

tion line and north of Tennessee river," as requires the president and directors of the Bank of the State of Tennessee, to apportion the money arising from the entering of said land, among the different counties in this State, agreeable to their distribution of other bank monies, be and the same are, hereby repealed.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed December 5, 1825.

## CHAPTER LXXVII.

*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 it shall be the duty of the secretary of state, with whom the records of the commissioner's office are deposited, to examine all such claims in conformity with any act or enrolled resolution of this General Assembly, and pass upon their validity as heretofore done by the commissioners or board of commissioners.

**SEC. 2.** *Be it enacted,* That it shall be the duty of the secretary of state, to receive on file and adjudicate, all such claims to land as are or may be, referred to him or provided for by this act or any of the acts or enrolled resolutions, of this General Assembly, and no further or otherwise.

**SEC. 3.** *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 or any act or enrolled resolution, passed on or adopted at the present session of this General Assembly, referring the same to him, and to issue duplicates for such as are valid, agreeable to the provisions of this act.

**SEC. 4.** *Be it enacted,* That it shall be lawful for said commissioner to examine all cases of interferences to him referred, by any act or enrolled resolution as aforesaid, and to issue certificates agreeable to this act.

**SEC. 5.** *Be it enacted,* That it shall be the duty of said commissioner, when examining and adjudicating the cases provided for in the foregoing sections, to conform strictly to the rules and regulations directed to be observed by an act passed at Murfreesborough, the twenty third day of October, one thousand eight hundred and nineteen, chapter 1; and the 8th section of an act passed on the day of one thousand eight hundred and twenty-one, and chapter 53, section 8.

**SEC. 6.** *Be it enacted,* That the further time of six months, after the first day of January, be allowed to applicants on account of interference, to file with the commissioner their plats and certificates of interferences, together with such other documents as are necessary to shew such interference and no longer; *Provided,* that no case of interference shall be filed or adjudicated, but such as may be referred to said commissioner by an act or enrolled resolution as aforesaid.

**SEC. 7.** *Be it enacted,* That it shall and may be lawful for said commissioner to receive on file and examine, such certificates as may be referred to him by this General Assembly, as aforesaid, and no others whatsoever; 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 be [lie] upon the claimant to shew, that the same did not stand entered or 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 shew that the warrant or certificate upon the same is founded, did not, as to that part thereof, stand located as aforesaid. The evidence of non-location 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. It shall be the duty of the surveyor in making a survey of the land which is taken by the interference of an older grant, to survey the whole of said grant or so many lines thereof as may be necessary to enable him to ascertain the true quantity of land within the bounds of said grant, out of dispute; and in his plat and certificate, he shall shew the

Rules of the  
acts of 1819 &  
1821 conform-  
ed to.

Time allow-  
ed for filing  
interferences.

Kind of  
claims and  
manner of ad-  
judicating.



number of acres taken by the interference of an older grant, and the number of acres which is not interfered with; and it shall be the duty of the secretary, in issuing a duplicate warrant, to issue it only for so many acres as the land which is clear of dispute may lack of the quantity called for in said grant; and in no case, shall the secretary issue any duplicate warrant or certificate if any older grant, provided the quantity of acres called for in such grant is left clear of interference or such other evidence as shall satisfy said commissioner that the same did not stand located as aforesaid:— The evidence of the non-location of entries, duplicates of warrants or certificates, may be by oath or affirmation of the party claiming, or some one of his assignees, or such other testimony as may satisfy said commissioner that the same did not stand entered or located as aforesaid.

How entered and granted.

SEC. 8. *Be it enacted*, That it shall and may be lawful, for any person or persons, or the legal representative of such person or persons, who may obtain a duplicate or commissioner's certificate or adjudicated register's certificate, agreeable to the provisions of this act, or any certificate heretofore adjudicated and valid, to enter the same in any of the surveyor's offices south and west of the Congressional reservation line, and obtain grants thereupon agreeable to the existing law.

Certificate of interference not to issue in certain cases.

SEC. 9. *Be it enacted*, That the said commissioner shall examine and be well satisfied that any entry made heretofore, was not made for the purpose of obtaining a certificate warrant, or to make an interference, and that the commissioner shall also be satisfied that the grant or entries were not issued or made upon the same warrant or same part of warrant.

SEC. 10. *Be it enacted*, That the commissioner herein appointed to judge of the validity of claims, be authorised to demand and receive at the rate of one cent per acre for all claims of fifty acres and under; three-fourths of a cent on all claims over fifty acres and under one hundred acres; and one half of a cent on all claims over one hundred acres and under six hundred and forty; and one fourth of a cent on all claims over six hundred and forty acres contained in each claim, except on claims adjudicated by the board of commissioners for the year one thousand eight hundred and nineteen, to be paid by the party at the

time of filing the same; *Provided, also*, that all persons who may be entitled to a right of occupancy, under an act passed at the present session of the general assembly, entitled "an act, to settle the claims of North Carolina and for the benefit of the occupants of the western district," shall have a right to enter and obtain title to the lands which they may have a right of occupancy under any warrant or certificate adjudged valid, any law to the contrary notwithstanding.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

## CHAPTER LXXVIII.

*AN ACT*, to repeal and alter all laws in force, authorising a change of venue in criminal and civil cases.

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for a change of venue to be allowed in any civil or criminal case, in any of the courts of this State, unless the application for said change is supported by the affidavit of the party wishing the same, that he does verily believe that owing to prejudice or other cause or causes existed or existing, he cannot have a fair and impartial trial in the county where the cause is or may be then pending; the truth of which allegation, so made by the party aforesaid, shall be verified and supported by the oath of at least three respectable disinterested persons, which said cause or causes for change of venue, made and supported as aforesaid, the judge presiding on the cause, shall consider, and if in his opinion the cause is good and the truth thereof evident and credibly supported, he may and shall, allow the change prayed for.

Affidavit of defendant to be supported by other affidavits.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.



## CHAPTER LXXIX.

*AN ACT, respecting runaway slaves.*

*SEC. 1. Be it enacted by the General Assembly of the State of Tennessee,* That in all cases where any slave who shall have been committed to any of the jails of this State as a runaway, and shall have been duly advertised by such jailer as required by the laws of this state, and shall not be claimed and proven away by the owner of such slave or runaway, and shall have been imprisoned for the term of twelve months, it may, and shall be lawful, for the sheriff of any county in this State, and he is hereby empowered, having previously advertised the same thirty days, to expose such negro slaves to public sale, to the highest bidder, at the court house door of the county of which he is sheriff, and the proceeds of said sale shall, first be applied to pay all costs and jailers fees, and the surplus, if any, be paid over to the county trustee of the county to be used for county purposes, and said sheriff, upon making such sale, shall and is hereby directed and empowered, to make a bill of sale of any slave to the purchaser so sold, which shall vest a good title to said slave.

*SEC. 2. Be it enacted* That if the owner or owners of any slave, sold under the provisions of this act, shall make application to any county trustee at any time within two years after the date of said sale, and make proof before any two justices of the peace for the county, by the testimony of one or more creditable [credible] witnesses, that such slave is the property of such claimant, it shall and may be lawful for said trustee to pay over to said owner, the amount of the proceeds of the sale of the slave, except the cost and fees aforesaid allowed to be deducted, or should such claimant prefer it, he may redeem said slave from the purchaser thereof, by paying to him the money by him paid for said slave or slaves.

*SEC. 3. Be it enacted,* That all free persons of color emigrating to this State, shall and are allowed, the liberty of having their papers of freedom registered in any court of record in this State; *Provided,* that nothing in this act shall be con-

To be sold after twelve months imprisonment.

Owners may receive surplus and redeem.

Free persons of color to record evidence of freedom.

strued so as to operate against the claimant or owner of any such person of color as aforesaid.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXX.

*AN ACT, [to] appropriate a part of the State tax to county purposes.*

*Be it enacted by the General Assembly of the State of Tennessee,* That the public or State tax, for the next two years, shall be and remain, as heretofore, but the different sheriffs and collectors throughout the State, are hereby required to pay over one half of the State taxes arising from lands, town lots, free white polls and slaves for the years one thousand eight hundred and twenty six, and one thousand eight hundred and twenty seven, to the trustees of their respective counties whose receipts shall be good vouchers with the treasurers of this State, and should any sheriff or any other collector, fail to pay over to said trustees and present receipts to the treasurers at the times required by law for settling [settling] and paying over State taxes, it shall be the duty of the treasurers to take judgment as heretofore directed and the said once half when so collected by the said treasurers shall be paid over to the trustees of the proper counties, and all monies so paid over shall constitute a fund for the payment of all debts and demands against such counties respectively.

Half the State tax to be used in each county for county purposes.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXI.

*AN ACT, directory to the President and directors of the Bank of the State of Tennessee.*

*SECTION 1. Be it enacted by the General As-*

*sembly of the State of Tennessee, That it shall*  
 To establish be the duty of the president and directors of the  
 certain agen Bank of the State, to establish agencies and appoint  
 dies. agents in the several counties west of Tennessee ri-  
 ver, in which agencies have not already been es-  
 tablished.

SEC. 2. *Be it enacted, That in apportioning*  
 Rate of ap the sums to be distributed for loan in the respective  
 portionment. counties, the said president and directors shall  
 make their rates or estimate in proportion to the  
 taxes collected for the year 1825, as returned by  
 the respective sheriffs to the treasurer of West  
 Tennessee.

SEC. 3. *Be it enacted, That this act shall take*  
 Take effect. effect and the provisions thereof put in force,  
 from and after the first day of January next.

WM. BRADY,  
 Speaker of the House of Representatives.  
 R. C. FOSTER,  
 Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXII.

*AN ACT to explain an act, entitled "an act*  
*for the relief of securities in particular cases,"*  
*passed 29th July, 1820.*

WHEREAS, doubts have existed about the true in-  
 tent and meaning of said act, for remedy where-  
 of;

SECTION 1. *Be it enacted by the General As-*  
*sembly of the State of Tennessee, That when*  
 Security on any person or persons may be security for any  
 original bond debtor or debtors, and said debtor or debtors and  
 released by se securities may be sued and judgments rendered  
 curity on stay against them, if any person or persons shall stay  
 of execution. the same for the length of time given for the stay of  
 execution upon such judgment, such person or  
 persons so replevying, shall be liable in default of  
 the principal debtor to pay the debt and cost of  
 said judgment, and the first securities shall be ex-  
 onerated therefrom unless the principal debtor  
 and security in the replevy shall both become in-  
 solvent, or unless such first security should have  
 specially joined with such debtor or debtors, in  
 procuring such replevy.

SEC. 2. *Be it enacted, That in all cases*  
 where a change of venue in either civil or crimi- House hold  
 nal cases has been, or may hereafter be had, that ers go-d ju  
 in such cases, where a jury of freeholders cannot rors on change  
 be had to try the same, that a jury of householders of venue.  
 shall be held and deemed competent to try such ca-  
 ses.

WM. BRADY,  
 Speaker of the House of Representatives.  
 R. C. FOSTER,  
 Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXIII.

*AN ACT, supplemental to an act, entitled "an*  
*act, to regulate the establishment of the*  
*bounds and prison rules in this State."*

*Be it enacted by the General Assembly*  
*of the State of Tennessee, That the prison* Prison rules  
*rules shall hereafter extend to, and include to include*  
 the whole of the bounds of the county town or county town.  
 corporation, in each county, and if the bounds of  
 any town shall hereafter be enlarged by any act of  
 assembly, the prison rules shall also be enlarged  
 and embrace the limits of the whole town so en-  
 larged.

