

ty acres each; which warrants being so issued, shall and may be located on any vacant and unappropriated land south and west of the congressional line.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER CCLXXXIX.

AN ACT for the relief of Jacob Williams and others.

Whereas it is made satisfactorily to appear to this General Assembly, that Jacob Williams and others, did, at their own expense, defend a suit wherein Robert Burton's lessee was plaintiff, and said Williams and others, tenants in possession, were defendants, in the Federal Circuit Courts, and in the Supreme Court of the United States; and by means of said defence, caused the rights of the respective states of North-Carolina and Tennessee, as to the perfecting of titles to the vacant lands lying south and west of the congressional reservation line, to be settled in favour of the state of Tennessee; and in defending said suit, said Williams and others have expended four hundred and fifteen dollars: Therefore,

May select a
or section in
Hiwassee
district. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jacob Williams's heirs or assigns, be, and he is hereby, authorized, at any time after the passing of this act, to select two quarter-sections of land, in one body, in the Hiwassee district, which shall not include any island in said district, or the improvements of any occupant settled in said district, and may tender an entry for the same to the surveyor of said district, whose duty it shall be, on such entry being tendered, to receive the said entry, and record the same, and lay it down on the general plan of his district, as in other cases, without requiring said Jacob Williams to pay any compensation for said land, and shall survey the same as other entries in said district, and a grant shall issue on the same as in other cases.

To pay costs
of certain
suits. SEC. 2. *Be it enacted*, That said Jacob Williams, on obtaining a grant for said land, shall be liable to pay to all such persons as may have contributed any sum or sums of money in defending a suit lately determined in the Supreme Court of the United States, wherein Robert Burton's lessee was plaintiff, and said Jacob

Williams defendant, to be recovered by any such person or persons, from said Jacob Williams, before any tribunal having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives,

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER CCXC.

AN ACT to authorize John Totlett, James Orms, George Gorden and Jesse Lincoln to open and establish a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Totlett, James Orms, George Gorden, and Jesse Lincoln, shall be, and are hereby, authorized to open and cut out a turnpike road from the foot of Walden's ridge in Sequatchey Valley, near the widow Wilson's, and running thence a direct course across Walden's ridge to White's creek, near Gorden's iron-works in Roane county; which road, where the nature of the country will permit it, shall be cut eighteen feet wide, clear of stumps or other obstructions, and where the road has to be causewayed, where the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, or other obstructions; and if there shall be any creek or creeks that from their nature shall require it, there shall be good and sufficient bridges built across said creek or creeks; and if there is any swamps over which said road may be taken, it shall be the duty of the proprietors of said road to causeway the same, with either rock or timber, to be made over said swamp at least twelve feet wide, clear of stumps, roots, or other obstructions, and shall have the use and benefit of said road for ten years after the passage of this act.

SEC. 2. *Be it enacted*, That Charles Sherrell, and Charles Wilson, and Aquilla Nail, of Sevier county, be, and they are hereby, appointed commissioners, whose duty it shall be, at any time when called on by said proprietors, to proceed to view, mark and lay off said road, from near the widow Wilson's, at the foot of Walden's ridge in Sequatchey Valley, across said ridge the nearest and best way to White's creek, near Gorden's iron-works, agreeably to the provisions of this act; and they shall be competent

at all times to do and perform all acts and duties required of them by this act: And when the proprietors shall notify said commissioners that the said road is cut out and complete for use, said commissioners shall proceed to examine said road; and if in their opinion the road is in order as contemplated by this act, they shall proceed to license said proprietors to keep a toll gate, which license shall be under their hands and seals, and said proprietors may proceed to erect a toll gate on the most convenient part of said road, and shall be entitled to receive the following rates of toll, to wit: For each wagon and team, fifty cents; cart and driver, twenty-five cents; four wheel pleasure carriage, seventy-five cents; two wheel pleasure carriage, thirty-seven and a half cents; man and horse or mule, twelve and a half cents; loose horse or mule in a drove, three cents; each head of cattle, two cents; each head of hogs or sheep, one cent: And it shall be the duty of said commissioners to review said road at least once in three months, and shall receive one dollar and fifty cents per day, to be paid by the proprietors, as a compensation for their services as commissioners; and when it may so happen that but one of said commissioners shall attend to view said road, it shall and may be lawful for him to view said road by himself; and if at any time said road is found by said commissioners, or either of them, to be out of repair, it shall be their duty to open said gate, and every person shall pass said road free of toll until the said proprietors shall put the said road in repair again, and it shall be so certified by said commissioner or commissioners, it shall not be lawful for said proprietors to receive any toll whatever from any person passing said road; and should the proprietors proceed to receive any toll from any person travelling said road when the gate is set open by the commissioners, they shall forfeit and pay to any person suing for the same before any tribunal having cognizance thereof, the sum of twenty-five dollars for each and every such offence.

Penalty for passing arbitrarily. SEC. 3. *Be it enacted*, That if any person shall pass arbitrarily said gate, or within one mile thereof, with intent to evade the payment of toll, such person or persons, shall forfeit and pay the sum of ten dollars, to be recovered by action of debt before any justice of the peace in this state.

Mails to pass free. SEC. 4. *Be it enacted*, That the mail-stage and the mail-carrier on horseback, shall at all times pass said gate free from paying any toll.

Commissioners to take oath. SEC. 5. *Be it enacted*, That the said commissioners hereby appointed, before they enter on the duties contemplated by this act, shall, before some justice of the peace, take the following oath, to wit: "I, A. B., do solemnly swear or affirm, (as the case may be,) that I will truly and faithfully perform all the duties enjoined on me by the provisions of this act, to the best of my skill and ability. So help me God."

Another road from Gorden's iron-works to Whites ore'k. SEC. 6. *Be it enacted*, That the aforesaid proprietors, John Totlett, James Orms, George Gorden and Jesse Lincoln, are hereby authorized to open a road from George Gorden's iron-works on White's creek, running up said creek to the mouth of Piney, from thence through the Grassy Cove, to intersect the road leading from Sparta to the Crab Orchard, near George Dawson's or James Devers's; and should said proprietors open and keep said road in the same repair, and do and perform all the duties which are required of them, and in all respects be under the same rules, regulations, and restrictions, which they are under in opening and keeping in repair the aforesaid road as expressed in the first section of this act, it shall then be lawful for said proprietors to erect a turnpike gate thereon, and receive the same rates of tollage, and in all respects be entitled to the same privileges and immunities, for the term of ten years, which they are entitled to in the preceding sections of this act.

Same commissioners to act. SEC. 7. *Be it enacted*, That the aforesaid Charles Sherrell, Charles Wilson and Aquilla Nail, appointed by the second section of this act as commissioners, shall also be commissioners of the road hereby directed to be opened by the sixth section of this act, who shall do and perform the same duties, and in all respects be under the same rules, regulations, and restrictions, take the same oath, and be entitled to the same pay, as pointed out by the second and fifth sections of this act; but it shall not be lawful for more than one of said commissioners to view either of said roads at the same time, but shall view them alternately, after they are reported by all of said commissioners to be in the order required by this act, and the proprietors authorized to erect gates for the purpose of exacting toll.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 27, 1823.

CHAPTER CCXCI.

AN ACT for the relief of Samuel B. Marshall and John Catron.

Whereas, at the October sessions of the Davidson County Court of this state, in the year one thousand eight hundred and nineteen, Samuel B. Marshall and Elizabeth Childress were appointed administrator and administratrix of the estate of John Childress, deceased; and in September, one thousand eight hundred and twenty-two, Elizabeth Childress departed this life, leaving said Samuel B. Marshall sole administrator of said estate: And whereas, at the October sessions, one thousand eight hundred and twenty-two, of the Davidson County Court, the said Samuel B. Marshall applied to the court for leave to surrender his said administration, which was granted by the court, and John Catron was appointed administrator of said estate, and who gave bond and security as such administrator: And whereas the Supreme Court of Errors and Appeals have declared that the County Court of Davidson had no power to receive the resignation of said Samuel B. Marshall, or to appoint John Catron in his stead; and the said John Catron having settled with the said Samuel B. Marshall his administration accounts, and having done many acts as administrator of the estate of John Childress: Therefore, to relieve said Marshall and Catron,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the County Court of Davidson are, by virtue of this act, vested with full power to confirm their order of October sessions, one thousand eight hundred and twenty-two, receiving the surrender of Samuel B. Marshall as administrator of the estate of John Childress, and appointing John Catron in his stead; or said court may make an order at any subsequent term, similar to the one made at October sessions, one thousand eight hundred and twenty-two, and above referred to: *Provided*, that no such confirmation or order made by said court, shall affect any suit now pending against Samuel B. Marshall as administrator of the estate of John Childress, nor shall it affect any suit brought by him as such administrator.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 26, 1823.

CHAPTER CCXCII.

AN ACT to authorize William Matlock, of Franklin county, to open a Turnpike Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Matlock, ^{May open Turnpike Road.} hereby authorized to open a turnpike road, commencing at James Cox's, in said county of Franklin, on the main stage road leading from M'Minville to Huntsville, Alabama, thence to the Alabama line on said road; which road, where the situation of the country will admit of it, shall be cut eighteen feet wide, and cleared of stumps and other obstructions; and where the road has to be causewayed, where the nature of the ground is such that it cannot be extended, it shall be at least twelve feet wide, clear of stumps, roots, and other obstructions; and if there should be any creek or creeks, that from their situation shall require it, there shall be good and substantial bridges built across them; and if there should be any swamps over which said road may be taken, it shall be the duty of the proprietor of said road, to causeway said road, with either stone or wood, to be made over such swamps at least twelve feet wide, clear of stumps, logs, or other obstructions.

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 Franklin county, if it should be six months before the session of the Legislature, and when said court shall receive said report, they shall order it to be recorded; and said commissioners shall also proceed to open said turnpike gate, and keep the same open until said road shall be by them adjudged to be in good and sufficient order; they may then grant license under their hands and seals, to said proprietor, to shut said gate, for the purpose of exacting toll; and if said proprietor shall, either directly or indirectly, exact, take, or receive, any toll, during the time said commissioners set said gate open, said proprietor, for every such offence, shall forfeit and pay the sum of twenty-five dollars, to be recovered before any justice of the peace, by any person that will sue for the same; and if the said road shall be permitted to be and remain out of repair at any time within six months before the session of the Legislature, said

commissioners, after setting open the gate, shall report the same to the General Assembly, whose duty it shall be to elect a new proprietor, which proprietor, when so elected, shall be entitled to receive all the toll rated in this act, and shall be bound to the same duties, regulations, restrictions, and penalties, as prescribed by this act for the original proprietor to do and perform.

Commissioners appointed, and toll rates.

SEC. 3. *Be it enacted,* That David O. Anderson and James Cox shall be, and they are hereby, appointed commissioners of the aforesaid road, and they shall be capable at all times to do and perform all the acts and duties required of them by this act; and when the proprietor shall notify the commissioners, that the said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if said road, in their opinion, is in the order contemplated by this act, they shall proceed to license said proprietor to keep a toll gate, which license shall be under their hands and seals; and said proprietor may proceed to erect a toll gate on the most convenient place on said road, and shall be entitled to receive the following rates of toll, to wit: For each wagon and team, twenty-five cents; cart and driver, twelve and a half cents; four-wheeled carriages of pleasure, fifty cents; two-wheeled carriages of pleasure, twenty-five cents; man and horse, or mule, six and a fourth cents; loose or led horse, or mule, not in a drove, — cents; horses or mules [mules] in a drove, three cents.

Commissioners to take oath.

SEC. 4. *Be it enacted,* That commissioners herein appointed by this act, shall, before they enter upon the duties of their appointment, take and subscribe the following oath before some justice of the peace for said county, to wit: "I, A. B. do solemnly swear, that I will well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities. So help me God." And the aforesaid commissioners shall be entitled to receive at the rate of one dollar and fifty cents, each, per day, for every day they may be necessarily employed in performing the duties enjoined on them by this act, to be paid by the proprietor of said road.

Liability for damages.

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 [person] or persons shall sustain any damage, either in person or property, he, she, or they, may have and sustain an action on the case against said proprietor, for the damage sustained.

SEC. 6. *Be it enacted,* That if any person or persons shall pass said gate arbitrarily, or within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay, for every such offence, to said proprietor, the sum of — dollars, to be recovered by action of debt, before any justice of the peace within this state. **Penalty for passing arbitrarily.**

SEC. 7. *Be it enacted,* That the citizens of Franklin and Lincoln counties, the mail stage, or mail carrier on horseback, or any person going to or returning from mill, blacksmith shop, muster, or preaching, shall at all times pass said gate free from paying any toll. **Persons exempt from paying toll.**

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 27, 1823.

CHAPTER CCXCIII.

AN ACT for the relief of Jesse I. I. Stamps, of Franklin County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said [Jesse] I. I. Stamps is hereby restored to all the rights, privileges and advantages of a citizen of this state, in as full a manner as though a conviction for grand larceny had not been had against him in any of the courts of this state.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

November 27, 1823.

CHAPTER CCXCIV.

AN ACT to establish a town in the county of Greene, by the name of Rhea.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town may be laid off on the land of Uriah Harrold, William Matthews, John Daily, and William Barclay, in Greene county, on the road leading from Greeneville to Jonesborough. **Town laid off.**

SEC. 2. *Be it enacted,* That the name of said town shall be RHEA. **To be called Rhea.**

taxation. **SEC. 3.** *Be it enacted,* That the lots in said town, when sold, shall be liable to the same tax that is imposed on lots of other towns of this state.

Commissioners appointed. **SEC. 4.** *Be it enacted,* That John Morris, Samuel Stanfield, William Matthews, John Dally, William Barclay, and Uriah Harrold, be, and they are hereby, appointed commissioners of said town of Rhea; and [said] commissioners, or a majority, 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 laws and constitution of this state, as in their opinion will be useful and proper: *Provided,* said commissioners, before entering on the duties assigned them by this act, shall respectively take an oath faithfully to discharge the duties of their appointment.

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

November 27, 1823.

CHAPTER CCXCV.

AN ACT for the benefit of John Miller, Jr. and Samuel Davidson.

J. Miller may erect a fish dam. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That John Miller, junior, be, and he is hereby, authorized to erect a fish dam on Clinch river, at the first shoal below the mouth of Buffalow creek, at a place called the Bushy Bend.

Samuel Davidson, same privilege. **SEC. 2.** *Be it enacted,* That Samuel Davidson be, and he is hereby, authorized to erect a fish dam on Clinch river, at the first shoal below the mouth of Beaver creek: *Provided nevertheless,* that nothing in this act contained, shall be so construed as to authorize the obstruction of the navigation of Clinch river.

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

November 27, 1823.

CHAPTER CCXCVI.

AN ACT for the relief of Adonijah Rambo.

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

the surveyor of Sevier county, to survey and lay off thirteen acres of vacant and unappropriated land south of French Broad and Holston, for Adonijah Rambo, to which he claims right by virtue of a remnant of certificate issued to Robert Weir by the Register of East Tennessee, the third day of September, eighteen hundred and thirteen, for one hundred acres of land, number twenty-three; and it shall be the duty of the said surveyor, to make out a plat and certificate of the survey of said thirteen acres, upon the production of which to the Register of East Tennessee, it shall be his duty to issue to the said Adonijah a grant for the same: *Provided always,* that this act, nor nothing therein contained, shall bar the right of any other person to said certificate, or any interest therein: *Provided also,* that it shall not appear that the same has been previously satisfied.

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

November 27, 1823.

CHAPTER CCXCVII.

AN ACT for the benefit of Lamas Clampt.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Lamas Clampt shall have liberty to hawk and peddle merchandise of foreign and domestic manufacture in this state, and west of the Tennessee river, without paying license therefor.

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

November 27, 1823.

CHAPTER CCXCVIII.

AN ACT to amend "an act for the benefit of General Daniel Newnan," passed August 23d, 1822.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Daniel Newnan, or his securities, shall be authorized and permitted to repay the money which he shall have borrowed under the provisions of the act which this is

Intended to amend, in current bank paper of this state, any thing in said act to the contrary notwithstanding; and it shall be the duty of the treasurer of East Tennessee to receive the same in discharge of the debt, or debts, the said Newnan is owing to this state: *Provided*, the money be paid within three months from and after the passage of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER CCXCIX.

AN ACT to authorize the County Court of Stewart County to appoint Overseers of Streets in the town of Dover.

Court to ap-
overseer of
streets.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of Stewart county, a majority of the justices of the peace being present, are hereby authorized and required to appoint an overseer, and allot him a suitable number of hands, to keep in repair the streets of the town of Dover; which overseer, when so appointed, shall be governed by the same regulations as overseers of the public roads.

Former acts
repealed.

SEC. 2. *Be it enacted*, That an act heretofore passed, incorporating said town, be, and the same is hereby, repealed.

Town of
Rutledge.

SEC. 3. *Be it enacted*, That the seventh section of an act for the regulation of the town of Rutledge, in the county of Grainger, be, and the same is hereby, repealed; and that the citizens of said town be subject to work on roads, or on the streets of said town, as the county court may direct.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER CCC.

AN ACT making allowance of House-Rent for the building occupied for the Secretary's Office, and Public Papers of the state.

Office rent
or Secreta-
ry's office.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of one hun-

dred and ten dollars be allowed and paid for the year one thousand eight hundred and twenty-two, and a like sum for the year one thousand eight hundred and twenty-three, as house rent for the building occupied for the Secretary's office, and public papers belonging to the state, and the receipt of the Secretary for the same shall be a good voucher to either Treasurer in the settlement of his accounts.

SEC. 2. *Be it enacted*, That the sum of eighty dollars be allowed as office rent for the house occupied for the Register's office of East Tennessee for the last two years, and the receipt of the Register of East Tennessee to either Treasurer, shall be a sufficient voucher to him in the settlement of his accounts.

For Register
of East Tenn.

SEC. 3. *Be it enacted*, That the Treasurer of West Tennessee pay to the Register of West Tennessee, the sum of two hundred dollars, in full for office rents during the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three, and his receipt shall be a good voucher to the Treasurer in the settlement of his accounts.

For Register
of West Tenn.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

CHAPTER CCCL.

AN ACT to appoint an agent to secure to this state the benefits of a devise contained in the last will of John Rice.

Whereas it has been made appear to this General Assembly, that John Rice, deceased, by his last will and testament, devised five thousand acres of his lands to be appropriated to the education of the poor in Cumberland: and whereas no examination has yet been made, so as to ascertain whether the benevolent intentions of the deviser can be carried into effect: For remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse W. Egnew, esquire, of Columbia, be, and he is hereby, appointed an agent on behalf of this state, with power to examine into the extent and condition of the several tracts of land of which the said John Rice devised and possessed, and to secure to this state, if in his judgment it be practicable, the five thousand acre tract of land devised as aforesaid.

Agent ap-
pointed to
investigate
claim.

Compensation allowed.

SEC. 2. *Be it enacted*, That for his services as required in this act, the said Jesse W. Egnew shall be entitled to such compensation as may be agreed on between him and the Governor of this state, out of the proceeds of said five thousand acres of land, devised as aforesaid, should the same be obtained, and in no other way whatever.

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

November 28, 1823.

CHAPTER CXXII.

AN ACT to reduce Overton county to its constitutional limits, and to form a new county out of part of the counties of Overton and Morgan.

Overton limits reduced & established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jonathan Douglass, of the county of Overton, be, and he is hereby, appointed surveyor to reduce Overton county to its constitutional limits, beginning at the north-east corner of Jackson county, on the east bank of Cumberland river, in the Kentucky line; running thence east with the Kentucky line, so far that by running south parallel with the eastern boundary of the said county of Jackson, until it strikes the Morgan county line; thence with the same to the Cumberland road, and with that westwardly to the line of the said county of Jackson, and with the same to the beginning, will leave Overton county its constitutional limits.

Fentress county established, and boundaries.

SEC. 2. *Be it enacted*, That a new and distinct county be, and the same is hereby, established east of the county of Overton, to be known and distinguished by the name of Fentress county; beginning at the north-east corner of the said county of Overton, (when reduced,) in the Kentucky line; running thence east, with the Kentucky line, to the south fork of Cumberland river; thence up the same as it meanders, to the Clear fork; thence up the same to the forks where Piles's turnpike was formerly kept, where Richard Butler now lives, so as to leave said Butler in Morgan county; thence up the right-hand fork of the said Clear fork, to its head or source; from thence a direct line to the south-east corner of Overton, (when reduced;) thence northwardly with the line of Overton county to the beginning.

SEC. 3. *Be it enacted*, That, for the administration of justice, the Court of Pleas and Quarter Sessions, and the Circuit Courts in said county, shall be holden at the house of George Holmes, until otherwise provided for, under the same regulations and restrictions, and shall exercise and possess the same powers and jurisdiction, as is possessed by said courts in other counties in this state.

SEC. 4. *Be it enacted*, The sheriff of Fentress county shall hold an election at the place of holding courts in said county, on the first Thursday and succeeding days in April next, for the purpose of electing field-officers for said county of Fentress, under the same rules and regulations as are prescribed by law in similar cases; and the militia of said county of Fentress shall constitute the — regiment, and shall become a part of the — brigade.

SEC. 5. *Be it enacted*, That elections for company officers for the county of Fentress, shall be held at such places as the commandant of militia in said county may appoint; which said elections shall be held on such days as may be directed by said commandant.

SEC. 6. *Be it enacted*, That the surveyor appointed by the first section of this act, shall be allowed the sum of two dollars per day, and the chain-carriers and markers who may be employed by said surveyor, shall each be allowed the sum of one dollar per day, for their services in running and marking said lines, to be paid equally by the counties of Overton and Fentress, out of any moneys not otherwise appropriated.

Surveyor's compensation.

SEC. 7. *Be it enacted*, That the county of Fentress shall be a part of the district for electing Governor, Representatives to Congress, Electors to elect a President and Vice-President of the United States, and Members to the General Assembly, to which the county of Overton now belongs, and that elections be held at the place of holding courts in said county, (and such other places as the court may establish,) at the time, and in the manner, by law directed; and the sheriff, or returning officer of said county, shall make return of the polls of said election to the sheriff of Overton county, in the town of Monroe, on the day next succeeding each election.

Attached to Overton in general elections.

SEC. 8. That such Justices of the Peace as may have been heretofore appointed, and which may fall within the bounds of the county of Fentress, be, and they are hereby, continued in office: And provided nevertheless, that nothing in this act contained, shall

be so construed as to prevent the sheriffs of Overton and Morgan counties from collecting the taxes which may be due within their respective counties for the present year, or any preceding year.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate

November 28, 1823.

CHAPTER CCCIII.

AN ACT for the relief of Henry Brown.

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 Henry Brown, a grant on warrant number nine hundred and eleven, for twenty-five hundred and sixty acres, entered in the twelfth surveyor's district, in the name of Alfred Alston: *Provided*, said Brown produces to the register a plat of survey as is required by law, and pays the necessary fees of office: *Provided*, that nothing in this act contained shall be so construed, as to affect the right or title of said Alston, or his assignee, to said warrant, either in law or equity.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCIV.

AN ACT for the relief Simon Huddleston.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner for the adjudication of land claims be, and he is hereby, authorized to issue to Simon Huddleston a certificate for two hundred and nineteen acres, in consequence of so much of grant number three hundred and seventy, for two thousand acres, issued by the state of North-Carolina to William Polk, being taken by, or included within, the state of Kentucky, according to the line run by Looney and Steel: *Provided*, the said Huddleston produce to said commissioner satisfactory

Commissioner to issue certificate.

evidence, that the title to the said two hundred and nineteen acres is vested in himself, and that the warrant on which the said grant issued is a good and valid one, and that no other grant has issued on the same.

SEC. 2. *Be it enacted*, That should the commissioner as aforesaid issue the said warrant, it shall and may be lawful for the said Huddleston, or his rightful assignee, to locate the same on any vacant and unappropriated land south and west of the congressional line as in other cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCV.

AN ACT to authorize the Governor of this State to open a written correspondence with the Governors of the States of Alabama and Georgia, on the subject of connecting the waters of the Hiwassee with the Coosa river, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this state be, and he is hereby, authorized, so soon as it may be practicable, to commence a written correspondence with the Governor of the states of Alabama and Georgia, on the subject of connecting the waters of Hiwassee with the waters of Coosa, by means of a canal, as well as the practicability of a canal around the muscle shoals in the Tennessee river, and through what is called the Tennessee valley, on the south side of said river.

SEC. 2. *Be it enacted*, That it shall and may be lawful for the Governor of this state, with the consent and approbation of the Governors of the states of Alabama and Georgia, to employ an engineer, or engineers, if necessary, of sufficient skill and capacity to examine the ground through which the different canals may have to be cut; the quantity of water that can be commanded in the canal; the practicability of the plan; the probable expense of the work, and report the same to the next stated session of the legislature of this state, a full detail of all that may have been done on the subject, as regards the correspondence with the Governors of Alabama and Georgia,

To employ engineers.

together with the report or reports of the engineers, in the event such may be employed.

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

November 28, 1823.

CHAPTER CCCVI.

AN ACT to settle and establish the boundaries between Shelby and Tipton counties, and the unorganized county adjoining Shelby on the east.

Boundaries established. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the boundaries of Shelby county shall be permanently established as follows, viz: Beginning in the middle of the main channel of the Mississippi river where the southern boundary of this state strikes the same, thence east along the said southern boundary, to a point one mile west of the south-west corner of section one, range three, being the south-west corner of said unorganized county agreeably to said act; thence north along the western boundary of the same twenty-three and one half miles; thence west at right angles, and parallel to the sectional lines, to the middle of the main channel of the Mississippi river; thence down the middle of the main channel thereof, to the beginning; which shall forever hereafter be the boundaries of Shelby county.

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

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

November 28, 1823.

CHAPTER CCCVII.

AN ACT to authorize the Governor of the state to take effectual measures to secure to the state the Donation therein mentioned.

Whereas it appears to the General Assembly, that a certain Mason Lee, late of the state of South-Carolina, hath, by his last will and testament, devised to the state of Tennessee the one half of his estate, which is represented to be of great value: and whereas the

interest of the state may suffer for the want of some person on their part to attend to the enforcement of the due execution of the provisions of said will: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Governor of this state shall be authorized to take effectual measures to examine into, and enforce, said claim, upon the part of this state; and for that purpose, if thought proper, he may appoint a suitable person to transact said business, who shall have full power to enforce the due execution of said will, and prosecute said claim for the benefit of the state, and employ counsel, if necessary, for that purpose. *To appoint an agent.*

SEC. 2. *Be it enacted,* That the agent who shall go on to transact said business, shall be entitled to four dollars per day for each and every day he shall be necessarily engaged in discharge of said duty, to be paid out of the treasury of this state, upon the production of his account, verified upon oath, to either of the treasurers of this state. *Compensation to agent.*

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

November 28, 1823.

CHAPTER CCCVIII.

AN ACT for the relief of Joab Bell, Micajah Brown, and others.

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 Joab Bell to lay military land warrant number one thousand one hundred and three, issued to said heirs, for six hundred and forty acres, before the proper tribunal, for adjudication; and for the heirs of Micajah Brown, in like manner to do with military warrant number one thousand one hundred and four, issued to the said heirs, for six hundred and forty acres; and if the same shall [be] good and valid, and such as ought to be satisfied by this state, they shall be so declared, and shall thereupon be liable to appropriation, as other similar claims, on any vacant and unappropriated land which may be made subject to the satisfaction of the same. *Commissioner to adjudge for Joab Bell's heirs and Micajah Brown's.*

SEC. 2. *Be it enacted,* 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 Phillips and Michael Campbell, as assignees of Andrew Ramsey, which grant is founded upon military warrant number two thousand five hundred and forty-one, said grant bearing date tenth of December, one thousand seven hundred and ninety; and on its appearing satisfactorily to said Secretary, that said grant issued on a good and valid warrant, not previously, or in any other way satisfied, and that the said Michael Campbell is entitled to one equal half of said warrant, to issue a duplicate warrant to the said Michael Campbell, for three hundred and twenty acres of land, the same being the one half of the number of acres called for in said grant, on the said Michael Campbell delivering up said grant, or a certified copy thereof, to the Secretary, to be cancelled, for that half of the same which belongs to the said Michael.

Where to be located.

