve as captain in any company of militia in this state, the commandant of the

Vacancy of captain how filled.

regiment shall appoint some subaltern officer in the regiment to command such company.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 24, 1823.

CHAPTER CCLXV.

AN ACT for the relief of the persons therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall be lawful for John and Enoch Enoch, s. to file with the commissioner for the adjudication of land claims, grant number one thousand five hundred and thirty-one, or a certified copy thereof, issued by the state of North Carolina to Robert Hays, for six hundred and forty acres, together with the mesne conveyances, regularly deduced from the original grantee, vesting a part of said grant in them, and shall also produce to said commissioner [a] certified copy of the grant or grants, which from the operation of law hath become the better title; and should said commissioner be satisfied of the interference, by the certificate of some surveyor sworn to, and also satisfactory proof made, that said younger title has from the operation of law become the better one, and that said grant number one thousand five hundred and thirty-one issued on a good and valid warrant, and that no other grant has issued on the same, it shall be his duty to issue a certificate to each of said Enochses, for such quantity of acres as they may be entitled to, in consequence of such interference: *Provided*, no certificates hath heretofore issued for such interference, in favor of the younger title, or any other person: *And provided*, the legal interest of so much of said grant number one thousand five hundred and thirty-one, so interfered with, is vested in said John and Enoch Enochs; which certificates, if issued, shall be located south and west of the congressional line.

Geo. Swink. SEC. 2. *Be it enacted*, That it shall be lawful for George Swink to file two grants, or other legal evidences of claim vesting the title in himself, one for twenty acres, the other for ten acres, with the commissioner of land claims; and in like manner it shall be lawful for William Lassater to file his grant, or other legal evidences of claim vesting the title in him-

self; and said claimants shall produce such evidence of title showing satisfactorily to said commissioner, that their titles are good and valid; and that the warrants on which they are founded is genuine, and that no other grants, if granted, has issued on the same, and that said several tracts, or any part thereof, hath been taken by better titles, or covered by school land, it shall then be lawful for said commissioner to issue certificates, for such quantity of acres so interfered with and taken by such better titles, to the aforesaid claimants, or any other person legally entitled to the same; which certificates shall be located, if issued, as other certificates, south and west of the congressional line.

Whereas William Neely, for nearly twenty years, has been in a state of insanity, and left his family in Dayidson county, and went to South Carolina many years ago, and has never returned, and left a wife and several small children: he had obtained grants and bonds for several tracts of land, and for want of some person to attend to the estate, the heirs of said Neely are suffering loss. For remedy whereof,

SEC. 3. *Be it enacted*, That the commissioner for the adjudication of land claims be, and he is hereby, authorized and required to adjudicate and issue to William Neely, a warrant on grant number one hundred and sixty-six, which issued to said Neely by the state of North Carolina, for two hundred, or two hundred and fifty acres, provided the same shall be found to be a good and valid grant, and that no other grant ever issued on the said claim: also adjudicate one other claim of three hundred acres, granted to Philip Walker on grant number one hundred and sixty-seven, which land said William Neely is entitled to by bond: also adjudicate one other claim for two hundred and fifty acres, granted the said Philip Walker by grant from the state of North Carolina, by grant number one hundred and sixty eight; and if it shall appear that the whole of said grants were fairly and legally granted by the said state of North Carolina, then, and in that case, said commissioner shall issue duplicate warrants for each tract, in the same manner that other duplicate warrants are issued by the authority of this state; which warrants shall be laid south and west of the congressional line, as other good and valid warrants, and grants shall issue accordingly: *Provided*, that the persons surrendering the grants, shall appear to have the right to do so: *And provided*, that it shall appear that said grants

are founded on good and valid warrants, and on which no other grants have issued.

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

November 25, 1823.

CHAPTER CCLXVI.

AN ACT for the benefit of Samuel Thompson.

Preference of entry. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That Samuel Thompson be entitled to a preference to enter and obtain a grant for a quarter-section of land, in the first range east of the meridian, the thirty-sixth section of the fifth township, and north-west quarter thereof, in the Hiwassee District.