WM. BRADY,  
 Speaker of the House of Representatives.  
 R. C. FOSTER,  
 Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXIV.

*AN ACT, supplemental to the act to establish offices*  
*for receiving entries N. & E. &c. and for other pur-*  
*poses.*

SECTION 1. *Be it enacted by the General As-*  
*sembly of the State of Tennessee, That so much of* Reservations  
*the 27th section of an act to establish offices for re-* of entries re-  
*ceiving entries for vacant land in the several counties* moved from  
*in this state lying north and east of the congression-* Stone Fort &  
 Caney Fork.



al reservation line and north of Tennessee river, as relates to reserving the vacant lands within five miles of the falls of the Caney Fork, in the county of Warren, and the Stone fort in the county of Franklin, from appropriation be, and the same is hereby repealed, and all persons having possession of any vacant land within the aforesaid bounds, shall have a preference of three months from the first of January next, to enter said land at twelve and a half cents per acre; and after the first day of April next, it shall be lawful for any person to enter any vacant land within said bounds, under the same rules and regulations, and at twelve and one half cents per acre, that other vacant lands are entered in said county.

SEC 2 *Be it enacted*, That any of the surveyors south and west of the congressional line and west of Tennessee river, may receive an entry on certificate, No 2526, to Samuel K. Blythe, at any time hereafter, *Provided*, said entry is not made on, or interferes with, an occupant at the time of said entry.

WM BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXV.

*AN ACT*, to provide for the sale of the lands which have been reserved for the use of common schools, and apportion the monies equally amongst the several counties in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several tracts of land, assigned and laid off for the benefit of common schools in this State, be, and the same are hereby required to be sold in the manner herein directed.

Common  
school lands  
to be sold.

SEC. 2. *Be it enacted*, That the treasurer of West Tennessee, be, and he is hereby empowered and required to have the several tracts of land heretofore laid off in the counties of West Tennessee, for the use of common schools, divided

Treasurers  
to have tracts  
in W Ten  
nesses, divi  
ded and how.

into tracts of not exceeding one hundred and sixty acres each, and having advertised the same for sale at least forty days, in the counties wherein said lands are situated, and in some two respectable newspapers in this State, expose the said lands to public sale, at the court house of the county where such land is situated, to the highest bidder, on the terms of one half the purchase money to be paid in hand, and the other half in twelve months from said sale, and in making the sale aforesaid, the said treasurer shall offer it for sale in parcels not exceeding one hundred and sixty acres, and it shall be the duty of said treasurer, at said sale to require bond and security, of the purchaser for all sums that shall not be paid at the sale, and also to retain a lien on the land so sold, until the whole of the purchase money shall be paid as aforesaid; that upon the payment of the whole purchase money to said treasurer, it shall be his duty, and he is hereby authorised and empowered to convey said land or any part thereof to the purchaser or his assignee, with covenants of general warrantee of title, with guarantee of the State to support the same, and in case of failure of title, to pay such damages and costs as the purchaser shall sustain, by reason of his title failing, being the consideration money, and interest and costs of suit; which deed shall recite that it is done by the authority of this act.

SEC. 3. *Be it enacted*, That the treasurer of East Tennessee, shall, in the manner pointed out in the second section of this act for the treasurer of West Tennessee, expose to sale the lands lying in any of the counties of East Tennessee, laid off for the use of common schools; and make titles under the same stipulations, directions and powers as given in the second section of this act, to the treasurer of West Tennessee.

Treasurer of  
E T to have  
land divided  
and sold in a  
similar man-  
ner.

SEC. 4. *Be it enacted*, That any of said tracts of common school lands that may have heretofore been leased out, under the authority of any of the laws of this State, which leases have not yet expired, or will not expire on or before the first of January next, the treasurer is excused from selling said tract or tracts, until said lease may expire, but it shall be his duty to collect the rent that may be due for the use of said lands from and after the

Lands leased  
not to be sold  
until the expi-  
ration of the  
lease.

first day of January next, for the use and benefit of the State, or the common school fund thereof, and any person or persons, tenant, or tenants, on any of said lands, are hereby directed, authorised, and required to pay said rents, to said treasurer and no other person or persons than said treasurer or his agent, for the use and purpose aforesaid, which payment when so made to the treasurer, shall be a full discharge for any contract he may have entered into with any other person or commissioner who may have heretofore leased said lands to such tenants or leasers.

All laws authorising leases repealed.

SEC. 5. *Be it enacted*, That all laws and parts of laws authorising any person or persons, commissioners, or in any manner granting powers to lease said common school lands in this State or any of the counties thereof, and for collecting rents that may become due after the first of January next, be and the same are hereby repealed.

Duty of secretary of state, surveyor, and other officers.

SEC. 6. *Be it enacted*, That it shall be the duty of the secretary of state, the several surveyors or other officers of this State upon being requested to give any information to said treasurers relating to said school lands, that it shall be the duty of the treasurer to report to this General Assembly at the next, and any subsequent session, how he has executed the powers and duties herein required, for all which services he shall have and receive such compensation as shall hereafter be provided by law, not exceeding ten per cent. on the amount of sales.

Attorney General to attend to collection of moneys arising from said lands.

SEC. 7. *Be it enacted*, That it shall be the duty of any of the attorney generals, in the district or counties, where the said common school tracts of land are situate to attend to any business relating to the collection of any the monies arising from said lands, either for purchase money or rents, and the said treasurer of East Tennessee or West Tennessee, as the case may be, is hereby authorized, empowered and required to have suit brought in his name as treasurer in any of the courts of this State having jurisdiction, for any of the monies, or rents, herein directed to be collected for the school funds.

Duty of surveyor.

SEC. 8. *Be it enacted*, That it shall be the duty of the surveyors of the counties where said lands lie, or such other person as the treasurer may appoint, upon the request of the treasurer, to divide

each of said tracts into parcels of one hundred and sixty acres each; and deliver to said treasurer a written statement upon oath of such division and specially stating therein the value of each tract of one hundred and sixty acres; and upon the day appointed by the treasurer for the sale of said lands, if any of such quarter sections will not sell for the price so fixed upon said lands it shall be the duty of the said treasurer to discontinue the sale, and offer the same again for sale, or so much thereof as would not sell at the price so fixed, in six months thereafter, and so on from time to time, offer said lands for sale until the whole are sold, at the price so established by said surveyor, or other person appointed by the treasurer for that purpose; *Provided*, that the lowest price of said lands when they are offered for sale shall not be less than the price established by congress for the lands of the United States; and *provided, also*, that it shall not be lawful for any school commissioner or commissioners hereafter to lease any of said land for a longer period than twelve months.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

## CHAPTER LXXXVI.

*AN ACT*, to increase the Staff Officers in the State of Tennessee, and to establish an additional Regiment in Rhea County.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall and may be lawful for the governor to appoint an inspector general for the State, with the rank of brigadier general, whose duties shall be the same with those of an inspector general in the United States' service, and when called into actual service, shall be entitled to the same pay and emoluments.

Inspector General to be appointed.

SEC. 2. *Be it enacted*, That each major general in this State, shall be authorized to appoint an as-

Assistant Inspector.



sistant inspector general for his division, with the rank of colonels of infantry, and when called into actual service, shall be entitled to the same pay and emoluments.

Brigade  
surgeon.

SEC. 3. *Be it enacted*, That each brigadier general be authorized to appoint one brigade surgeon, in addition to the staff now authorized by law.

Inspectors,  
returns, how  
made.

SEC. 4. *Be it enacted*, That it shall be the duty of the brigade inspectors, to make their returns to the assistant inspector general of the division to which they may respectively belong, and the assistant inspector generals shall make their returns to the inspector general of the State once in each and every year, and oftener if required by the governor of the State.

Ninety sixth  
regiment es-  
tablished in  
Rhea.

SEC. 5. *Be it enacted*, That the militia of Rhea county, on the north side of Tennessee river, shall compose the thirtieth regiment, and consist of two battalions, and the militia of the south side shall compose the ninety-sixth regiment, and consist of two battalions, and the brigadier general commanding the twelfth brigade, shall cause said ninety-sixth regiment to be organized and officered according to the same rules and regulations as required by law in similar cases; and said ninety-sixth regiment shall compose a part of said twelfth brigade, and be under the same rules and regulations as the other militia of this State.

Cavalry of  
eighth brigade

SEC. 6. *Be it enacted*, That the regiment of cavalry raised in, and attached to, the eighth brigade of the militia of this State, be, and they are hereby, exempted from a regimental muster annually, but shall hold a county muster and [at] their respective court houses, at such time as the commandant of said regiment may direct, at which time and place the field officers of said regiment of cavalry shall attend and review the same.

Time of cer-  
tain county  
drills.

SEC. 7. *Be it enacted*, That the time of holding county drills, for the several counties of the sixth brigade of Tennessee militia, shall be as follows: For the county of Dickson, on the second Mondays in June and the succeeding day; for Hickman county, on the Thursday and Friday following; for Stewart county, on Monday and the succeeding day after the second Monday in June; for Montgomery county, on the first Friday and the succeeding day in July; for Robertson county, on

the second Friday and the succeeding day in July. In the fourth brigade: For Sumner county, on the first Monday in July and the succeeding day; in the county of Smith, on the Thursday and Friday following; in the county of Wilson, on the second Monday and the succeeding day in July; and that the county drills for the eighth brigade, shall be at such time as the brigadier general of said brigade may direct, giving at least thirty days notice of such time and place.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

END OF THE PUBLIC ACTS

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**Private Acts.**

**—100—**

**PASSED IN THE YEAR 1824.**

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**ACTS,  
OF A LOCAL OR PRIVATE NATURE,  
Of the State of Tennessee,**

**PASSED** at the Regular Session which was begun and held at Murfreesborough, in Rutherford county, on Monday the nineteenth day of September, and ended on Wednesday the seventh day of December, one thousand eight hundred and twenty-five.

WILLIAM CARROLL, Governor; DANIEL GRAHAM, Secretary of State;  
ROBERT C. FOSTER, Speaker of the Senate; WILLIAM BRADY,  
Speaker of the House of Representatives.

**CHAPTER LXXXVII.**

**AN ACT**, to repeal the 6th section of an act passed at the second session of the fifteenth General Assembly, entitled "an act to incorporate the inhabitants of the town of Paris, in the county of Henry and for other purposes."

Be it enacted by the General Assembly of the State of Tennessee, That the sixth section of the above recited act, passed the 21st October, 1824, <sup>Sixth and fifty-sixth sections of act of 1824 repealed</sup> reviving the militia law of 1815, relative to camp drills; and the fifty-sixth section of the same, as to the county of Williamson, is hereby repealed.

WM. BRADY,  
Speaker of the House of Representatives  
R. C. FOSTER,  
Speaker of the Senate.

Passed September 23, 1825.

## CHAPTER LXXXVIII.

*AN ACT, to remove the circuit and county courts in the county of Monroe from the House of David Caldwell to the town of Tillico.*

*Be it enacted by the General Assembly of the State of Tennessee, That the circuit and county courts, now held at the house of David Caldwell, in the county of Monroe, are hereby removed to the town of Tillico, in said county, and all process made returnable to David Caldwell's, shall be returnable to the town of Tillico, and shall be as good and valid in law, as if they had been made returnable to Tillico in the first instance; and all laws coming within the meaning of this law, are hereby repealed.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed September 28, 1825.