SEC. 3. *Be it enacted*, That the said three hundred and twenty acre land warrant, when issued by the Secretary of State as aforesaid, may, and is hereby, authorized to be located on any vacant and unappropriated land south and west of the congressional reservation line.

For Richard Lundy.

SEC. 4. *Be it enacted*, That it shall be lawful for Richard Lundy, his agent or attorney, to file with the commissioner of land claims, his grant number ten thousand three hundred and eighty-one, for forty acres, issued by the state of Tennessee; and it shall also be the duty of said Lundy, his agent or attorney, to produce to said commissioner a certified copy of a grant of better title, issued also by the state of Tennessee, to Thomas Turner, for two hundred acres, which interferes with, and takes part of, said grant number ten thousand three hundred and eighty-one, which interference shall be made out, certified, and sworn to, by some sworn surveyor; and should said commissioner be satisfied of such interference, it shall be his duty to issue a certificate to the said Richard Lundy, or the person legally entitled to the same, for such quantity of acres so interfered with by the grant of better title, and cancel or vacate grant number ten thousand three hundred and eighty-one, for such quantity of acres as he may issue a certificate for; which certificate, if issued, shall be located south and west of the congressional line.

For Thomas Hopkins.

SEC. 5. *Be it enacted*, That it shall be lawful for Thomas Hopkins to file with the commissioner of land claims, grant number seven thousand five hun-

dred and fifty-seven, for one hundred and ninety-seven acres, issued by the state of Tennessee: It shall also be the duty of said Hopkins, to produce a certified copy of grant number eight hundred and thirty-eight, for two hundred acres, granted also by the state of Tennessee, to Jeremiah Bolin, which interferes with, or covers the land contained in said grant number seven thousand five hundred and fifty-seven, which interference shall be made out and certified by some sworn surveyor: and should said commissioner be satisfied of such interference, it shall be his duty to issue to the said Thomas Hopkins a certificate for such quantity of acres so interfered with, or taken from his grant, by said grant of better title, and cancel or vacate the grant, in whole or in part, as the case may be, for such quantity of acres as he may issue a certificate for; which certificate, 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 28, 1823.

CHAPTER CCCIX.

AN ACT for the relief of Reps O Childress, John Porter and William Hill, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioner of land claims issue to said Hill, Porter and Childress, or to such other person as by regular transfer may be entitled to the same, a certificate warrant for three hundred and eighteen acres, or the amount of interference between grant one thousand two hundred and twenty-five, issued by North-Carolina to William Hill, for two thousand five hundred acres, and a grant issued to Heyden Wells, for five hundred and sixteen and three fourth acres: *Provided*, it shall be made appear to him, that no warrant has ever issued on account of said interference, and that so much of said grant be presented and cancelled.

SEC. 2. *Be it enacted*, That the Secretary of State Hugh Dunlap be authorized and required to issue to Hugh Dunlap a certificate warrant for five thousand acres, for a tract of land granted by the state of North-Carolina

to Martin Armstrong, for five thousand acres, lying in the Western District, on a south branch of a run running into the Mississippi near the Iron Banks: *Provided*, the said Dunlap does produce the proper evidence heretofore required in such cases, that the said tract of land lies within the present limits of the state of Kentucky, and the warrant on which said grant has issued is good and valid, and no other grant has issued on the same, and also a legal title from the grantee for the said land; and that the said warrant, when issued, shall be located and granted on any vacant and unappropriated land south and west of the congressional reservation line, as in other cases heretofore: *And provided further*, that no certificate has heretofore issued to the said Dunlap, or any other person, by any former commissioner or board of commissioners, in consequence of said grant; nor shall the issuance of said certificate to the said Dunlap, affect the right or title of any other person, in law or equity, should any person claim the same.

Wm. Hughlett.

SEC. 3. *Be it enacted*, That William Hughlett be permitted to file a grant number five thousand one hundred and seventy-eight, before the commissioner appointed for the adjudication of land claims, together with a grant number —, for one hundred acres, in the name of Thomas Haley; and should it appear to the satisfaction of said commissioner, that there is an interference with said grants, then, in that case, he is hereby authorized to issue to William Hughlett a certificate for such interference.

J. C. M'Le-
more, King,
Maberry, and
Ragsdale.

SEC. 4. *Be it enacted*, That Jno. C. M'Le-
more, King, admitted to file a grant number ten thousand eight hundred and twenty-three; Wm. King, a grant number eighteen thousand two hundred and nine; do. a grant number sixteen thousand two hundred and forty-five; Henry Maberry, a grant number —, for twelve acres, and Wm. Ragsdale, an entry number twenty-two thousand three hundred and thirty-four, dated twelfth of April, one thousand eight hundred and twenty-three, for eight acres, with the necessary papers to show interferences; and should it appear to said commissioner satisfactory, to issue certificates in like manner as prescribed by the preceding section.

Thomas Hopkins.

SEC. 5. *Be it enacted*, That it shall be lawful for Thomas Hopkins to lay before the commissioner of land claims grant number five hundred and seventy-eight, for four hundred acres, granted by the state of North-Carolina to Thomas and Robert King, for four hundred acres, together with the mesne coveyances

regularly deduced from the original grantees, vesting the title in himself; and it shall also be the duty of said Thomas Hopkins to produce satisfactory proof, that the land called for in said grant lies north of Walker's line: it shall then be the duty of the commissioner to issue a certificate to the said Hopkins for the quantity of acres called for in said grant, and cancel or vacate said grant number five hundred and seventy-eight: *Provided*, the warrant upon which said grant issued is a good and valid one, and no other grant has issued on the same: *And provided further*, that no certificate has heretofore issued on said grant by any former commissioner or board of commissioners: *Provided*, it shall not be lawful for said commissioner to issue certificates on any of the grants expressed in the third and fourth sections of this act, until the several claimants shall file with said commissioner such evidence of their title, and other evidence required by the act of one thousand eight hundred and nineteen.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCX.

AN ACT to authorize the Field Officers of Marion county to exempt Captain Sergeant's and Elliott's companies from attending Regimental and Battalion Musters.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the field-officers of Marion county may at their discretion exempt Captain Sergeant's and Elliott's companies from attending regimental and battalion musters.

Sergeant's
and Elliott's
companies.

SEC. 2. *Be it enacted*, That the field-officers of either of the regiments of White county, are hereby authorized to exempt such militiamen of their respective regiments as live on the Cumberland mountain, as to said officers may seem right, from attending or performing militia duty at regimental or battalion musters, and shall give to such persons so exempted, certificates expressive of such exemption; which certificates shall be returned by the person or persons obtaining the same, to the commanding officer of the company to which such person or persons so exempted belongs, and by such officer noted on his muster-roll.

Regiments in
White county.

that such militiamen are exempted from attending regimental or battalion musters; after which it shall not be lawful for such commanding officer or officers of company, to report any such militiamen so exempted as delinquents, for not attending such musters: *Provided*, nothing herein contained shall be so construed to prevent or exempt any militiaman from attending their company musters, or any commissioned officer from attending to their duty as heretofore; nor shall any thing herein contained prevent the classing any militiamen as heretofore, or their performing their duty if called into the service of this state or the United States, as though this act had not been passed.

Militia of 9th
regiment.

SEC. 3. *Be it enacted*, That such part of the militia composing the ninth regiment, which resides north of Cumberland mountain, be exempt from militia duty, except mustering at their battalion musters, at which time and place they shall attend, armed and equipt as the law directs.

Of 68th re-
giment.

SEC. 4. *Be it enacted*, That the militia of the county of Wayne, composing the sixty-eighth regiment of Tennessee militia, shall hold their regimental musters on the first Saturday in October, in lieu of the day heretofore pointed out by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCXI.

AN ACT for the relief of James Kenedy.

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 to James Kenedy a grant for twenty acres of land, situate in the county of Warren, third surveyor's district, which has been entered in said surveyor's office on part of warrant number one thousand four hundred and forty-one, for four hundred acres.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCXII.

AN ACT for the relief of the heirs of Robinson Munford.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That the rightful claimants under Robinson Munford, their agent or attorney, shall be permitted to file with the commissioner of land claims grant number three hundred and two, issued by the state of North Carolina, for five thousand acres of land, together with a certified copy of a plat and certificate of survey or grant, (as the case may be,) founded upon an entry made in the name of Samuel and James Forgey, for five thousand acres, in the office usually denominated John Armstrong's office; also a connected plat and certificate of interference made out and sworn to by a legal surveyor: and if it shall appear to the satisfaction of said commissioner, that said grant number three hundred and two is interfered with, and that the entry upon which the adverse claim is founded is the better title, then, and in that case, it shall be lawful for said commissioner to issue a certificate to the rightful claimants under the said Robinson Munford, for the quantity of acres so interfered with: *Provided*, it shall satisfactorily appear, that said grant is founded upon a good and valid warrant, and that no other grant ever issued upon the same warrant; but if it shall appear to said commissioner, that the grant issued to the said Munford, for said five thousand acres, and the entry on which it is founded is the better title, and the title of said Forgeys the worse title, then, if the said Forgeys, their agent, attorney, or rightful assignee, shall require it, then, and in that case, it shall be lawful for said commissioner to issue to said Samuel and James Forgeys, or their rightful assignee, a certificate warrant for the quantity of acres so interfered with: *Provided*, they will vacate the entry and warrant upon which the same is founded, for the quantity of acres the said certificate issues for.

SEC. 2. *Be it enacted*, That Abner Pillow, William Pillow, Gideon Pillow, and Mordecai Pillow, shall be authorized to lay before the commissioner of land claims, the interference between grant number eleven thousand five hundred and eighty, for two thousand five hundred and sixty, and grant number —, issued to Buchannon and Edmiston, for two thousand acres, founded on warrant number three hundred and sixty-two, dated seventeenth December, one thousand

seven hundred and ninety-five; and upon their showing, by judicial determination, that the amount of interference is lost to them by an older and better title, and that no warrant has ever issued thereon, and surrender so much of said grant to be cancelled, and that the same was founded on a good and valid warrant, he shall issue a certificate for such amount, to said Pillows, which may be laid on any vacant and unappropriated lands south and west of the reservation line.

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

November 28, 1823.

CHAPTER CCCXIII.

AN ACT for the relief of John Farmer.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Farmer, of Rhea county, shall have the same right of preference to enter in the Hiwassee district, on the waters of Snoc creek, the lands which include the ore banks and coaling grounds he has used for his iron works in said county, that is given to occupants in said Hiwassee district: *Provided,* such preference be not extended to more than four quarter-sections: *And provided also,* that said Farmer shall not interfere with the rights of any occupant.

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

November 28, 1823.

CHAPTER CCCXIV.

AN ACT to repeal the first section of an act passed at Knoxville, on the fifth day of November, 1817, and for other purposes.

Former act repealed. **SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the first section of the above-recited act is hereby repealed; and the said lot of ground, described in said act, shall not be subject to pay any corporation tax whatsoever.

Commissioners to locate Greene court house. **SEC. 2.** *Be it enacted,* That Matthew Stephenson, of the county of Washington; George Stewart, of the county of Cocke; Charles M'Anally, of the county

of Grainger; John Nelson, of the county of Washington, and Richard Mitchell, of the county of Hawn, be, and they are hereby, appointed commissioners, who, or a majority of them, shall have full power and authority to select and fix on a site in the corporation of the town of Greeneville, for the purpose of erecting a new court-house thereon; and when said site shall be thus selected by said commissioners, it shall be the duty of William Dickson, Valentine Sevier, George T. Gillespie, Alexander Sevier, William K. Vance, Mordecai Lincoln, and Alfred Hunter, and any other by appointed commissioners for the town of Greeneville, to employ a suitable workman to build said court-house on such lot so selected.

SEC. 3. *Be it enacted,* That said commissioners thus appointed to fix on a site to build said court-house on, shall, on or before the first Monday in April next, meet in the town of Greeneville, for the purpose of selecting a suitable place to build said court-house.

SEC. 4. *Be it enacted,* That it shall be lawful for the commissioners of the town of Greeneville to call from the hands and possession of all those persons who may have any county moneys that may have been collected heretofore for the purpose of building a court-house in said town of Greeneville; and the sheriff or trustee of said county, in whose hands any money or moneys may be, or have been collected or deposited, for the purpose of building a court-house, shall, and are hereby required to pay over the same to the said Valentine Sevier, William Dickson, Alexander Sevier, William K. Vance, George T. Gillespie, Mordecai Lincoln, and Alfred Hunter.

SEC. 5. *Be it enacted,* That the county court of Greene, a majority of the justices being present, shall have power to lay a tax for the purpose of finishing said court-house.

SEC. 6. *Be it enacted;* That the commissioners named in the first section of this act, for the purpose of selecting a site in said town or corporation, to build a court-house thereon, shall, when they meet in Greeneville, before some justice of the peace, take an oath well and impartially to discharge the duty assigned them by this act.

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

November 28, 1823.

CHAPTER CCCXV.

AN ACT to establish the Town of Philadelphia, in the county of Monroe.

Town established.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a town shall be, and is hereby, established on the lands of William Knox and Jacob Pearson, on Sweetwater, in Monroe county, agreeably to the plan of the first, second, and third divisions of said town; and said town shall be called **PHILADELPHIA**.

Commissioners appointed.

SEC. 2. *Be it enacted*, That Lewis Patterson, Matthias Shavers, Thomas Craighead, Jacob Pearson, and Samuel Johnston, be, and they are hereby, appointed commissioners for the said town of Philadelphia, under the same rules, regulations, restrictions, and privileges, of the commissioners of the town of Kingston, agreeably to an act, entitled "An act to provide for the better regulation of the town of Kingston, in the county of Roane," passed at Murfreesborough, the seventeenth of August, one thousand eight hundred and twenty-two.

Constable to give security and justices to issue process.

SEC. 3. *Be it enacted*, That the town constable, as contemplated in this act, shall give bond and security to the board of commissioners, and shall have equal power and authority, and shall receive such fees as the corporation may prescribe; and the justices of the peace for the county of Monroe shall have jurisdiction, and issue warrants when properly demanded by the commissioners for the time being, for the said town of Philadelphia, for the collection of fines and forfeitures incurred for a violation of the by-laws and ordinances of the said board, and judgment shall be awarded accordingly.

General regulations.

SEC. 4. *Be it enacted*, That said commissioners shall resurvey said town, agreeably to the original plan or plans, and make out and keep a consolidated plan thereof, and shall superintend the laying out any lots that may hereafter be laid off: they shall also make equitable arrangements with regard to the spring, and other waters and commons, as exhibited in the original plan of said town. All lots, as soon as they shall have been sold, shall be liable to taxation as other town lots in this state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 28, 1823.

CHAPTER CCCXVI.

AN ACT (to repeal part of the last section of an act, entitled "An act to allow wharfage to certain persons therein named," passed July 21st, 1820.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the above-recited act as relates to wharfage on rafts, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 29, 1823.

CHAPTER CCCXVII.

AN ACT appointing a Commissioner in the room of James Lathin, who was appointed in the year 1821, and will not accept as commissioner of the Bean Station Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Rich be appointed a commissioner in the room of said Lathin, and that said commissioner take the same oath, receive the same compensation, as the other commissioners on said road.

SEC. 2. *Be it enacted*, That it shall hereafter be the duty of said commissioners, to meet at Bean Station on the first Mondays in March, June, September, and December, annually, and at such other times as they may deem necessary, and shall proceed to view said road, and make their report; and should it so happen that only one commissioner should attend at said times and place, said commissioner so attending is hereby vested with full power to view said road, and report its condition, and to do all and every act touching the premises, that all of said commissioners could do, were they to attend, any law, usage, or custom, to the contrary notwithstanding.

SEC. 3. *Be it enacted*, That this act shall take effect from and after the first day of December next.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 29, 1823.

CHAPTER CXXVIII.

AN ACT to provide for the payment of the Members, Clerks, and Doorkeepers, of this General Assembly, and to defray the necessary contingent expenses thereof.

Pay to members.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each member shall receive the sum of four dollars for each day he has attended this General Assembly, and the like sum for every twenty-five miles travelling to and from the same.

Speakers of each house.

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

Clerks.

SEC. 3. *Be it enacted,* That the clerks of this General Assembly, both principal and assistant, shall each receive six dollars for each day they may have attended the same.

Doorkeepers

SEC. 4. *Be it enacted,* That the doorkeepers of this General Assembly, both principal and assistant, shall each receive the sum of four dollars for each day they may have attended the same.

David Wendel.

SEC. 5. *Be it enacted,* That the sum of seven hundred and seven dollars be allowed to David Wendel, for stationary and sundry articles furnished both houses of this General Assembly during the present session.

Subletts.

SEC. 6. *Be it enacted,* That G. A. and A. C. Subletts be allowed the sum of four hundred and thirty-eight dollars, for printing done by order of the two houses of the General Assembly during the present session, and that the treasurer of West Tennessee pay the same.

Sam'l Bunch

SEC. 7. *Be it enacted,* That the treasurer of West Tennessee pay to Samuel Bunch one hundred and fifty dollars, the per diem allowance to Joseph M. Anderson, deceased, late principal clerk of the Senate, for his services from the sixteenth of September, until the tenth of October, one thousand eight hundred and twenty-three, inclusive, and the receipt of the said Bunch shall be a good voucher to said treasurer in the settlement of his accounts; and the said Samuel Bunch is hereby authorized to pay off, and settle, any demands against the said Joseph M. Anderson, deceased, contracted at Murfreesborough since the commencement of the present session of the General Assembly, out of the said sum received from said treasurer.

SEC. 8. *Be it enacted,* That the treasurer of West Tennessee pay to James M'Dowel twenty-five dollars, and the receipt of the said M'Dowel shall be a good voucher in the settlement of his accounts, for the said M'Dowel's safely keeping all the furniture belonging to the state, now in the use of this General Assembly, until the next session thereof.

SEC. 9. *Be it enacted,* That the sum of ten dollars John Bright, be paid by the treasurer of West Tennessee, to John Bright, doorkeeper of the Senate, for assistance employed by said Bright at the present session, and the receipt of said Bright shall be a good voucher in the settlement of his accounts.

SEC. 10. *Be it enacted,* That the county of Fentress shall be attached to, and compose a part of, the third judicial circuit, and the fifth solicitors' district.

SEC. 11. *Be it enacted,* That the treasurer of West Tennessee pay to W. W. Woodfork twelve dollars, for engrossing for the Senate, and his receipt 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 29, 1823.

RESOLUTIONS

ADOPTED

AT THE SESSION OF 1823.

NUMBER 1.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State procure, as soon as practicable, for the use of this General Assembly, the plan of the district south of French Broad and Holston; also the plans of the first, third, fourth, fifth and sixth districts, now in the office of the register of East Tennessee.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1823.

NUMBER 2.

Resolved by the General Assembly of the State of Tennessee, That no grant shall be issued to the register of West Tennessee on military warrant number nine hundred and twenty-six, issued to the president and trustees of the university of the state of North-Carolina, for two thousand five hundred and sixty acres, for the services performed to said state by Robert Singleton; said warrant dated December fifth, one thousand eight hundred and twenty-one.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 24, 1823.

NUMBER 3.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the attorney-general of the first solicitorial district, if the commissioners of the Nolichucky Navigation Company shall fail or refuse to report to the county court for the

county of Greene, as required of them by an act passed at the present session of this General Assembly, to institute a suit or suits against said commissioners, or either of them, for such failure or refusal, for the amount of money which said commissioners may have in their hands.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 29, 1823.

NUMBER 4.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the present judges of the supreme court of errors and appeals to confer together, by letter or otherwise, and appoint one of their body to hold the next terms of the chancery courts, which were allotted to be holden by William L. Brown, esquire, previous to his resignation.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 30, 1823.

NUMBER 5.

Resolved by the General Assembly of the State of Tennessee, That the Congress of the United States be requested to pass a law authorizing payment to the officers, as well staff officers as all others, and soldiers, for property lost by them in the Seminole campaign; and that the ambiguity, or doubtful meaning, of the act of congress of the fourth of May, one thousand eight hundred and twenty-two, providing for the relief of the officers, volunteers, and other persons, engaged in the late campaign against the Seminole Indians, be explained or modified, or that such construction be given to said act as will embrace the cases of the claimants.

Resolved, That our senators and representatives in the Congress of the United States, be instructed and requested to use their exertions to effectuate such legislative acts as may be required for the above object.

Resolved, That his excellency the Governor be requested to forward to our senators and representatives in Congress, a copy of the preceding resolutions, to be by them submitted to the Congress of the United States.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 4, 1823.

NUMBER 6.

The General Assembly of the state of Tennessee has taken into consideration the practice, which on former occasions has prevailed in the city of Washington, of members of the Congress of the United States meeting in caucus, and nominating persons to be voted for as President and Vice-President of the United States; and upon the best view of the subject, which this General Assembly has been enabled to take, it is believed that the practice of congressional nominations is a violation of the spirit of the constitution of the United States. That instrument provides, that there shall be three distinct and separate departments of the government; and great care and caution seems to have been exercised by its framers, to prevent any one department from acquiring, or exercising, the smallest degree of influence over another; and such solicitude was felt on this subject, that in the second section of the second article it is expressly declared, that "no senator or representative, or person holding any office of trust or profit under the United States, shall be appointed an elector." From this provision, it is apparent, that the convention intended that the members of Congress should not be the principal and primary agents, or actors, in electing the President and Vice-President of the United States; so far from it, they are expressly disqualified from being placed in a situation to vote for these high officers. Is there not more danger of undue influence to be apprehended, when the members of Congress meet in caucus, and mutually and solemnly pledge themselves to support the individuals who may have the highest number of votes in such meeting, than there would be in permitting them to be eligible to the appointment of electors? In the latter case a few characters, rendered eligible by the constitution, might succeed; but in the former,

a powerful combination of influential men is formed, who may fix upon the American people their highest officers, against the consent of a clear majority of the people themselves; and this may be done by the very men whom the constitution intended to prohibit from acting on the subject. Upon an examination of the constitution of the United States, there is but one case in which the members of Congress are permitted to act, which is in the event of a failure to make an election by the electoral colleges; and then the members of the House of Representatives vote by states. With propriety, the same men who in the year one thousand eight hundred and twenty-five, may be called on to discharge a constitutional duty, can in the year one thousand eight hundred and twenty-four, go into a caucus, and pledge themselves to support the men then nominated, cannot be discerned; especially when it might so happen, that the persons thus nominated could not, under any circumstances, obtain a single vote from the state whose members stand pledged to support him. It is said, that an election by the House of Representatives would be a dangerous occurrence, which ought to be avoided. If so, let the constitution be so changed as to avoid it: but, so long as the constitution directs one mode of electing officers, let not a different mode prevail in practice. When the history of the American government is looked into, with an eye to this subject, the apprehended danger disappears. Experience long since pointed out the inconvenience of the original provision in the constitution on this subject; an amendment, calculated, as was supposed, to remove every obstacle, was proposed by our wisest statesmen; it was adopted by the American people; and no difficulty has presented itself in subsequent practice. Shall a fear, that the amendment made may fail to answer the end proposed by it, induce us to adopt a course, to persist in a practice, which is manifestly an evasion of the constitution, and a direct infraction of the spirit of one of its most important provisions?

It has been said, that the members of Congress in caucus, only recommend to the people for whom to vote, and that recommendation is not obligatory. This is true; and clearly proves, that it is a matter which does not belong to them—that in recommending candidates, they go *beyond* the authority committed to them, as members of Congress, and thus *transcend* the trust delegated to them by their constituents. If their acts had any obligatory force, then the authority

must be derived from some part of the constitution of the United States, and might be rightfully exercised; but when they say they only recommend, it is an admission, on their part, that they are acting without authority, and are attempting, by a usurped influence, to effect an object not confided to them, and not within their power even by implication. It cannot be admitted, that there is any weight in the argument drawn from the fact, that both the parties heretofore contending for superiority in the United States, have in former times resorted to this practice. The actions of public or private men, heated by party zeal, and struggling for ascendancy and power, ought not to be urged as precedents, when circumstances have entirely changed. All political precedents are of doubtful authority, and should never be permitted to pass unquestioned, unless made in good times, and for laudable purposes. In palliation of the practice of resorting to caucus nominations in former times, it was said, that each party must of necessity consult together in the best practicable way, and select the most suitable persons from their respective parties, so that the united efforts of all those composing it might be brought to bear upon their opponents. It is to be recollected, that there is no danger of a departure from, or violation of, the constitution, except when strong temptations are presented, and this will seldom occur, except when parties are arrayed against each other, and their feelings violently excited. The state of things, however, in the United States is entirely changed. It is no longer a selection made by members of Congress of different parties, but it is an election by the two houses of Congress, in which all the members must be permitted, and vote. It is not difficult to perceive, that this practice may promote, and place men in office, who could not be elected were the constitutional mode pursued. It is placing the election of President and Vice President of the United States—an election in which *all the states* have an equal interest and equal rights—more in the power of a few of the most populous states, than was contemplated by the constitution. This practice is considered objectionable on other accounts: so long as Congress is considered as composed of the individuals on whom the election depends, the executive will be subjected to the control of that body, and it ceases in some degree to be a separate and independent branch of the government; and an expectation of executive

patronage may have an unhappy influence on the deliberations of Congress.

Upon a review of the whole subject, the following reasons, which admit of much amplification and enlargement, more than has been urged in the foregoing, might be conclusively relied on to prove the impolicy and unconstitutionality of Congressional nominations of candidates for the Presidency and Vice-Presidency of the United States: 1st—A caucus nomination is against the spirit of the constitution. 2d—It is inexpedient, and impolitic. 3dly—Members of Congress may become the final electors, and therefore ought not to prejudge the case by pledging themselves previously to support particular candidates. 4thly: It violates the equality intended to be secured by the constitution to the weaker states. 5thly—Caucus nominations may in time, (if the practice is not effectually prevented by the interference of the states,) acquire the force of precedents and become authoritative, and thereby endanger the liberties of the American people.

This General Assembly, believing that the true spirit of the constitution will be best preserved by leaving the election of President and Vice-President to the *people themselves*, through the medium of electors chosen by them, uninfluenced by any previous nomination made by members of Congress, have adopted the following resolutions:

1. *Resolved*, That the senators in Congress from this state be instructed, and our representatives be requested, to use their best exertions to prevent a nomination being made during the next session of Congress, by the members thereof, in caucus, of persons to fill the offices of President and Vice-President of the United States.

2. *Resolved*, That the Governor of this state transmit a copy of the foregoing preamble and resolutions to the executive of each of the United States, with a request that the same be laid before each of their respective legislatures.

3. *Resolved*, That the Governor transmit a copy to each of the senators and representatives in Congress from this state.

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

November 15, 1823.

NUMBER 7.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the solicitors in their respective districts, when applied to for that purpose, to commence actions to recover possession of any of the school lands in this state, which may be claimed by persons in possession under adverse titles.

WILLIAM YOUNG,

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

W. HALL,

Speaker of the Senate, *pro tem*.

November 20, 1823.

NUMBER 8.

Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Secretary of State to deliver the evidences of land claims which have been presented to this General Assembly, to the persons entitled thereto, on application, or to the members of this General Assembly, respectively, who presented the same.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 22, 1823.

NUMBER 9.

Resolved by the General Assembly of the State of Tennessee, That the *rules* prescribed by the judges of the supreme court, recently published, requiring students at law to pursue a particular course of reading, be, and they are hereby, suspended. And any student at law who may hereafter apply for license, and who had commenced their studies previous to the adoption of said rules, the judge so applied to, shall examine and license such applicant, as though said rules had not been adopted.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

November 27, 1823.

NUMBER 10.

Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be required to deliver to Robert Scales an original grant issued to Joseph Scales, for six hundred and forty acres, together with the accompanying documents, which are filed in his office by the late commissioners of West Tennessee for the adjudication of land claims.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

ROBERT L. CARUTHERS,

Clerk of the House of Representatives.

RUSSELL DANCE,

Clerk of the Senate.

I have carefully examined the foregoing printed Acts and Resolutions, and find them to be true copies of the originals now on file in my office.

DANIEL GRAHAM,

Secretary of State.

Murfreesborough, 13th April, 1824.

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ACTS

PASSED

AT THE SECOND SESSION

OF THE

FIFTEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

[PUBLISHED BY AUTHORITY.]

MURFREESBOROUGH:

J. HOWELL AND G. A. AND A. C. SULLIVAN,

PRINTERS TO THE SENATE.