May receive a grant. SEC. 2. *Be it enacted,* That so soon as the said Samuel Thompson shall pay the sum of twenty-five cents per acre into the treasury of East Tennessee, he shall receive a certificate for said quarter section of land, which shall entitle him to receive a grant for the same, for the use and benefit of his iron works.

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

November 25, 1823.

CHAPTER CCLXVII.

AN ACT for the relief of the heirs of Jacob Clever, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the register of West Tennessee issue a grant to the heirs of said Jacob Clever, on military warrant number one thousand and six, located May twenty-sixth, one thousand seven hundred and eighty-four, and surveyed by Henry Rutherford, for three hundred and fifty-eight acres: *Provided,* the commissioner of land claims shall be first satisfied, that said warrant, on which said entry and survey have been made, is genuine, and that no grant has ever issued thereon.

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

November 25, 1823.

CHAPTER CCLXVIII.

AN ACT for the benefit of the heirs of Polly Harvy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the entry-taker of the Hiwassee district shall issue an order of survey as in other cases in said district, to the minor children of Polly Harvy, upon the north-east quarter of section nine, township first, range third, east of the meridian: *Provided,* the said Polly Harvy shall produce to said entry-taker a location for said place, and tender to him the sum of fifty cents per acre for said land; and the Register of East Tennessee shall issue a grant thereon as in other cases.

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

November 25, 1823.

CHAPTER CCLXIX.

AN ACT for the relief of Thomas Hopkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee;* That the commissioner for the adjudication of North-Carolina land claims be, and he is hereby, authorized to issue to Thomas Hopkins a certificate for five hundred acres, founded on grant number —, for six hundred and forty acres, issued by the state of North-Carolina to John Henderson, and dated the ninth August, one thousand seven hundred and eighty-seven, founded on an Adair warrant number two hundred and seventy-two, the above five hundred acres having been lost to the said Thomas Hopkins by an interfering grant of Andrew Read: *Provided always,* that the said Thomas Hopkins shall first show to the satisfaction of said commissioner, that the said grant above specified issued on a good and valid warrant, and that no other grant has ever issued on the same, and that he has good legal title to the same.

SEC. 2. *Be it enacted,* That the commissioner for the adjudication of land claims be, and he is hereby, authorized to issue to Thomas Hopkins a certificate warrant for one hundred acres of land, founded on grant number eight thousand eight hundred and forty-one, issued by the state of Tennessee to said Thomas Hopkins, dated the sixth day of March, one thousand

eight hundred and sixteen, founded on certificate warrant number six hundred and thirty-four, dated twenty-third July, one thousand eight hundred and eleven, issued by the register of West Tennessee to said Thomas Hopkins; which land has been taken away by a grant of older date, in the name of Anderson and Doak: *Provided always*, that said Thomas Hopkins shall first make it appear, that the said grant issued on a good and valid warrant, and that no other grant has ever issued on the same, and that the legal title to the same is vested in the said Thomas Hopkins.

For 640 acres SEC. 3. *Be it enacted*, That the commissioner of land claims be, and he is hereby, authorized and empowered to issue to Thomas Hopkins a certificate warrant for six hundred and forty acres of land, founded on a grant to Stokely Donelson for six hundred and forty acres, issued by the state of North-Carolina, dated the — day of —, in the year —, number —, founded on warrant number —, which said land was lost to the said Thomas Hopkins by older and better title: *Provided always*, that the said Thomas Hopkins shall first show to the satisfaction of the said commissioner, that the said grant issued on a good and valid warrant, and that no other grant ever issued on the same, and also that the said Thomas has good and legal title to the same; and shall also give up said grant, to be cancelled: *And provided also*, that in all the above cases, the said Thomas Hopkins shall produce, and show to the said commissioner, by production of the records of the determination of suits, or otherwise, that the said lands have been lost to the said Thomas Hopkins, and that he has never procured certificates for the same, or any other person for him, or themselves.