## CHAPTER LXXXIX.

*AN ACT, to restore John Muncher to his rights and privileges as a citizen of this State.*

*Be it enacted by the General Assembly of the State of Tennessee, That the disabilities and penalties, heretofore imposed on John Muncher by the laws of this State, by reason of his conviction, be, and the same are, hereby removed, and the said John Muncher is hereby restored to all the rights and privileges of a citizen of this State.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed September 30, 1825.

## CHAPTER XC.

*AN ACT, for the relief of Hugh Carter, late Sheriff of Greene county.*

*Be it enacted by the General Assembly of the*

*State of Tennessee, That Hugh Carter, late Sheriff of the county of Greene, shall be allowed the further time of two years, from and after the passage of this act, to finish the collection of all taxes which were not paid within the time prescribed by law, under the same rules, regulations and restrictions, and with equal powers, as acting sheriffs have in such cases.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed September 30, 1825.

## CHAPTER XCI.

*AN ACT, for the benefit of J. G. M. Ramsey, of Knox county, and others.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That James G. M. Ramsey, be, and he is hereby authorised, to build a dam on the south sluice of Holston river, above the fork or the junction of the Holston and French Broad rivers, and on the lands of said Ramsey; Provided, the navigation of said river be not obstructed, nor the ford which is immediately above the dam.*

J. G. M. Ramsey may build a dam.

*SEC. 2. Be it enacted, That William Graham be, and he is hereby authorised, to keep up a mill dam which has been heretofore erected by him on the north side of French Broad river in Jefferson county; Provided, that the said dam, so erected, will not, in any wise, obstruct the navigation of said river.*

Wm. Graham to keep up a dam.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 3, 1825.

## CHAPTER XCII.

*AN ACT, to repeal the second section of a law, passed in the year one thousand eight hundred and seventeen.*

*Be it enacted by the General Assembly of the*



*State of Tennessee, That the second section of a law passed in the year one thousand eight hundred and seventeen, chapter one hundred and eighty four, be, and the same is, hereby repealed.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 3, 1825.

### CHAPTER XCIII.

*AN ACT, for the relief of David Roper.*

WHEREAS, the said David Roper, entered in the entry taker's office in the Hiwassee District, on the 22d day of July, 1824, one hundred and sixty acres of land, lying in the county of Rhea, in said District, situate in the third range, west of the meridian, third fractional township, twentieth section, and the south west quarter of said section, beginning at the south west, and paid the said entry taker, one dollar and fifty cents per acre for the same—and WHEREAS, the said one hundred and sixty acres of land, aforesaid, had been purchased at the land sales at Knoxville, on the 17th day of November, 1820, by Miller Francis, and the right thereof becomes vested in the said Francis, and grants have issued for the same, and the land being wholly lost to the said David Roper—for remedy whereof:

*Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee pay to David Roper, two hundred and forty dollars, and the receipt of the said David shall be a good voucher in the hands of the said treasurer in the settlement of his accounts.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 4, 1825.

### CHAPTER XCIV.

*AN ACT, for the relief of the heirs of Elisha Purdom, deceased.*

WHEREAS, the said Elisha Purdom, deceased, acquired, in his lifetime, an equitable right to the Bell Tavern, in the town of Winchester, but the legal title to the lots of ground, on which said tavern stands, has been made to John Purdom and Nancy Purdom, administrators of his estate, since his death; and WHEREAS, the said Elisha Purdom died greatly in debt, for the payment whereof, his personal estate has been found to be altogether insufficient, and it being represented to this General Assembly, that it would conduce greatly to the advantage of the heirs of the said Elisha Purdom, deceased, that the said real estate be sold by the administrators, aforesaid, that the proceeds of said sale may be applied, towards the payment of the debts due from the said estate; Therefore;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That John Purdom and Nancy Purdom, administrators of the estate of Elisha Purdom deceased, be, and they are hereby authorised to make sale of the Bell tavern, in the town of Winchester, with the lots of land on which the same stands, together with all the appurtenances thereto belonging, on such terms as may be most expedient.*

SEC. 2. *Be it enacted, That the said John Purdom and Nancy Purdom execute a deed or deeds to the purchaser or purchasers, conveying the said property to them in fee simple, and the said title, when so made, shall be as good and effectual in law as though the said John Purdom and Nancy Purdom, had the entire interest in said property, both legal and equitable vested in them.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 4, 1825.

### CHAPTER XCV.

*AN ACT, to improve the navigation of Wolf*  
M

river, in the Western District, and to amend an act passed at Murfreesborough, the 16th October, 1824.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of the counties of Shelby and Fayette, be authorised to lay a tax not exceeding twenty-five cents per hundred acres, on all taxable land within the lines of said counties, and to continue the same for five years if necessary; said tax to be applied exclusively to the improvement of Wolf river, which runs through said counties, that all monies collected in each county shall be expended therein; which tax shall be collected in the same manner as other taxes are, and accounted for according to the provisions of the above recited act.

County courts of Shelby & Fayette may lay a tax to improve Wolf river.

SEC. 2. *Be it enacted,* That the said county courts of Shelby and Fayette, shall have power to appoint commissioners for the above purpose, and the court of Shelby and Fayette shall appoint commissioners not more than three each; who, when appointed and qualified, shall have the same power to act as the commissioners of the above recited act have.

Said courts may appoint commissioners.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 4, 1825.

## CHAPTER XCVI.

*AN ACT, for the benefit of Moses Baldwin of Knox county.*

*Be it enacted by the General Assembly of the State of Tennessee,* That Moses Baldwin of Knox county, shall hereafter be, and he is hereby exempted from the payment of any tax whatever in this State, and that he also is hereby exempted from all kind of militia duty, and also, from serving as a juror or working on any public road in this State.

WM. BRADY  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 4, 1825.

## CHAPTER XCVII.

*AN ACT, to amend the laws incorporating the town of Kingsport in the county of Sullivan, and the town of Fayetteville in the county of Lincoln.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the corporation of Kingsport, in Sullivan county, be limited as follows; beginning at Ross's Bridge, running up the main river, to the mouth of Reedy creek; thence north so as to include all the lots up to the brick meeting house, thence to the church, including the meeting house and church, so as to include all lots, to the place of beginning.

Corporation of Kingsport limited.

SEC. 2. *Be it enacted,* That the mayor of said corporation, shall have power to issue warrants against offenders, for breaches of the peace and all other offences against the laws of this state committed, within the limits of such corporation, and to examine the evidence, and bind or commit such offenders to appear at the proper court having jurisdiction thereof, and to exercise all manner of jurisdiction in regard to such offences, committed within the limits of said incorporation, as justices of the peace are now authorised to exercise.

Power of corporation.

SEC. 3. *Be it enacted,* That the corporation of the town of Fayetteville, is hereby revived, and that the citizens of said town, shall have and enjoy, all the privileges and advantages, created by an act of Assembly passed in October, 1819, entitled "an act, to incorporate the inhabitants of the town of Washington in the county of Rhea, and for other purposes" and the act therein referred to, which provided for the incorporation of said town of Fayetteville.

Corporation of Fayetteville removed.

SEC. 4. *Be it enacted,* That the sheriff of Lincoln county, shall hold an election, at the court house in the town of Fayetteville on such day as he shall appoint, giving such notice as is required by said acts, incorporating said town, for the election of such officers of said corporation as by the said acts of incorporation, have to be elected by the inhabitants of said town.

Duty of sheriff of Lincoln.

SEC. 5. *Be it enacted,* That the officers, so elected, shall continue in office until others shall in office

Continuance in office



**Duty of Sheriff.** be elected to succeed them, and the sheriff of said county shall, after the first election, annually hold elections for officers at such times and places as is specified in the acts incorporating said town, and if the said sheriff shall fail to hold such election at the time specified in said acts, then, such elections shall be held at any time thereafter, upon the said sheriff giving such notice thereof, as is required by said acts of incorporation.

**Bounds of corporation.** SEC. 6. *Be it enacted*, That the parcel of land purchased by Barnabas Boyles of John P. M'Connell lying north of said town, containing thirteen acres and three fourths; and the parcel of land purchased of said M'Connell by Robert H. Mc'Ewen, lying north of said town, containing about six acres, and the parcel of land on the north of said town, given by Ezekiel Norris, to two of the children of Eskey, containing about one acre, be, and the same are hereby included within the limits of the corporation of said town, and shall in all respects, and for every intent and purpose, be considered as a part of said town of Fayetteville.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 4, 1825.

## CHAPTER XCVIII.

*AN ACT*, to authorise James Hicks, clerk of the county court of Henry county, and James Jones, clerk of the circuit court of said county, to keep their offices at their own houses.

*Be it enacted by the General Assembly of the State of Tennessee*, That James Hicks, clerk of the county court of Henry county, and James Jones, clerk of the circuit court of said county, be, and are, hereby, authorised to keep their respective offices at their own houses, any law usage or custom to the contrary, notwithstanding; *Provided*, said clerks shall not reside at a distance of

more than one quarter of a mile from the margin of the town of Paris.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 4, 1825.

## CHAPTER XCIX.

*AN ACT*, for the benefit of Robert Mc'Kinly, a revolutionary soldier.

*Be it enacted by the General Assembly of the State of Tennessee*, That Robert Mc'Kinly of the county of Jackson, (a revolutionary soldier, who has lost one of his legs,) shall be permitted to sell goods at retail, and to keep a stud horse without paying any license for the same.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 4, 1825.

## CHAPTER C.

*AN ACT*, to amend an act, passed October 20, 1824, entitled "an act, to authorise holding a special court in the county of Washington, and other counties.

**WHEREAS**, it appears that the special term of the circuit court for the county of Washington, has been appointed to be held on the first Monday in December next, and that a provision for summoning a jury for said term is not clearly made by the above recited act; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Washington county, be authorised to nominate and appoint, twenty-three discreet freeholders, or house holders of the county, to be summoned by the sheriff thereof, to attend at the time aforesaid and that such persons, so summoned, shall

**Duty of county court of Washington.**

be held and taken as good and lawful jurors for all business, whether civil or criminal, which may come before them, at such special term, any law to the contrary, notwithstanding.

SEC. 2. *Be it enacted*, That, when it shall appear to the circuit judge, that a special court is thereafter necessary, it shall be the duty of the county court of the county in which the said special term is appointed to be held, to cause a jury to be summoned, as directed in the first section of this act.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 5, 1825.

## CHAPTER CI.

*AN ACT*, to establish two inspections of tobacco, on the south side of Tennessee river, in Rhea county.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That two inspections for inspecting tobacco be established, on the south side of Tennessee river, in Rhea county, to wit: one opposite Thomas Kelly's ferry, and one at Thomas Price's ferry, which inspections shall be under the same rules and regulations as inspections of tobacco are by the general laws of the State.

SEC. 2. *Be it enacted*, That the county court of said county appoint inspectors for the said inspections.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 6, 1825.

## CHAPTER CII.

*AN ACT*, to remove the circuit and county courts for the county of Fayette, to the town

of Sommersville, and to appoint additional commissioners to said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit and county courts for the county of Fayette, be hereafter held in the town of Sommersville, in said county of Fayette; and that all process issued, returnable to the house of Robert G. Thornton, where said courts have heretofore been held, shall be returnable, at the town of Sommersville; and that the clerks of the circuit and county courts, shall hereafter keep their offices, within one quarter of a mile, of said town of Sommersville.

SEC. 2. *Be it enacted*, That Joseph Cotton, Robert Cotton, Thomas C. Hudson, John Brown, Miles Beauford and David Jernigan, be, and are, hereby appointed, additional commissioners to the town of Sommersville, in the county of Fayette; and shall come under the rules, penalties and restrictions, and enjoy the same powers, liberties and privileges, as the commissioners heretofore appointed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 6, 1825.