1894.

By Transfer.
APR 12 1811

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

PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE CALLED SESSION WHICH WAS BEGUN AND HELD AT MURFREESBOROUGH, IN RUTHERFORD COUNTY, ON MONDAY THE TWENTIETH DAY OF SEPTEMBER, AND ENDED ON FRIDAY THE TWENTY-SECOND DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-FOUR.

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

CHAPTER I.

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

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

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

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

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

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

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

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

Places and time for meeting of returning officers to comp. votes. SEC. 7. *Be it enacted*, That the sheriffs, or other returning officers, of the counties composing the first district, shall meet at Jonesborough; that the sheriffs, or other returning officers, of the counties composing

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

Elector to convene at Murfreesborough. SEC. 8. *Be it enacted*, That each of the electors, who may be elected by virtue of this act, shall convene at the court-house, in the town of Murfreesborough, Rutherford county, on the first Wednesday in December, next ensuing the day of election, for the purpose of voting for President and Vice-President of the United States; and shall, after giving their votes, seal up and transmit the same, according to an act of congress.

Compensation to electors. SEC. 9. *Be it enacted*, That the said electors shall receive, as a compensation for their services, the sum of five dollars for each twenty-five miles they may necessarily travel in going to, and returning from, the seat of government; and also, the sum of four dollars for each day that they may be necessarily engaged in, and about, delivering their votes, so as aforesaid; which said sums of money shall be paid

to the said electors, by either of the Treasurers of this state, out of any moneys in the treasury not otherwise appropriated, by virtue of a draft, or drafts, to be drawn by the Governor, in favor of said electors.

Provisions in case any elector shall fail to attend.

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

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

September 30, 1824.

CHAPTER II.

An Act concerning the estates of Idiots and Lunatics.

Whereas, by the laws now in force, the guardians appointed to take care of the estates of idiots and lunatics, have no power to make settlements or provisions for such child; or children, of such idiots and lunatics, when the same may marry or come of age: Therefore,

Guardians to make settlement.

Sac. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when such guardian shall have been appointed, and shall have given bond and security as required by law, and any child or children of such idiot, or lunatic, shall have arrived at lawful age, or shall have married, then, and in that case, such guardian shall have full power and authority to make such settlement or provision, for any child or children so coming of age, or marrying, as the situation of the estate, the number of other children, and the situation and age of such idiot or lunatic and wife, may render reasonable and just.

Sac. 2. *Be it enacted*, That all such guardians shall be liable on the bonds given by them, for all fraudulent and intended abuses, by them committed, under the provisions of the first section of this act. And because it may sometimes happen that such guardians may not know what provisions or settlement would be reasonable and just: Therefore,

Liability of guardians.

Sac. 3. *Be it enacted*, That where any child, or children, of any idiot, or lunatic, shall have before, or may hereafter, come to lawful age, or marry, and such guardian, or guardians, will not make the provisions or settlement contemplated by this act, then, and in that case, such child, or children, shall be at liberty to file his, her, or their bill in equity in any of the courts of equity of this state, in which either the said guardian, or idiot, or lunatic, may reside, on which the same proceedings shall be had, as in other equity causes; and on the final hearing, the said chancery courts shall and may have the power to decree such provision, or settlement, as, under all the circumstances, they shall deem just and reasonable.

Provisions in case of guardians' neglect.

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

October 4, 1824.

CHAPTER III.

An Act to amend an act, entitled "An act to prevent the disturbance of Public Worship."

Sac. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That if any person, or persons, shall carry within one mile of any place of public worship, ardent spirits, or other intoxicating liquors, and attempt to sell the same, such person, or persons, shall be liable, for each and every offence, to pay to any person who will sue for the same, the sum of ten dollars, to be recovered by action of debt, before any jurisdiction having cognizance of the same; and shall, moreover, be liable to presentment, or indictment, in the county or circuit court, and on conviction, be fined and imprisoned, at the discretion of the court: *Provided*, persons selling, or offering to sell, ardent spirits, or other intoxicating liquors, at their usual place of selling the same, (although with-

Penalty of persons selling liquor within one mile of place of worship.

in one mile,) shall not be included in the penalties of this act.

SEC. 2. *Be it enacted*, That any person, or persons, selling, or offering to sell, within view of any worshipping assembly, on the Sabbath day, any article of traffic whatsoever, in such a manner as to disturb such worshipping assembly, such person, or persons, shall be liable to all the penalties prescribed by the first section of this act: *Provided*, also, that this act shall extend to persons selling such articles of traffic, as he lawfully may sell on the Sabbath day, and at his usual place of selling the same.

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

October 4, 1824.

CHAPTER IV.

An Act for the encouragement of Iron Works.

Register of E. or W. Ten. to issue gr'ts for uncultivable lands to owners of iron works.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Register of East or West Tennessee, as the case may be, to issue a grant, or grants, to the owner or owners of any iron works, for any land not fit for cultivation, and not exceeding three thousand acres, which heretofore may have been designated and set apart according to law, for the use of said iron works; and in making out the title, it shall be the duty of the Register to insert in the face of such grant or grants, that said land is granted for the use of iron works, and upon the express condition, that, if the grantee or grantees, and his or their heirs or assigns, shall, for the term of two years at any one period after said grant or grants are issued, permit or suffer said iron works to be out of repair, or fall into disuse or decay, so as to be of no public utility, that then, and in that case, said grant or grants shall be null and void, and that the right and title thereby conveyed, shall revert to, and be vested in, the state.

Land to be surveyed.

SEC. 2. *Be it enacted*, That all persons wishing to obtain grants for land as authorized by the foregoing section, for the use of iron works, shall cause said land to be surveyed, and a plat and certificate to be made out, by the surveyor of the county, in like manner as required by law in other cases.

SEC. 3. *Be it enacted*, That whenever any person or persons may obtain a grant or grants for one or more tracts of land agreeably to the provisions of the first section of this act, and such person or persons, and his or their heirs or assigns shall omit to fulfil, and comply with the conditions on which said grant or grants were issued, then, and in that case, it shall and may be lawful for any person to go before the clerk of the circuit court of the county where said iron works may be situated, and make affidavit that the condition of said grant or grants has not been fulfilled and performed, whereupon it shall be the duty of said clerk to issue a *scire facias* in the name of the state against said grantee or grantees, or his or their heirs or assigns, being owners of said iron works, calling upon him or them to appear at the next term of said court, and to show cause, why said grants should not be declared void, and upon return made by the sheriff, that the *scire facias* has been executed, or upon the return of an *alias scire facias*, that the defendant or defendants are not found in his county, said court shall proceed to judgment, and make void said grant or grants, if the conditions thereof have not been performed; but if said defendant or defendants shall appear and oppose said *scire facias*, then it shall be the duty of the court to permit said parties to make up an issue, and have the same tried by jury.

SEC. 4. *Be it enacted*, That, if the verdict of the jury upon the trial of said issue, should be in favour of the state, the court shall render judgment for the costs against said defendant or defendants; but if the verdict should be against the state, then judgment for the costs shall be rendered against the person or persons upon whose affidavit said *scire facias* was issued.

SEC. 5. *Be it enacted*, That no grant shall issue for any tract or tracts of land for the use of iron works after the tenth of November, one thousand eight hundred and twenty-five, and should either of the Registers presume to issue any grant or grants after the said tenth day of November, one thousand eight hundred and twenty-five, such grant or grants shall be null and void to all intents and purposes.

SEC. 6. *Be it enacted*, That any person obstructing the roads necessarily used by the owners of iron works to this state, for the purpose of hauling coal, ore, &c. shall be liable in the same manner, than

Provisions in case of non-compliance with the conditions of grants.

Costs, by whom paid.

Time of issuing grants limited.

Penalty for obstructing roads used by owners of iron works.

they would be for obstructing public roads in this state.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

October 5, 1824.

CHAPTER V.

An Act more effectually to suppress Gaming.

Persons a-
gainst whom
evidence is
given, not to
be thereafter
summoned as
witnesses.

SECTION 1. *Be it enacted, by the General Assembly of the State of Tennessee,* That where any person, without his own contrivance or procurement, shall be sent as a witness to give evidence to any grand jury, either at their request, or on motion of the Attorney-General, and shall accordingly give evidence against any person or persons, for unlawful gaming at cards, dice, billiards, or any other game of hazard or address, for money or other valuable thing, it shall not be lawful for the person or persons against whom such evidence shall have been given, to be thereafter summoned or used as a witness, before any grand jury or petit jury, in order to give evidence against any such witness, for any gaming committed by him previous to the time of his being used as a witness as aforesaid; nor shall any such witness be liable or bound to answer to any criminal proceedings, for any offence about which he may have been examined as a witness by virtue of this act.

Act to be given in charge to grand juries.
Jurors to make inquiry.

SECTION 2. *Be it enacted,* That it shall be the duty of the Judges of the Circuit Courts in this state, and of the Attorneys-General in the different courts of Pleas and Quarter-Sessions in this state, at each and every term of such courts, to give this act in charge to the respective grand juries of said courts; and it shall be the duty of all grand juries, to make diligent inquiry concerning all offences of unlawful gaming, and when they shall have a well-grounded belief, that such offence, or such offences, has or have been committed by any person or persons within their counties, they shall have full power, and it is moreover hereby made their duty, to apply for a subpoena or subpoenas, for any person or persons, as a witness or witnesses, whom they may believe to have any knowledge of such offence or offences; and such witness or witnesses, when he or they shall regularly appear before the grand jury, shall give evidence of such offence or of

fences as may be known by him or them, against any of the statutes of this state to suppress and prevent gaming.

SECTION 3. *Be it enacted,* That whenever any judgment for any fine or costs shall be rendered in any court, against any defendant, upon any prosecution under any of the statutes, which may be in force, to discourage and suppress gaming, ten dollars shall be taxed to the bill of costs, as a fee for the Attorney-General, where the same shall be prosecuted to a conviction; but in no case shall the county or state be liable for said fees, but shall only be collected of the delinquent defendant.

SECTION 4. *Be it enacted,* That all prosecutions under this, or any other statute to suppress and prevent unlawful gaming, must be commenced within six months next after such offence may have been committed, and not afterwards: *Provided,* nothing in this act contained shall affect any prosecution which may be commenced previous to the passage of this act.

SECTION 5. *Be it enacted,* That in every case which may arise under any of the laws of this state, made for the prevention, discouraging and suppressing of gaming, the court shall interpret the said laws as remedial, and not as penal statutes, and no presentment or indictment shall be quashed for want of form; and in all such cases, it shall be sufficient to charge the general name of the game at which the defendant or defendants may have played, without setting forth and describing with or against whom they may have bet or played; nor shall a prosecutor be required upon any indictment for any of the offences described in any statute to discourage or suppress gaming.

JAMES FENTRESS,
Speaker of the House of Representatives.

W. HALL,
Speaker of the Senate, *pro tem.*

October 7, 1824.

CHAPTER VI.

An Act regulating the practice in Chancery.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act, depositions to be read in evidence in the courts of Chancery in this state shall be taken without the ceremony of previously filing interroga-

Attorney-general's fee.
State or co'y not liable.

Prosecution to be commenced within 6 months.

Laws against gaming to be remedial.

Depositions to be taken without previously filing

stories, as required by a late rule of the court of Errors and Appeals; and it shall be lawful for both, or either, of the parties in any cause depending in chancery, or their agents or attorneys, to attend before the Commissioner, Judge, or Justice, who may take any such deposition, and there have and exercise the privilege of examining and cross-examining the witness whose deposition may be taken.

To be taken
on notice.

SEC. 2. *Be it enacted*, That depositions shall hereafter be taken on notice, and that in all cases in equity, in which more than one person may be complainant or defendant, it shall be the duty of the clerk and master, on application of the opposite party, to determine whether notice to take depositions shall be given to each person; and if not, to whom notice shall be given: and said clerk and master shall make and preserve a memorandum of his order, made under the provisions of this section.

Power of the
court restricted.

SEC. 3. *Be it enacted*, That the power vested in said court, to prescribe rules to govern their practice, is hereby so restricted, that said court shall not have power to establish, or continue in force, any rule incompatible with the provisions of this act.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

October 8, 1824.

CHAPTER VII.

An Act for the benefit of a company of Cavalry, and to amend the Militia Laws of this State.

Governor to
exercise regi-
ments.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor is hereby authorized and directed, that where any regiment of militia has [been,] or may hereafter be, established by an act of assembly, and not numbered, to attach the proper numerical number thereto; also, to any regiment that may be established by the division of any regiment or regiments, by the general and field officers, under the acts of one thousand eight hundred and nineteen, authorizing a division of regiments.

Adjutants to
exercise regi-
ments or
battalions.

SEC. 2. *Be it enacted*, That it shall be lawful for commandants of regiments or battalions, on days of parade, to cause their regiments or battalions to be exercised by their adjutants, or such other person as they may think best qualified.

SEC. 3. *Be it enacted*, That the company of cavalry commanded by Captain Philip Campbell, of Davidson county, shall constitute a part of the nineteenth regiment, and shall enjoy all the privileges, and be subject to all the duties, of the cavalry of this state, with this exception, that they shall not be compelled to attend the regimental and battalion musters, and courts-martial, of the said regiment.

Capt. Campbell's
company
of cavalry.

SEC. 4. *Be it enacted*, That the officers of the said company may assess and collect fines, under their own by-laws and regulations; and such fines, when collected, shall be for the exclusive benefit of said company.

Officers of
said company
may assess
fines.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEARLEY,

Speaker of the Senate.

October 9, 1824.

CHAPTER VIII.

An Act for the relief of the settlers south and west of the Congressional reservation line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, should there be any land warrants which have been, or may hereafter be, issued by the Register of West Tennessee, be entered on any improved vacant land, the owner of such land warrant shall pay for such improvement, as other improvements are paid for under the occupant law of one thousand eight hundred and nineteen.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEARLEY,

Speaker of the Senate.

October 9, 1824.

CHAPTER IX.

An Act for the benefit of the securities of Entry-takers and Surveyors north and east of the Congressional reservation line, and north of Tennessee river, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, it may be given notice of application for any person or persons, that now are, or hereafter may become, a security or securities for equity,

any entry-taker or surveyor, in any county in this state north and east of the Congressional reservation line, whenever he or they shall, from the conduct of such entry-taker or surveyor, be induced to think themselves in danger of sustaining a loss by reason of the failure of such entry-taker or surveyor, to give twenty days' notice to such entry-taker or surveyor, that he or they will apply to the next court of the county, either county or circuit, in the county where such entry-taker or surveyor resides, to require such entry-taker or surveyor to give other security; and if such entry-taker or surveyor shall fail or refuse so to do, it shall be considered as a surrender of his office, and the court shall decree the same, and the clerk of said court shall enter the said decree on the records of said court; and it is hereby made the duty of the clerk of such court, to transmit a certified copy of said proceeding to the Governor for the time being, who shall proceed to appoint another in his place; but if the said entry-taker or surveyor, notified as aforesaid, shall appear, and give other security, to be adjudged sufficient by said court, then the former security shall be discharged from all responsibility for any failure of said entry-taker or surveyor, for, or by reason of, any act or acts, to be done by him after the date of his or their discharge: *Provided*, that nothing herein contained shall be so construed, as to discharge said security or securities from any responsibility for any act or acts of such entry-taker or surveyor, before the release or discharge of the said security or securities.

Six months
allowed for
making sur-
veys

SEC. 2. Be it enacted, That the surveyors of the several counties north and east of the Congressional reservation line, and north of Tennessee river, shall be allowed six months for making surveys, instead of three months, as heretofore provided.

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

October 9, 1824.

CHAPTER X.

An Act to increase the penalty in bonds hereafter to be given by Constables.

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

the County Courts in this state, respectively, to require any person hereafter appointed Constable, to give bond, with sufficient security, to be approved of by said courts, payable to the Governor for the time being, and his successors in office, in the penal sum of one thousand dollars, conditioned for the faithful discharge of the duties of his office; and to pay over and account for all moneys by him collected by virtue of his office, to the person, or persons, authorized to receive the same, any law, custom, or usage, to the contrary notwithstanding.

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

October 14, 1824.

CHAPTER XI.

An Act for the relief of securities in certain cases, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That any person or persons who have or shall hereafter become security or securities for any person or persons for the benefit of the prison rules or bounds of any county in this state, on any mesne or final process, it shall and may be lawful for such security or securities, at any time, to surrender his, her or their principal or principals to the sheriff of said county, whose duty it shall be to receive such principal or principals into his custody, and give to such security or securities a receipt for the body of said principal or principals, which said receipt, as as aforesaid given, shall operate as a legal discharge of said security or securities from all liability, on account of said securityship; and upon such surrender, the sheriff or other officer shall commit the defendant to jail, until bond and sufficient security for the prison rules shall be again given.

Securities
may deliver
persons b'd
for to sheriff.

SEC. 2. Be it enacted, That where any person or persons shall hereafter take the benefit of the prison rules, or bounds, under the existing laws of this state, and he, she or they do not avail themselves of the provisions pointed out by law, within fifteen days thereafter, by taking the oath or oaths prescribed by law, for insolvent debtors, or by surrendering a schedule of his, her or their property, as by law directed,

Persons who
take the be-
nefit of pris'a
rules, to pay
their own ex-
penses in
certain cases.

then, and in that case, such person or persons so taking the benefit of the prison rules, or bounds, and failing or refusing to comply with the laws in such cases made and provided, within the time aforesaid, shall thereafter pay for their own board and other expenses; and the sheriff of the county in which said person or persons shall so take the benefit of the prison bounds, shall not be bound for his, her or their support; nor shall the plaintiff in the action in which the process of execution issued, be bound to pay for his, her or their board as by law he is at present bound.

Act repealed

SEC. 3. *Be it enacted*, That an act passed at the present session, directing the moneys in the hands of the commissioners of Lawrenceburgh to be appropriated to the building of an academy in or near said town, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER XII.

An Act to provide for persons who have had their deed or deeds recorded and registered in a different county to that where the land lies, through mistake.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every person or persons who have had their deed or deeds of conveyance for land, recorded or registered in any county in this state, different from that where the land lies, shall be entitled to have their said deed or deeds registered in the county where the land does lie; and the certificate of the clerk or register, on said deed or deeds, shall be sufficient authority to the register of the county wherein the land lies, to enter said deed or deeds on his books; and after such registration, said deed or deeds may be read in evidence in any court of record in this state, and have the same effect as if originally rightfully registered; but nothing in this act contained shall be so construed, as to affect the right of any subsequent purchaser, claiming under the same title.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER XIII.

An Act regulating the proceedings in the Circuit Courts of this state in certain cases, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases now depending, or which may hereafter exist, in any of the circuit courts, whether of a civil or criminal nature, in which the testimony of the presiding Judge may be necessary, it shall and may be lawful for said Judge to be sworn by the clerk of said court in due form, and such shall be received in evidence, and be as binding and as obligatory as if another, and not himself, were presiding Judge at the time of such oath being administered. Presiding Judge may be sworn by clerk.

SEC. 2. *Be it enacted*, That in all those counties in which the terms of the circuit courts are limited to one week, should the business of such court not have been finished, the Judge of said court may, at his discretion, adjourn to meet on the Monday following, and continue the session of said court during such portion of the second week as may be necessary to appropriate to the business of said court: *Provided*, it may not interfere with the sitting of any other court in his circuit, as now established by law; and no judgment given by him on such second week, shall be reversed because of his having entered judgment after the termination of the time now appropriated to said courts. Terms limited to 1 week may be extended.

SEC. 3. *Be it enacted*, That from and after the passing of this act, when any person may attend as a witness in any suit depending in any court in this state, under a subpoena of said court, and shall have been summoned in more than one suit in said court, where one of the parties is the same, and the question to be tried is the same, such witness shall be permitted to prove his or her attendance, mileage, and forriage, in any four of the suits in which he may have been summoned as a witness, and no more. Witness not to prove in more than 4 suits at same term.

SEC. 4. *Be it enacted*, That this act shall take effect from and after the first day of January next. To take effect.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER XIV.

An Act to amend the Judiciary System of this state.

2 additional
judges of su-
preme court.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected, by joint ballot of this General Assembly, two other Judges of the Supreme Court of Errors and Appeals, with the same salaries, each, and to possess the same powers; and to perform the same duties, as the present Judges of said court.

Sup. court to
be held at
Knoxville,
Nashville &
Sparta only.

SEC. 2. *Be it enacted,* That the Supreme Court of this state shall, hereafter, be held at three places only, to wit: at Knoxville, for the first, second and seventh judicial circuits, on the second Monday in July, in each and every year; at Sparta, for the third judicial circuit, on the second Monday in August, in each year; and at Nashville, for all the other judicial circuits of this state, on the first Monday in January, in each and every year; and have and exercise the same powers and jurisdiction in said circuits, respectively, as by law they now have and exercise in those circuits in which they are now held; and that appeals from the Chancery Court at Carthage shall lie to the Supreme Court at Sparta or Nashville, as the causes in which such appeals are taken may have originated in the counties from the circuit courts of which appeals have heretofore been taken to Nashville or Sparta, respectively.

To sit till
docket is
through.
Final process
returnable in
six months.

SEC. 3. *Be it enacted,* That the said terms at Knoxville, Sparta, and Nashville, shall continue until all the causes are tried, or until closed by the necessary absence of said Judges, in holding the Chancery Courts directed by this act; and all executions, and other final process, shall be made returnable every six months, on a day to be fixed by said courts, and all moneys made thereon shall be paid over accordingly; and said clerks shall be authorized to issue *alias* executions on the return of former ones, in all cases where it shall be necessary.

Records at
Rogersville,
Columbia &
Charlotte to
be sent to
Knoxvil. and
Nashville.

SEC. 4. *Be it enacted,* That the papers and records of all causes at law remaining in the clerk's office at Rogersville, shall be, as soon as practicable, transmitted to the clerk of the Supreme Court at Knoxville, and the papers and records of all causes at law at Columbia and Charlotte, to the clerk of the Supreme Court at Nashville; and the said Judges may so modify the rules of practice heretofore established, as to bringing up and filing of records, as may expedite the decision of causes, and as may prevent any

inconveniences growing out of the changes contemplated by this act; and all process heretofore issued, and which may hereafter issue, from any of the present Supreme or Chancery Courts of this state, shall be returnable at the times and places fixed on and provided by this act.

SEC. 5. *Be it enacted,* That it shall be the duty of all the judges constituting said Supreme Court, to give punctual attendance at the times and places designated in the second section of this act; and that it shall require the concurrence of at least three of the Judges of said court, to make a decision in cases pending in said court, except in cases of appeal from the decree of any of said Judges, when sitting as Chancellor; and in all such cases, such Chancellor shall not preside on the hearing of such cause, but the same shall be heard and determined by the other Judges, and in cases of equal division between them, the sentence or decree of the Chancellor shall be affirmed.

SEC. 6. *Be it enacted,* That the present clerks of the Supreme and Chancery Courts at Knoxville, Sparta, and Nashville, shall be the clerks of the Supreme Court at Knoxville, Sparta, and Nashville, respectively. Clerks to retain their offices.

SEC. 7. *Be it enacted,* That it shall be the duty of the Judges of said Supreme Court, to adjust the cases on their dockets, so as to promote the convenience of suitors and counsel from the different judicial circuits from which the same may have been brought. Judges to adjust conveniently for other circuits.

SEC. 8. *Be it enacted,* That the Judges of the Supreme Court shall make arrangement among themselves, and hold Chancery Courts twice in each year, at the following places, to wit: at Greeneville, for the counties of Carter, Washington, Greene, Cocke, Jefferson, and Sevier, on the third Mondays in May and November, in each year, and to be continued for two weeks, should the business require it; at Rogersville, for the counties of Sullivan, Hawkins, Grainger, and Claiborne, on the first Mondays in May and November, in each year, and to be continued two weeks, should the business require it; at Kingston, for the counties of Knox, Anderson, Morgan, Roane, Rhea, Hamilton, Campbell, McMinn, Monroe, and Blount, on the first Mondays in June and December, in each year, and to be continued two weeks, should the business require it; at Carthage, for the counties of Overton, Fentress, Jackson, Smith, Sumner, and Wilson, on the third Mondays in May and Novem- Chancery courts, when and where held.

ber, in each year; at McMinnville, for the counties of White, Warren, Franklin, Marion, and Bledsoe, on the second Mondays in June and December, in each year; at Franklin, for the counties of Rutherford, Williamson, and Davidson, on the first Mondays in May and November, in each year; at Columbia, for the counties of Maury, Bedford, Lincoln, Giles, Lawrence, Wayne, and Hardin, on the first Mondays in March and September, in each year; at Charlotte, for the counties of Robertson, Montgomery, Dickson, Stewart, Humphreys, and Hickman, on the third Mondays in June and December, in each year; at Jackson, for all the other counties west of Tennessee river, on the second Mondays in April and October, in each year.

Judges to appoint clerks. SEC. 9. *Be it enacted*, That the clerks and masters of the Supreme and Chancery Courts at Rogersville, Columbia, and Charlotte, shall continue to be clerks and masters of said Chancery Courts, respectively; and the Judges of said court shall, as soon as practicable, appoint clerks at all other places, causing bond and security to be taken, as required by law in other cases.

Papers in chancery at Knoxville, Nashville, and Sparta, to be delivered over. SEC. 10. *Be it enacted*, That the papers and records now in the Chancery Court at Knoxville, shall be delivered over, on application, to the clerk and master (when appointed) of the Chancery Court at Kingston, together with a certified copy of all the rules and orders taken therein, and the costs which have heretofore accrued in each cause; and the records and papers now in the Chancery Court at Sparta, shall be delivered over to the clerk and master of the Chancery Court to be holden at Carthage and McMinnville, accordingly as they belong to the counties attached to each; and the papers and records now in the Chancery Court at Nashville, shall be delivered over to the clerk and master of the Chancery Court to be held at Franklin, under the same rules and regulations which the papers and records are, by this act, to be delivered over to the clerk and master at Kingston.

Attorneys to attend at places to which suits may be removed. SEC. 11. *Be it enacted*, That where any person or persons may have a suit or suits pending in any court in this state, which, by this act shall be removed to any other place for trial, then, and in that case, any attorney at law who may have been employed in said cause, shall be compelled either to attend himself, or employ some other able attorney to attend to said suit, without any other or further fee.

SEC. 12. *Be it enacted*, That it shall be the duty of the

present Judges of the Supreme Court, to open and hold special term a term of the Supreme Court at Columbia, on the second Monday in December next; and shall, at said term, hear and determine the causes now upon the docket, and depending in the said Supreme Court holden at Columbia, by the laws now in force and use; and should it so happen, that any of said causes now depending in said court at Columbia, should not be tried at said special term of said court, the same shall be transferred to the Supreme Court holden at Nashville, as directed in this act; and should it be necessary, that any chancery term of the court should be holden in the present year, during the terms specified in this act, the same shall be holden by one of the Judges to be appointed under this act.

SEC. 13. *Be it enacted*, That it shall be the duty of the present Judges of the Supreme Court, to hold a term of the Supreme Court at Rogersville, on the second Monday in November next, at which term they shall hear and determine the causes depending on the docket of said court at Rogersville, by the laws now in force and use; and should it so happen, that any of said causes at Rogersville should not be tried and determined at said special term, the same shall be transferred to the Supreme Court at Knoxville, as directed in this act.

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

October 20, 1824.

CHAPTER XV.

An Act to amend the laws regulating Jailers' fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, [That,] hereafter, when any citizen of another state, or territory, by himself, agent or attorney, shall cause to be committed to prison, upon any process, or legal process, for debt, the body of their debtor or debtors, such person or persons, his agent, or attorney, shall give to the keeper of the prison, or jailer, bond and security, conditioned for the amount of the fees which may be due such jailer, or keeper of prison, for the safe keeping of such debtor or debtors.

SEC. 2. *Be it enacted*, That when any citizen of this state, against whom execution has been returned, no to give like

Plaintiffs &
to give security
to jailers for
prison fees.

Of this state
no to give like

security in property found, and such person or persons shall cause to be committed to any jail within this state the body of their debtor, such person or persons shall give bond and security to the jailor, for the fees which may accrue by such imprisonment, as directed by the first section of this act; and no jailer shall receive or confine the body of any debtor in the cases aforesaid, until said bond shall be executed.

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

October 18, 1824.

CHAPTER XVI.