For certain interferences

SEC. 4. *Be it enacted*, That it shall be lawful for Thomas Hopkins to file with the commissioner of land claims, grants number five thousand seven hundred and six for five hundred and sixty-eight acres, number seven thousand five hundred and eight for two hundred acres, number ten thousand three hundred and forty-nine for two hundred and ninety acres, in the name of David Ross, and grant number eight thousand seven hundred, in his own name, for sixty acres, all granted by the state of Tennessee; and it shall also be the duty of said Hopkins, to produce to said commissioner certified copies of the grant of older and better titles, granted also by the state of Tennessee, which takes or interferes with the aforesaid grants, which interferences shall be shown and fairly

represented by a corrected plat made out and sworn to by some surveyor. It shall then be the duty of the commissioner, to issue certificates for such quantity of acres so taken from said grants, by grants of better title to the said David Ross and Thomas Hopkins, or the person legally entitled to the same, and vacate, or cancel, the grants in whole or in part, (as the case may be,) for such quantity of acres as he may issue certificates for; which certificates, if issued, shall be located south and west of the congressional line.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXX.

AN ACT to appoint Trustees for Madison Academy, in the county of Grainger.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John F. Jack and Felps Read be, and they are hereby, appointed commissioners for Madison Academy, in the county of Grainger, in the room and stead of Thomas Henderson, removed, and Major Lea, deceased; and the said John F. Jack and Felps Read shall have the same privileges, and possess the same power, as those commissioners heretofore appointed for said academy. Commissioners appointed

SEC. 2. *Be it enacted*, That John Catron is hereby appointed a trustee for Cumberland College, and shall have the same privileges as other trustees for said college. John Catron, a trustee of Cumb. Col.

[JAMES FENTRESS,]

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXXI.

AN ACT for the relief of James Perry.

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 to issue to James Perry a grant for one hundred and sixty

acres of land, founded on entry number one hundred and ten, for one hundred and sixty acres of land, made in the seventh surveyor's district, dated eleventh day of December, one thousand eight hundred and twenty, founded on certificate warrant number eleven, for one hundred and sixty acres, dated fifteenth September, one thousand eight hundred and nineteen, issued by the Register of West Tennessee to Adam R. Alexander, the said entry on said warrant having been made by the said James Perry, assignee of Hamilton C. Campbell and others, which said entry was surveyed the nineteenth day of March, one thousand eight hundred and twenty-one, the original of which survey, together with said warrant, having been lost, destroyed, or mislaid, so that the said James Perry cannot now return the same to the Register's office; and the said James Perry is hereby required to return into the said Register's office, certified copies of the said entry, warrant and survey, upon which said grant is hereby directed to be issued: *Provided always*, that it shall be made to appear to the satisfaction of said Register, before he proceeds to issue said grant, that no other grant has ever issued on said warrant.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXXII.

AN ACT to appoint Commissioners on certain Turnpike Roads therein named.

Th. Eastland and Samuel Johnson appointed commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Eastland, of Sparta, be, and he is hereby, appointed a commissioner of the turnpike road leading from Sparta to the intersection of the Cumberland turnpike road, at or near Daddy's creek; and Samuel Johnston is hereby appointed commissioner of that part of the Cumberland turnpike road, from the intersection of said roads to where it descends the Cumberland mountain on the west, at the foot thereof, near the White Plains; and said commissioners shall perform the same duties, take the same oath before some justice of the peace of White county, and in all respects be under the same rules, regulations, and restrictions, that the

former commissioners were under, appointed by the acts of assembly of one thousand eight hundred and fifteen and one thousand eight hundred and nineteen, and shall be entitled to the same pay as pointed out in said acts.

SEC. 2. *Be it enacted*, That Michael Agey be appointed a commissioner, in the room and stead of Michael Rollings, deceased, to Terry's and Hoodenpile's turnpike road, subject to the same rules, regulations, and restrictions, which were imposed on the former commissioner by law.