## CHAPTER CIII.

*AN ACT*, for the relief of Sina McCardle and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, Sina McCardle of Greene county, wife of John McCardle, be, and she is hereby authorised to sue and be sued, contract and be contracted with, in her own name, and in her own behalf, and that she shall have full power and authority to sell, dispose of, and convey, all or any part of such property or estate, as she may hereafter acquire by her own industry, by inheritance, gift, or otherwise, and to hold, use, and enjoy, the same in as free and ample a manner, as if she had never been married to the said John McCardle, and that she



be confirmed in all the privileges of a *feme sole* except that of intermarrying with another man during the natural life of the said John Mc'Cardle.

Rachel Aaron.  
ron.  
SEC. 2. *Be it enacted*, That Rachel Aaron of Stewart county, wife of John Aaron, of said county, be entitled to all the privileges, rights and immunities secured by the first section of this act to Sina Mc'Cardle, and no other or future rights and privileges.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 7, 1825.

#### CHAPTER CIV.

*AN ACT, for the relief of Thomas Hopkins.*

Thos. Hop-  
kins to have  
injunction  
without giving  
security.  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Hopkins, of the county of Warren be, and he is, by [hereby] authorised, to obtain a *supercedeas*, writ of error or injunction, to stay the proceedings until investigation of the justice of certain executions, already issued, or which may be issued, upon judgments for costs in thirty-three cases of James G. Martin's lessee against Richard G. Waterhouse, and several others in the Anderson circuit court and from the court of appeals at Knoxville, without giving any other security than for the costs of such *supercedeas*, writ of error or bill in equity; and also, to obtain like process in relation to all the suits and judgments rendered in the circuit court of Bledsoe county, wherein said Martin's lessee is plaintiff and in those cases that may have been taken up to the Supreme court at Sparta, by giving like security: *Provided*, the judge to whom application is made for such *supercedeas*, writ of error or injunction upon the examination of the petition or bill of said Thomas Hopkins, shall be satisfied, that relief ought to be granted.

Suits may  
be consolida-  
ted.  
SEC. 2. *Be it enacted*, That the said Thomas Hopkins may consolidate and include in one bill or petition, all the said suits determined in the

court of Anderson and the court of appeals at Knoxville, and may, in like manner consolidate and include, all the suits tried, dismissed and determined, in the circuit court of Bledsoe, and the court of appeals at Sparta, in one petition or bill, and they shall be held and deemed but one suit for each set of causes; and, *Provided*, also, that this act shall apply only to such causes as have the name of said Hopkins as lessee of the plaintiff; *Provided*, however, that this act shall not extend to any matter or thing to be examined, except the costs of said suits; and the property of said Hopkins, shall be held and bound upon said judgments and executions in the same manner, and to the same extent, as though no writs of error, *supercedeas*, or injunction, had been granted, except that the same, after the issuance of such *supercedeas*, writ of error, or injunction, shall not be sold under execution upon said judgments until ordered and directed by such chancery or supreme court, wherein said Hopkins may seek relief, and the said executions now levied upon the property of said Hopkins, or hereafter to issue upon any such judgments, hereafter to be rendered and levied as aforesaid, shall continue and operate only as a lien thereon, until such order of sale shall be made as aforesaid.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 8, 1825.

#### CHAPTER CV.

*AN ACT, for the benefit of Jotham Brown, of Greene County.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jotham Brown, of Greene county, be, and he is, hereby authorised to seal and stamp all bushels, half bushels, pecks and half pecks, made or manufactured in his shop, agreeable to the proper standard for the county of Greene, and such measures, when sealed and branded by the said Jotham Brown, shall be considered as good as if branded by the proper

Jotham  
Brown to seal  
bushels, &c.

standard keeper; *Provided*, the seal of said Jotham Brown shall not be considered the standard of any county except the county of Greene.

To take oath.

SEC 2. *Be it enacted*, That the said Jotham Brown, shall take and subscribe the following oath, before some justice of the peace for said county, (to wit;) I do solemnly swear, (or affirm as the case may be) that I will not stamp or seal any measure but such as shall as near as possible, agree with the standard keeper of the county of Greene.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 8, 1825.

## CHAPTER CVI.

*AN ACT*, for the relief of Eleanor Fagan wife of James Fagan.

Eleanor Fagan to have the rights of a feme sole

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Eleanor Fagan, wife of James Fagan, citizen of Sullivan county, shall for the future, possess all the rights and privileges of a *feme sole*; shall contract and be contracted with, sue and be sued, in her own name, as though she had never intermarried with the said James Fagan, except that of intermarrying with another man.

Her property not to be sold for her husband's debts.

SEC. 2. *Be it enacted* That any property that said Eleanor Fagan shall acquire by her industry, by gift, inheritance or other lawful means, shall not be liable to be sold for the debts of said James Fagan, her husband or to be taken from her by him in any manner; and said Eleanor shall have power and authority to dispose of any and all the property by her acquired as aforesaid, by deed, delivery or devise.

She may get a divorce, too, if she can.

SEC. 3. *Be it enacted*, That this act shall not be so construed, as to prevent the said Eleanor from obtaining a divorce agreeably to law.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 10, 1825.

## CHAPTER CVII.

*AN ACT*, to fix the places for holding elections in the different regiments, in the county of Lincoln, for field officers.

*Be it enacted by the General Assembly of the State of Tennessee*, That all elections hereafter to be held for field officers in said county, shall be at the places appointed for holding battalion musters respectively.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 10, 1825.

## CHAPTER CVIII.

*AN ACT*, for the relief of William B. Lewis.

*Be it enacted by the General Assembly of the State of Tennessee*, That the register of West Tennessee issue to William B. Lewis a grant for six hundred and forty acres, founded on certificate warrant number 1309, to Thomas Mosly, and which has been entered in the county of Carroll, fifth range, fourth section on the waters of the North Fork of the Forked Deer river, in the 13th district, by entry No. 506, for 640 acres.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 14, 1825.

## CHAPTER CIX.

*AN ACT*, to divorce Sarah Elliott from her husband Amos Elliott.

*Be it enacted by the General Assembly of the State of Tennessee*, That the bands of matrimony heretofore existing between Sarah Elliott and A-



mos Elliott, her husband, be, and the same are hereby dissolved.

WM BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 14, 1825.

## CHAPTER CX.

*AN ACT, to incorporate Forest Hill Academy in the county of Mc'Minn.*

Trustees of Forest Hill Academy.  
SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Charles F. Keith, Return J. Meigs, Horace Hickox, Elihu S. Barclay, James Mc'Kamy, Nathaniel Smith, William L. Wry, Benjamin C. Stout, Thomas J. Campbell, Augustine P. Fore, Tidence Lane, Irby Holt, Jesse Mayfield and John Porter, be, and they are hereby appointed trustees of *Forest Hill Academy*, in the county of Mc'Minn.

They may borrow and loan money, hold land, &c.  
SEC. 2. *Be it enacted, That* the trustees of said academy, and their successors, by the name aforesaid, shall be capable in law, to borrow and loan money, to purchase, receive and hold, to themselves and their successors forever, any lands, tenements, rents, goods or chattels, which shall be given or devised to, or purchased by, them for the use of said academy; and to sell and dispose of the same, in such manner as to them shall seem most advantageous for said academy. The said trustees, by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in this State—they shall have the power from time to time, to establish by-laws, rules and ordinances, not contrary to the laws and constitution of Tennessee, for the benefit and good government of said academy; to appoint a president and trustees, together with other officers and persons necessary and proper for the purposes of instruction and tuition in said academy. A majority of the trustees, shall constitute a board to determine upon any matter relative to the establishment, government, or support of said academy; but no real estate, belonging to said academy, shall be disposed [of] unless two-thirds of the trustees con-

cur in opinion thereon. Upon the death, resignation or other legal disability, of any of said trustees hereby appointed, or who may hereafter be appointed, the vacancy thereby occasioned shall be supplied at the next, or any succeeding, session of the General Assembly after such vacancy may occur; *Provided, nevertheless*, such vacancy or vacancies, may be supplied by the remaining trustees, until the meeting of the General Assembly, or until such vacancy or vacancies, shall be supplied by the General Assembly either at a longer or shorter period. The said board of trustees, shall elect a treasurer, who shall receive all monies accruing to said academy, and property delivered to his care; and pay and deliver the same, to the order of said trustees; said treasurer, before he enters upon the duties of his office, shall give bond and security in such sum as the board of trustees shall direct, payable to them and their successors, and conditioned for the faithful discharge of the trust reposed in him, and that he will, when required by said trustees, render to them a true account of all monies, goods, and chattels received by him on account of, and for the use of, said academy; and the treasurer shall receive such compensation as shall be allowed and fixed by the trustees.

SEC. 2. *Be it enacted, That* the said trustees shall have power to fix on and purchase [a] site for said academy in the town of Athens, or its vicinity, and to take and receive subscriptions for paying for the same, and also, for the purpose of erecting and building the academy, and other building, which they may think necessary thereto, and if any person shall fail, neglect or refuse, to pay the money by him subscribed, for that purpose, it shall be lawful for said trustees to recover the same by motion, in the county or circuit court of the county in which the delinquent subscriber resides; *Provided*, the delinquent party has ten days previous notice in writing of such motion; and if the treasurer shall fail to render, when thereunto required, a just and true account of all monies, goods and chattels, which have come to his hands by virtue of his office, and also, all expenditures, relative to said academy, he shall, on such failure, be subject to a judgment on motion in the county or circuit court of Mc'Minn county, and execution may thereupon be awarded for the collection of the amount of judgment recovered; *Provided*,

however, ten days notice in writing, shall be given to said treasurer of such motion.

**SEC. 3.** *Be it enacted,* That the board of trustees, shall appoint, from their own body, a chairman and secretary. The secretary shall [keep] a fair, full, and regular record of all the proceedings of said trustees, touching the affairs of said academy, and may be allowed a compensation for his services; said trustees shall meet upon their own adjournments except upon extraordinary occasions, when the chairman and secretary shall have power to convene them. Until a regular appointment of chairman of said trustees, Charles F. Keith is hereby appointed chairman thereof, with power to convene the said board, whose appointment shall continue until a regular appointment by said board of trustees is made.

**SEC. 4.** *Be it enacted,* That the said Forest Hill academy, be, and the same is, hereby constituted and made the county academy of and for the county of Mc'Minn, and as such, shall be entitled to and receive, the academy fund in the proportion which now is, or may be, by law, given to, and vested in, the several academies of this State.

**SEC. 5.** *Be it enacted,* That an act entitled "an act to establish Fentress academy in the county of Mc'Minn," passed November 26, 1823, be, and the same is, hereby repealed.

WM. BRADY.

Speaker of the House of Representatives.

R. C. FOSTER.

Speaker of the Senate.

Passed October 18, 1825.

## CHAPTER CXI.

*AN ACT, to establish an academy in the town of Lexington, in the county of Henderson.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* [That] there shall be, and is, hereby established, for the county of Henderson, an academy called **LEXINGTON ACADEMY**, to be located at the town of Lexington, or within one mile thereof, to have and possess, any and all rights, claims, advantages and immunities which by any of the existing laws of this State

Lexington academy established in Henderson county

are allowed and belong to any of the county academies of this State; and the trustees hereinafter appointed, to have and possess all the powers to make rules for the government thereof; to receive their portion of all funds by law appropriated, to the several counties of this State for the benefit of county academies.