An Act directing the duties of Clerks and Sheriffs in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the clerk of any court of record in this state, to whom fees of office may be due and unpaid, or may hereafter become due and be unpaid, upon executions issued from his office, to move in the court of which he is clerk, in his own name, as clerk of said court, against the sheriff, or other officer, into whose hands the execution or executions may have come, and upon proof that said sheriff, or other officer, has failed to pay over to said clerk, the fees due to said clerk, by him collected on said executions, or either of them, or has failed to make due return of said executions, or either of them, according to the laws now in force and use, it shall be the duty of said court to enter up judgment against such delinquent sheriff, or other officer, for the amount of fees due to said clerk: Provided, that said clerk shall give to the sheriff, or other delinquent officer, three days' notice, in writing, before the making of said motion, apprising him of his intention so to do, and specifying in said notice the several cases in which said clerk claims fees due to him, and which he alleges to be unpaid: And provided, that it shall not be necessary for said clerk to make a separate motion in each case in which a delinquency may have happened, unless he chooses so to do, but may embrace all the cases of delinquency, or as many of them as he may choose, in the same notice.*

Sec. 2. *Be it enacted, That if any sheriff, or clerk*

of any court in this state, shall fail or refuse to pay over, on application, to any witness, or other person, entitled to costs, in any cause which may have been determined in said court, and which costs the sheriff or clerk may have received, or in case the sheriff has failed to return the execution according to law, the said sheriff or clerk shall be liable to be moved against in said court, in the name of said witness, or other person entitled to costs: *Provided, said witness, or other person entitled to costs, shall give to said sheriff or clerk three days' notice of the time of his intention to make the same; and if, upon the trial of said motion, it shall appear that said sheriff has failed to return the execution according to law, or that the said sheriff or clerk, as the case may be, has failed to pay over the costs by them, or either of them, received, to the person making said motion, who may be entitled to the same, it shall be the duty of the court in which said motion is made, to enter up judgment against said sheriff or clerk, as the case may be, for the amount of said costs.*

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

October 20, 1824.

CHAPTER XVII.

An Act to amend an act, entitled "An act for the relief of innocent debtors, with respect to the imprisonment of their persons," passed October 29th, 1811.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That whenever the body of any debtor shall be taken in execution in any final process issued by any of the courts of record in this state, it shall be the duty of the officer serving such process, to take bond, with sufficient security, if tendered, for the appearance of such debtor at the next county court of the county in which he resides, then and there to make payment of the moneys called for in said process, or to take the oath of insolvency, or make a surrender of his property, as prescribed by the laws of this state.*

Sec. 2. *Be it enacted, That on the return of said process and bond, as required by the first section, of this act, it shall be the duty of said court, on the ap-*

Court may administer the oath of insolvency.

plication of such debtor, to administer the oath of insolvency under the same rules, regulations and restrictions, as authorized by the law now in force and use in this state, so far as the same is consistent with the provisions of this act.

On failure of
appearance
court to ent'r
up judgment

SEC. 3. *Be it enacted*, That if such debtor shall fail to appear at the court to which said process is returnable, or to take the oath of insolvency, or make a full and fair surrender of his property and effects, of every description, in such manner as such court shall direct, then, and in such case, the said court shall be, and are hereby, authorized to enter up judgment, on motion, against said debtor and security, for principal, interest, and cost, on said process, and execution shall issue thereon as in other cases.

Property sur-
rend'd to be
sold by shff.

SEC. 4. *Be it enacted*, That any property which may be surrendered under the provisions of this act, shall be sold by the sheriff, or other officer of said court, in the same way as if the same was levied on by execution.

Execut's fr.
justices same
as fr. courts.

SEC. 5. *Be it enacted*, That whenever such final process is issued from a justice of the peace, the same, and the body taken thereon, as contemplated by this act, shall be returned to the next county court, when the same proceedings shall be had as in above provided, when such process issues from a court of record.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 20, 1824.

CHAPTER XVIII.

An Act for the better regulation of the taxation of Stud Horses and Jacks.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not, hereafter, be lawful for the county courts of any county in this state, to tax any stud horse, or jack, for any county purposes, higher than the season of such stud horse, or jack, any law, or custom, to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 20, 1824.

CHAPTER XIX.

An Act providing for the adjudication of certain Land Claims.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*. That from and after the passing of this act, it shall and may be lawful for the commissioner of land claims for West Tennessee, to receive on file, and adjudge, such claims to lands as are, or may be, referred to him or provided for by this act, or by any of the acts or enrolled resolutions of this General Assembly, but no further or otherwise.

Commis'r of
W. Ten. may
rec'v'e claims
provided for
at the pres't
session.

SEC. 2. *Be it enacted*, That it shall be lawful for the commissioner aforesaid, to examine such original or duplicate land warrants as have been issued under the authority of North-Carolina, and which, by this act, or by any act or enrolled resolution passed or adopted at the present session of this General Assembly, and no further, as aforesaid, may be referred to him, and to issue duplicates for such as are valid, agreeably to the provisions of this act.

To examine
warrants is-
sued by N.C.

SEC. 3. *Be it enacted*, That it shall be lawful for said commissioner to examine all cases of interference to him referred by any act or enrolled resolution of this General Assembly, as aforesaid, and to issue certificates agreeably to the provisions of this act.

To examine
cases of in-
terference.

SEC. 4. *Be it enacted*, That it shall be the duty of said commissioner, when examining and adjudicating to conform strictly to the rules and regulations directed to be observed by an act passed at Murfreesborough the twenty-third of October, one thousand eight hundred and nineteen, chapter one, and eighth section of an act passed the — day of —, one thousand eight hundred and twenty-one, chapter fifty-three, section eight.

To conform
to rules of
act of 1819.

SEC. 5. *Be it enacted*, That the further time of six months after the first day of November next, be allowed to the applicants, on account of interference, to file with the commissioner their plats and certificates of interference, together with such other documents as are necessary to show said interference, and no longer: *Provided*, that no case of interference shall be filed or adjudicated, but such as may be referred to the commissioner by any act or enrolled resolution, passed or adopted at the present session of this General Assembly.

Time allow'd
for filing evi-
dence.

SEC. 6. *Be it enacted*, That it shall be lawful for said commissioner to receive on file, and examine, such

claimants to
make affid.

certificates as may be referred to him by this General Assembly, as aforesaid, and no others whatsoever, and also to examine such as may have been filed in his office on or before the first day of October, the present month; and if it shall appear to said commissioner, that any of such certificates are valid, it shall be his duty to certify the validity thereof, as in similar cases heretofore in use: *Provided, however*, that in all cases coming within the provisions of this section, the burthen of evidence shall lie upon the claimant, to show that the same did not stand located to vacant and unappropriated land at and before the twenty-first day of November, one thousand eight hundred and twenty-three; and if issued since that period, to show that the warrant or certificate upon which the same is founded, did not, as to that part thereof, stand located as aforesaid: The evidence of nonlocation of certificates, purporting to be founded upon remnants, or parts of warrants or certificates, may be the certificate of the principal surveyor of the district from which such remnants emanated, or such other evidence as shall satisfy said commissioner, that the same did not stand located as aforesaid: The evidence of the nonlocation of entire duplicates of warrants or certificates may be, by oath or affirmation of the party claiming, or some one of his assignors, or such other testimony as may satisfy said commissioner, that the same did not stand located as aforesaid.

Location of
adjudicated
claims.

SEC. 7. *Be it enacted*, That it shall and may be lawful for any person or persons, or the legal representatives of such person or persons, who may obtain a duplicate warrant or commissioner's certificate, or adjudicated register's certificate, agreeably to the provisions of this act, to enter the same in any of the surveyor's offices south and west of the Congressional reservation line, and obtain grants therefor agreeably to existing law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1824.

CHAPTER XX.

An Act to amend the Redemption Laws.

Cred'ard'g. to give bond. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, hereafter, whenever

any creditor or creditors shall wish to redeem property sold under execution agreeably to the laws now in force in this state, he, she, or they, before taking possession of the same, shall give bond and security to the sheriff selling the said property, or his successor in office, under the same rules, regulations, and restrictions, as the purchasers of said property are now bound by law, requiring them to give bond and security.

SEC. 2. *Be it enacted*, That if any person or persons shall absent him, her, or themselves from his or their usual place of residence, or shall reside out of the county where such sale was made, so as to prevent a tender of the money due upon the redemption of any property sold under the laws of this state, then, and in all such cases, it shall and may be lawful for such person or persons, to pay the redemption money to the clerk of the county court of his county, who shall hold the same for the benefit of the person entitled thereto; and the payment so made, shall be good and valid to all intents and purposes.

When purchaser absent themselves, money for redemption to be paid to clerk.

SEC. 3. *Be it enacted*, That if any clerk shall fail or refuse to pay over such money to the person entitled, on application, the same may be recovered, by motion, in the same way as moneys paid on executions, when not paid over by him.

Money recoverable from clerk on motion.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1824.

CHAPTER XXI.

An Act supplemental to an act, entitled "An act to amend the 8th section of an act, entitled 'An act to dispose of lands lying between the rivers Hiwassee and Tennessee, and north of Little Tennessee river,'" passed at Murfreesborough, August 22d, 1822.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the above-recited act be, and the same are hereby, extended to the first day of September, in the year of our Lord one thousand eight hundred and twenty-five: *Provided, always*, that upon prompt payment by the purchasers in said act mentioned, within the time aforesaid, they, or any of them, shall be entitled to a

remission of all interest due upon such payment as may be promptly made within the time aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1824.

CHAPTER XXII.

An Act supplemental to an act, entitled "An act to establish offices for receiving entries for the vacant lands in the several counties in this state north and east of the Congressional reservation line, and north of Tennessee river."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where an entry may have been heretofore made, or may hereafter be made, where the calls of such entry may include more land than the quantity expressed in the entry, it shall be the duty of the surveyor, in surveying the same, to pay due regard to the special point of beginning, called for in such entry; and in surveying the same, such surveyor shall pursue the calls of such entry, so as to include the quantity called for, and in making out the certificate of survey, he shall certify the facts, and record such survey in conformity thereto.

SEC. 2. *Be it enacted,* That in all cases of interference between entries made under the provisions of the aforesaid act, and between such entries and any older entries or grants made and issued under the laws of this state, then, and in that case, either party shall have liberty of filing a caveat thereto, as heretofore, subject to the same rules and regulations, and to be proceeded on and determined in the same way, in which similar proceedings are decided and acted on, under existing laws with regard to *caveats*; and *caveats* may hereafter be filed either in the county or circuit courts.

SEC. 3. *Be it enacted,* That it shall not be lawful, hereafter, for any person or persons, to make void, or remove, any entry made by virtue of any warrant or certificate for land north and east of the Congressional reservation line, after having been once located and entered, in any of the surveyors' offices in this state.

SEC. 4. *Be it enacted,* That if any surveyor-general in this state, north and east of the Congressional reservation

line, shall make void or remove, or suffer or permit removal of, any person or persons, to make void or remove any such entry or entries, made on a warrant or certificate in his office, it shall be deemed a misdemeanor in office; and it shall be the duty of the attorney-general for the district in which the same may be done, or either of said offences committed, upon information given to him thereof, to prefer an indictment against such surveyor-general, in the circuit court of the county where such offence shall have been committed, and on conviction of either of said offences, he shall be removed from office, and be fined not more than five thousand dollars, nor less than one thousand dollars, to be assessed by a jury, and be imprisoned at the discretion of the court, not exceeding one year.

SEC. 5. *Be it enacted,* That it shall be the duty of the several surveyors in this state, when they deliver from their offices a plat and certificate of survey, for the purpose of obtaining a grant, to endorse upon the said plat and certificate, and likewise upon the warrant accompanying the plat and certificate, that the same stands located in his district; and it shall be the duty of the surveyor, to forward to the register of East or West Tennessee, as the case may be, from the records of his office, an abstract showing that the same stands located in his office.

SEC. 6. *Be it enacted,* That, hereafter, it shall not be lawful for any person to enter any land, in any of the entry-takers' offices, established by the act to which this is a supplement, on which land another resides, or cultivated by another, until such person shall have given, in writing, at least thirty days' previous notice, to the person residing on, or cultivating, said land, of his intention to enter the same; and any entry made, or grant obtained, contrary to the provisions of this section, shall be utterly void in law and equity.

SEC. 7. *Be it enacted,* That plats and certificates of survey, under the aforesaid act, shall and may be transferable in the same manner as if made and founded upon warrants.

SEC. 8. *Be it enacted,* That the twenty-seventh section of the act to which this is a supplement, be, and the same is hereby, repealed, so far as it reserves lands in White county from appropriation, for the use of the national armory, should it be located in said county.

SEC. 9. *Be it enacted,* That the entry-taker for White county, in which certain reservations in favor of the national armory are situate, be, and he is hereby

a misdemeanor or Attorney-general to prefer indictment on information. Penalty.

to endorse on certificate of survey, and transmit to register.

Persons not to enter land on which others reside, without giving notice

Certificates of survey transferable.

Part of former act repealed.

Reservations for nat'l arm. in White co. may be entered

by, required to open his office, for the reception of entries, on the first Monday in June next, and receive entries for the lands so reserved, in the same manner, and under the same rules, regulations and restrictions, that other lands are entered, under the provisions of the act to which this is a supplement: *Provided, however,* that any occupant, or other person, claiming, by entry or grant, a less quantity than one hundred and sixty acres, may, at any time before the said first Monday in June, make their entries agreeably to the provisions of the act to which this is a supplement.

Persons entering appropriated lands may enter elsewhere.

SEC. 10. *Be it enacted,* That when any person or persons have or shall hereafter enter any land, by virtue of the act to which this is a supplement, and on satisfactory proof being made to the entry-taker, by the affidavit of the surveyor of the county in which said entry or entries are, or shall be, made, that the entry so made is appropriated in part, or in whole, as the case may be, by any entry made under said law, to which this is a supplement, or by a grant or entry founded on a land warrant, it shall then, and in that case, be lawful for the entry-taker, on the application of such enterer, or his or their agent, to make void such entry or entries so taken as aforesaid, and shall suffer him or them to enter the same quantity, in one or more tracts, elsewhere in the same county, without paying any thing more therefor to the entry-taker, except his fees of office: *Provided,* that no person who shall make void an entry under the provisions of this section, shall enter a less quantity than fifty acres in any one tract, unless he is restricted by old lines, or natural boundaries.

Copy of entry to be delivered to surveyor within 12 months.

SEC. 11. *Be it enacted,* That any person, or persons who have made, or hereafter shall make, an entry or entries, by virtue of the act to which this is a supplement, shall cause a copy of the same to be delivered to the surveyor of the county in which said entry or entries are, or shall be, made, within twelve months from and after the date thereof, or the entry so made shall be void, and subject to entry as other lands not appropriated.

Land entered not to be more than twice as long as wide.

SEC. 12. *Be it enacted,* That, hereafter, it shall not be lawful for any entry-takers in any of the counties north and east of the Congressional reservation line, to receive any entry for lands more than twice as long as wide, and no survey shall be made more than twice as long as wide on any entry hereafter to be made, unless bounded by the lines of appropriated lands or natural boundaries.

SEC. 13. *Be it enacted,* That in no case shall it be lawful for the entry-taker to make void an entry so made void, except in cases provided for in this act, by this act.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. W. WEALEY,
Speaker of the Senate.

October 21, 1894.

CHAPTER XXIII.

An Act for the Benefit of Trustees of Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any owner of the public lands within this State, to prove, by their oath and the witness of such persons as the law requires him, or them, to give, to a person authorized to work on the public lands of the State of Tennessee, to such person or persons, to recover such fees as said lands, or any of them, may be liable to, for failing to meet said lands in obedience to the notice thus served, by any of the persons as aforesaid, any law to the contrary notwithstanding.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEALEY,
Speaker of the Senate.

October 21, 1894.

CHAPTER XXIV.

An Act providing certain duties to the Trustees of East and West Tennessee Colleges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That should it at any time hereafter appear to the Trustees of the East and West Tennessee Colleges, that it would not be inconsistent with the interest of the said colleges and students, that the sale of said lands, or any part thereof, should be purchased to a further extent than that fixed by law, it shall be lawful for the trustees of said colleges to make contracts concerning the same, to purchase the same in said lands, or any part thereof, to be made by any and all such persons as the trustees of said colleges may be authorized, shall be good to which said colleges may be authorized, shall be good

and valid in law: *Provided, however,* that the said trustees shall adopt the same rules in relation to the lands originally sold for the benefit of the college and academy, and the state.

Sec. 2. Be it enacted, That it shall be lawful for the trustees aforesaid, in any case where in them it shall appear right to receive from any person entitled to a part only of an original tract, the sum which each person may owe for his proportion of said original tract, and release such person from the residue of the money owing on the original tract: *Provided, however,* that no such power as is conferred by this section, shall apply to divisions of tracts which may take place after the passing of this act.

Sec. 3. Be it enacted, That if said trustees should postpone the sales of said lands, as provided for in this act, they shall, in all cases, require the payment in advance of all the interest which shall accrue during the period of postponement.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 31, 1824.

CHAPTER XXV.

An act supplemental to an act to establish a Bank of the State of Tennessee.

Treas. of F. T.
to report Ho.
million taxist

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, to make out a true and correct report, from the tax list in his office, of the amount of tax returned from the county of Hamilton for the year one thousand eight hundred and twenty-three, and deposit the same with the cashier of the Bank of the State of Tennessee, at Nashville.

Agency in
Hamilton co.

Sec. 2. Be it enacted, That it shall be the duty of the president and directors of the Bank of the State of Tennessee, at Nashville, to appoint an agent for the county of Hamilton, and transmit to such agent such proportion of money as the county of Hamilton shall be entitled to, according to the tax returns for the year one thousand eight hundred and twenty-three, to be loaned by such agent in the county aforesaid, according to the provisions in the act establishing said bank: *Provided,* that nothing in this act shall

be so construed, as to allow the agent in the county of Hamilton, as a compensation for his services as agent, a greater sum than the interest of the money by him loaned, should it not exceed and exceed not less per annum.

Sec. 3. Be it enacted, That it shall be the duty of the president and directors of the Bank of the State of Tennessee, to establish a loan office in the county of Fentress, and to furnish said county with a sum of money equal, or in proportion, to the tax returns for the year one thousand eight hundred and twenty-four: *Provided,* the said president and directors shall think the taxation in said county will justify the establishing a loan office therein.

Sec. 4. Be it enacted, That should the said president and directors of said bank, find it inconvenient and inconsistent with the interests of said bank, to establish a separate loan office in said county, then, and in that case, it shall be their duty to furnish the bank agent at Murfreesboro', in the county of Overton, with such sums of money as the said counties of Overton and Fentress shall be jointly entitled to; and said agent at Murfreesboro', in Overton county, shall loan to the citizens of Fentress county, according to their just proportion, in the same manner, and under the same rules, regulations and restrictions, that money is loaned to the citizens of Overton county.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 21, 1824.

CHAPTER XXVI.

An act supplemental to an act entitled "An act to establish a Bank of the State of Tennessee," passed 26th November, 1820.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the president and directors of the Bank of the State of Tennessee, in apportioning the moneys to be loaned to the citizens of the Hwassee district, as directed by an act of the General Assembly, passed on one thousand eight hundred and twenty-three, establishing agencies in the counties of McMinn and Maudslaw, [sic] in said district, to apportion the same agree-

ably to the laws made by each county in said districts for the year and disbursements and transfers.

Sec. 2. Be it enacted, That the portion of money which shall be allotted to the citizens of the Mississippi district be apportioned within the counties of Adams and Bogalusa, shall be represented in the apportionment of said counties, respectively, at Kingston and Washington.

to be apportioned and represented in the citizens of that part of the Mississippi district, respectively, upon the same basis, and regulations governing the other apportionments in this act.

Sec. 3. Be it enacted, That it shall be the duty of the several and disbursements of said bank, in making such regulations as will secure, in each county, as aforesaid, as well (and that part of the counties of Bogalusa and Bogalusa included within the Mississippi district, a just proportion of the amount of money which shall be allotted said district; which proportion shall be ascertained agreeably to the laws made by each county in said district, for the year one thousand eight hundred and twenty-four.

[JAMES FENTRESS.]

Speaker of the House of Representatives.

R. WEAVER,

Speaker of the Senate.

October 21, 1834.

Compendium

CHAPTER XXVII.

An Act supplementary to an act to establish a Bank of the State of Tennessee.

Loan to Post
by county.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the president and directors of the Bank of the State of Tennessee are hereby required to issue to the county of Perry, a due proportion of money, to be loaned as to other counties heretofore provided for by law.

This act not
to conflict
with the
act of Jan'y 1834.

Sec. 2. Be it enacted, That the majority of the members of the Bank of the State of Tennessee, on judgment recovered against John Payson, as a slave or slave for his nonattendance as a captain in said regiment, in White county, in the year one thousand eight hundred and twenty-four.

Entry taken
N. and K. to
furnish ab-
stracts.

Sec. 3. Be it enacted, That the entry-takers N. and K. to and each of the Congressional representatives in said district, in every month, furnish the signature of their

representative counties, with an abstract of all the entries made in his office, and the abstract of money paid into his office; and for every failure, such entry-taker shall pay twenty dollars, to be recovered by warrant before any justice of the peace, in the county, and for the benefit of the state; and it shall be the duty of each entry-taker, to report to the Bank concerning to said abstract.

Sec. 3. Be it enacted, That on such of an act as reported passed at the present session of the General Assembly, in part.

of the circuit courts of Washington and other counties, and the other purposes, as provided for the holding of a special term of the circuit court for the county of Greene, he, and the courts in heretofore reported.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAVER,

Speaker of the Senate.

October 25, 1834.

CHAPTER XXVIII.

An Act to continue the organization of Land Commissioners.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That all land commissioners named by either of the presidents of this state, on or before the twenty-third of September last, shall be adjudicated by the commissioners of land claims.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAVER,

Speaker of the Senate.

October 25, 1834.

NOTE BY THE PRESIDENT.

In several instances, we have inserted a word where it was necessary, and which was, no doubt, unconstitutionally confined in the original. Wherever we added a word it is enclosed in brackets.

ACTS

OF

A LOCAL OR PRIVATE NATURE,

PASSED AT

THE SECOND SESSION

OF THE

FIFTEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

PRIVATE ACTS

OF THE

STATE OF TENNESSEE,

PASSED AT THE CALLED SESSION WHICH WAS BEGUN AND HELD
AT MEMPHISBOROUGH, IN BUTTERFORD COUNTY, ON MONDAY
THE TWENTIETH DAY OF SEPTEMBER, AND ENDED ON WED-
NESDAY THE TWENTY-SECOND DAY OF OCTOBER, ONE THOUSAND
EIGHT HUNDRED AND TWENTY-FOUR.

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

CHAPTER XXIX.

*An Act to amend an act, entitled "An act defining the
duties of the Nolichucky Navigation Company, and
to enlarge the time for settling the business of said
company."*

SECTION 1. *Be it enacted by the General Assembly* Further time
of the State of Tennessee, That a further time be gi- allowed for
ven to the Nolichucky Navigation Company, until the making re-
fourth Wednesday in January next, to make their port.
report, on oath, to the court of Pleas and Quarter-
Sessions of Greene county, of the state of their dis-
burements, and the amount of moneys remaining on
hands.

SEC. 2. *Be it enacted, That so much of the above- Former act*
recited act, as requires the Nolichucky Navigation repealed in
Company to settle with the county court of Greene at part.
an earlier day, is hereby repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 24, 1824.

CHAPTER XXX.

An Act to authorize the Clerk of the Circuit Court of Claiborne county to build an Office for the safe keeping of the records of said court.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Jeremiah Cloud, clerk of the circuit court of Claiborne county, be, and he is hereby, authorized to build an office, for the safe keeping of the records and papers of said court, on some part of the public square in the town of Tazewell; but shall not build his office within less than forty feet of any private property, except his own, without consent of the owner, nor shall not obstruct the view from any dwelling-house, store-house or shop, to the court-house.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 24, 1824.

CHAPTER XXXI.

An Act to revive an act, entitled "An act to provide for the sale of the Islands in the Hiwassee district," passed at Newfreesborough, November 28th, 1823.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the above-recited act be, and it is hereby, revived: Provided always, that the time of sale shall be extended, so as to commence on the first Monday in February, one thousand eight hundred and twenty-five, any law to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 24, 1824.

CHAPTER XXXII.

An Act to amend an act, entitled "An act appointing Commissioners to establish the permanent Seats of Justice in the counties therein named," passed November 13th, 1823.

Whereas it is made known to this General Assem-

bly, that Abram Maury and William Hall, two of the commissioners, appointed by the act which this is intended to amend, decline acting as commissioners according to the provisions of said act: Therefore,

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Robert Johnson, be, and he is hereby, appointed commissioner, in the room and stead of Abram Maury and William Hall, appointed by the act which this is intended to amend, and who decline acting as such, with the same powers, privileges and emoluments allowed to the commissioners appointed by the act which this is intended to amend; who, together with James Fentress and Benjamin Reynolds, commissioners appointed by the act which this is intended to amend, shall proceed to the discharge of their duties, as prescribed by the act which this is intended to amend, on or before the first Monday in January, one thousand eight hundred and twenty-five.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

September 27, 1824.

CHAPTER XXXIII.

An Act to authorize the drawing of a Lottery for the purpose of building a Masonic Hall in the town of Columbia, and Brandon.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Peter B. Bockell, Peter Mackay, Thomas Nelson, Hinson Grove, and Edward W. Dale, be, and they are hereby, appointed trustees, with full power and authority to manage and superintend the drawing of a lottery, for the purpose of raising a sum of money, not exceeding eight thousand dollars, to be applied to the building of a masonic hall in the town of Columbia, by the members of Columbia Lodge number thirty-one, upon such scheme, in one or more chances, as may be furnished to the said trustees by said lodge number thirty-one.

Sec. 2. Be it enacted, That said trustees, or a majority of them, before they proceed with said lottery, shall enter into bond, with sufficient security, paya-

die to the chairman of the county court of Maury county, and his successors in office, in double the amount of the capital in said scheme, conditioned for the faithful payment of the prize, when drawn, and for paying over the proceeds of said lottery, as hereinafter directed; or in case of failure in drawing said lottery, for the repayment, to such persons as may have purchased tickets in said lottery, the respective amounts by them advanced; which bond, when executed, shall be filed with the clerk of said court.

To take oath and appoint about
clerks.

Sec. 3. *Be it enacted*, That the said trustees, when each, take an oath before some justice of the peace of this state, fairly and impartially to manage the said lottery; and shall, under the inspection of two justices of the peace for the county of Maury, put into the boxes the numbers, prizes and blanks contemplated in the scheme of said lottery, and shall appoint two clerks to keep a just 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.

To sell tick-
ets, and pay
over pro-
ceeds of lot-
tery.

Sec. 4. *Be it enacted*, That the said trustees, or a majority of them, shall have power to take sale of tickets of said lottery, 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 bonds, they, or a majority of them, or their survivor or survivors, are hereby authorized to sue for, and recover on the same, in their names as trustees of said lottery, and to do and transact all things necessary and proper to carry the same into effect; and the proceeds of said lottery, when drawn and completed, they are hereby directed to pay over to Columbia Lodge number thirty-one, to be applied as directed in the first section of this act, after paying the necessary expenses of drawing the said lottery; and a majority of said trustees shall constitute a quorum to do and transact any business which it may be necessary for them to do, under the provisions of this act.

Trustees of
lottery in
Franklin ap-
pointed.

Sec. 5. *Be it enacted*, That William G. Dickinson, William Smith, Thomas Hardiman, John S. Russwurm, and Benjamin S. Tappin, be, and they are hereby, appointed trustees, who, or a majority of them, are authorized to draft a scheme of a lottery, and superintend the drawing of the same, for the purpose of raising a sum of money, not exceeding four thousand

dollars, to be employed in building a masonic hall in the town of Franklin, by the members of Hiram Lodge number seven.

Sec. 6. *Be it enacted*, That said trustees, or a majority of them, before they proceed to the drawing of said lottery, shall enter bond, with security, to be approved of by the chairman of the court of Pleas and Quarter-Sessions for Washington county, and made payable to said chairman, in double the 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, to the rightful persons, all such sum or sums of money as may have been advanced by them, for the purchase of tickets; said bond, when executed, shall be filed in the clerk's office of the said court.