SEC. 3. *Be it enacted*, That the proprietors of the Rates of toll, turnpike road from Sparta, in the county of White, to the intersection of the Cumberland turnpike road, at or near Daddy's creek, be entitled to receive twelve and one half cents for man and horse, or man and mule.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXXIII.

AN ACT to legalize the registration of the deed therein described.

Whereas it is made satisfactorily to appear [to] this General Assembly, that on the eighth day of January, one thousand eight hundred and eight, William Cocke executed to Thomas Cocke a deed of conveyance in fee simple for two thousand acres of land, lying in Maury county, on the waters of Bear creek, the execution of which said deed of conveyance was, on the ninth day of January, one thousand eight hundred and eight, duly proven by Julius Cannon and Samuel Smith, subscribing witnesses thereto, before Samuel Powell, one of the Judges of the Superior Courts of Law and Equity in and for the state of Tennessee, in vacation of said court, and was so certified by said Judge for registration; upon which probate and certificate of said Judge, the said deed was admitted to registration on the tenth day of September, one thousand eight hundred and ten, in Maury county, by the Register of said county: And whereas doubts exist whether said probate and registration of said deed are legal, and avoidable in law to pass the estate intended to be conveyed. For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the probate of said deed for two thousand acres, from William Cocke to Thomas Cocke, taken before Samuel Powell, Esquire, one of the Judges of the Superior Courts of Law and Equity in and for the state of Tennessee, in vacation of said court, on the ninth day of January, one thousand eight hundred and eight, and the subsequent registration of said deed of conveyance in Maury county, on the tenth day of September, one thousand eight hundred and ten, shall be good and valid in law and equity to convey the estate intended to be conveyed by said deed, in as full a manner in every respect whatever, as though the said probate had been taken in open court, and the said deed registered accordingly, according to law: *Provided,* that nothing in this act contained shall be so construed as to affect or prejudice the right, legal or equitable, of subsequent purchasers, or of any other persons whatever, claiming title to the land conveyed, either in law or equity.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXXIV.

AN ACT for the relief of Bolling Fisher.

Commis's to
condemn cer-
tain land for
mill.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Rutherford be authorized, and they are hereby empowered, to appoint five commissioners to examine and condemn so much land, not exceeding one acre, opposite the site of the mill of Bolling Fisher, for the benefit and use of said Fisher, in erecting and continuing his mill where it is at present erected on the west fork of the west fork of Stone's river; and when said commissioners shall, in pursuance of their appointment, condemn said land, they shall assess the value thereof; and when they shall return their proceedings to Rutherford county court, the said Bolling Fisher shall pay down into open court double the amount of such valuation, for the use of the former owner of said land; and when he shall pay the same, and all the cost of such proceeding, and the said return shall be recorded in said court, it shall vest a

good title in said land, so condemned, in the said Bolling Fisher, and his heirs and assigns, forever.

SEC. 2. *Be it enacted,* That the said Bolling Fisher shall give notice of application to said court, and shall advertise the time and place, and the nature of his intended application, six weeks successively, in the Courier newspaper, printed in Murfreesborough, notifying all persons interested, of such his intention, so that they may have an opportunity of opposing said application; and when said commissioners are appointed, they shall, before acting upon said business, take an oath before some justice of the peace of said county, to do equal and impartial justice between all parties interested.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER CCLXXV.

AN ACT to appoint an additional Commissioner for the Town of Monroe, in Overton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Simon Huddleson is hereby appointed a commissioner for the town of Monroe, in the county of Overton, with equal powers, privileges, and emoluments, with the other commissioners heretofore appointed.

SEC. 2. *Be it enacted.* That the commissioners for the town of Monroe, in the county of Overton, are hereby authorized and required to accept and receive any and all donations, which has heretofore been, or may hereafter be, made them, in trust for the use and benefit of said county, and to take and use all lawful means in their power, by suit or otherwise, to obtain possession of any such donations; and if obtained, if land or other property, to sell and dispose of the same, as to said commissioners shall seem right, for the use and benefit of said county, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 25, 1823.