**SEC. 2.** *Be it enacted,* That John T. Harman, John W. Philpot, John Purdy, Richard Mc'Cree and James A. Haslet, be, and [are] hereby constituted trustees of said Lexington academy, and are hereby constituted a body politic and corporate, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal estate, and dispose of the same for the use of said academy; and they or a majority of them, in case of resignation, removal or any other accidental vacancy, may be, a majority being present, fill such vacancy by appointment of other person or persons.

Trustees of academy appointed and made a body politic.

**SEC. 3.** *Be it enacted,* That it shall be the duty of the trustees, to appoint a secretary for said board, also, a treasurer, of whom they will and may require bond and security, for the faithful discharge of his duty, said bond to be made payable to said trustees and their successors in office.

To appoint a secretary, &c.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER.

Speaker of the Senate.

Passed October 18, 1825.

## CHAPTER CXII.

*AN ACT, to establish Clarksville academy, in Montgomery county.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the academy for the county of Montgomery, be at Clarksville, and that the academy heretofore established by law in said county, known and distinguished by the name of Rural or Mount Pleasant academy, shall henceforth be known and distinguished by the name of **CLARKSVILLE ACADEMY**, and that all the rights, credits, interest and claims, that are due and properly belong to the academy for said coun-

Clarksville academy.



ty, formerly called Rural, and afterwards Mount Pleasant academy, and every thing appertaining thereto, is hereby transferred and vested in the trustees of Clarksville Academy, and their successors.

Trustees appointed and their privileges.

SEC. 2. *Be it enacted*, That James Elder, John H. Poston, Cave Johnson, Joel C. Rice, Richard Daly, William A. Cook, James B. Reynolds, James M'Clure and Frederick W. Huling be, and they are, hereby constituted a body politic and corporate, to be known by the name of the trustees of the Clarksville academy; and shall have, possess and exercise all the powers, rights and immunities, heretofore by law given to the trustees of Rural or Mount Pleasant academy.

May appoint secretary and treasurer, take security, &c. sue and be sued, &c.

SEC. 3. *Be it enacted*, That the said board of trustees shall have power to appoint a secretary and treasurer, to require security of them or either of them, to displace them at pleasure, contract debts, to sue in the name of the board of trustees for Clarksville academy, or be sued in said name and to loan out the funds of said academy at a per cent. not exceeding six per cent to appropriate the funds of said academy, so as not [to] lessen the principal of said funds, to establish a library for said academy and rules to govern the same; in case of resignation, removal or death of any of the trustees, shall have power to appoint others in their place, which appointment shall be made of record by said board.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 18, 1825.

### CHAPTER CXIII.

*AN ACT*, for the benefit of John Hodge and James Hodge, of Sullivan county.

*Be it enacted by the General Assembly of the State of Tennessee*, That John Hodge and James Hodge, of Sullivan county be, and they are, hereby authorised to erect a dam on Watauga river, about four miles above the mouth of said river: *Provided*, they

do not obstruct the navigation of said river, for the purpose of erecting a saw mill.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 18, 1825.

### CHAPTER CXIV.

*AN ACT*, to alter the names of certain towns therein mentioned.

*Be it enacted by the General Assembly of the State of Tennessee*, That the town of Hatchee, in the county of Hardeman, shall hereafter be known and called by the name of the town of Bolivar.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 18, 1825.

### CHAPTER CXV.

*AN ACT*, to authorise Christian Dike to redeem fifty-eight acres of land.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Christian Dike, of the county of Greene, be, and he is, hereby authorised, and shall have power, to redeem fifty eight acres of land, on which the said Dike now lives, in the county of Greene, should the same be sold under a decree of the chancery court for the first judicial circuit, under the same rules, regulations and restrictions as by law, *bona fide* creditors have, or ought, to redeem the real estate of debtors, which said fifty-eight acres, was part of the real estate of Henry Dike, deceased, and was laid off by commissioners appointed by the county court for Greene county, as the distributive share of the said Christian Dike, and the purchaser or purchasers of said fifty-eight acres of land are

Christian Dike may redeem 58 acres of land on which he lives if sold.

hereby required to convey the same to the said Christian Dike, as though he had been a bonafide creditor of the said Henry Dike, deceased.

**SEC. 2** *Be it enacted*, That it is hereby made lawful for the said Christian Dike, in the redemption of the said fifty-eight acres of land in the first section mentioned, to pay to the purchaser or purchasers thereof, an amount per acre, in proportion for which the balance of said tracts shall sell for per acre, and shall be entitled to all the rights and privileges as though he redeemed the whole tracts to which the said fifty eight acres make and constitute a part of said tracts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 20, 1825.

## CHAPTER CXVI.

*AN ACT*, for the benefit of Eve Doile, of the town of Knoxville, in the county of Knox.

*Be it enacted by the General Assembly of the State of Tennessee*, That Eve Doile, of the town of Knoxville, be, and she is, hereby authorised, to keep a house of entertainment, with privilege to retail spirituous liquors in said town, or in any other place she may think proper in the State of Tennessee, without paying any license therefor.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 20, 1825.

## CHAPTER CXVII.

*AN ACT*, for the relief of William Galbreath.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That William Galbreath be, and he is, hereby authorised, after

the passage of this act, to raise a sufficient head of water in Duck river, at his wool carding factory, to propel his machinery; *Provided*, that the elevation of the water be not more than equal to one half the natural fall that may be found to exist upon a correct admeasurement between the place where such elevation of the water shall be made, and the upper end of the island, in said river, opposite the town of Shelbyville, above the surface of the water at a common stage, during the summer season, which common stage to be ascertained by Giles Burdit, John Sims, Charles Timmons, Thomas Saunders and William Horsely, or any three of them; and *Provided also*, that the means which may be used to raise the water as aforesaid, do not obstruct or endanger the navigation of the river.

**SEC. 2.** *Be it enacted*, That if at any time, it should be made manifest to the county court of the county aforesaid, that the navigation of said river is obstructed by the means which may be used to raise the head of water as aforesaid, a majority of the acting justices of the county being present and concurring therein, upon their order, it shall be the duty of the sheriff, to cause such obstruction to be removed, so as to make the navigation at that point perfectly safe, at the expense of the said Galbreath, or his legal representatives.

**SEC. 3.** *Be it enacted*, That, *Provided, however*, if the present proprietor, or proprietors of the land on said river, for the distance of one half mile above the aforesaid factory, may think his, her, or themselves aggrieved in any of the legal privileges or natural advantages which otherwise might legally have arisen to him, her, or them, from the land or river above said factory, by carrying into effect the foregoing provision of this act, he, she, or they, may petition the county court aforesaid, setting forth the facts in said petition, and pointing out wherein, and in what way, his, her, or their legal privileges, or immunities, private or public rights, is or are abridged or affected, and it shall be the duty of said court, upon such petition being filed, to direct an issue to be made up, and cause a jury to be impannelled, to inquire into and try the fact and ascertain what damages, if any, has or may be sustained.



Judgment  
against Gal-  
breath for am-  
ount of dam-  
age.

SEC. 4. *Be it enacted*, That if it shall appear, by the verdict of said jury, that damages have been, or may be sustained as aforesaid, and the amount thereof, the court shall direct a judgment to be rendered against the said Galbreath, or his legal representatives, for the same, and upon refusal or failure to pay the same, by said Galbreath or his legal representatives, then, and in that case, the court shall order the sheriff, to have the channel of said river laid open, at the factory aforesaid.

Where peti-  
tioner claims  
exclusive right  
of erecting wa-  
ter works how  
determined.

SEC. 5. *Be it enacted*, That however, if on the trial of the facts so set forth before a jury, it should appear by the verdicts of the jury so trying, that the petitioner has the exclusive right of erecting water works either above or opposite to said factory, then, and in that case, the means used by said Galbreath to procure the elevation of water hereby authorised to be raised, shall be removed, either party having the right of appeal from the judgment of said court, and upon the trial of the issue so made up, and in rendering judgment on such issue and such petition, said court shall have full and ample power to consider all the equitable circumstances of the claim and right of said Galbreath and said petitioner, and award between said parties, as may comport with equity and justice, and if said court should be of opinion that neither of said parties is entitled to the exclusive use and benefit of the fall of water in said river at said place, then said court shall have full power and authority to apportion the benefits and advantages of the said fall in said river between the said parties in such proportions as shall be equitable and just, and in all things upon such petition, said court shall have power to settle and decide said controversy in such manner as shall be equitable, so as to award to neither of said parties any privileges that would be unjust and oppressive to the other, and inconsistent with the constitution of this State; *Provided, always*, that this act shall not be so construed as to give any person a right to erect any dam on said river near to said town so as to injure or obstruct the ford across the same.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 21, 1825.

## CHAPTER CXVIII.

*AN ACT, for the benefit of George Simpson, of Franklin county.*

*Be it enacted by the General Assembly of the State of Tennessee*, That George Simpson, of Franklin county, shall have permission and he is, hereby authorised and licensed, to hawk, peddle and vend goods, wares and merchandise of foreign growth and manufacture in each and every county in the State, free from any county or state tax or county or state charge whatever.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 22, 1825.

## CHAPTER CXIX.

*AN ACT, for the benefit of James Royal.*

*Be it enacted by the General Assembly of the State of Tennessee*, That James Royal be allowed the privilege of exhibiting shows in this State, for his own individual benefit, without obtaining a license therefor.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 22, 1825.

## CHAPTER CXX.

*AN ACT, for the relief of Elizabeth Parker, of Smith county.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Elizabeth Parker, of Smith county, wife of William Parker, be, and she is, hereby enabled to sue and be sued, contract and be contracted with in her own name, to have, hold, and enjoy personal and

real property, acquired by her own industry, gift, inheritance, or otherwise, free from the control or debts of her said husband, and that she be confirmed in all the privileges of a *feme sole*, in as full and ample a manner as though she had never been married; except that of intermarrying with another man, during the natural life of her said husband.

SEC. 2 *Be it enacted*, That nothing in this act contained, shall be so construed as to prevent the said Elizabeth from obtaining a divorce, agreeably to the existing laws.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 24, 1825.

### CHAPTER CXXI.

*AN ACT*, for the benefit of Rhea academy.

*Be it enacted by the General Assembly of the State Tennessee*, That a piece or parcel of ground, three poles wide and ten poles long, in the town of Greeneville, Greene county, adjoining lot No. seventy-eight, in the plan of said town, on the south, owned by Mordecai Lincoln, and adjoining on the east, the lot of ground on which Rhea academy stands, be and the same is, hereby vested in the trustees of said academy, and their successors for the use and benefit of said academy forever.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 24, 1825.

### CHAPTER CXXII.

*AN ACT*, making it the duty of the Secretary of State to procure a set of Scott's Laws of North-Carolina and Tennessee, for the use of the county court of Fayette county, and another set for the use of the circuit court of said county.

SECTION 1. *Be it enacted by the General As-*

*sembly of the State of Tennessee*, That the secretary of state procure two sets of Scott's Revision of the laws of North-Carolina and Tennessee, one set for the use of the county court of Fayette county, and another set for the use of the circuit court of said county. And it is hereby made the duty of the clerks of the respective courts mentioned above, to preserve said statutes for the use of the courts of which they are clerks respectively: *Provided*, always, there are such copies in the secretary's office, or provided he can procure the same by purchase at the ordinary prices.