To sell tick-
ets, and pay
over proceeds
of lottery.

Sec. 7. *Be it enacted*, That said trustees, or a majority of them, shall have power to take sale of tickets, etc., to take bonds for the payment of tickets, and for the deposits of tickets for sale; to sue for, and recover on said bonds, in their names as trustees of said lottery, and to do and transact all things necessary and proper to carry the same into effect; the proceeds of said lottery, when finished, after deducting the necessary expenses of drawing, the said trustees are directed hereby to pay over to the five members of Hiram Lodge number seven, or their authorized agent, to be by them employed as aforesaid.

To take oath
and appoint
clerks.

Sec. 8. *Be it enacted*, That said trustees, or a majority of them, when about to proceed to the drawing of said lottery, shall each, take an oath before some justice of the peace of this state, fairly and impartially to manage the said lottery; and shall, under the inspection of two justices of the peace of Washington county, put into the boxes the numbers, prizes and blanks contemplated in the scheme of said lottery; and shall appoint two clerks to keep a just 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, as by this act contemplated and provided.

JAMES FENTRESS,

Speaker of the House of Representatives.

H. WHISLEY,

Speaker of the Senate.

September 25, 1844.

SECTION 7. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the commissioners of the town of Lawrenceburg in the county of Lawrence, when they shall receive the moneys arising from the sales of lots in the said town of Lawrenceburg, to appropriate the same, or so much thereof as may be necessary in the erection of a court-house, jail and stocks; and the surplus moneys, if any remaining in their hands after paying for the public buildings aforesaid, they are hereby required to appropriate to the building of an academy in or near said town for the benefit of the citizens of said county.

[illegible]

Speaker of the House of Representatives.

R. WEAKLEY

Speaker of the Senate.

September 28, 1924

CHAPTER LXXV

An Act for the relief of Lewis Bishop.

Section 1. It is enacted by the General Assembly of the State of Tennessee, That Lawful Meetings are and be is hereby authorized to have and be held through the state, without obtaining a license therefor, any law to the contrary notwithstanding.

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Spencer of the House of Representatives.

[illegible]

Details of the Senate

October 28, 1894

ON A RIVER - 13 MAY

See also the *County of Fayette*.

Payette co. established.

SEC. 2. *Be it enacted*, That, for the due administration of justice for said county, the courts of Pleas and Quarter Sessions and Circuit Courts of said county shall be held at the dwelling house of Robert G. Thornton, until otherwise provided for by law, to wit: the courts of Pleas and Quarter Sessions on the first Monday in December, March, June and September, and the Circuit Courts on the fourth Monday in June and December in each year, each term to be held one week, if necessary, under the same rules, regulations and restrictions, and to have and exercise the same powers and jurisdiction, that other courts of judicature, of like grade, in this state may have or possess.

Spec. 172 is amended: That the sheriff of said county shall have and hold jurisdiction, in the place of holding court in said county, on the first Monday, and succeeding day in January, for the purpose of electing field officers for the militia of said county, under the same rules, regulations and restrictions as pointed out by law in similar cases, and the militia of said county shall compose the militia of said county.

Q. A. He is entitled. That it shall be the duty of the commandant of said regiment, having been first Commandant
Commanded, and upon according to law, to divide
his regiment into such number of companies as he
shall think best for the convenience of said companies; and it shall further be the duty of said commandant,
to issue writs of election for company officers, accord-
ing to law, as provided for in other cases of elections
for company officers.

Approved by H.C.B.

Sec. 3. *Be it enacted*, That the commissioners appointed by an act of the present session of the General Assembly, entitled "An act to amend an act appointing commissioners to fix on the permanent seats of justice in the counties therein named," be, and they are hereby directed to be, *as soon as possible* for the seat of justice for the county of Fayette, and that they have all the powers and privileges, and instruments in fixing upon the seat of justice in said county, as are given

well there in the said act, he well so the act said act is

Attached to Sec. 6. Be it enacted, That the several counties of this State shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

JAMES P. WATKINS,
Speaker of the House of Representatives.

R. W. HENRY,
Speaker of the Senate.

September 29, 1894.

CHAPTER XXXV.

An act to alter the time of holding election matters in the several counties of the several counties of the State, and for other purposes.

90th year.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 2. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 3. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

October 4, 1894.

CHAPTER XXXVIII.

An act for the relief of persons having uncompleted lots in the town of Burghessville, and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That no person holding lots in the town of Burghessville, which lots are uncompleted, shall be liable to pay tax for said lots as such lots, but shall return the same as other lands in this state, for taxation.

in the town of Burghessville, which lots are uncompleted, shall be liable to pay tax for said lots as such lots, but shall return the same as other lands in this state, for taxation.

Section 2. Be it enacted, That no person holding lots in the town of Burghessville, which lots are uncompleted, shall be liable to pay tax for said lots as such lots, but shall return the same as other lands in this state, for taxation.

Section 3. Be it enacted, That no person holding lots in the town of Burghessville, which lots are uncompleted, shall be liable to pay tax for said lots as such lots, but shall return the same as other lands in this state, for taxation.

October 4, 1894.

CHAPTER XXXIX.

An act supplemental to an act, entitled "An act to alter the time of holding election matters in the several counties of the State of Tennessee, and for other purposes," passed the 29th day of September, 1894.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 2. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

October 4, 1894.

CHAPTER XL.

An act to establish the boundaries and for other purposes.

Section 1. Be it enacted by the General Assembly of the State of Tennessee, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 2. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 3. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 4. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

10th year.

Section 5. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

10th year.

like of this state, and the said officers of the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 2. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 3. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 4. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 5. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 6. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 7. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 8. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Section 9. Be it enacted, That the several counties of the State of Tennessee, shall be divided into the several congressional districts, and the several judicial circuits, in the state of Tennessee.

Tennessee militia, are hereby declared to be under the same rules and regulations, and are ordered to the same printing, that the Franklin Blues are.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 4, 1824.

CHAPTER XII.

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

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Andrew Jackson Caldwell, an illegitimate son of David Chadsnell, son-in-law of Claiborne County, he, and the same is hereby changed to that of Andrew Jackson Chadsnell, and he is hereby constituted the legal heir of the said David Chadsnell, son-in-law, and entitled to all the rights and privileges he might or could have been entitled to, had he been born in lawful wedlock.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 5, 1824.

CHAPTER XIII.

An Act requiring the Register of Land Tennessee to correct errors in Grant No. 3850, issued by the said Register, to John Hen, assignee of John Fowler.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Register of Land Tennessee be and he is hereby required, to correct Grant number two thousand five hundred and thirty-nine, issued by the said of Tennessee, by John Hen, assignee of John Fowler, as that the number of acres in said grant shall correspond with those contained in the plat and certificate of survey attached to said grant, and also to correct the registration of the same, without demanding any fees therefor.

Treasurer to Seco. 2. Be it enacted, That the Treasurer of said Tennessee shall refund to the person holding said

Grant, any sum or sums of money which have been received in consequence of said error.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XIII.

An Act to form and organize a Regiment to Jackson County,

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That five millions on the north side of the sixth fork of Powell's river, in the County of Madison, shall compose the new regiment, and shall be attached to the fourteenth brigade and it shall be the duty of the sheriff of said county, to open and hold an election for that purpose, at two places, at the house of David and William Sanders, in said regiment, on the first Tuesday, and on each day, in January next, under the same rules and regulations as in similar cases.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XIV.

An Act to declare Cane Fork navigable.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Cane Fork, from its junction with the Cumberland River to the falls in Warren County, shall be declared a navigable stream, and open to all persons for transportation with boats, rafts, and other means of conveyance by water, with out interruption or obstruction.

Seco. 2. Be it enacted, That if any person or persons shall hereafter good a dam, for any purpose, whatsoever, in that part of said river declared navigable by this act, so as to obstruct the navigation thereof, such person so offending shall be held and pay the sum of fifty dollars, to be recovered before any jurisdiction having cognizance thereof, one-half to the use of

Penalty for obstructing.

the inferiors, and the other half to the use of the state.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XLV.

An act supplemental to an act passed at Montgomery, 17th August, 1824, entitled "An act for the relief of Willie Cherry."

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners for the adjudication of land claims be hereby authorized, and directed, to issue to the heirs of Willie Cherry's deceased, a duplicate land warrant for six hundred and forty acres, according to act to which this is a supplement: Provided always, that nothing herein contained, or in the act to which this is a supplement, shall prejudice or defeat the legal or equitable claim or interest that any other person may have to said warrant.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XLVI.

An act to amend an act, entitled "An act to authorize Joseph and John Greer, of Lincoln county, to build a Mill Dam across Elk river."

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Joseph and John Greer, of Lincoln county, be hereby required, on or before the first day of December next, to construct and build a dam to their mill dam, at least twenty-five feet in width, situate on Elk river, near to the town of Fayetteville, situate for the said dam and certain passages of all boats and other water craft, according to descending said river.

Sec. 2. Be it enacted, That should the said Joseph and John Greer fail to construct and build such a

slope, as is contemplated by the first section of this act, on or before the first day of December next, as aforesaid, and keep the same in constant repair, then, and in that case, the said Joseph and John Greer shall, for each and every day thereafter that said dam is permitted by them to remain without said slope, forfeit the sum of twenty dollars, to be recovered in an action of debt by the inferiors, to his use, before any jurisdiction having cognizance thereof.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XLVII.

An act for the benefit of John Parks.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That John Parks, do and his heirs, be and they, be authorized to build a mill dam in Clinch river, on a section, on the north side of Kentucky's island, and that he be authorized to keep said dam in repair.

Sec. 2. Be it enacted, That nothing in this act shall be so construed, as to authorize the obstructing of the navigation of Clinch river.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 6, 1824.

CHAPTER XLVIII.

An act to promote the creation of Salt works in the Henderson district.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That John Leitch, do and his heirs, be authorized to select two quarter-sections in the Henderson district, which shall be appropriated, vacant and unoccupied, and until he satisfies; the said John Leitch, making satisfactory proof thereof to the county clerk of said district, shall be permitted to make salines on the same by paying twelve and one half cents per acre within six months after the passage of this act.

register to issue grant. **Sec. 2. Be it enacted,** That the register of East Tennessee shall issue grants as in other like cases: *Provided always,* should the said John Larimore fail to get salt water thereon for the term of four years, his grants shall be void, and the land shall revert to the state; which proviso and condition, as specified in this section, shall be inserted by the register in the face of said grant or grants.

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

October 6, 1824.

CHAPTER XLIX.

An Act authorizing the persons therein named to build a Fish Trap across the south sluice in the Cane-fork.

Persons authorized to build fish trap. **SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,** That Jesse Allen, George Allen, and William Lusk, be, and they are hereby, authorized to build a fish trap in the Cane-fork, and across the south sluice of said river, a small distance below said Allen's: *Provided,* said fish trap, when erected, shall not incommode boats passing up and down said river, nor destroy any valuable ford across said stream.

Not to impede navigation. **Sec. 2. Be it enacted,** That if said fish trap, when erected, shall in any way impede the passage of boats up and down said river, any person or persons sustaining an injury therefrom, shall be entitled to receive from the said proprietors, damages as he or they may have sustained, before any tribunal having cognizance thereof.

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

October 6, 1824.

CHAPTER L.

An Act to authorize the trustees of Carack Academy to sell and convey the lot upon which said academy stands.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the trustees of Carack

Academy be, and they are hereby, authorized to sell and convey the lot of ground situate in the corner of Franklin, upon which said academy stands, and said academy, upon a reasonable notice: *Provided,* however, that the money arising from said sale is to be applied toward the payment of the debts due by said institution.

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

October 6, 1824.

CHAPTER LI.

An Act for the relief of Joseph Phillips.

Whereas it has been made appear and satisfactory to this General Assembly, that Joseph Phillips entered, in the ninth surveyor's district, eighty-four acres of land, by virtue of a certain warrant number two thousand nine hundred and forty-one, returned by the commissioners of West Tennessee, and that the said entry was subsequently made void agreeably to the provisions of the law in such cases, and said warrant of eighty-four acres was entered on other lands within the district aforesaid, on the first day of November, one thousand eight hundred and twenty-one, by virtue of entry number eight hundred and forty-three, of eighty-four acres; and whereas it further appears, that the surveyor of said district has caused to be surveyed said first-mentioned entry, notwithstanding the same had been vacated, and a grant has by mistake issued thereon, and that the land embraced by said first-mentioned entry, between the date of the withdrawal thereof and the date of the grant thereon, has been appropriated by another warrant and entry: 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, required to cancel and make void said grant, issued as aforesaid, on said warrant number two thousand nine hundred and forty-six; and that the surveyor of the ninth district be required to survey said entry number eight hundred and forty-three, if the same has not been already surveyed, and the register be directed to issue a grant thereon: *Provided,* the land embraced by said entry

An Act for the relief of Robert Campbell.

JAMES PENNINGTON,
Speaker of the House of Representatives.

October 7, 1894.

do not to allow the committee therein named to ascertain their grounds in such place as they may think proper.

To be eligible Sec. 2. Be it enacted, That the several counties of said counties may adjourn to their respective county towns, and soon thereafter as said towns may be laid

out.
Siso. 3. Be it enacted, That all laws, and parts of former laws repeated, within the purview and meaning of this act, are hereby repealed.

as aid for the relief of Charles Augustus Heaver, and other heirs and devisees of John Godfrey Hays, deceased, and for other purposes.

Whereas it appears to this General Assembly, that John G. Houser, a native of Lexington, in Upper Saxony, emigrated to the United States in the year 1830, and brought with him one thousand eight hundred and four; and whereas he subsequently, by his industry and attention to business, acquired valuable possessions in this state, which he bequeathed to his children, and which he intended to hold until his death, in one thousand eight hundred and twenty-two, and on the tenth September, one thousand eight hundred and twenty, then residing in New-Orleans, made and published his last will and testament, and thereby devised all his property to his family in Saxony; and whereas it appears, that at the time of his death, four brothers and two sisters survived him, to wit: John Gailbbs Houser, John Gailbbs Houser, Charles Augustus Houser, Henry Gailbbs Houser, Johann Christian Balthuse, Johann David Houser, Johann Christian Balthuse, all of Lexington, Houser, and his mother Christine, all of Leipsic, but the said Charles Augustus, are now residing in Upper Saxony; and whereas the said Charles Augustus Houser has come over to America, and is now in Meany county, in this state, and has made a report and registry of himself, and of his intention to become a citizen of the United States, and of this state, in conformity to the act of congress, and has stated, by petition to the General Assembly, that his brothers and sisters, or some of them, intend to emigrate to this country, and become citizens of this state, if they can procure the property devised to them by their deceased brother; and whereas the trustees of Woodward Academy, in the county of Meany, have agreed and consented to relinquish all their right, title and interest in and to the estate of the said John G. Houser, in favor of his heirs and devisees, the said academy being relieved from accountability for debts which they have incurred, or may receive during the present four years, and therefore to quiet and confirm their titles,

SECTION 1. Be it enacted by the General Assembly of Tennessee, That the said Charles A. J. G. Houser of the State of Tennessee, who now resides in Maury county, and who has been appointed one of the assessors of the county of Maury, do hold pro-
gains Houser, who now resides in Maury county,
and state of Tennessee, shall have, held and enjoy all

SECTION 1. Be it enacted by the general assembly of the State of Tennessee, That the said Charles Augustus Hunter, who now resides in Maury county, and whose place abroad, shall have, hold and enjoy, all and singular, the goods and chattels, rights and credits, real, all and singular, the real estate and profits, and the title thereto, in law and equity, except

He it seemed, that the act which authorized the disbursement of the Mississippi districts to keep him out of the office at Colonel R. H. Dyer's, upon Ford's door, was, and the same he knew, repeated.

JAMES E. LITTLE, JR.

WEAKLY:
Creaker of the Rector.

An Act to extend the town of Westfield, in the County of Warren.

Section 1. Be it decided by the County Assessing Town of McMillanville, Tennessee, that the lands of James Cotten and Sarah Dildie C. Rogers, adjoining the town of McMillanville, in the county of Greene, Ga., and the same are hereby attached to, and made a part of the town of McMillanville, as follows: all interests held for purposes, as they are, the same had or possibly belonged thereto, bounded as follows, to wit: Beginning at the north-west corner of the town of McMillanville, assuming thence west, eight poles; a stake, thence south twenty-four poles to a stake, thence east to the north-west corner of the town of McMillanville; and the lands so included within the boundary described, shall be, and are hereby incorporated with and annexed to, the town of McMillanville, to all intents and purposes whatsoever.

poes were offered.

Exo. 2. *So it mutated.* That the said Jesse Coffey and Archibald C. Rogers are hereby authorized to have the said attached piece of Quaker land off into town lots, and may proceed to sell them, and make title thereon, after which they shall pay taxes as before laid in said town, and the said Coffey and Rogers are hereby obligated to pay all the expenses of laying off and selling lots.

JAMES PENTRESS

R. WEAVER, Speaker of the House at Representative

October 7, 1884.

the rents received by the trustees of Woodward Academy, or with the said trustees of Woodward Academy, may receive during the present year, which were of his deceased brother John Godfrey Blount, in the same way, and to the same extent, that the same were had and held by said John G. in his lifetime, and as they would have been had and held by him, the said John G. if he had been a citizen of the United States, and also the rents and profits thereof, except as above excepted; to have and to hold to him, his heirs and assigns, forever, in fee simple, in trust for and for the use of himself, and such of his brothers and sisters, and the devisees in said will, as within five years shall come to this state, with the intention to reside therein, and become citizens thereof, so soon after their arrival as is consistent with the laws of the United States: *Provided*, that the said Charles Augustus Blount shall not sell or dispose of said real estate for fee simple, or any part thereof, or lease the same for a longer period than six years, until he be considered a citizen of the United States: *Provided*, also, that this act is to be construed as excepting the trustees of Woodward Academy from paying over, or being accountable for, the rents by them received for the houses and lots in the town of Columbia, or lands in Maury county, and those they may receive during the present year: *And provided*, also, that the pleasure of the trustees of Woodward Academy, in favor of the heirs and devisees of John G. Blount, shall not be construed to prejudice or interfere with the right and title of the said academy as against any other person or persons whatsoever.

And, whereas, after the death of the said John W. Emerson, Benjamin Grove, William K. Hill and Jesse W. Emery, supposing that the real estate of the said John G. Benson had reverted to the heirs, and had become vacant land and subject to appropriation as other vacant lands in this state, did make three entries upon the same, lying in Henry county, in the early part of the year 1855, one for three hundred and eighty-four acres, two others each including a town lot in the town of Columbus, and whereas, said Grove, Hill, and Emery, have agreed and conspired to make void their said entries, and to relinquish all their right, title and interest in and to the estate of the said John G. Benson, in favor of the heirs and devisees, if they can be permitted to have the warrants issued upon said estate in convenient sizes, to be appropriated to any other vacant and unappropriated lands in this state: Therefore,

Hill Grove, Sec. 2. *Be it enacted*, That it shall be the duty of and Egnew, the principal surveyor of the eighth surveyor's district, to permit said Hanson Grove, William K. Hill, and Jesse W. Egnew, to make void an entry made in his office, in the name of said Grove, Hill and Egnew, for nine hundred and seventy-four acres, and also two other entries, each including a town lot in the town of Columbus; and upon said entries shall be made void, it shall be the duty of the register of said Tennessee to issue to each of said entries a certificate warrant for one third of said warrant for nine hundred and seventy-four acres, to wit: to said Hanson Grove, a certificate warrant for three hundred and twenty-four and two thirds acres; to said William K. Hill, a certificate warrant for three hundred and twenty-four and two thirds acres; and to said Jesse W. Egnew, a certificate warrant for three hundred and twenty-four and two thirds acres) when said certificate warrants, when so issued by the register, shall be attested by the secretary of the state; and when so issued and attested, it shall be the duty of the surveyors south and west of the Congressional reservation line, to permit the same to be entered in any of their offices, upon any vacant and unappropriated lands in their districts, respectively; and upon said entries upon said to void, shall be void, it shall be the duty of the surveyor of the eighth surveyor's district, to permit the same to be so entered, upon any vacant and unappropriated lands in his district: *Provided*, that the release by the said Hill, Grove and Egnew, in favor of the heirs and devisees of the said John G. Hosert, shall not be construed to prejudice or interfere with the rights and title of the said Hill, Grove and Egnew, as against any other person or persons whatsoever.

And whereas, Patrick O'Callaghan, late of the county of Lincoln, departed this life without any lawful issue, and left no surviving relations within the United States, except Jeremiah O'Callaghan, the brother of the said of New York; and whereas doubts exist as to the regularity of the proceedings heretofore taken by the said Jeremiah, for the purpose of becoming a citizen of the United States: Therefore,

Sec. 3. *Be it enacted*, That the said Jeremiah shall have, hold, and enjoy, all and singular the rights and privileges, rights and credits, all and singular the real estate and property, and the therein, in law and equity, which were of his deceased brother, Patrick O'Callaghan, within this state, in

the same way, and to the same extent, that the same were had and held by the said Patrick in his lifetime, and as they would have been, had said Patrick been a regularly naturalized citizen of the United States.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, pro tem.

October 7, 1884.

CHAPTER LXI.

Be it enacted by the General Assembly

Section 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the surveyor-general of the eighth surveyor's district be hereby authorized, and required, to make void any unaccepted entry of eighty acres, made in the name of Jordan Ashman, in said district, and to permit the said William K. Hill, to the same, on any vacant land in said district, in the same manner as other land warrants are entered.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, pro tem.

October 8, 1884.

CHAPTER LXII.

Be it enacted by the General Assembly Committee of the State of Tennessee, That the foregoing provision be added to pay some certain moneys now in their hands.

Section 1. *Be it enacted by the General Assembly* Committee of the State of Tennessee, That the foregoing provision be added to pay some certain moneys now in their hands.

Section 2. *Be it enacted*, That if the said commission-provision in any of said sections shall fail or refuse to pay for the case of refusal by the first section of this act, it shall be the duty of said school commissioners, in the names of the

commissioners of said board, to bring suit, either in the county or circuit court of Bedford county, for all moneys remaining in their hands, pertaining to the com-

mon schools of said county, or collected by virtue of said school lands and such moneys, when collected, shall be appropriated to the use of common schools in said county.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem*.

October 8, 1824.

CHAPTER LVIII.

An Act appropriating the residue of the money arising from the sale of lots in the town of Jackson.

Money ap- propriat'd to making road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the balance of the moneys arising from the sale of the lots in the town of Jackson, in the county of Madison, after completing the public buildings contemplated by an act passed August seventeenth, one thousand eight hundred and twenty-two, entitled "An act to establish the town of Jackson, in the county of Madison, and to authorize the commissioners thereof to pass by-laws and ordinances for the regulation of the same," shall be appropriated to the making of a road through the low ground, or swamp, of the Forked-deer river, crossing said river at the bridge erected by the county court of Madison, at the place known by the name of Shannon's Landing, commencing at the high ground on the east side of said river, and ending at the high ground on the west side.*

Commissioner's appointed to contract.

SEC. 2. *Be it enacted, That Thomas Lacy, Adam Huntsman, and David Jarrett, or a majority of them, are hereby appointed commissioners to let the making of said road to the lowest bidder, after advertising the same at least sixty days in some newspaper printed at Jackson, and at the court-house door in Jackson; which said road shall be at least twenty-five feet wide, clear of all obstructions, and raised at least one foot higher than the highest water mark, that said road may be passable at all times, and at every stage of the water.*

Commissioner's of Jackson to pay over.

SEC. 3. *Be it enacted, That the board of commissioners for the town of Jackson are hereby directed, and required, to pay over to the commissioners appointed by this act, the amount of money required for the making and completing the road contemplated by this act: Provided always, that the balance re-*

maining in the hands of the board of commissioners for the town of Jackson, after completing the aforesaid public buildings, shall be equal to the amount required to make and complete said road.

SEC. 4. *Be it enacted, That if the balance of the moneys remaining in the hands of the board of commissioners for the town of Jackson, after completing the aforesaid public buildings, shall not be sufficient to make and complete the road as directed by this act, they shall pay over to the commissioners appointed by this act, whatever balance they may have; and the county court of Madison shall make up the deficiency, by laying a tax for that purpose: Provided, that said tax shall not be greater than the state and county tax.*

Provisions in case commis. refuse to pay over.

SEC. 5. *Be it enacted, That after the aforesaid public buildings shall be completed, the said board of commissioners for the town of Jackson shall, within six months, pay over the balance of said moneys to the said county court, to be used by them, in the said county of Madison, for the making and completing the road, as directed by this act, and the said county court shall have full power, authorized, and full power given, to bring suit for said money in their individual names, as commissioners of the Forked-deer road, against the board of commissioners for the town of Jackson, in the court having cognizance thereof.*

SEC. 6. *Be it enacted, That all laws and parts of former laws, coming within the purview and tenor of this act, be, and the same are hereby, repealed.*

SEC. 7. *Be it enacted, That the county court of Madison shall make a reasonable compensation to the commissioners appointed by this act, for their trouble.*

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 8, 1824.

CHAPTER LX.

An Act prescribing certain duties to the Officers therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the sheriffs and rangers of Hickman county be hereafter required to publish all executions of lands, and sales of goods, in some newspaper printed in the town of Columbia; and that the act requiring said officers to*

make such publications in some newspaper in the town of Nashville, be, and the same is hereby, repealed.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 8, 1834.

CHAPTER LX.

An Act to provide for holding a special term of the circuit court of Boone county.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee, That the judge of the circuit court of Boone county, at the next, or any ensuing stated term, shall, have power, and he is hereby authorized and required, to appoint a time most convenient to all parties concerned, when a special term of said court shall be opened and hold for the trial of all causes depending on the docket of said court.*

Sec. 2. *Be it enacted, That when the time of holding said special term may be selected, it shall be the duty of the presiding judge to give public notice thereof in open court, and to have an order to that effect served upon the records, which notices so given, and the entry upon the records, shall be deemed sufficient notice to all suitors, and their counsel, to appear at said special term, for the trial of their respective causes; provided, that the additional terms hereby allowed shall not be considered as terms of said courts for the return of writs, recognizances, or executions, which shall be made returnable in the same way as though this act had not been passed.*

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

October 9, 1834.

CHAPTER LXI.

An Act to authorize the county and circuit courts of Lawrence county to be holden in the new court-house in the town of Lawrenceburg.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the county and circuit courts of Lawrence county, at the first or any subsequent term of said courts, except*

tively, to adjourn from the old to the new court-house erected in the town of Lawrenceburg, and the said courts shall there be holden until otherwise directed by law.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1834.

CHAPTER LXII.

An Act to declare Sandy River navigable to a point called White's Mill.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee, That Sandy River, from its junction with Tennessee River, to White's mill, be declared a navigable stream, free and open to all persons, for navigation with boats, crafts, and other means of conveyances by water, without interruption or obstruction.*

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

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

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

October 9, 1834.

CHAPTER LXIII.

An Act empowering the Justices of the Peace in Williamson county to take the deposition of John McCallister, touching the execution of the last will and testament of David Dreditch, deceased.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee, That the justices of the peace*

peace in Williamson county, at the first court to be held in said county, or at any subsequent court, are hereby authorized and empowered to take the examination of John McAllister, merchant of the town of Franklin, touching the execution of the last will and testament of David Deadrick, deceased, late of Jonesborough, in the county of Washington.

Clerk to certify.

Sec. 2. *Be it enacted,* That upon such examination being taken and subscribed by the said John McAllister, it shall be the duty of said court to direct their clerk to certify, under his hand and seal of office, said examination, directed to the justices of the court of pleas and quarter-sessions of Washington county; which testimony of said John McAllister, so taken as aforesaid, shall be as good and available, as if the said John McAllister had personally appeared in open court, in Washington county, and proved the execution of said will.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1824.

CHAPTER LXIV.

An Act to provide for the regulation of Athens, in the county of McMinn.

Commissioners appointed by their power.