CHAPTER COLXXVI.

AN ACT appointing additional Trustees to Union Academy, in the county of Anderson.

Additional trustees appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Gibbs, John Sutherland, junior, John M'Cadoo, senior, and Charles Y. Oliver, be, and they are hereby, appointed additional Trustees to said Academy, and are hereby vested with the same powers and privileges as the present Trustees of said Academy.

Additional trustees to Speedwell Academy.

SEC. 2. *Be it enacted*, That John Hunt, Reuben Moss, and William Rogers, be, and they are hereby, appointed additional Trustees to Speedwell Academy, in the county of Claiborne, and be vested with the same powers, privileges, and authority, that the present Trustees to said Academy are.

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

November 25, 1823.

CHAPTER CCLXXVII.

AN ACT to transfer Captain William Majors' company from the forty-second regiment of [Militia] to the seventeenth regiment, in Wilson county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the militia company in Wilson county commanded by captain William Majors, be, and the same is hereby, transferred from the forty-second to the seventeenth regiment of said county, subject to the same rules and regulations that other companies of said seventeenth regiment are: *Provided*, said forty-second regiment thereby is not reduced below its limits.

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

November 25, 1823.

CHAPTER CCLXXVIII.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an Academy shall be,

and is hereby, established at Athens, in the county of M'Minn, by the name of Fentress Academy, under the same rules and regulations as other academies in this state, and that Thomas J. Campbell, Benjamin C. Stout, William Lowry, Young Culwell, John M'Cartney, James M'Camy, Charles F. Keith, and Augustine B. Fore, be Trustees of said Academy; and they shall possess, exercise, and enjoy, all the rights, powers, privileges, and authority, possessed or exercised by the Trustees of any other academy in this state.

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

November 26, 1823.

CHAPTER CCLXXIX.

AN ACT for the relief of Andrew Hannah.

Whereas it is made appear, that Lawrence Glaze made an entry, and transferred the same to Andrew Hannah, for one hundred acres, in Sullivan county, which entry was surveyed by George Vincent, county surveyor, and the plat and certificate of survey returned to the Secretary's office of the state of North Carolina, where the same remained without the issuance of a grant; by reason whereof no grant can now issue from the said state of North Carolina, and said Andrew Hannah is likely to sustain great loss: Wherefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of the land office for East Tennessee be, and he is hereby, directed to issue to the said Andrew Hannah a grant for one hundred acres of land, situate in Sullivan county, beginning at a large white oak, thence west eighty-nine poles to a white oak, then north one hundred and seventy-eight poles to a stake, thence east eighty-nine poles to a stake, then a straight line to the beginning, upon production of a certified copy of the plat and certificate of survey filed with the Secretary of State of North Carolina, together with the statement of said secretary, that through mistake or omission no grant appears to have issued thereon.

SEC. 2. *Be it enacted*, That the Governor and Secretary of this state shall sign and countersign and seal said grant so issued, in the same manner as other grants.

grants are perfected; which being done, said grant shall be as good and available as if issued by the state of North Carolina when the same ought to have issued.

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

November 26, 1823.

CHAPTER CCLXXX.

AN ACT to amend an act therein named.

Whereas it appears to this General Assembly, that two mistakes was [were] made in an act, entitled "An act for the relief of Jesse Hall and others," passed August twenty-second, one thousand eight hundred and twenty-two: For remedy whereof,

Register to
issue grant to
Joel Hall. 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, required to issue a grant to Joel Hall, for thirty acres of land, on entry number ten thousand four hundred and forty-three, in the second district, founded on certificate number two thousand six hundred and seventy-nine, for fifty acres, and not to Edward Hoard, as required by the before-recited act.

To Edward
Hoard. SEC. 2. *Be it enacted*, That said register shall issue a grant to Edward Hoard, for ten acres of land, made on entry number eight thousand seven hundred and six, founded on certificate number three thousand one hundred and seventy-five, for six hundred and forty acres, and not to Joel Hall, as required by the above-recited act.