SEC. 2 *Be it enacted*, That the treasurer of West Tennessee be, and he is, hereby authorised to pay for said books if purchased on the order of said secretary.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 25, 1825.

### CHAPTER CXXIII.

*AN ACT*, for the relief of James Maxwell.

*Be it enacted by the General Assembly of the State of Tennessee* That it shall be lawful for the chancellor sitting at Franklin, to take such steps in a suit of James Maxwell against Caleb Mc'Graw and the heirs of Edmund Cooper deceased, so as to bring said heirs before the court as proper parties, by their guardians where any of them may be infants under the age of twenty-one years, and said court shall have full power to make such decree in said cause, as may be just and equitable, in the same manner, and to the same extent as though there was an administrator upon the estate of said Cooper, deceased, lawfully appointed and said administrator, was made a party to said suit.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 25, 1825.



## CHAPTER CXXIV.

*AN ACT, to repeal an act entitled "an act to authorise Spencer E. Gibson to open and establish a Turnpike road, and for other purposes," passed at Murfreesborough one thousand eight hundred and nineteen.*

**WHEREAS**, an act was passed authorising Spencer E. Gibson to open a turnpike road passing over the Walnut Mountain, to the North Carolina line, and **WHEREAS**, the said Spencer E. Gibson has never done any thing towards opening said road, and in consequence thereof, the citizens have been hindered from improving or working thereon, therefore ;

**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.

**SEC. 2.** *Be it enacted*, That Jacob Brown, Sen. John Brown, Armsted Shelton, William Irvin and William Murry be, and the same are, appointed commissioners to view and lay off said road, and report the same to the chairman of the court of Washington county, whose duty it shall be, to appoint an overseer and assign to him a sufficient number of hands to work thereon agreeable to the class to which it is rated.

Commissioners appointed to review said road.

**SEC. 3.** *Be it enacted*, That if it should appear to the said court, that a turnpike road should be the better plan for opening and clearing out said road, then, and in that case, it shall be lawful to let out said road to such persons [as] they, in their opinion, may deem proper, and shall have power to rate the toll thereon, and such other regulations as may be conducive to the interest of both the undertaker and the citizens.

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

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 25, 1825.

## CHAPTER CXXV.

*AN ACT, for the relief of Joseph Harris.*

*Be it enacted by the General Assembly of*

*the State of Tennessee*, That a judgment rendered in the circuit of Davidson county, against Joseph Harris, clerk of the county court of Overton, and his securities for five thousand dollars, besides costs, for a failure to return a sheriff's bond of said county to the treasurer of West Tennessee for the year 1824, in the name of William Carroll, governor of the State of Tennessee, be, and the same is, hereby released, upon the said Joseph Harris, paying the costs that shall have accrued upon said suit for which the State is liable in obtaining said judgment, and the clerk of said court, upon the payment of said costs, and the receipt of a certified copy of this act in his office, is directed to enter a release of said judgment.

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 27, 1825.

## CHAPTER CXXVI.

*AN ACT, for the relief of the commissioners for the county of Humphreys.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That James Rutherford, Robert Jarmon, Lewis B. Powers, and David B. Carnes, or either of them, commissioners for the county of Humphreys, have full power to demand of either of the clerks of the county or circuit courts in the county of Humphreys, to pay over to them any money, that may have been, or may hereafter be, paid into either of their offices, for the use of said county, from the sale of town lots in said county, or otherwise, which said commissioners may be entitled to receive.

Commissioners to receive money from clerks of Humphreys county

**SEC. 2.** *Be it enacted*, That if any money has been paid into either of said offices, or may hereafter be paid into either of said offices, and an endorsement made on either of the dockets of said offices, that money has been paid into said office, it shall be sufficient evidence of the clerks having received said money, and upon the commissioners shewing to either of the courts, that they are entitled to have said money, they shall have a judgment against the clerk of the court,

What shall be evidence of their having received money.

who having received the money and their securities, upon motion, by giving the said clerk and his securities five days notice; if said securities live in said county, if said securities do not live in said county, it shall not be necessary to give them any notice.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

### CHAPTER CXXVII.

*AN ACT, to establish an academy in the county of Humphreys.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That there shall, and is, hereby established, for the county of Humphreys, an academy called RURAL ACADEMY, to be located at the town of Reynoldsburgh, or within one mile thereof, to have and possess, any and all rights, claims, advantages, and immunities which, by any of the existing laws of this State, are allowed and belong to any of the county academies of this State; and the trustees hereafter appointed, to have all the powers to make rules for the government thereof; to receive their portion of all funds by law appropriated to the several counties of this State for the benefit of county academies.*

SEC. 2. *Be it enacted, That Enis Ury, Robert Jarmon, Daniel Mason, William Larimer, and James R. McMeans be, and they are, hereby appointed trustees of said Rural academy, are constituted a body corporate and politic; may sue and be sued, plead and be impleaded, grant, receive, purchase and hold, real, mixed, and personal property, and dispose of the same for the use of said academy; and they, or a majority of them, in case of resignation, removal, or any other accidental vacancy, may, a majority being present, fill such vacancy by the appointment of other person or persons.*

SEC. 3. *Be it enacted, That it shall be the duty of the trustees, to appoint a secretary for said board, also a treasurer, of whom they will, and may require, bond and security for the faithful dis-*

Rural academy established.

Trustees appointed.

They may appoint a secretary and treasurer.

charge of his duty; that said bond shall be made payable to the said trustees or their successors in office.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 10, 1825.

### CHAPTER CXXVIII.

*AN ACT, for the relief of James Rud.*

*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 alter grant No. 23,223 from the name of James Reed to that of James Rud, Provided, it shall appear to him he did issue the same through mistake to James Reed instead of James Rud.*

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 10, 1825.

### CHAPTER CXXIX.

*AN ACT, for the benefit of Isaac Low and others.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Isaac Low and others, be authorised to build a fish trap and dam in Clinch river, at the lower [end] of Elijah Hendon's Island, and on the south sluice of said Island, it being a sluice not used in navigating said river.*

A fish trap.

SEC. 2. *Be it enacted, That James Arwine and Loyd Rutherford, be authorised to build a fish trap and dam in Clinch river, and in the south sluice of the first Island, below the mouth of Clear creek, on their own land, so as they do not obstruct the navigation of said river.*

Another fish trap.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed October 25, 1825.



## CHAPTER CXXX.

*AN ACT, for the relief of the Heirs of Alexander Kurpatrick.*

*Be it enacted by the General Assembly of the State of Tennessee, That the heirs of Alexander Kurpatrick, deceased be, and they are, hereby authorised to apply to William Sewall of Wilson county, to make out a plat and certificate of survey for said heirs, upon location No. 18,122, for twenty-five acres in Wilson county, entered the 9th January 1817, and founded on part of certificate No. 1,795, which plat shall be examined and recorded by John C. McLemore, in the same way as though it had been made out and returned before the time limited by law, for returning plats and certificates of survey, and the register shall issue a grant therefor as in other cases.*

**WM. BRADY**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 26, 1825.

## CHAPTER CXXXI.

*AN ACT, for the relief of Thomas Taylor.*

**SECTION 1** *Be it enacted by the General Assembly of the State of Tennessee, That Thomas Taylor be, and he is, hereby released, and exonerated from a penalty of eighty five dollars, the amount of a penalty recovered against him for a supposed breach of the revenue laws of this State in making sale of a few pounds of coffee, as fully appears by the testimony submitted to this General Assembly.*

**SEC. 2.** *Be it enacted, That the aforesaid sum of money, if paid into the clerk's office, shall be refunded, and if paid over by said clerk to the treasurer, shall, in like manner, be refunded by him.*

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 29, 1825.

## CHAPTER CXXXII.

*AN ACT, to amend the first section of an act, entitled "an act, for the relief of persons holding unoccupied lots, in the town of Surgoinsville, and other purposes," passed 4th October, 1824.*

*Be it enacted by the General Assembly of the State of Tennessee, That no lots in the town of Surgoinsville, shall be taxed as lots occupied, unless the owner has a tenement thereon, for dwelling in, or workshop in actual employ.*

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 29, 1825.

## CHAPTER CXXXIII.

*AN ACT, to amend an act, entitled "an act to incorporate the town of Jackson in Madison county," passed the 14th day of November 1823.*

*Be it enacted by the General Assembly of the State of Tennessee That so much of the above recited act as includes the lands of Thomas Shannon, within the corporation be, and the same is, hereby repealed, any law to the contrary notwithstanding.*

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed October 31, 1825.

## CHAPTER CXXXIV.

*AN ACT, to authorise a separate election in the counties of Rutherford and Lawrence.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the sheriff of Rutherford county, by himself or deputy, on the days appointed by law for holding elections, to open and hold a separate*

Sheriff of Rutherford to hold a separate election at Anthony's

election at Anthony's mill, in said county, for the purpose of electing governor, members of congress, electors of president and vice-president, and members to the State legislature, and field officers of the militia, which shall be held and conducted under the same rules and restrictions that similar elections are held in this State.

SEC. 2. *Be it enacted*, That it shall be the duty of the sheriff of Lawrence county, by himself or deputy, on the days appointed by law for holding elections, to open and hold a separate election, at Bell's iron works, on Big Buffalo, in said county, for the purpose of electing governor, members of congress, electors of president and vice-president, and members to the State legislature, and field officers of the militia, which elections shall be held and conducted under the same rules and restrictions that similar elections are held in this State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 31, 1825.

#### CHAPTER CXXXV.

*AN ACT*, to declare Sandy river, a branch of Tennessee river, navigable.

*Be it enacted by the General Assembly of the State of Tennessee*, That Sandy river, a branch of Tennessee river be, and the same is, hereby declared navigable, from its mouth up to John W. Filpot's, of Henderson county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed October 31, 1825.

#### CHAPTER CXXXVI.

*AN ACT*, prescribing certain duties to the sheriffs and rangers of Humphreys, Perry, and Hardin counties.

SECTION 1. *Be it enacted by the General As-*

*sembly of the State of Tennessee*, That it shall and may be lawful for the sheriffs of the counties of Humphreys, Perry and Hardin, and rangers and other public officers, to advertise the sale of land under execution, and for taxes, &c. strays, &c. (now by law required to be advertised in some news paper published elsewhere,) in some public news paper published in the town of Jackson.

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

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 1, 1825.

#### CHAPTER CXXXVII.

*AN ACT*, to emancipate Leethy, a negro woman and her son Ben, the slaves of John Etter.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Leethy, a negro woman, and Ben, her son, the property and slaves of John Etter, of the county of Rutherford be, and they are, hereby emancipated, and entitled to all the privileges that other free persons of color are entitled to.

Leethy and Ben emancipated.

SEC. 2. *Be it enacted*, That this act shall not take effect and be in force, until the said John Etter, the owner of the slaves aforesaid, shall enter into bond with approved security, payable to the chairman of the county court for the county of Rutherford, in the sum of five hundred dollars, conditioned, that said slaves, shall not become a county charge in any county in this State; and it is hereby made the duty of the clerk of the court of pleas and quarter sessions for the county of Rutherford, to take such bond from the said Etter, when he shall apply to execute the same, and file said bond in his office.

If John Etter their owner gives the usual bond.

SEC. 3. *Be it enacted*, That in all cases where slave or either of them, shall become a county charge, in any county in this State, it shall be lawful for such county, to require of the clerk of the

Suit may be brought on copy of the bond



Rutherford county court, a certified copy of said bond, on which suit may be brought in such county, in the name of the chairman of such county court, and a recovery had thereon as though suit had been brought on the original bond, for the damage and costs which such county may have incurred by reason of said slave or slaves, becoming chargeable on said county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 1, 1825.