Section 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Benjamin O. Stout, John E. Farmer, James W. McChetney, James McKanny, Aaron Mathews, Isaac W. Fyfe, and Return J. Meigs, be, and they are hereby, appointed commissioners for the town of Athens, in the county of McMinn, with full power and authority to enact and pass all laws and ordinances necessary and proper to preserve the health of the town; to prevent and remove nuisances; to provide for licensing and regulating auctions; taxing, regulating, and restraining, theatrical and other public amusements and shows within the bounds of said town; to restrain and prohibit gambling within the town; to prohibit shooting, and shooting matches, within said town, or commons thereof; to prohibit galloping or running horses within said town; to pave walks in said town, and keep the same in repair; to impose and appropriate fines, penalties and forfeitures, for a breach of their by-laws and ordinances; to appoint a chairman,

treasurer, clerk, and high constable; to lay and collect taxes for carrying the necessary regulations into effect for the benefit of said town, and to pass all laws and ordinances necessary and proper to carry into effect the intent and meaning of this act; *Provided,* they are not incompatible with the constitution and laws of this state: *And provided further,* that no fine, penalty, or forfeiture, by and under any by-law or ordinance of said commissioners, shall exceed five dollars for the same office [offence].

Sec. 2. *Be it enacted,* That all fines, penalties, and forfeitures, imposed by any by-law or ordinance as prescribed in the first section of this act, shall be recovered before any justice of the peace for the county of McMinn, in the name of the chairman of the said board of commissioners, and for the use and benefit of said town; and all warrants issued under the provisions of this act, for the recovery of fines, penalties and forfeitures, shall be directed to, executed, and returned by, the high constable of said town.

Sec. 3. *Be it enacted,* That the justices of the peace for the county of McMinn shall have jurisdiction, and issue warrants when demanded, on the request or order of the chairman of the board of commissioners of said town of Athens, for the collection of fines, penalties and forfeitures, incurred for a violation of the by-laws or ordinances of said town.

Sec. 4. *Be it enacted,* That the commissioners appointed and elected under the provisions of an act of the General Assembly, entitled "An act authorizing the election of commissioners to fix upon the seat of justice in the county of McMinn, and for other purposes," passed November sixteenth, one thousand eight hundred and twenty-one, are hereby required, and directed, by themselves or treasurer, to pay and deliver over to the chairman of the board of commissioners of the town of Athens, by this act appointed, all sums of money, or bonds, in their hands, made payable for the sale of lots in said town, after paying to the undertakers of the public buildings and stocks in said county, either in money or bonds, such sums as the said public buildings and stocks may have been respectively let out at, and retaining in their hands, either in money or bonds, such compensation to themselves as may have been allowed them by the county court of McMinn.

Sec. 5. *Be it enacted,* That the commissioners of the town of Athens, by this act appointed, shall keep a regular record of their proceedings, and enter

Fines recoverable before a justice.

Former commissioners to pay over moneys.

Commissioners to keep record of proceedings.

thereon all ordinances and by-laws by them passed; and the chairman of the board of commissioners shall, before receiving the funds pointed out and directed in the fourth section of this act, enter into bond, with approved security, to the chairman of the court of Pleas and Quarter-Sessions of McMinn county, conditioned for the faithful appropriation of the said funds, in such manner as shall be prescribed and obtained by the board of commissioners hereby appointed.

To appropriate funds. SEC. 6. *Be it enacted*, That the board of commissioners appointed by this act, shall first appropriate the said funds in the fourth section mentioned, to the improvement of the public spring of said town, and post and railing the public square with durable timber, and in a neat and workmanlike manner, and lastly to such other objects as a majority of said board of commissioners may, in their discretion, believe will advance the interests of said town.

To fill vacancies in board. SEC. 7. *Be it enacted*, That when any vacancy or vacancies happen in said board of commissioners, by death, resignation, refusal to act, or otherwise, such vacancy or vacancies shall be filled by appointment of the balance of the board; which proceedings, as in other cases, shall be entered of record.

Constituted a body politic. SEC. 8. *Be it enacted*, That the board of commissioners by this act appointed, and their successors in office, are hereby constituted a body politic and corporate, by the name and style of the Chairman and Board of Commissioners of the Town of Athens; in that name shall have corporate existence for thirty years, and may sue and be sued, plead and be impleaded, in courts of record in this state.

Former laws repealed. SEC. 9. *Be it enacted*, That all laws, and parts of laws, inconsistent with, or repugnant to, the provisions of this act, be, and the same are hereby, repealed.

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

October 9, 1824.

CHAPTER LXV.

An Act to change the venue in the case therein named.

Whereas it appears to this General Assembly, that there is depending in the circuit court of Marion

county, an action of trespass on the case in the name of James and John Hoge, administrators of the estate of Joseph Hodge, deceased: And whereas it is represented, that fair and impartial trial cannot be had in the seventh judicial circuit of this state:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the judge presiding in the seventh judicial circuit, to change the venue of said cause to the circuit court of any county within his circuit: *Provided, however*, that before the venue is changed, the presiding judge shall be fully satisfied, by affidavit or otherwise, that said cause cannot be fairly tried in the county of Marion.

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

October 9, 1824.

CHAPTER LXVI.

An Act to compel the sheriff of Henry county to pay the public building tax in said county, to the commissioners for the town of Paris for the time being, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the collector of the building tax in the county of Henry, for the year one thousand eight hundred and twenty-three, and for all future years, be, and he is hereby, required to pay over said tax to the commissioners of the town of Paris for the time being.

SEC. 2. *Be it enacted*, That the commissioners of the town of Paris for the time being, be, and they are hereby, authorized, upon failure of said collector to pay over said tax, to obtain a judgment by motion against said collector and his securities, by giving them twenty days' notice.

SEC. 3. *Be it enacted*, That the land west of the county line, or lying in the counties of Weakley and Obion, which was taxed by the county court of Henry, for the public buildings, be, and is hereby, released from the said tax.

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

October 9, 1824.

CHAPTER LXVII.

An Act authorizing the Register and Ranger of Weakley county, to keep their offices at their own dwelling-houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the register and ranger of Weakley county, be, and they are hereby, authorized to keep their offices of registers and ranger at their dwelling-houses for the term of two years, and no longer, then to comply with the law now in force.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1824.

CHAPTER LXVIII.

An Act to incorporate the town of Lexington, in the county of Henderson.

Town incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Lexington, in the county of Henderson, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Lexington, and shall have succession for the term of fifty years.

Aldermen to be elected.

SEC. 2. *Be it enacted,* That the sheriff of Henderson county shall, by himself or deputy, hold an election at the court-house in the town of Lexington, for the purpose of electing seven fit persons to serve as aldermen, on the first Monday in January next, [and] at the same time in each succeeding year; and such persons, when elected, shall serve one year, and until a new board is qualified, and shall possess and enjoy all the powers and privileges that are given to the intendant and council of the town of Winchester, by an act passed twentieth October, one thousand eight hundred and twenty-one, entitled "An act to incorporate the inhabitants of the town of Winchester, in the town [county] of Franklin."

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 9, 1824.

CHAPTER LXIX.

An Act for the benefit of the estate of Henry Walker, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when the court of pleas and quarter-sessions for Williamson county shall have proceeded, according to the existing laws, to appoint an administrator with the will annexed on the estate of Henry Walker, deceased, late of Williamson county, it shall be the duty of the said court, at any subsequent term thereof, upon the application of said administrator, to receive the resignation of said administrator as such: *Provided,* said administrator has made a settlement with said court so far as he may have administered on said estate, previous to the tender of his resignation as administrator, to said court.

SEC. 2. *Be it enacted,* That if the administrator appointed by said court shall resign according to the provisions of the first section of this act before the business of the said estate is closed, the said court may proceed to appoint an administrator *de bonis non*, to close the business of said estate.

SEC. 3. *Be it enacted,* That after the resignation of the said administrator shall be received by the said court, the said administrator and his securities shall be discharged from all liability for any subsequent mismanagement of said estate.

JAMES FENTRESS,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate, *pro tem.*

October 9, 1824.

CHAPTER LXX.

An Act to amend an act, entitled "An act to authorize George Caperton, of Franklin county, to open a turnpike road."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That George Caperton be, and he is hereby, authorized to give up and relinquish to the county of Franklin, so much of his turnpike road as lies between the town of Winchester and the foot of Cumberland mountain.

SEC. 2. *Be it enacted,* That should the said George

To make
written de-
claration.

Caperton be desirous of making said relinquishment, that he appear at the next term of the county court of Franklin county, and make a written declaration of such relinquishment in open court; whereupon, it shall be the duty of the clerk of said court to enter said declaration upon the minutes of said court, and then said part of said road shall (be) deemed and held a public road of the county of Franklin, of the first class.

To erect toll
gate.
Rates of toll.

SEC. 3. *Be it enacted*, That the said George Caperton is hereby authorized to erect a toll gate on the remaining part of said turnpike road, at such place as shall be most convenient to him, and shall be entitled to receive the following rates of toll, to wit: for each wagon and team, fifty cents; cart and driver, twenty-five cents; four-wheeled carriages of pleasure, seventy-five cents; two-wheeled pleasure carriages, thirty-seven and a half cents; man and horse or mule, twelve and one half cents; loose or led horse or mule not in a drove, six and one fourth cents; horses or mules in a drove, three cents each; each head of cattle, two cents; each head of hogs or sheep, one cent; which rates of toll he is hereby authorized to demand and receive from and after the first Monday in December next.

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

October 9, 1824.

CHAPTER LXXI.

An Act to encourage the building of Iron Works in the Hiwassee District.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of the several laws now in force in this state; for the encouragement of the building of iron works, be extended to the citizens of the Hiwassee district, any law, usage or custom to the contrary notwithstanding.

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

October 11, 1824.

CHAPTER LXXII.

An Act to establish a Town in the county of Madison, on the south side of the south fork of Forked-deer river, on the land of William Hill.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the commissioners hereinafter named, to lay off and establish a town in the county of Madison, on the south side of the south fork of Forked-deer river, on the lands of William Hill, which said town shall be laid off under the directions and superintendence of Thomas Williamson, Thomas I. Smith, Stephen Lacy, Claiborne Chissum, and Theophilus Sanders.

SEC. 2. *Be it enacted*, That said commissioners be authorized to accept a deed in fee simple, for twenty acres of land, of the said William Hill, and to lay it off into convenient lots, streets, and alleys, and to make deeds to the purchasers.

SEC. 3. *Be it enacted*, That said lots, when so laid off and sold, shall be subject to taxes as other town lots are in this state; and the said commissioners shall have power to make such by-laws, rules, and regulations, as to them may seem right, for the regulation of said town, and which shall not be inconsistent with the laws and constitution of this state; and said town, when so laid off, shall be known and distinguished by the name of Hillsborough.

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

October 11, 1824.

CHAPTER LXXIII.

An Act for the relief of George Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee pay to George Wilson, editor of the Nashville Gazette, fifteen dollars seventy-five cents, for printing done by said Wilson by order of the Governor; and the account and receipt of said Wilson in the hands of the treasurer, shall be a good voucher in the settlement of his accounts.

SEC. 2. *Be it enacted*, That the fourth section of Act repeated an act, entitled "An act for the relief of George A. in part."

and Abner C. Sublett and others," passed at Murfreesborough, November twenty-sixth, one thousand eight hundred and twenty-three, be, and the same is hereby, repealed.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

October 12, 1824.

CHAPTER LXXIV.

An Act to amend an act passed 1823, respecting Mason Lee's Will.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That his excellency, or the agent by him appointed, under the provisions of the act of one thousand eight hundred and twenty-three, may, if he shall deem a compromise respecting the last will and testament of Mason Lee, deceased, most advantageous to the interest of the state of Tennessee, he, or his agent appointed under the authority of the before-recited act, may, and he is hereby authorized to make a compromise of the same; and upon the ratification of the said compromise by the General Assembly of the state of Tennessee, shall be considered a final settlement of the interest the state of Tennessee has to said estate of Mason Lee.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

October 12, 1824.

CHAPTER LXXV.

An Act for the relief of Lawson Hobson, of Giles county.

Entry to be surveyed.

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 resurvey an entry made in his office in the name of said Hobson, for one hundred acres, made the twenty-eighth of November, one thousand eight hundred and twenty-two, number one thousand one hundred and ninety, according to the calls of said entry, and make out and return plats and certificates as in other cases.

SEC. 2. *Be it enacted,* That the register of West Tennessee, on receiving such plat and certificate, and said Hobson first delivering up to be cancelled, grant number nineteen thousand five hundred and eighty, for one hundred acres, founded on a former survey of said entry, shall issue another grant thereon, as though no former one had ever been issued.

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

October 12, 1824.

CHAPTER LXXVI.

An Act to authorize the drawing of a Lottery in the town of Jonesborough, to raise money to finish the public road leading from Jonesborough, through Elizabethton, to the North-Carolina line.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for Nathaniel Kelsey, John Kennedy, Samuel Crawford, James P. Taylor, James Roberts, Jno. G. Eason, Abial C. Parks, Christian Carriger, or a majority thereof, to raise, by lottery, in one or more classes, as to them may appear necessary, any sum, not exceeding two thousand dollars, to be applied to the completion of the public road leading from Jonesborough, by Elizabethton, to meet the two roads cut and opened by North-Carolina to the state line in Carter county, in the town aforesaid; and the said Nathaniel Kelsey, Jno. Kennedy, Samuel Crawford, James P. Taylor, James Roberts, Jno. G. Eason, Abial C. Parks, and Christian Carriger, are hereby bound to pay to the fortunate persons the amount that each person shall be entitled to by the event of the said lottery; and in case of failure, shall be liable to the party aggrieved, or so many of them as were concerned in carrying said lottery into effect: Each of the drawers, clerks, examiners, and all other persons concerned or engaged in drawing said lottery, shall, before the same commences, take an oath to act fairly and impartially in discharge of their several offices, which oath may be administered by any justice of the peace within the county of Washington: If the said lottery is not drawn within eighteen months from the passage of this act, it shall be lawful for the purchasers of tickets to demand and receive the money they

may have respectively paid from the persons receiving the same.

Proceeds of lottery, how appropriated
SEC. 2. Be it enacted, That the money contemplated to be raised by this act, shall be appropriated, or so much thereof as shall be deemed necessary, (by the commissioners appointed to lay out five hundred dollars given by the state for the opening of the said roads at the last session of the legislature,) to finish the two roads across the Stone mountain, as directed by the last aforesaid act; and the balance of the money thus raised, shall be expended on such parts of the road from Jonesborough, through Elizabethton, across the Stone mountain, as the said road commissioners shall think most require such appropriation.

Court to fill vacancies in
SEC. 3. Be it enacted, That if any of the aforesaid commissioners, or lottery commissioners, shall die, remove, or refuse to act, the county court of Washington shall appoint lottery commissioners to act in lieu of such person or persons thus dead, removed, or refusing to act; and the county of Carter shall, in similar manner, appoint commissioners to the superintendent and manage said road as directed by the aforesaid recited act, paying no attention to the residence of persons thus to be appointed.

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

October 12, 1824.

CHAPTER LXXVII.

An Act to authorize the register of West Tennessee to rectify a mistake in grant No. 15,186, for 640 acres of land, issued for the use of schools.

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 rectify a mistake in grant number fifteen thousand one hundred and eighty-six, for six hundred and forty acres, issued by himself for the use of schools: *Provided*, he should be satisfied that the calls of said grant does not accord with the entry, or that a mistake does really exist.

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

October 12, 1824.

CHAPTER LXXVIII.

An Act to authorize the justices of the peace in Greene county to lay and collect a tax for the purpose of finishing the new court-house, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the justices of the peace in Greene county, at the first court to be held after the first day of January next, a majority of the justices being present, shall have power to lay a tax for the purpose of finishing the new court-house, on lands, free polls, black polls, town lots, and merchants, not exceeding the present county or state tax, which tax, when collected, shall be accounted for and paid over to the commissioners appointed to superintend the building of the new court-house, under the same rules and restrictions as other county or public moneys are.

SEC. 2. Be it enacted, That the commissioners of said town shall have liberty to sell the old court-house, and apply the proceeds of such sale to the building and finishing the new court-house, and account for the same as for other moneys mentioned in this act.

SEC. 3. Be it enacted, That the sheriff of Greene county shall have power to appoint three deputies, to enable him to discharge the duties of his office and assist in the collection of the state and county taxes.

SEC. 4. Be it enacted, That the sheriff of Wilson county be authorized to appoint one additional deputy to the number heretofore allowed by law.

SEC. 5. Be it enacted, That in all cases where Thomas Bradley, sheriff of the county of Wilson, has failed to collect the taxes on any land, and there is no personal property in said county from which the same can be collected, he may, and is hereby authorized to report to the court of pleas and quarter sessions of said county, at the first term after the first day of January next, all such lands as the taxes have not been collected on, and no personal property can be found, in said county, and the said court may, at the said term, give judgment, and order such lands to be advertised and sold as in other cases.

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

October 12, 1824.

CHAPTER LXXIX.

An Act to authorize Andrew Taylor, senior, and Thomas Buck, to build Fish Traps in Watauga river.

May build fish traps.
SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Andrew Taylor, senior, and Thomas Buck, be, and they are hereby, authorized, each, to build a fish trap in Watauga river, in Carter county, upon their own lands, respectively: *Provided*, they do not obstruct the navigation of said river thereby.

Liable for damages.
SEC. 2. Be it enacted, That said Buck and Taylor shall, respectively, be liable for all damages sustained by boats lodging on either of said dams, that John Hoss and others are liable to by an act of assembly, passed at Murfreesborough in one thousand eight hundred and twenty-three.

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

October 12, 1824.

CHAPTER LXXX.

An Act to authorize the correction of a mistake in issuing a commission to John Hoss, a Justice of the Peace for Smith county, and to William Woods, a Justice of the Peace for Giles county.

Governor to issue a commission to J. Hoss.
SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Governor issue a commission to John Hoss, of Smith county, as a justice of the peace, who was appointed at the last session of the General Assembly, and the commission issued in the name of William Hoss, by mistake; and that all the official acts of the said John Hoss shall be as good and valid in law, as though his commission had originally issued in his proper name, any law, usage, or custom to the contrary notwithstanding.

To William Woods.
SEC. 2. Be it enacted, That the Governor issue a commission to William Woods, of Giles county, in lieu of a commission heretofore issued to him under the name of William W. Woods; and that all the official acts of the said William Woods heretofore done, shall be as good and valid as if said former commission had issued to William Woods, instead of William W. Woods.

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

October 12, 1824.

CHAPTER LXXXI.

An Act for the relief of Thomas White and his creditors, and others.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Edward W. Dale, Pleasant Nelson, Adly O. Harris, James Walker, and Samuel Polk, be, and they are hereby, appointed trustees for the purpose of accepting a conveyance of a certain real and personal estate of Thomas White, of Maury county, and for the purpose of conducting and managing a lottery for the benefit of the said Thomas White and his creditors.

SEC. 2. Be it enacted, That it shall be lawful for the said Thomas White immediately to convey, by deed in fee simple, with general warranty, and bill of sale to said trustees, or to the survivor or survivors of them, any real and personal property belonging to him, the said Thomas White, not exceeding in value four thousand dollars, in trust, to be conveyed to such persons as may be entitled to the same, after the drawing of said lottery by said trustees is completed: a schedule, describing and specifying the amount of said property, shall be rendered by said White, to the trustees, before the deed is executed, and to be therein specially named.

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

SEC. 4. Be it enacted, That when said trustees shall have sold such portions of the tickets as shall, in their opinion, authorize the commencement of the drawing of said lottery, after having taken an oath fairly and impartially to conduct the same, they shall proceed to the drawing of the same, under such rules and regulations as they shall have made known in their scheme, having given at least twenty days' notice of the time and place of drawing the same.

SEC. 5. Be it enacted, That when said trustees shall have sold said tickets, and the same shall have been properly drawn, they shall

drawn, each person who shall draw a prize shall be entitled, in law and equity, to such property as shall compose the prize he shall have drawn; and it shall be the duty of said trustees, or the survivor or survivors of them, to convey, by deed or bill of sale, to such person drawing such prize, said property, to him, his heirs and assigns, forever.

To pay balance of money to Thos. White.

SEC. 6. *Be it enacted*, That when the proceeds of the sales of said tickets shall be received by said trustees, and after the drawing of said lottery is completed, they shall pay over to the said Thomas White the amount thereof, after they shall have retained a reasonable remuneration for the expenses incident to the drawing of said lottery.

Lottery to be completed in 3 years.

SEC. 7. *Be it enacted*, That if, for any cause, the said trustees, or a majority of them, shall find it impossible to proceed with the conducting and drawing of said lottery within three years from the passing of this act, it shall be their duty to reconvey to the said Thomas White the property conveyed to them by the said Thomas White, and refund to the purchasers of tickets the amount of money by them received, according to the sums by each paid: *Provided*, that this act shall cease to be in force and effect, if said Thomas White shall fail or refuse to execute the deed of trust hereinbefore mentioned, within four months from and after the passing of this act: *And provided also*, that nothing in this act contained shall be so construed, as to prevent any of the creditors of the said Thomas White from levying upon and selling any of the property of the said Thomas White, so conveyed to the said trustees by the provisions of this act.

John McCracken to have lottery.

SEC. 8. *Be it enacted*, That Henry Hogan, Alexander Black, Fountain Lester, Tyree Rhodes, and Charles C. Abernathy, be, and they are hereby appointed trustees, for the purpose of accepting a conveyance of John C. McCracken, late of the county of Giles, and now of the county of Lawrence, for the purpose of conducting a lottery, for the benefit of said John McCracken, on the same terms and conditions, and with the same powers and duties, as are above provided for the benefit of Thomas White.

JAMES FENTRESS,

Speaker of the House of Representatives.

B. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER LXXXII.

An Act to establish the town of Mount-Pleasant, in the county of Maury, and to incorporate the inhabitants thereof.

SECTION 1. *Be it enacted by the General Assembly* Town established. *of the State of Tennessee*, That a town heretofore laid off in the county of Maury, on the waters of Big Tom-bigby creek, be, and the same is hereby established agreeably to the plan of said town, as heretofore laid off, to be known and called by the name of the town [of] Mount-Pleasant.

SEC. 2. *Be it enacted*, That the inhabitants of Boundaries. of said town of Mount-Pleasant, residing within the following-described bounds, to wit: beginning at a sugartree standing on Harlan's canal, running thence north eighty degrees west seventy poles to an iron-wood, thence north seven and one half degrees east one hundred and twenty-six poles to a stake, thence south eighty degrees east eighty four poles to a stake, thence south twenty poles to Harlan's canal, thence with said canal to the beginning, be, and they are hereby, constituted a body politic and corporate, by the name and style of the Mayor and Aldermen of the town of Mount-Pleasant, to include the bounds above described, under the same rules, regulations, restrictions and privileges of the corporation of the town of Columbia, in the county of Maury, with the following restriction: that the mayor and aldermen of said town of Mount-Pleasant shall not have the power to impose or collect any tax on lots or lands in said town, or to impose or collect any tax from any of the inhabitants thereof.

SEC. 3. *Be it enacted*, That the lots in said town of Mount-Pleasant shall not be taxed as other town lots in this state, but as other lands in this state. Lots taxed as other lands.

SEC. 4. *Be it enacted*, That the sheriff of Maury county shall, by himself or deputy, hold an election in said town, on the first Saturday in January, in each and every year, for the purpose of electing five persons to serve as aldermen of the corporation of the town of Mount-Pleasant for one year, commencing on the said first Saturday in January; and all persons owning a freehold in said town, and also all persons residing within the limits of said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at the said elections for aldermen, and no person shall be eligible to the appointment of alderman, unless he be a citi-

zen of said town of Mount-Pleasant; and the five persons having the highest number of votes at said elections, shall be the aldermen for said town for the term of one year, and said aldermen, when elected, may elect one of their own body to be mayor of the said town for the term of one year.

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

October 13, 1824.

CHAPTER LXXXIII.

An Act for the relief of William Patterson, and others.

Register to
issue grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the register of West Tennessee to issue a grant to William Patterson, Lewis Needham, and Joseph B. Porter, for so much of an entry number one hundred and seventeen, made in the tenth surveyor's district, for one thousand and two and one half acres, in the name of said Patterson, Porter and Needham, as is not taken by the interference of other and better titles, notwithstanding the assignments upon the warrants upon which said entry was made, may not appear to be regular, or may have been attached to said warrant, and since been lost.

Not to affect
claims of others.

SEC. 2. *Be it enacted*, That nothing in this act contained shall be so construed, as to affect the right, title or interest, either legal or equitable, of any other person or persons whatsoever, to the said warrant for one thousand and two and one half acres, or to the land upon which it is entered.

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

October 13, 1824.

CHAPTER LXXXIV.

An Act to authorize Thomas Brown and John Tedder to open and establish a turnpike road.

May make
turnpike.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Brown and John Tedder are hereby authorized to open and cut out a turnpike road, commencing at the court-house

in Morgan county, and running the most direct and practicable course to intersect the stage road at or near Lindsay's stand, in Roane county.

SEC. 1. *Be it enacted*, That John Hill, of Morgan, and Joel Embury, of Roane county, be, and are hereby, appointed commissioners, whose duty it shall be, when called on, to proceed to view, mark, and lay off, the above road as above described; that they, or either of them, shall at all times be competent to do and perform all the acts and duties required of them by this act; and when notified by the proprietors, that said road is open and in good repair, it shall be their duty to proceed to examine said road, and if in their opinion the road is in order as contemplated by this act, they shall proceed to license said proprietors to keep a toll gate, at such place as they may deem proper, and receive the following rates of toll, to wit: for each wagon and team, seventy-five cents; for each cart and driver, fifty cents; for each four-wheeled carriage, one dollar; for each two-wheeled carriage of pleasure, fifty cents; for each man and horse or mule, twelve and one half cents; for each loose or led horse or mule in a drove, six and one fourth cents; for each head of cattle, three cents; for each head of hogs or sheep, two cents.

Commissioners
appointed.
Rates of toll.

SEC. 3. *Be it enacted*, That it shall be the duty of said commissioner or commissioners to view said road once every four months, and shall receive one dollar and fifty cents for each day so engaged, to be paid by the proprietors.

SEC. 4. *Be it enacted*, That if any person or persons shall pass arbitrarily said gate, or within one mile thereof, for the purpose of evading the toll, each person or persons shall forfeit and pay, for every such offence, to said proprietors, the sum of twenty-five dollars, to be recovered by action of debt before any justice of the peace in this state.

Penalty for
one passing arbi-
trarily.

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

October 13, 1824.

CHAPTER LXXXV.

An Act for the relief of Leban Phillips.

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 Laban Phillips, upon plat and certificate number eight hundred and eighty-seven, for fifty acres, surveyed for Samuel Potts, and assigned by him to Robert Noblet, and by said Noblet to said Laban Phillips.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER LXXXVI.

An Act for the relief of owners of lots in the town of Alexandria, in the county of Smith.

Lots taxed as
other lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee:* That the owners or holders of lots in the town of Alexandria, in the county of Smith, be hereafter exempted from the payment of the state and county taxes, which town lots are subject to agreeably to the laws of this state, and that it shall not be the duty of the justices of the peace, or persons appointed to receive lists of property for taxation in Smith county, to list the same for taxation: *Provided,* nevertheless, that nothing herein contained shall be so construed, as to release the lots from the taxes imposed on the same for the year one thousand eight hundred and twenty-three, nor to release them from taxes as other lands are taxed.

When to
take effect.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER LXXXVII.

An Act for the benefit of Samuel Crowell.

May erect a
mill dam.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel Crowell, of Bedford county, be authorized to erect a mill dam across Duck river, at a spot owned by him, and on

said river: *Provided,* he will put a good slope in the same, so as not to impede the passage of boats down said river, and that said mill dam does not impede nor obstruct the passage of any useful road crossing said river.

SEC. 2. *Be it enacted.* That if said Crowell shall fail or refuse to erect said slope, he shall forfeit and pay to the party aggrieved fifty dollars, for every twenty-four hours that any boat may be detained in descending said river in consequence thereof, to be recovered before any tribunal having cognizance of the said matter.

Liable for
a building
slope.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER LXXXVIII.

An Act authorizing the holding a special term of the Circuit Court of Franklin county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it is hereby made the duty of the judge of the third judicial circuit of the said state, to hold a special term of the circuit court of Franklin county, for the purpose of trying all civil causes, both of law and equity, pending in said court; which said special term shall commence and be held at the court-house in the town of Winchester, on the second Monday in November, one thousand eight hundred and twenty-four, and shall continue from day to day, Sundays excepted, until all the causes of a civil nature, pending in said court, shall have been tried, or otherwise legally disposed of.