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

November 26, 1823.

CHAPTER CCLXXXI.

AN ACT for the relief of Josiah Martin.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Josiah Martin, of the county of Rutherford, from and after the passage of

this act, shall be exempt and free from the payment of all state, county and poor tax, on a certain decreed negro man named Jesse, the property of the said Josiah Martin.

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

November 26, 1823.

CHAPTER CCLXXXII.

AN ACT for the relief of George A. and Abner C. Sublett, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee be, and he is hereby, authorized to pay George A. Sublett and Abner C. Sublett, editors and printers of the Courier newspaper, printed in Murfreesborough, the sum of one hundred and fifty dollars, for advertising sundry tracts of land in the year one thousand eight hundred and twenty, reported by the sheriff of Stewart county, for non-payment of taxes for the year one thousand eight hundred and nineteen, the sales of which lands for said taxes was prevented by an act of the General Assembly, entitled "An act to prevent the sheriff of Stewart county from selling certain lands therein named," passed July twenty-fifth, one thousand eight hundred and twenty. Treasurer to pay G. A. and A. C. Sublett.

SEC. 2. *Be it enacted*, That the receipt of the said printers shall be a good voucher in the hands of said treasurer in the settlement of his accounts. Receipt to be voucher.

SEC. 3. *Be it enacted*, That Heiskel and Brown, editors of the Knoxville Register, be entitled to the same sum allowed to Geo. A. and Abner C. Sublett, which shall be paid them by the treasurer of East Tennessee: *Provided however*, that before said sum is paid said Brown and Heiskel, they shall make affidavit, that they advertised the lands which were reported for the taxes in the year one thousand eight hundred and nineteen, by the sheriff of Stewart county, as often as the laws required the same to be advertised for sale, and that the sale thereof was prevented by an act of this General Assembly. To pay Heiskel and Brown.

SEC. 4. *Be it enacted*, That the treasurer of West Tennessee pay to George Wilson, editor of the Nashville Gazette, six dollars and seventy-five cents, for public printing done by said Wilson by order of his

excellency the Governor; and the account and receipt of said Wilson, in the hands of the said treasurer, shall be a good voucher in the settlement of his accounts.

Jos. Norvell. SEC. 5. *Be it enacted*, That the treasurer of West Tennessee pay Joseph Norvell, editor of the Nashville Whig, twenty dollars and twenty-five cents; thirteen dollars and fifty cents of which is for public printing done by order of the Governor, and six dollars and seventy-five cents for publishing the act allowing an additional term of the Dickson circuit court, passed at the present session of the General Assembly; and the account and receipt of said Norvell shall be a good voucher in the settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXIII.

AN ACT for the relief of the heirs of Joseph Green.

Commissioner to adjudicate warrant for Joseph Green's heirs

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the heirs of Joseph Green be permitted to lay military warrant number one thousand and seventy five before the commissioner of West Tennessee, and if it shall appear to him that the same is a genuine warrant for the quantity of acres therein named, he shall adjudicate the same accordingly, to be located on any vacant land within this state south and west of the congressional reservation.

For Bythett Bell's heirs.

SEC. 2. *Be it enacted*, That the heirs of Bythett Bell be also permitted to lay military warrant number four thousand four hundred and nine, before the commissioner of West Tennessee, and if it shall appear to him that the same is a genuine warrant, he shall adjudicate the same accordingly, to be located on any vacant land within this state south and west of the congressional reservation.

Certificate for Samuel Dickens, agent.

SEC. 3. *Be it enacted*. That Samuel Dickens, agent for the trustees of the University of North Carolina, be permitted to file with the commissioner grant number eighteen thousand eight hundred and fifty-nine, issued by the state of Tennessee to said trustees, for six hundred and forty acres of land, as also to file the evidences of interference therewith; and if it shall

appear to said commissioner, that any part thereof is taken by grant of better title, to issue a certificate for the amount so taken, which may be located to any vacant land south and west of the congressional reservation line.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXIV.