### CHAPTER CXXXVIII.

*AN ACT, for the relief of Parks Goodall.*

*Be it enacted by the General Assembly of the State of Tennessee,* That Parks Goodall, of Wilson county be, and he is, hereby authorised to prove the hand writing of John Cartwright, to the execution of a deed for two hundred acres of land, dated the 11th May, 1818, made to him; and when proven to the satisfaction of the county court of Wilson county, they shall direct said deed to be recorded, and when recorded, shall pass all the title intended to be conveyed in as full and as ample a manner as though proven by the subscribing witnesses, or acknowledged by the said Cartwright in proper person.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 1, 1825.

### CHAPTER CXXXIX.

*AN ACT, authorising the holding a special term of the circuit court of Marion 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 seventh judicial circuit of this State, to hold a special term of the circuit court of Marion 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 Jasper, on the second Monday in July next, one thousand eight hundred and twenty six, 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 legally disposed of.

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

Clerk's duty.

*SEC. 3. Be it enacted,* That if any person or persons, either plaintiff or defendant, should be dissatisfied 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 cases heard and determined at regular terms of the circuit courts of this State.

Either party may appeal.

*SEC. 4. Be it enacted,* That the said judge of the seventh judicial circuit, on the first day of said special term, is hereby authorised to order and direct the sheriff of said county of Marion, forthwith to summon and return twenty six good and lawful men of said county to attend instant, said special term of said circuit court, as jurors, for the purpose of trying causes at said special term, and said jurors shall be bound to attend said court regularly and promptly, during the whole of the term of said special court, 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 forfeitures and

Judge to direct sheriff to summon a jury.

Jurors and witnesses pay.

penalties, in cases 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.

*Sheriff may summon talismen.*  
**SEC. 5.** *Be it enacted,* That the sheriff of said county, is hereby authorised, during the sitting of said special term of said court, to summon talismen jurors, in the absence of jurors of the original pannel, as he is authorised, at regular terms of the circuit courts of this State, and talismen 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 talismen are in the circuit courts of this State.

*No original writ returnable to said term.*  
**SEC. 6.** *Be it enacted,* That no original writ, or other original process, shall be made returnable to said special term of said court.

**WM. BRADY,**  
 Speaker of the House of Representatives.  
**R. C. FOSTER,**  
 Speaker of the Senate.

Passed November 2, 1825.

### CHAPTER CXL.

*AN ACT, fixing a county precinct at Farmington in the county of Bedford.*

*Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, it shall be the duty of the sheriff of Bedford county to open and hold an election in the town of Farmington, on the days pointed out by law, for members to the congress of the United States and members to the State legislature, in the same way and under the same rules and regulations, as is prescribed by law for holding elections at other places.

**WM. BRADY,**  
 Speaker of the House of Representatives.  
**R. C. FOSTER,**  
 Speaker of the Senate.

Passed November 2, 1825.

### CHAPTER CXLI.

*AN ACT, to authorise the drawing of a lottery for the*

*benefit of the Shelbyville Female academy, in the county of Bedford.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Robert Cannon, A. B. Morton, Burkett D. Jett, Daniel McKissick, John A. Mares and William Gilchrist be, and they are, hereby appointed trustees of a lottery for the benefit of the Shelbyville Female academy, in the county of Bedford. *Trustees of a lottery for Shelbyville female academy*

**SEC. 2.** *Be it enacted,* That said trustees or a majority of them, are hereby authorised and empowered, to draft and publish, a scheme on such a plan as shall, to them seem most eligible, for the purpose of raising a sum by lottery not to exceed one thousand dollars, to be employed in repairing and enlarging the buildings of said academy. *May draft a scheme for lottery.*

**SEC. 3.** *Be it enacted,* That said trustees, previous to publishing said scheme, shall enter into bond in double the amount of capital in said scheme, to the chairman of the court of the county of Bedford, conditioned for the faithful payment of the prizes, when drawn, and for the faithfully applying the money arising from the said lottery, for the use and benefit of said academy, as aforesaid, or in case of failure to draw the lottery, to return to such person or persons, such sum or sums of money as they may have advanced for tickets, which bond, when executed, shall be filed in the office of the clerk of the county court. *Trustees to give bond.*

**SEC. 4.** *Be it enacted,* That said trustees, or a majority of them, shall have power to make sale of tickets, to take bonds of such persons as they may sell tickets to, or from such persons as they may deposit tickets with for sale, and in case of failure, to comply with the terms of said bonds or contracts, the said trustees or a majority of them, are hereby authorised and empowered, to sue for, and recover, on said bonds or contracts, in their own names as trustees of said lottery, in any court having cognizance thereof, within the State of Tennessee. *May sell tickets.*

**SEC. 5.** *Be it enacted,* That in case of the death, resignation, or refusal to serve, of any of the above named trustees, the remainder of the said trustees shall have power, by a majority of their votes, to elect another fit person or persons to serve in his or their stead, who, when so elected shall have ves- *Vacancies, how supplied.*



ted in him or them in consequence of such election, equal power with that hereby granted to the individual trustees, already mentioned in this act.

**SEC. 6.** *Be it enacted,* That when said trustees shall have sold such portion of the tickets as shall, in their opinion, authorise the commencement of the drawing of said lottery, they shall, in the presence of two justices of the peace, put into the wheel, the number of prizes and blanks that are contemplated, by the scheme, to be put therein, giving notice in some newspaper, printed in Shelbyville or Nashville, at least thirty days previous to the time of drawing said lottery, setting forth the time and place the drawing will commence; and the proceeds of said lottery, when finished, shall be expended and appropriated agreeably to the second section of this act.

**SEC. 7.** *Be it enacted* That at the time of the commencement of the drawing, the said trustees shall appoint two clerks, who shall keep a regular account of the numbers drawn, and the blanks or prizes, that may be drawn for each number, and shall, previous to their entering on the duties of their appointment, take the following oath, to wit: I, A. B., do swear, that I will, faithfully and truly keep an account of the drawing of this lottery, without partiality or prejudice, so help me God.

**SEC. 8.** *Be it enacted,* That the trustees of said lottery, may be purchasers of tickets, but shall at all times, be accountable to the chairman, trustees and company of the Shelbyville Female academy, for the amount thereof.

**WM. BRADY,**  
Speaker of the House of Representatives.  
**R. C. FOSTER,**  
Speaker of the Senate.

Passed November 2, 1825.

## CHAPTER CXLII.

*AN ACT, to authorise Henry Wilker and others, to build fish traps.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Henry Wilker of Roane county be, and he is, hereby authorised to build a fish trap in Clinch river, near

the mouth of poplar creek, so as not to injure the navigation of said river.

**SEC. 2.** *Be it enacted,* That Burwell Abernathy be, and he is, hereby authorised to build a fish trap in the south sluice of Elk river, opposite his own land; *Provided,* it does not obstruct the navigation of said river.

**WM. BRADY,**  
Speaker of the House of Representatives.  
**R. C. FOSTER,**  
Speaker of the Senate.

Passed November 2, 1825.

## CHAPTER CXLIII.

*AN ACT, to prolong the time of holding Stewart and Lawrence circuit courts.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the judge of the fifth judicial circuit of the State of Tennessee, shall continue the circuit court of Stewart, two weeks at the next two terms of said court, which shall happen next after the first day of January 1826, if the business of said court shall require such continuance.

Circuit court of Stewart continued for two weeks for two terms.

**SEC. 2.** *Be it enacted,* That the judge of the sixth judicial circuit of this State, shall hereafter, at each and every term of the circuit court of Lawrence county, hold the said court for, and during, the period of two weeks, should the business of said court require it, unless it should be necessary to adjourn said court sooner, to hold some other court in said circuit.

Circuit court of Lawrence to continue two weeks.

**WM. BRADY,**  
Speaker of the House of Representatives.  
**R. C. FOSTER,**  
Speaker of the Senate.

Passed November 2, 1825.

## CHAPTER CXLIV.

*AN ACT, authorising Reuben Ross to build a bridge over the main Caney Fork, in the county of White, on the main road leading from McMinville to Sparta.*

**SECTION 1.** *Be it enacted by the General As-*

*sembly of the State of Tennessee, That it shall, and may be lawful, for the said Reuben Ross, his heirs, executors, administrators or assigns, to erect and build, a good and substantial bridge over the said river at the place aforesaid, and after building the bridge, as aforesaid it shall and may be lawful for the said Reuben Ross, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon; and take and receive from all persons that pass over the same, the following rates, that is to say—for each mail stage, fifty cents; for each wagon and team, fifty cents; for each pleasure carriage, seventy-five cents; for each carry-all, twenty-five cents; for each gig and horse, twenty-five cents; for each man and horse, twelve and a half cents; for each led or loose horse, six and one fourth cents; for each horned cattle, two cents; for each sheep or hog, one cent each.*

*SEC. 2. Be it enacted, That the said Reuben Ross, his heirs, executors, administrators or assigns, shall have the exclusive right and benefit of said bridge, during the keeping up the same; Provided, he keeps the same in good repair; and shall be answerable for all the damages that may be sustained by any person crossing the same; if it is made appear that the aforesaid bridge was the cause thereof*

*SEC. 3. Be it enacted, That all persons having occasion to attend general, battalion or private musters, and court martials or public elections or public worship, in said county, shall not be compelled or required, in going to, or returning from, the same, to pay any toll for their passage over said bridge, any law, usage or custom to the contrary, notwithstanding.*

*SEC. 4. Be it enacted, That Peter Buram, of Warren county be, and he is, hereby authorised to build a good and substantial bridge across Caney Fork, at Rock Island, and that when completed, it be under the same rules and regulations, that Reuben Ross's bridge is made subject to by this act, in every case; and that he be subject and liable to the same penalties, that Reuben Ross is made liable to by this act; and be authorised to charge and receive the same rates of toll.*

*SEC. 5. Be it enacted, That Peter Buram be, and he is, hereby authorised to build a mill dam*

R. Ross may  
build a bridge  
over main Ca-  
ney Fork;

Toll.

Reuben Ross  
to have exclu-  
sive right.

Persons ex-  
empt from toll

Peter Buram  
may build a  
bridge.

And a mill  
dam.

*cross Caney Fork at Rock Island; Provided, he does not thereby injure the ford at that place.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 2, 1825.

### CHAPTER CXLV.

*AN ACT, for the relief of Samuel Buchannon and others.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That a certificate warrant for ninety acres, issued to Samuel Buchannon, being part of a three hundred acre certificate warrant, No. 1,477, issued to William H. Ragsdale, by the register of East Tennessee, on the seventeenth day of August, 1818, provided, it shall satisfactorily appear to the secretary of State who is hereby authorised to adjudicate said claim, that ninety acres of the grant founded on said certificate warrant No. 1,477, is taken by an older and better title; Provided, also, that it shall appear to said secretary, that no other grant has issued on said warrant, and that the same is founded on a good and valid warrant.*

Samuel Bu-  
channon.

*SEC. 2. Be it enacted, That it shall and may be lawful for the secretary of State to issue to John Sutton a certificate warrant for forty five acres, a part of grant No. 9,417, Provided, it shall satisfactorily appear to said secretary, that the said forty-five acres of grant No. 9,417, is taken by an older and better title, and the same is founded on a good and valid warrant, and that no other grant has issued thereon.*

John Sutton

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 2, 1825.