Special term
for trying civil
causes.

SEC. 2. *Be it enacted.* That on all sentences, judgments and decrees which may be had or made at said special term of said circuit court, it shall be the duty of the clerk of said circuit court, so soon as said special term shall be adjourned and closed, to issue executions, or other process, shall be tested on the second Monday in November, one thousand eight hundred and twenty-four, and shall be returnable to the next ensuing regular term thereafter, of the circuit court of said county.

Clerk to issue
process.

SEC. 3. *Be it enacted.* That if any person or persons, either plaintiff or defendant, should be dissatisfied.

Appeals allowed.

fied with any sentence, judgment or decree of said special court, such plaintiff or defendant may pray an appeal to the supreme court, under the same rules, regulations and restrictions as are now pointed out by law in causes heard and determined at regular terms of the circuit courts of this state.

**Sheriff to summon jur-
rors.** **SEC. 4. Be it enacted,** That the said judge of the said third judicial circuit, on the first day of said special term, is hereby authorized to order and direct the sheriff of said county of Franklin, forthwith, to summons and return twenty-six good and lawful men of said county, to attend, *instanter*, said special term of said circuit court, as jurors, for the purpose of trying causes at said special term; and said jurors, so summoned, shall be bound to attend said court, regularly and promptly, during the whole of the term of said special term, subject to the same penalties, in cases of failure so to do, as persons summoned to serve as jurors are by law liable to, who have been regularly appointed by the county courts as pointed out by law; and said jurors shall receive the same compensation for their services as the jurors of the circuit court of said county, who are regularly appointed according to law; and the pay of attending witnesses shall be the same as at regular terms of the circuit courts, and the forfeiture and penalties in case of failure to attend, shall be the same, and the modes of recovery the same, as those that are imposed and pointed out by law on witnesses who fail to attend the regular terms of the circuit courts of this state.

**To summon
talismen jur-
rors.** **SEC. 5. Be it enacted,** That the sheriff of said county is hereby authorized, during the sitting of said special term of said court, to summon talisman jurors in the absence of jurors of the original panel, as he is authorized at regular terms of the circuit courts of this state; and talisman jurors, so summoned, are hereby declared to be competent to try all causes submitted to them, and subject to the same penalties for disobedience to summons, as talisman jurors are in the circuit courts of this state.

**Original writ
not returna-
ble at sp. tm.** **SEC. 6. Be it enacted,** That no original writ, or other original process, shall be made returnable to said special term of said court.

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

October 13, 1824.

CHAPTER LXXXIX.

An Act to amend an act, entitled "An act to lay off and establish a Town on the land of John Stiffie, in Christian county."

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the lots directed to be laid off and sold by the act which this is intended to amend, be, and they are hereby, exempted from the payment of the taxes to which other town lots are liable and subject to, but that they be only subject to such tax as other lands of this state are subject, until they are sold and appropriated as town lots, and then to be taxed as other town lots are taxed by the laws of this state.

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

October 13, 1824.

CHAPTER XC.

An Act to regulate the proceeding of the commissioners for the town of Huntingdon, in the county of Carroll.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioners heretofore appointed for the town of Huntingdon, in Carroll county, and their successors, in office, be, and they are hereby, empowered to proceed and collect all bonds or notes which may have been taken in the name of said commissioners, as though the words "successors in office" had been inserted in said bonds or notes.

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

October 13, 1824.

CHAPTER XCI.

An Act for the benefit of John Reeves.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That John Reeves is hereby allowed the exclusive privilege of keeping a ferry, or finding a ferry boat near or that part of the bank of Tennessee river, which was by him donated to the

town of Perryville, under the same rules and regulations as other ferries are kept on Tennessee river.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER XCH.

An Act for the benefit of James C. Ferguson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That James C. Ferguson be allowed the privilege of exhibiting in human shape, artificial figures of ancient and modern date, in this state, without paying any license therefor.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER XCHI.

An Act for the relief of Elijah Embree.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall and may be lawful for Elijah Embree to continue on loan for the term of two years, that portion of the college and academy moneys, borrowed by said Embree heretofore, under the authority of the act of one thousand eight hundred and twenty-two, authorizing the treasurer of East Tennessee to loan to said Embree a sum of said college and academy funds, and that said treasurer of East Tennessee suffer the sum loaned to said Embree to be and remain in his hands: *Provided,* the interest of said money be paid by said Embree semi-annually: *And provided also,* that said Embree keep the said amount well secured as heretofore directed by the act of one thousand eight hundred and twenty-two, any law, usage, or custom, to the contrary notwithstanding.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER XCIV.

An Act to incorporate the town of Hardinville, in the county of Hardin, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the town of Hardinville, in the county of Hardin, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the Town of Hardinville, and shall have succession for the term of thirty years, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or estate of any kind whatever, and dispose of the same for the benefit of said town, and may have and use a town seal.

SEC. 2. *Be it enacted.* That it shall be the duty of Aldermen to the sheriff of the county of Hardin, to open and hold be elected, an election, at the court-house in the town aforesaid, on the first Thursday in each and every year, for the purpose of electing seven persons to serve as aldermen of said corporation for one year after their election and qualification into office; and no person shall be eligible to the appointment of alderman, unless he be a citizen and freeholder in said corporation; and all persons residing within the bounds of the aforesaid corporation, who would be qualified to vote for members of the General Assembly, or militia officers, shall be permitted to vote in such election for aldermen; and the seven persons having the highest number of votes at any election held as aforesaid, and being qualified as aforesaid, shall be considered as duly elected, and the sheriff holding said election shall, within two days thereafter, give each of the persons so elected a certificate of their election.

SEC. 3. *Be it enacted.* That the seven persons so elected and qualified as aforesaid, shall meet at the court-house in said town on the Saturday after their election, and said aldermen, when so assembled, shall appoint one of their own body to serve as mayor of said corporation during their term of service; and said mayor and aldermen shall then take an oath, before the clerk of the court of pleas and quarter-sessions of said county, or before some justice of the peace for the same, to faithfully and impartially discharge themselves, and discharge their several duties, as mayor and aldermen of said corporation during their continuance in office, a copy of which oath certified by the clerk or justice administering the same,

shall be filed in said clerk's office; and said mayor and aldermen shall then proceed to appoint a recorder and high constable, each of which officers shall, before entering on the discharge of the duties of their offices, take an oath of office as prescribed for the mayor and aldermen of said corporation; and the high constable, appointed as aforesaid, shall also enter into bond, with approved security, to said corporation, for the faithful discharge of his duty as constable aforesaid, for the collection and paying over to the said corporation all fines and forfeitures collected by him, and the collection and paying over all taxes that may become due to said corporation: It shall be the duty of the recorder, to keep a fair record, in a well bound book, of the proceedings of said corporation; and the said recorder and constable shall be elected annually, and hold their offices for the term of one year, at the expiration of which time, or as soon thereafter as circumstances will permit, shall return over all papers and records in their hands, to their successors in office.

Their powers.

SEC. 4. *Be it enacted*, That the corporation aforesaid shall have power and authority to enact and pass such laws or ordinances as may be necessary to preserve the health of said town; to prevent and remove nuisances, and to prevent all profane or disorderly conduct; to ascertain the boundary and location of streets, lanes and alleys; to alter and enlarge streets or alleys, by the consent of the proprietors of lots and houses adjoining the same; to pave and keep in repair the streets and public square of said town; to establish and regulate markets and inspections in said corporation; to convey water from the vicinity through pipes, or otherwise, into said town; to erect pumps, &c.; to impose fines, penalties and forfeitures, and to appropriate the same; to lay and collect taxes for the purpose of carrying the necessary measures into operation or effect, agreeably to the true intent and meaning of this act: *Provided*, they are not incompatible with the constitution or laws of this state.

Fines how recovered.

SEC. 5. *Be it enacted*, That all fines, penalties and forfeitures imposed by the by-laws or ordinances of said corporation, not exceeding fifty dollars, may be recovered by action of debt before any single magistrate, but if exceeding that sum, then to be recovered by action of debt in the county court, in the name of said corporation, for the use of said town.

SEC. 6. *Be it enacted*, That when any vacancy may

happen, by resignation or otherwise, for an alderman or aldermen, it shall be the duty of the sheriff of said county, after giving ten days' notice, by advertising the same, to hold an election to fill such vacancy, as prescribed in the second section of this act; and when any vacancy may happen for the office of mayor, recorder, or high constable, such vacancy shall be filled, *pro tem.* by the corporation, as aforesaid; and a majority of said aldermen shall, in all cases, form a quorum, and be competent to transact business, but shall not pass or enact any law or ordinance, unless the mayor and at least four aldermen shall be present.

Vacancies how filled.

SEC. 7. *Be it enacted*, That all the land, lots, houses, &c. within thirty poles of the present bounds of said town of Hardinville, shall be within, and constitute a part of said corporation: *Provided*, that no land lying within said corporation, and kept for cultivation only, or houses used as farm-houses, shall be liable to pay any corporation tax whatever.

SEC. 8. *Be it enacted*, That the town of Centreville, in the county of Hickman, is hereby incorporated, and the inhabitants thereof are hereby constituted and declared to be a body politic and corporate, by the name and style of the Mayor and Aldermen of the Town of Centreville; to have, possess, and exercise, the same rights and powers, and to perform the same duties in their corporate capacity, that are vested in, and required of, the incorporation of the town of Hardinville in the preceding sections of this act.

Centreville incorporated.

SEC. 9. *Be it enacted*, That it shall be lawful for the present board of commissioners for the town of Waynesborough, in the county of Wayne, or their successors in office, to appoint one of their own body to act as treasurer of said board, whose duty it shall be to collect all moneys now due, or which may hereafter become due said commissioners, and shall pay over the same as directed by said board of commissioners; and said treasurer shall have full power and authority to sue for, and collect, in the name of said board of commissioners, all such sums of money as above specified; and it shall further be lawful for said board of commissioners to appoint some suitable person to act as clerk of said board, whose duty it shall be to keep a fair record of all the official proceedings of said commissioners, and the aforesaid board may allow said clerk such compensation for his services as they may think proper; and said clerk, before entering on the discharge of the duties of his appointment, shall take

Waynesboro' commissioners to appoint treasurer and clerk.

an oath of office before some justice of the peace for said county, and shall also give bond, with approved security, in the sum of five thousand dollars, payable to said board of commissioners, or their successors in office, which bond may be sued on, and recovery had thereon, in the same manner as in other cases of a similar nature; and should such clerk fail to perform any of the duties of his office, the aforesaid board of commissioners shall have full power and authority to remove such clerk from office, and appoint another in his stead, under the same rules, regulations and restrictions, who shall perform the same duties, and be liable to the same penalties, as hereinbefore prescribed.

Commissioners of Hardin to appoint clerk.
SEC. 10. *Be it enacted,* That it shall be lawful for the board of commissioners of the town of Hardinville, in the county of Hardin, to appoint a clerk and treasurer of said board, under the same rules, regulations and restrictions, who shall perform similar duties to said board of commissioners, and shall be liable to the same penalties prescribed in the preceding section of this act, authorizing the commissioners of the town of Waynesborough to appoint a treasurer, clerk, &c.

Sheriffs of Wayne and Hardin to pay over the building tax.
SEC. 11. *Be it enacted,* That it shall be the duty of the several sheriffs of the counties of Wayne and Hardin, to pay over all taxes by them hereafter collected for the purpose of defraying the expenses incurred in erecting public buildings in said counties, to the respective boards of commissioners of the same, after deducting their lawful commission on said taxes so collected, and the receipt of the respective treasurers, countersigned by the clerk, shall be a sufficient voucher in the settlements of the respective sheriffs' accounts.

Acts of T. M. Prince legalized.
SEC. 12. *Be it enacted,* That all the official acts of Thompson M. Prince, as a justice of the peace for the county of McNairy, are hereby legalized, and declared to be lawful, to all intents and purposes, in as full and ample a manner as if the said Prince had been commissioned in his proper name; and the Secretary of State is hereby directed to issue a commission in the name of Thompson M. Prince, in lieu of Thomas M. Prince.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 13, 1824.

CHAPTER XCV.

An Act for the relief of the heirs of William Babb, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the heirs of William Babb be permitted to file with the commissioner for the adjudication of land claims, a certificate for ninety-eight and one half acres, issued to William Babb, number six hundred and forty-two, and if said commissioner shall be satisfied from the adduction of evidence, that any part, or the whole of an entry made by virtue of said certificate, is taken by an older and better, it shall be his duty to endorse on said certificate, that the whole or a part thereof is valid according to the evidence aforesaid. Heirs may file a certificate.

SEC. 2. *Be it enacted,* That any part, or the whole of said certificate, declared valid as aforesaid, shall or certificate, may be located on any vacant and unappropriated lands south and west of the reservation line.

SEC. 3. *Be it enacted,* That Thomas Hopkins is T Hopkins hereby permitted to file with the commissioner for West Tennessee, certificate warrant number two thousand one hundred and ninety-three, for one hundred acres, located twenty-eighth of August, one thousand eight hundred and twenty-two, in the office of the surveyor of the third district, together with a plat and certificate of interference made out by some legally authorized surveyor, showing that the same is taken by the interference of a better title, and that the same is otherwise valid, then, and in that case, it shall be lawful for said commissioner to certify the validity thereof as in other cases. may file certificate.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER XCVI.

An Act to appoint a commissioner for the turnpike road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Bates be, and he is hereby, appointed a commissioner, in the room and stead of Valentine Mathick, of the turnpike road leading from the foot of the Pilot-nob, near said Bates',

to the Kentucky state line, and that he be subject to the same duties imposed on the former commissioner; and Warham Early is hereby appointed a commissioner for the Bean-station turnpike road, in the room of Hugh G. Moore, resigned, with the same power, privileges, and emoluments, as other commissioners on said road.

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

October 14, 1824.

CHAPTER XCVII.

An Act to legalize the official acts of the surveyor of Marion county.

Whereas in the appointment of the surveyor of Marion county, at the last session of the General Assembly, a mistake was made in the name of said surveyor, by calling him Samuel C. Pryor, instead of Samuel N. Pryor: Wherefore,

Acts of N. P.
Pryor legal-
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the official acts of said surveyor done and performed in the name of said Samuel N. Pryor, shall be as good and legal as if said appointment had been in the name of Samuel N. Pryor.

Error cor-
rected.

SEC. 2. *Be it enacted,* That the error in the name in said appointment be corrected from Samuel C. Pryor to Samuel N. Pryor.

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

October 14, 1824.

CHAPTER XCVIII.

An Act to restore Henry Dervase to his former privileges.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Henry Dervase, who was heretofore convicted of grand larceny in White county, shall be, and is hereby, restored to all and singular the legal capacities and privileges of which he

was deprived in consequence of said conviction: *Provided, however,* that this act shall have no effect upon any judgment which may be rendered against him for a second conviction of larceny.

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

October 14, 1824.

CHAPTER XCIX.

An Act to repeal an act, entitled "An act to authorize the county court of Anderson to lay on additional tax for the purpose of building a court-house and prison for the use of said county," passed October 11th, 1813.

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, so far as authorizes said court to lay a tax for the purpose of building a prison in said county.

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

October 14, 1824.

CHAPTER C.

An Act to authorize Aaron Schofield and others to open a Turnpike Road, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Aaron Schofield, of Bledsoe county, and Uriah York, of Warren county, be, and they are hereby, authorized to open and cut out a turnpike road, beginning at Hudson's Gap, near the Big Spring in Bledsoe county, at the foot of Cumberland mountain, thence a direct course to Braden's Knob, thence as near as the nature of the ground will admit of, in a direct course to McMinnville, to the foot of said Cumberland mountain in Warren county, under the same rules, regulations and restrictions, with the same toll and term of charter, as is granted by law to William Raney's and Peter Hoodenpyl's turnpike road.

SEC. 2. *Be it enacted,* That David Gilbreath, of

Commissioners of road appointed. Bledsoe county, and James Hillis, of Warren county, be, and they are hereby, appointed commissioners of said turnpike road, with the same powers, like duties and compensation, as is prescribed to the commissioners of said William Raney's and Peter Hoodenpyle's turnpike road.

Gates to be closed. SEC. 3. *Be it enacted*, That it shall be the duty of proprietors of turnpike roads in this state, to have their toll gates closed at all times, except when it shall be necessary to let passengers through; and on their failing to keep their gates so closed, it shall not be lawful for such proprietors to subject any person to a forfeiture, who may pass through their toll gates which may be left open.

Legislature to have control. SEC. 4. *Be it enacted*, That said turnpike road shall be, and remain, at all times subject to the control of the General Assembly of this state.

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

October 14, 1821.

CHAPTER CI.

An Act to authorize the clerk of the circuit court of Franklin county, to build an office on part of the public square in the town of Winchester.

Clerk may build office. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerk of the circuit court of Franklin county be, and he is hereby, authorized to build an office on some part of the public square in the town of Winchester, which may be designated by the county court of said county: *Provided*, a majority of the acting justices are present and agree thereto.

Successors to have benefit. SEC. 2. *Be it enacted*, That upon the death or resignation of said clerk, the subsequent clerk, who may succeed to the vacancy by reason of said death, or resignation, shall have the benefit of said office by paying the clerk so resigned, or his heirs in case of death, the value of said building, any law to the contrary notwithstanding.

Court to lay tax for building bridge. SEC. 3. *Be it enacted*, That the county court of Franklin county be, and they are hereby, authorized, a majority of the acting justices being present, at their first session after the first day of January, one

thousand eight hundred and twenty-five, to lay and collect a tax on all the taxable property in said county, not exceeding the state tax, for the purpose of building a good and substantial bridge across the Boiling fork of Elk river, on the main stage road, at Winchester, which bridge shall be raised at least two feet above high water mark; and that John Armstrong, William Foster, and Solomon Wagner, are hereby appointed commissioners to make choice of a site, and to let out the building of said bridge to the lowest bidder, and said money, when collected, shall be paid by the collector to the above commissioners, who shall give bond and security to the chairman of the county court, for the faithful appropriation of said money, and that the county court shall make a reasonable allowance to said commissioners for each day they may be engaged in transacting said business.

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

October 14, 1824.

CHAPTER CH.

An Act to regulate the times of holding courts in the eighth and ninth judicial circuits, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts in the following counties shall be holden at the times hereinafter mentioned, in each and every year, to wit: for the county of Wayne, on the first Mondays in May and November; for the county of Hardin, on the second Mondays in May and November; for the county of Madison, on the fourth Mondays in May and November; for the county of Haywood, on the third Mondays in March and September; for the county of Tipton, on the fourth Mondays in March and September; for the county of Shelby, on the first Mondays in April and October; for the county of Fayette, on the second Mondays in April and October; for the county of McNairy, on the fourth Mondays in April and October; for the county of Gibson, on the first Mondays in May and November; for the county of Dyer, on the second Mondays in May and November; for the county of Obion, on the third Mondays in May

and November; for the county of Weakley, on the fourth Mondays in May and November; for the county of Hardeman, on the third Mondays in April and October.

County courts, when held.

SEC. 2. *Be it enacted*, That the county courts in the following counties shall be holden at the times hereinafter mentioned, in each and every year, to wit: for the county of Wayne, on the fourth Mondays in March, June, September, and December; for the county of Hardin, on the third Mondays in March, June, September, and December; for the county of McNairy, on the fourth Mondays in February, May, August, and November; for the county of Hardeman, on the third Mondays in February, May, August, and November; for the county of Fayette, on the second Mondays in February, May, August, and November; for the county of Shelby, on the first Mondays in February, May, August, and November; for the county of Tipton, on the first Mondays in January, April, July, and October; for the county of Haywood, on the third Mondays in January, April, July, and October; for the county of Madison, on the first Mondays in February, May, August, and November; for the county of Henderson, on the third Mondays in February, May, August, and November; for the county of Carroll, on the first Mondays in March, June, September, and December; for the county of Henry, on the second Mondays in March, June, September, and December; for the county of Gibson, on the first Mondays in January, April, July, and October; for the county of Weakley, on the second Mondays in January, April, July, and October; for the county of Obion, on the third Mondays in January, April, July, and October; for the county of Dyer, on the fourth Mondays in January, April, July, and October.

Sessions in Henry & Madison extended.

SEC. 3. *Be it enacted*, That the aforesaid courts shall continue in session the time heretofore prescribed by law, except the county courts of Henry and Madison, which shall sit two weeks, unless the business is sooner disposed of.

Process returnable at succeeding terms.

SEC. 4. *Be it enacted*, That all bonds and recognizances which have, or may hereafter be taken in any of the aforesaid courts, shall be as good and valid in law, as if the times of holding the said courts had not been changed: and all writs, or other process, which have, or may hereafter issue from any of the aforesaid courts, shall be deemed returnable to the next succeeding term after issuance, as prescribed in this act, and shall be as good and valid in law, as if the times

of holding said courts had not been changed: Provided, however, that said writs, or other process, shall have been executed the number of days required by law, before the return thereof; and if not, the said writs, or other process, shall be returned the second succeeding term after issuance.

SEC. 5. *Be it enacted*, That this act shall take effect from and after the first day of January next, except as to that part of the act which relates to the circuit courts in Wayne county, and the court of pleas and quarter sessions in Hardin county, in which cases it shall take effect, and be in force, from and after the passage thereof.

SEC. 6. *Be it enacted*, That the commissioners appointed to fix upon the places of establishing seats of justice in several counties in the western district of this state, shall, amongst others, fix upon the place for establishing the seat of justice in Fayette county; and in all cases, the said commissioners shall fix upon some place within five miles, at farthest, from the centre of the counties, respectively, except Shelby county.

SEC. 7. *Be it enacted*, That upon the death or resignation of either of the commissioners appointed, it fill vacancy shall be the duty of the Governor to supply the vacancy.

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

October 14, 1824.

CHAPTER CIII.

An Act to amend an act, entitled "An act for the relief of William Kenny," passed October 15th, 1823, and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wm. Kenny, senior, be, and he is hereby, authorized to make void an entry in his name, for twenty-five acres of land in the ninth surveyor's district, and withdraw the warrant upon which said entry was founded, and re-enter the same as provided for in the act this is intended to amend.

SEC. 2. *Be it enacted*, That James Morehead be allowed the privilege of removing and re-entering warrant number five thousand five hundred and one, for forty acres, entered in the ninth district, entry

Wm. Kenny may re-enter warrant.
Jas Morehead may re-enter

number one thousand three hundred and eighty-seven, under the same restrictions as William Kenny.

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

October 15, 1824.

CHAPTER CIV.

An Act for the relief of the heirs of John Jones, deceased, of Giles county, and the representatives of Robert Nelson, deceased.

Guardians
may sell land

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for David L. Jones and Rebecca Jones, guardians of John R. Jones, Jane R. Jones, and Nancy Mc. Jones, minor heirs of John Jones, deceased, to sell in such manner as to them may seem most beneficial to the said heirs, all the real estate of said minors, lying and being in the western district of this state, and in the counties of Shelby and Madison, also their interest in the Buffalo iron-works, lying in the county of Lawrence, together with their interest in three hundred and twenty acres of land attached to said works; and the proceeds of said sale shall be assets in the hands of said guardians, in the same way, and liable to be proceeded against by the creditors of the said Jones, deceased, as assets in the hands of guardians arising from the sale of real estate by order of the county court, by the laws now in force and use.

Title of guar-
dians made
binding.

SEC. 2. *Be it enacted,* That the title or titles made by said guardians to the purchaser or purchasers of said property or any part thereof, shall be good and binding both in law and equity.

Representa-
tives of Rob't
Neilson, dec-
may sell land

SEC. 3. *Be it enacted,* That the personal representatives of Robert Neilson, deceased, of Buncombe county, North-Carolina, shall have power, and they are hereby authorized to sell and convey so much of the lands belonging to said Neilson within this state, as may be sufficient to pay the debts due and owing from said Neilson, and all conveyances made in pursuance of the provisions of this section, shall be good and effectual in law and equity.

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

October 15, 1824.

CHAPTER CV.

An Act to empower the county court of Bedford to erect a house for the accommodation of the poor.

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 is hereby empowered, at the first, or any subsequent term after the first day of January next, at least a majority of the acting justices being present, to lay a tax on all taxable property in said county, not exceeding the state tax, and such tax shall not be continued more than two years, for the purpose of raising funds to procure a site, and erecting a house thereon, for the accommodation of the poor in said county, which tax, when collected, shall be paid over in the same manner and appropriated in the same way pointed out by an act, entitled "An act to empower the court of pleas, &c. for Davidson county to erect a house for the accommodation of the poor in said county, and other purposes," passed November seventeenth, one thousand eight hundred and fifteen; and the said county court of Bedford is hereby vested with full power and authority to appoint commissioners, hire overseer, and do and perform every act, or acts, thing or things, as pointed out in the above-recited act, for the purpose of carrying this act into effect, and regulating the same.

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

October 15, 1824.

CHAPTER CVI.

An Act for the relief of Aaron Anglin and others.

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, directed to issue grants to Aaron Anglin, upon entries number eight hundred and six, and number two hundred and twenty-eight, for one hundred and sixty acres each, and number one thousand two hundred and sixty, for one hundred sixty-two acres, made in the office of the seventh surveyor's district: *Provided, always,* that the issuance of said grants to the said Aaron Anglin shall

Register to
issue grants
to A. Anglin

not prejudice the claim or claims of any person or persons to the said warrants, or the entries made thereon.

SEC. 2. *Be it enacted,* That the legal title to forty acres of land, lying in Franklin county, granted by the state of Tennessee to the heirs of Absalom Wilder, by grant number six thousand two hundred and twenty-one, be, and the same is hereby, vested in William P. Anderson, which title shall take effect from the date of the entry upon which said grant is founded: *Provided,* that nothing in this act contained shall be so construed, as to prejudice or interfere with the equitable interest of said heirs, or of any other person or persons whatsoever, to said land.

JAMES FENTRESS,
Speaker of the House of Representatives.

R. WEAKLEY,
Speaker of the Senate.

October 15, 1824.

CHAPTER CVII.

An Act for the relief of Alexander Roscow.

Whereas it is represented to this General Assembly, that Alexander Roscow has succeeded in obtaining a large supply of salt water in the county of Sumner, by digging and boring for the same on a seventy-five acre tract of land heretofore granted by the state of Tennessee:

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Alexander Roscow be, and he is hereby, authorized, upon paying twelve and one half cents per acre, to enter, and have surveyed, three thousand acres of vacant and unappropriated land, to include within its bounds the said twenty-five acres of land mentioned in the preamble to this act, agreeably to the provisions, rules, regulations and restrictions of an act of this General Assembly, entitled "An act to establish offices for receiving entries for vacant lands in the several counties in this state lying north and east of the Congressional reservation line, and north of Tennessee river," excepting so far as said act limits the quantity of land to be entered to six hundred and forty acres.

SEC. 2. *Be it enacted,* That after said entry and survey as aforesaid, said Alexander Roscow shall be

entitled to receive a grant from the state of Tennessee for said quantity of land.

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

October 14, 1824.

CHAPTER CVIII.

An Act to amend an act, entitled "An act authorizing William Matlock to open a turnpike road," passed at the last session of this General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons shall pass the gate of said turnpike arbitrarily, or within one mile of said gate, for the purpose of evading the toll, such person or persons shall forfeit and pay, for every such offence, to the proprietor of said gate, the sum of five dollars, to be recovered by action of debt before any justice of the peace within this state: *Provided,* that nothing in this act contained shall be so construed, as to prevent the travelling on any road now in use within one mile of said gate.

SEC. 2. *Be it enacted,* That William Matlock, the proprietor of the above turnpike road, shall continue to keep in repair said turnpike road for seven years from and after the passage of this act.

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

October 14, 1824.

CHAPTER CIX.

An Act to amend an act for the relief of Henry Burton and others, passed August 21st, 1822.

Whereas a mistake occurred in the names of two of the persons for whose relief said act was intended: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the sum of eleven dollars be paid by the treasurer of East Tennessee, to John Helton, for a gun pressed from him during the last war, and lost in the service of the United States.

Treasurer
to pay J. Hel-
ton for gun.

which was through mistake directed by the above-recited act to be paid to John Shelton.