AN ACT for the benefit of Mary M. Watson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, Mary M. Watson shall be known by the name of Mary M. Poyzer, and she is hereby in that name enabled to sue and be sued, plead and be impleaded, and by that name to contract and be contracted with, and by that name to have, possess, and enjoy, all the rights that a single woman could or might have, except that of intermarrying with another man; any law, usage, or custom, to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXV.

AN ACT pointing out the duties of the Commissioners of Hoodenpyle's and Rainey's Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the commissioners of Hoodenpyle's and Rainey's turnpike road, to review the same at least once in three months; and if at any time they shall find said road out of repair, it shall be their duty to set open the turnpike gate, and it shall not be lawful for the proprietors to close said gate, or receive toll from any person, until said road is put in sufficient repair, and leave had of the commissioners to close said gate and receive toll as heretofore.

SEC. 2. *Be it enacted*, That it shall be lawful for any one of said commissioners, on reviewing said

Duty of commissioners of Hoodenpyle's and Rainey's turnpike road. One commissioner may set open gate

road and finding it out of repair, to proceed to set open said gate, without consulting the other commissioner.

Terry's road
under same
regulations.

SEC. 3. *Be it enacted*, That the turnpike road cut out by Samuel Terry across Walden's ridge, shall be under the same rules and regulations, and the commissioners thereof shall be subject to the same duties as Hoodenpyle's and Rainey's road, and the commissioners thereof, are made subject to by the first and second sections of this act, any law or custom to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXVI.

AN ACT to repeal an act, entitled "An act for the relief of Lewis King, a free man of colour."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the above-recited act is hereby repealed.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXVII.

AN ACT to authorize Hercules Jones and Jesse Grason to open a Turnpike Road.

May open
turnpike
road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hercules Jones and Jesse Grason be, and they are hereby authorized to cut out and open a turnpike road, beginning at the foot of said mountain, near the upper end of Marion county, running across said mountain the nearest and best way to Captain Burriss', in Franklin county.

To what pe-
nalties liable.

SEC. 2. *Be it enacted*, That the said Hercules Jones and Jesse Grason shall be under the same rules, governed by the same regulations, and subject to the same penalties, that Peter Hoodenpyle and William Rainey, proprietors of the road leading from the foot of the mountain in Warren county, are under, and

shall receive the same rates of toll for the [their] compensation, that the above-named proprietors do.

SEC. 3. *Be it enacted*, That John Briggs, Jonce Laster, and James Roberts, be, and they are hereby, appointed commissioners to said road, who shall be bound to discharge similar service, and be under the same regulation that the commissioners of the above-recited act are under, with the exception of viewing and marking said road, which they shall not be bound to do unless required by the proprietor, and shall receive the same compensation for their services that the commissioners of the before-recited act receive.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXVIII.

AN ACT for the relief of Samuel Elliott.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of land claims be, and he is hereby, directed to issue to Samuel Elliott, a warrant for ninety-six acres of land, in lieu of so much taken by interference of David Gilson's tract of one thousand acres, with a tract of six hundred and forty acres, originally granted to Charles Gilmore, and by a regular chain of conveyance vested in said Samuel Elliott; and also a warrant for one hundred and sixty acres of land, taken by interference with said Gilmore tract of one thousand acres, with a tract of six hundred and forty acres granted to said Samuel Elliott. *Provided nevertheless*, that before the issuance of said warrant, said Samuel Elliott shall file with the commissioner a plat of said several tracts of land, shewing said interference, and said commissioner is satisfied thereby, or from other testimony, that said Samuel Elliott is entitled to said warrants: *And provided also*, that said tracts of six hundred and forty acres each, shall have been founded on a good and valid warrants, and that no other grants have issued by virtue thereof: *And provided also*, that no certificate or warrants shall have heretofore issued on said interference, and said commissioner shall be satisfied that the grant of said Gilson for said tract of one thousand acres, is of older date than said two tracts of six hundred and for-