To pay C. Sec. 2. *Be it enacted*, That the treasurer of East
Kimry for Tennessee pay to Conrad Kimry, the sum of fourteen
gun. dollars, for a gun pressed from him during the last
war, and lost in the service of the United States,
which sum was directed by the act which this is in-
tended to amend by mistake to be paid to Conrad
Shimry: *Provided*, the said sums have not been paid
to any persons, under the act which this is intended
to amend, by the treasurer of East Tennessee.

To take re- Sec. 3. *Be it enacted*, That the receipts of the said
ceipts. John Helton and Conrad Kimry, of Grainger county,
shall be good vouchers to the said treasurer in the
settlement of his accounts.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CX.

An Act for the benefit of the Bean-station Turnpike Road.

Road to be
extended to
top of Cum-
berland mt.
Commission-
appointed.
SECTION 1. *Be it enacted by the General Assembly*
of the State of Tennessee, That from and after the
expiration of the term of time for which the present
company have said road, that said turnpike road
shall be extended from Bean-station to the top of
Cumberland mountain: *Provided*, the proprietors
of the soil on said mountain will give their assent;
and if they refuse so to do, that said turnpike road
shall extend to the Tennessee line at the foot of Cum-
berland mountain; and William Graham and Beverly
Marcum, of the county of Claiborne, and Joseph Rich,
of the county of Grainger, be, and they are hereby,
appointed commissioners on said road; and said com-
missioners, before they enter upon the duties of their
office, shall enter into bond to the chairman of Clai-
borne county court, and his successors, in the sum of
two thousand dollars, and shall also take and sub-
scribe the following oath: "I do solemnly swear, or
affirm, that I will well and truly perform all the du-
ties prescribed for the commissioners under this act,
to the best of my knowledge and abilities."

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

said commissioners, to examine the ground over which
the present road passes, and whether any better way
can be procured for any part or parts of said road,
and direct the overseer whom said commissioners shall
appoint, to open and keep open said road at least
thirty feet wide, clear of all timber and undergrowth,
and to clear at least seventeen feet wide in the centre
of said road, of all rocks, stumps, and every obstruc-
tion which might impede the passage of carriages or
horses, where the ground will permit, and it shall be
the duty of said commissioners to view at least four
times in each and every year, and said commis-
sioners shall settle with the overseer aforesaid at least
four times in each and every year; and said commis-
sioners shall appoint some suitable person to keep the
turnpike gate on said road, and shall pay him for his
services any sum not exceeding two hundred dollars
per annum, and shall settle with said gatekeeper
quarter-yearly; and before he enters on the duties of
his office, shall enter into bond to the commissioners,
and their successors in office, in the sum of two thou-
sand dollars, for the faithful performance of his duty;
and it shall be his duty to keep a book, and enter
thereon all the money received each and every day
from the gate during his continuance in office, and
make oath before some justice of the peace of the cor-
rectness of the same.

Sec. 3. *Be it enacted*, That said gatekeeper shall
retain at each settlement with said commissioners,
his quarterly pay, and pay over to said commis-
sioners the residue of money collected by him, and take
their receipt for the same, and file said receipts with
the clerk of Claiborne county court.

Sec. 4. *Be it enacted*, That it shall be the duty of
the overseer appointed under the provisions of this act,
to employ not less than eight able-bodied laborers at
any time to work on said road, and shall lay in tools,
provisions, and other requisites, for the putting and
keeping in repair said road, in such manner as is di-
rected by said commissioners, and for his services
shall receive one dollar per day; he shall also settle
with said commissioners quarterly, and shall make
out his account at each settlement aforesaid, stating
each item in full, the price thereof, and of whom re-
ceived, including the whole expense, and shall make
oath to the correctness of said account; and the com-
missioners aforesaid shall examine the same, and if it
appear reasonable, the account shall be discharged by
them, and take the overseer's receipt for the same.

which shall be their voucher to settle with the court aforesaid.

Persons living within 1 mile, to work on road.

Sec. 5. *Be it enacted*, That the overseer is hereby authorized to call all persons liable by law to work on roads, and who may not be required to work on any other road, living within one mile of said road, between Bean-station and Sycamore creek, and all the tithable from Sycamore creek to Cumberland mountain, which is now liable to work on said road by order of the Claiborne county court, to work four days in each and every year, with proper tools, when the overseer is working on said road, and on refusal to attend, or to labor when there, he shall pay one dollar per day, to be recovered before any justice of the peace, due proof being made that there was three days' notice given of the time and place to meet and work on said road, which money shall be accounted for by said overseer, and applied to the use of said road.

Fees of commission: re. Vacancies, how filled.

Sec. 6. *Be it enacted*, That the commissioners aforesaid shall retain in their own hands two dollars per day for every day they may be necessarily employed in discharge of the several duties enjoined on them by this act, and shall make oath before some justice of the peace, the number of days he has been necessarily employed; and in case any of said commissioners should die, resign, remove, or refuse to act agreeably to the provisions of this act, it shall be the duty of the county court in which such vacancy may happen as aforesaid, to appoint a commissioner or commissioners in his or their stead, a majority of all the acting justices in said county being present, who shall be governed by the same rules, regulations and restrictions as the commissioners hereby appointed.

Commissioners to erect toll gate—penalty for passing arbitrarily.

Sec. 7. *Be it enacted*, That said commissioners may erect a toll gate on any part of said road between Bean-station and Sycamore creek, and the rates of toll for passing through said gate shall be the same that the present Bean-station Turnpike Company is entitled to; and if any person or persons shall pass said gate forcibly, or otherwise, without paying the toll required by this act, it shall be the duty of the keeper to pursue, or cause to be pursued, such person or persons, and when apprehended, shall be taken before some justice of the peace in the county where such offenders may be caught, whose duty it shall be to impose a fine of ten dollars, exclusive of the toll or tolls, and costs, and if not paid down, such justice shall commit such offenders to the jail of his county.

there to remain five days, unless such fine and costs are sooner paid, which fine, so collected, shall be entered in the book aforesaid, and appropriated to the use of said road; and the keeper of said gate shall keep constantly posted up, on the post of said gate, a printed list of the rates of toll.

Sec. 8. *Be it enacted*, That it shall be the duty of said commissioners to cause the overseer to lay out in a proper manner, all the moneys collected at said gate, on said road, after deducting the different appropriations herein made, and to make out a report, in writing, once a year, to the court aforesaid, of the funds on hand, and how they have applied the money received by them of the gatekeeper.

Sec. 9. *Be it enacted*, That it shall be the duty of said commissioners, where they make a change in said road, to contract with the proprietors of the soil through which said road passes, (if changes are made,) for the necessary stone, timber, &c. to make said road; and where said commissioners cannot contract with said proprietors, they shall take a writ of *ad quod damnum*, and have the damages assessed by a jury, as in other cases; and such sum or sums as they contract for, and such damages as may be assessed, if any, shall be paid by them out of the money received by them of the gatekeeper.

Sec. 10. *Be it enacted*, That a majority of said commissioners agreeing to any one or more matters contained in this act, relative to their duty, shall have the same power to do and perform said act or acts, as though they unanimously agreed.

Sec. 11. *Be it enacted*, That all persons shall be exempt from paying toll going to or from court, musters, elections, blacksmith shops, preaching, or any neighborhood business, any law to the contrary notwithstanding: *Provided*, nothing in this act contained shall be so construed, as to authorize the commissioners aforesaid to cause any of the moneys received at said gate to be expended on said road between Sycamore creek and the top of Cumberland mountain, except on said mountain, Wallin's Ridge, Poor-valley Ridge, and Powell's-river Hills; and this act shall not be so construed, as to compel any of the citizens of Claiborne county to work on the several parts of said road as above excepted.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

CHAPTER CXI.

An Act to appoint a commissioner of the Smoky-mountain Turnpike Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Richard Shields, of Sevier county, be, and he is hereby, declared to be a commissioner of the Smoky-mountain Turnpike Company, in the room and stead of Peter Bryan, deceased.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CXII.

An Act for the benefit of the heirs and creditors of Thomas H. Bernard, deceased.

Whereas it has been represented to this General Assembly, that Thomas H. Bernard, late of Bedford county, died seized of three tracts of land near the three forks of Duck river, on two of which were erected, in his lifetime, valuable water works and machinery, that he made a non-cupative will, which has been proven as the law requires, directing his executors to sell said lands and machinery; and whereas it appears also, that the personal estate of said Bernard is insufficient to pay the debts which he owed at his death; and whereas it is believed, it would benefit the heirs, as well as creditors, of said Bernard, that his will be carried into effect: Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the executors of the non-cupative will of said Thomas H. Bernard, be authorized to sell such portion of the real estate, and machinery, which he died seized of, as will be sufficient to pay the debts owing by him, or the whole thereof, if the sale of the same is thought to be advisable by said executors: *Provided*, that no sale be made, by which any creditor will be hindered in the collection of his debts without the consent of said creditors.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CXIII.

An Act for the relief of Samuel Stockard and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the circuit court for the county of Maury, at the next or any subsequent term of said court, upon the petition of Samuel Stockard, of Maury county, exhibited in said court, praying to be divorced from his wife Phoebe Stockard, to take cognizance of the said cause, and determine the same, at the term at which the application shall be made, in a summary way; and it shall be the duty of the said court to permit the said Phoebe to answer the said petition and make any defence which by the existing laws she could make in similar cases.

SEC. 2. *Be it enacted*, That upon its appearing to the said court, that the said Phoebe had, previous to the passing of this act, left the residence of her said husband Samuel, in Maury county, and had previous to the passing of the same refused to return to his said residence, or to live with him as a wife, or had been guilty of adultery, or either of them, it shall be the duty of the said court, by a decree of the said court, to grant to the said Samuel a divorce from his said wife Phoebe, and to dissolve the bonds of matrimony heretofore solemnized between him and his said wife, notwithstanding the said Phoebe may not have absented herself from the residence of the said Samuel, in Maury county, for the term of two years previous to the making of said application.

SEC. 3. *Be it enacted*, That the said Samuel Stockard shall cause to be delivered to the said Phoebe, a notice in writing, twenty days previous to the making of the said application, apprizing her of his intention to make the same.

SEC. 4. *Be it enacted*, That if the said Phoebe Stockard shall fail to appear and make defence at the time she may be notified to attend as directed in the third section of this act, but shall make default, it shall be the duty of the said court, to take up the said cause and try it *ex parte*, at the term the said application may be made, upon the testimony adduced by the petitioner, and if either of the causes set forth in the second section of this act shall be made satisfactorily to appear to the said court, to decree a divorce as directed in said section.

SEC. 5. *Be it enacted*, That the said Samuel Stockard shall not, after the passing of this act, be liable for

S. Stockard may file petition for divorce in Maury co. court.

Court may grant a divorce.

S. Stockard to give notice to his wife.

In case she fails to appear as notified.

not liable for her debts.

or subject to the payment of any debts which may be contracted by his said wife Phoebe Stockard.

W. Thompson
may file peti-
tion for di-
vorce.

SEC. 6. *Be it enacted*, That William Thompson, of Washington county, shall have the right to file his petition for a divorce from his wife Mary, and have the same heard in a summary way, and on proving a legal cause for a divorce, obtain the same as is herein above provided for Samuel Stockard.

Hannah Con-
ner may file
petition.

SEC. 7. *Be it enacted*, That Hannah Conner, of Lincoln county, wife of John B. Conner, shall have the right to file her petition for a divorce, in the circuit court of Lincoln county, and on her proving that her said husband has abandoned her, and made no provision for her support or that of her children, for the space of two years before filing said petition, and that he is not resident in the state of Tennessee, the said court shall be authorized to grant her a divorce at the first term of said court.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CXIV.

An Act for the relief of James Whitsett.

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 to James Whitsett, a grant for one hundred and thirty-nine acres of land, entered by the said James Whitsett, in the tenth surveyor's district, by entry number eight hundred and fifty-one, dated the eleventh of May, one thousand eight hundred and twenty-two, and founded on certificate of interference for one hundred and thirty-nine acres, it being part of entry number sixty-seven, made in said district, in the name of said James Whitsett, for three hundred and ninety-four acres, taken by the interference of grant number two thousand four hundred and twenty, issued by the state of North-Carolina, to Benjamin Smith, for two thousand acres, and it shall be the duty of the said register, upon the issuance of said grant, for one hundred and thirty-nine acres, taken from entry number sixty-seven, for three hundred ninety-four acres, by the interference aforesaid, to correct and make

said one hundred and thirty-nine acres of grant number sixteen thousand nine hundred and fifty-five, founded on said entry number sixty-seven, for three hundred and ninety-four acres, taken by interference as aforesaid.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CXV.

An Act to extend the bounds of the corporation of Nashville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in addition to the present bounds of Nashville, the street running in a southwardly direction between the lots of John Bell and James Stewart, thence along the stone wall erected by Mrs. Hay in her lifetime, shall be continued so far as that a line at right angles will strike the dwelling-house of Willie Barrow, thence the same course continued until it strikes the Cumberland river, thence down the river with its meanders until it strikes the present town line, shall be included and be a part of the corporation of Nashville.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 14, 1824.

CHAPTER CXVI.

An Act to revive an act, entitled "An act to provide for establishing a new court-house in the county of Morgan," passed July 22d, 1820.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That an act, entitled "An act to provide for establishing a new court house in the county of Morgan," passed July twenty-second, one thousand eight hundred and twenty, be, and the same hereby is, revived; and it shall be the duty of the sheriff of Morgan county, on the first Thursday, and succeeding day, in the month of September next, to open and hold an election as prescribed in the first section of said act, for such places as may be put in

nomination by a majority of the justices of the court of pleas and quarter-sessions for the said county of Morgan: *Provided, however*, that not more than two places shall be thus put in nomination by the said court: *And provided further*, that the said nominations may be made by said court either at the first or second sessions after the passage of this act.

Commissioners
appointed.

SEC. 2. *Be it enacted*, That Reuben Jones, Abso-
lom Staples, John England, John Laymens, Robert
Williams, Jephtha Duncan, and Martin Rector, be, and
they are hereby, appointed commissioners to carry
the said act of the twenty-second of July, one thou-
sand eight hundred and twenty, into effect, as therein
prescribed, and that each and every section of said
act, not inconsistent with the provisions of this act,
shall have full force and operation; and that said
commissioners shall be governed thereby in all things
appertaining to their duties as commissioners in fixing
on, and establishing, a new court-house in the county
of Morgan.

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

October 14, 1824.

CHAPTER CXVII.

An Act for the relief of Thomas Hoge and others.

Treasurer to
pay certain
printers.

SECTION 1. *Be it enacted by the General Assembly
of the State of Tennessee*, That the treasurer of East
or West Tennessee be, and either of them is hereby,
authorized to pay Thomas Hoge, editor of the *Ame-
rican Economist*, printed in Greeneville, Thomas
Eastland, editor of the *Sparta Review*, Brown and
Heiskel, editors of the *Knoxville Register*, and Jo-
seph Norvell, printer of the *Whig*, at Nashville, the
sum of seventy dollars, each, for advertising eight
months, the plan upon which the entry-taker's office
would open in the Hiwassee district, for the disposal
of the public lands.

To take re-
ceipts.

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

To pay admi-
nistrator of D
A. C. Hays.

SEC. 3. *Be it enacted*, That the treasurer of West
Tennessee pay unto the administrator of the estate
of David A. C. Hays, deceased, the sum of twenty-
five dollars, for publishing the Governor's proclama-

tion (at his request) of the sales of the Hiwassee lands,
in the year one thousand eight hundred and twenty,
published in the *Correspondent*, printed in Fayette-
ville, Tennessee, and the receipt of the said adminis-
trator 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.

October 14, 1824.

CHAPTER CXVIII.

*An Act to amend an act, entitled "An act to appoint
commissioners for the town of Centreville, in Hick-
man county," passed 15th October, 1823.*

SECTION 1. *Be it enacted by the General Assembly* ^{Commissioners}
of the State of Tennessee. That the commissioners ^{to sell unsold}
appointed by the above-recited act, be, and they, or a ^{lots.}
majority of them, are hereby authorized and directed
to sell at public or private sale the lots in the town of
Centreville, in Hickman county, which now remain
unsold, and to appropriate the proceeds thereof to the
completion of the public buildings in said town.

SEC. 2. *Be it enacted*, That the said commissioners ^{To contract}
are hereby authorized and required to contract ^{for finishing}
on such terms as they, or a majority of them, may ^{public build-}
deem proper and right, the completing and finishing ^{ings.}
the public buildings in the said town of Centreville.

SEC. 3. *Be it enacted*, That the act entitled "*An Act repealed*
act to provide for the opening of Sequatchee river,"
passed August sixteenth, one thousand eight hundred
and twenty-two, be, and the same is hereby, repealed.

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

October 14, 1824.

CHAPTER CXIX.

*An Act to alter the present mode of appointing Commis-
sioners for the town of Jackson, in the county of Ja-
cson, and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly* ^{Pres't mode}
of the State of Tennessee. That the mode pointed out repealed.

by the act of assembly for filling the vacancies in the board of commissioners for the town of Jackson, be, and the same shall stand, repealed, from and after the first day of December next.

Sheriff to hold election for commissioners.

SEC. 2. *Be it enacted*, That the present board of commissioners for the town of Jackson shall be dissolved on the first day of December next; and on the first Thursday and Friday in December next, the sheriff of Madison county shall open and hold an election at the court-house in the town of Jackson, for the purpose of electing seven suitable persons, who shall constitute the board of commissioners for said town, when and where every person living in the corporation of said town, who are entitled to vote for members of the General Assembly, members to Congress, Governor, electors of President and Vice-President of the United States, shall be entitled to vote at said election, which shall be held and conducted as other general elections are held and conducted in this state; and the persons so elected, and their successors, shall possess and enjoy all the rights, privileges and immunities now possessed by the present board of commissioners, and may prosecute any suit in law or equity, in their name, for the recovery of any right to which the present board of commissioners are entitled, and all suits now pending, in which the present commissioners are parties, shall be prosecuted in the same way as though this act had not passed.

Qualification for commissioner

SEC. 3. *Be it enacted*, That no person shall be eligible for the office of commissioner, unless he be a freeholder or householder, and lives within said corporation, or within one quarter of a mile thereof: The persons thus elected shall hold their offices for one year, and until their successors are duly qualified.

Commissioners to be chosen annually.

SEC. 4. *Be it enacted*, That an election shall be held annually, on the first Thursday and Friday in December, for commissioners of said town, who, when elected, shall have, possess and enjoy all the rights, privileges, capacities and powers that the present board now possess, in all respects whatever.

Members of present board eligible.

SEC. 5. *Be it enacted*, That the present members of the board, so far as they live within the before-mentioned bounds, shall be eligible at said election.

To receive no compensation.

SEC. 6. *Be it enacted*, That the board of commissioners for the town of Jackson shall hereafter receive no compensation for their services as commissioners of said town, but may make a reasonable allowance to their clerk, or recorder.

SEC. 7. *Be it enacted*, That the county trustee for the county of Carroll shall pay over to the county trustees for the counties of Gibson and Dyer, respectively, the amount of county taxes which have, or may hereafter be collected from each of said counties, by the sheriff of Carroll county, for the year one thousand eight hundred and twenty-three.

SEC. 8. *Be it enacted*, That the county trustee for the county of Madison shall pay over to the county trustees for the counties of Hardeman and Haywood, respectively, as is required by the trustee of Carroll county to pay over to the trustees of Gibson and Dyer counties.

SEC. 9. *Be it enacted*, That the county trustee for the county of Shelby shall pay over to the county trustee for the county of Tipton, as required by the trustee of Carroll county to pay over to the trustees of Gibson and Dyer counties.

SEC. 10. *Be it enacted*, That the county trustee for the county of Hardeman shall pay over to the county trustee for the county of Fayette, the amount of county taxes which have, or may hereafter be collected by the sheriff of Hardeman county, for lands lying within the county of Fayette, for the year one thousand eight hundred and twenty-four.

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

October 14, 1824.

CHAPTER CXX.

An Act for the benefit of John Sutton, an aged and infirm revolutionary soldier.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Sutton, of the county of Rhea, shall have a preference of entry, for the space of nine months from and after the passage of this act, at the sum of fifty cents per acre, to the south-east quarter of section fourteen, fractional township number one west of the meridian, in the Hiwassee district.

SEC. 2. *Be it enacted*, That upon the said John Sutton paying to the entry-taker of the Hiwassee per acre, the sum of fifty cents per acre for the said quarter-section of land, within the time aforesaid, it

shall be his duty to issue to the said John Sutton a certificate for the said quarter-section of land, under the same rules and regulations as prescribed by law for other like cases.

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

October 15, 1824.

CHAPTER CXXI.

An Act to alter the line between the counties of Hawkins and Claiborne.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the line between said counties, from the mouth of Greasy-rock creek to the Virginia line, shall hereafter be as follows: beginning at the mouth of Greasy-rock creek, and thence to run northwardly along a road of the third class, to Mulberry gap in Powell's mountain, so as to include a six hundred and forty acre tract of land, granted by the state of North-Carolina, to Matthew Willeby, so as to leave said tract of land in Hawkins county, and thence along the extreme height of said Powell's mountain eastwardly to the Virginia line.

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

October 15, 1824.

CHAPTER CXXII.

An Act for the relief of Joshua Dreskell.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of East Tennessee be authorized and required to pay to Joshua Dreskell, of Cocke county, the sum of ten dollars, for a rifle gun impressed from the said Joshua Dreskell in the late war against the Creek Indians, and was lost in the service, and the receipt of said Joshua Dreskell shall be a good voucher to the treasurer in the settlement of his accounts: *Provided,* the said applicant have not received any payment for said

gun from the United States or from the state of Tennessee.

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

October 16, 1824.

CHAPTER CXXIII.

An Act to authorize Elisha Cole and others to build a fish trap and dam on Holston river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Elisha Cole, Clark Cole, and David Tronwell, be authorized to build a fish trap and dam on Holston river, at a place where the land of the said Elisha Cole lies upon one side of the river, and that of the said Clark Cole on the other side, in the county of Sullivan. May build fish trap.

SEC. 2. *Be it enacted,* That the said Clark, and Elisha Cole, and David Tronwell, shall at all times be held accountable for any injury which may be received by any person or persons who may be engaged in the navigation of said Holston river, and shall also be subject to all the laws of this state against the obstruction of the navigation of the rivers of this state declared by law to be navigable, if they should at any time afford any obstruction to the free passage of boats and other craft, ascending or descending said river. Liable for damages.

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

October 16, 1824.

CHAPTER CXXIV.

An Act to declare Obion river navigable from its junction with the Mississippi to the mouth of Beaver creek, and also Beaver creek to the bridge at Huntingdon.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Obion river, from its junction with the Mississippi river to the mouth of Beaver creek, and also Beaver creek to the bridge at Beaver creek, and also Beaver creek to the bridge at

Huntingdon, and also the north and middle forks of the Obion river, from their mouths to the dividing line of the twelfth and thirteenth surveyors' districts, shall be deemed as navigable streams, free and open to all persons for navigation with boats, crafts, and other means of conveyance by water, without interruption or obstruction.

Persons erecting dams to leave channel open.

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

Penalty for obstructing.

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

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER CXXV.

An Act to emancipate the persons therein named.

Whereas it is represented, that Christopher Christian, a free man of colour of the town of Nashville, is desirous that his wife Martha, and her daughter Jenny, should be emancipated,

Martha Christian emancipated.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Martha, the wife of Christopher Christian, a free man of colour of the town of Nashville, be, and she is hereby, emancipated and entitled to all the privileges that other free persons of colour are entitled to.

Her daughter Jenny.

SEC. 2. *Be it enacted*, That the daughter of the said Christopher Christian's wife Martha, named Jenny, be, and she is hereby, also emancipated, and entitled to all the privileges of free persons of colour.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER CXXVI.

An Act to appoint additional commissioners for the town of Perryville, in the county of Perry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Perry, a majority of the acting justices of the peace being present, is hereby authorized and required to appoint an additional number of commissioners for the town of Perryville, not exceeding five in all, to fill the vacancy of the former commissioners, and when appointed shall be vested with the same power of the former commissioners; and in case of death, resignation or removal, the county court shall have full power to fill such vacancy, and in all cases they shall be governed under the same rules and regulations as the commissioners.

JAMES FENTRESS,

Speaker of the House of Representatives.

R. WEAKLEY,

Speaker of the Senate.

October 16, 1824.

CHAPTER CXXVII.

An Act for the relief of Blackman Coleman, Robert H. Dyer, and Samuel R. Rucker.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for Blackman Coleman, Robert H. Dyer, and Samuel R. Rucker, to file a grant issued to them by the state of Tennessee, for two hundred acres of land, 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 Reading Blount; and should the commissioners be satisfied, from the plat of interference, or other satisfactory testimony, that the said Coleman, Dyer and Rucker 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, or on account of the mistake of the original surveyor in running the north boundary line of the entry on which said grant of inferior title issued, and his omission to make the said north boundary line

as run, and to make a north-east corner at the point where the actual running of said boundary line terminated, then 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 so issued; which certificate, if issued, shall be located on any vacant land south and west of the Congressional reservation line.

Former plat may be filed. SEC. 2. *Be it enacted*, That no other plat of interference need be filed with the commissioners, than the one heretofore filed with the former board of commissioners.

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

October 15, 1824.

CHAPTER CXXVIII.

An Act to improve the navigation of the Rivers in the Western District.

Co. courts to lay tax. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That, in order to raise a permanent fund for the purpose of improving the navigation of the rivers in the Western District, which fall into the Mississippi, in this state, it shall and may be lawful for the county courts, nine, or a majority, of the justices being present, in the counties of Henry, Weakley, Obion, Dyer, Gibson, Carroll, Madison, Haywood, Tipton, and Hardeman, from and after the first day of January, next, annually, to levy a tax not exceeding twelve and one-half cents per hundred acres, on all the taxable lands lying in their respective counties, and continue the same five years, if necessary, to be applied exclusively to the improvement of the navigable streams in the respective counties, in such manner, that all the moneys collected in each county shall be expended therein; which tax shall be collected in the same manner as other taxes, and be accounted for according to the provisions of this act.

Trustees appointed. Their duties. SEC. 2. *Be it enacted*, That a board of trustees, consisting of nine persons, to wit: from the river Obion, John W. Cook, Robert E. C. Doherty, and George W. L. Marr; from the Forked-deer, Moses Woodfin, R. H. Dyer, and Adam Huntsman; and from the Hatchee, Jacob Tipton, Col. Richard Nick-

son, and William Polk; who are hereby vested with such powers as are necessary to enter into such rules, regulations, and make such contracts for the improvement of the navigation of said rivers, as may be necessary in the premises; they shall appoint a clerk to their board, and a treasurer, who shall give bond and security to the board, in the sum of twenty-five thousand dollars, for the faithful keeping, accounting for, and paying out, moneys, that shall come to his hands, either by the payment of taxes, donations, or otherwise: said trustees may receive any gifts, loans, gratuities, &c. for the benefit of such fund, and shall be competent in law to hold the same, to them and their successors in office, for that purpose; and if any of said trustees shall die, resign, or remove from the county, the Governor shall appoint one in his place until a legislature may sit thereafter: Said board shall sit at such times and places as they shall appoint, and begin the improvement of the navigation of said rivers, at whatever point, or whatever sections, they, or a majority of them, may think proper and most beneficial to a majority of the population.

SEC. 3. *Be it enacted*, That if the trustees of the University of North Carolina, or the colleges and academies of this state, who possess lands in said section of country heretofore described, shall feel disposed to submit their lands to a navigation tax, or in lieu thereof to make any donation to aid in said object, said trustees and treasurers, in their respective capacities, shall receive the same, and account therefor and dispose of the same, in the same way as they are bound to account for, and dispose of, other funds in their hands.

SEC. 4. *Be it enacted*, That whenever it may happen, that the sheriff, or collector of taxes, in any of said counties, shall fail or refuse to collect said tax, or shall fail or refuse to pay over the same to the treasurer of the said board of trustees, on or before the twenty-fifth of December, in the year in which they may become due, the said trustees may take judgment against said sheriff and his securities, before the county or circuit courts of said county where said sheriff resides, by first giving him ten days' notice of the time and place of said motion.

SEC. 5. *Be it enacted*, That said clerk shall keep a fair and regular account of all the proceedings of said board of trustees, which shall be open at all times for inspection to the members of the board.

May receive tax or donation for college lands.

In case taxes shall not be collected or paid over.

Clerk to keep record.