### CHAPTER CXLVI.

*AN ACT, to change the name of the town therein mentioned.*

*Be it enacted by the General Assembly of the State*



of Tennessee, That the name of the town of Gibsonport, in the county of Gibson be, and the same is, hereby changed, and the said town shall hereafter be known and called by the name of TRENTON.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 2, 1825.

### CHAPTER CXLVII.

*AN ACT, for the relief John Clift.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the surveyor of the tenth surveyor's district be, and he is, hereby required to survey a fifty acre entry in range 3, and section 3, of said district, in the name of John Clift, beginning at a black oak at the head of a spring, 295 poles south, and 143 poles east, of the south east corner of John Rhea's 100 acre entry, in Range three, and section three.

SEC. 2. *Be it enacted,* That the Register of this State shall issue a grant on the same plat of survey, which shall be as good and valid in law as though the survey had been made agreeable to the calls of the entry.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

### CHAPTER CXLVIII.

*AN ACT, for the relief of Adam Gardenhire and John Martindale.*

*Be it enacted by the General Assembly of the State of Tennessee,* That the said Adam Gardenhire and John Martindale be, and they are, hereby released and forever discharged from the payment of a judgment or judgments rendered against them, in the circuit court of White county as appearance bail of John Gardenhire, at the instance and in be-

half of the State, on the payment, by said Adam Gardenhire and John Martindale, of the costs accrued thereon and the production of a certified copy of this act, to the clerk of said circuit court shall authorise him to enter a release of said judgments on the recognizance of said Adam and John on their paying the costs of said judgments.

WM. BRADY,

Speaker of the House of Representatives

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

### CHAPTER CXLIX.

*AN ACT for the benefit of James Read.*

*Be it enacted by the General Assembly of the State of Tennessee,* That James Read, of Robertson county, be, and he is, hereby authorised, to vend and retail merchandize throughout this State, without paying any State or county taxes therefor.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

### CHAPTER CL.

*AN ACT, for the relief of Edward Mead.*

*Be it enacted by the General Assembly of the State of Tennessee,* That the Register of East Tennessee issue to Edward Mead, a certificate for fifty-five and one half acres, on account of a balance of that amount on certificate No. 867, and that the same, when adjudicated, shall be located as though the issuance thereof had not been suspended.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

## CHAPTER CLI.

*AN ACT, to declare the north fork of Forked Deer river navigable.*

*Be it enacted by the General Assembly of the State of Tennessee, That the north fork of Forked Deer river be, and the same is, hereby declared to be a navigable water course from its mouth to Page's mill, in Gibson county, which said stream shall be free and open to all persons for navigation, with boats, crafts and other means of conveyance by water, without interruption or obstruction, subject to the same provisions and conditions, in relation to the obstruction of the navigation thereof, as are contained in [an] act passed at Murfreesborough, 20th September, 1823, entitled "an act, to declare Beech River Navigable."*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

## CHAPTER CLII.

*AN ACT, for the relief of Robert Willis and others.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee, pay to Robert Willis, [Willis] the sum of twenty-three dollars; to Thomas Boulton, twenty dollars; to Richard Harris, twenty dollars; to Jonathan Mampowers, twenty-four dollars; to Stephen Reynolds, sixteen dollars; to William Crews, fourteen dollars; to John Daniels, thirteen dollars; to William Kirkham, fifteen dollars; and Worham Easley, ten dollars; also, Jacob Boyer, fifteen dollars, for guns pressed from them during the late war, and their receipts for the same, shall be good vouchers for said treasurer in the settlement of his account.*

SECTION 2. *Be it enacted, That the treasurer of East Tennessee, pay to Alexander Bailes, so much as he, Bailes, may be able to make appear of record to the satisfaction of said treasurer, he has paid to John Lingar or assigns of debt and costs for a gun said Bailes pressed for the use of the*

United States, and the said Bailes's receipt shall be a good voucher in the hands of the treasurer, in the settlement of his accounts.

SEC. 3. *Be it enacted, That the treasurer of East Tennessee, pay to William Brown, the sum of eighteen dollars; and to Aaron Mills, the sum of sixteen dollars, for guns, pressed from them during the late war, and their receipts for the same shall be a good voucher for said treasurer in the settlement of his accounts.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 4, 1825.

## CHAPTER CLIII.

*AN ACT, for the relief of Henry Bradford.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee be authorised and required to pay to Henry Bradford, the sum of ninety dollars, ninety six and one fourth cents, the amount disbursed in expenses, and the cost of a suit brought by Colon-uskee, an Indian reservee, for a tract of land in the Hiwassee district which was purchased from the State, by said Bradford, the title to which, the State was bound to warrant to the said Bradford, and defray all expenses necessarily incurred in defending the suit brought to recover the same from him.*

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

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 5, 1825.

## CHAPTER CLIV.

*AN ACT, for the relief of the heirs of John Jones, deceased, of Giles county.*

SECTION 1. *Be it enacted by the General Assembly*



Guardians  
may sell land  
of J. R. Jones  
and Nancy M.  
Jones.

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 M. Jones, minor heirs of John Jones, deceased, late of Giles county, to sell in such manner as to them may seem most beneficial to the heirs of said John Jones, deceased, the tract of land in Giles county, whereon the said John Jones lived at the time of his death, containing about four hundred and fifty acres, and the proceeds of said sales shall be assets, in the hands of said guardians, in the same manner, 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, under the laws now in force.

Title made  
by said guar-  
dians good.

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

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 5, 1825.

#### CHAPTER CLV.

*AN ACT*, to authorise the register of East Tennessee to issue a grant to Robert Williams for twenty-five acres of land.

*Be it enacted by the General Assembly of the State of Tennessee*, That the register of East Tennessee be, and he is, hereby authorised, to issue a grant to Robert Williams, of Morgan county, for twenty five acres of land, lying on little Emery's river, in consequence of an entry No. 365, dated June the 14th 1810, surveyed in the name of Lewis Rector, and by said Rector assigned to said Williams, on a copy of said entry being produced to said register, certified by the surveyor in whose office the same was made.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 7, 1825.

#### CHAPETR CLVI.

*AN ACT*, for the benefit of Katy and William Edmonson and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Katy and William, the children of Mary Wagis, shall be, and they are, hereafter to be known by the names of Katy Edmonson and William Edmonson; that they be, and they are hereby legitimised as the children of Colonel John Edmonson of Montgomery county, Tennessee, and shall be entitled to inherit the property of said John Edmonson in the same manner as if they had been born in wedlock.

SEC. 2. *Be it enacted*, That Apollus, Lucian B. James and Simeramis, children of Elizabeth Saunders, shall be, and they are, hereby known by the name of Apollus Cooper, Lucian B. Cooper, James Cooper and Simeramis Cooper; that they be, and are hereby legalised, as the children of colonel Robert Cooper, late of Stewart county, Tennessee, and they shall be entitled to inherit the property of said Robert Cooper in the same manner as if they had been born in wedlock.

SEC. 3. *Be it enacted*, That William Carroll Hews, of Perry county, Tennessee, be altered to that of William Carroll Graham.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 7, 1825.

#### CHAPTER CLVII.

*AN ACT*, for the relief of Alexander Wilkins.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander Wilkins be, and he is, hereby exonerated from the payment of fifty dollars, it being the State tax, for license to sell a few groceries in the present year, 1825, for which sum of fifty dollars, said Wilkins has given his note to the clerk of Dickson county.

SEC. 2. *Be it enacted*, That in case said Wilkins shall have paid the tax aforesaid of fifty dollars to

said clerk, then it shall be, and it is hereby made the duty of said clerk or the treasurer of West Tennessee, in whose hands the same may be, to refund the same to said Wilkins, whose receipt shall be a good and sufficient voucher on the settlement of his accounts, with them or either of them, as the case may be.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 7, 1825.

### CHAPTER CLVIII.

*AN ACT for the benefit of Joseph Dyer and others.*

*Be it enacted by the General Assembly of the State of Tennessee, That Joseph Dyer and others be, and they are, hereby authorised to keep up a fish dam and trap now erected on a small sluice of Holston river, at a place called the Smoky Island, as said sluice is not used in navigating said river.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 7, 1825.

### CHAPTER CLIX.

*AN ACT, for the benefit of David Campbell of Knox county.*

*Be it enacted by the General Assembly of the State of Tennessee, That the clerk of the court for Knox county refund to David Campbell, fifty dollars, the sum paid said clerk on the 10th day of September, 1825, for license to sell merchandise in said county: Provided, the clerk has not paid over the money to the treasurer and in that case, the treasurer is hereby required to pay the said Campbell, and his receipt shall be a good voucher in the settlement of his accounts.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November, 7, 1825.

### CHAPTER CLX.

*AN ACT, for the relief of Stanwix Hoard and others.*

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee be, and he is, hereby directed to pay Stanwix Hoard, the sum of four hundred and fifty-two dollars, being the amount of twenty-five per cent. on the principal sum paid by him as the assignee of a purchaser, at the Hiwassee land sales, together with the costs and expenses of a suit brought against him by Telontuskee, an Indian reservee.*

SEC. 2. *Be it enacted, That so soon as the said Hoard shall have procured full and legal receipts for the payment of the purchase money, as said reservation, it shall be the duty of the register of East Tennessee, to issue a grant or grants for the same as in other cases, of purchasers at the Hiwassee land sales.*

SEC. 3. *Be it enacted, That the register of East Tennessee is hereby authorised to issue a grant to Jesse Mayfield, for one quarter section of said reservation, under the same rules and regulations, that he is authorised to issue a grant to Stanwix Hoard, by the second section of this act.*

SEC. 4. *Be it enacted, That the receipt of the said Stanwix Hoard, shall be a good voucher for said treasurer, in the settlement of his accounts.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 7, 1825.

### CHAPTER CLXI.

*AN ACT, for the relief of Joseph Callaway and others.*

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee be authorised, and he is hereby empowered and required, to pay to Joseph Callaway, for his services in surveying the islands in the Tennessee river, within the limits of the Hiwassee District, in all, thirty-eight miles,*



at the same rates that the said Callaway was paid by the State for surveying the balance of said Hiwassee District, and his receipt shall be a good voucher in the settlement of his accounts.

**SEC. 2.** *Be it enacted,* That the treasurer of East Tennessee, be authorised and empowered to give to Charles Donohoo, a credit of two hundred and forty three dollars twenty-one cents, upon the money due from said Donohoo upon the purchase of a lot or quarter section of land in the Hiwassee District, sold to him on the 6th day of December, 1820, range 4th east, township 2, south west quarter of section 9, which quarter section or lot of land, from an accurate survey, appears to be deficient twenty one acres, together with twelve dollars and twenty one cents interest, which will be seen from the accompanying documents, and his receipt shall be a good voucher in the hands of the treasurer in the settlement of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 9, 1825.

#### CHAPTER CLXII.

*AN ACT, for the relief of Gabriel Mc'Craw, late sheriff and collector for the county of Hawkins.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of East Tennessee pay over to Gabriel Mc'Craw, late sheriff and collector of the State and county taxes for the county of Hawkins, the sum of thirty-three dollars fifty-six and three-fourth cents, being the amount of the State and county tax with clerks and printers fees, and incidental expenses due and paid by him on a tract of land belonging to Richard Caswell's heirs, in said county of Hawkins, for the years 1815, 1816, 1817, 1818, 1819, 1820, 1821, and 1822, which land was purchased for the use and benefit of the State by him.

**SEC. 2.** *Be it enacted,* That the treasurer aforesaid, pay to Gabriel Mc'Craw, aforesaid, the sum of seven dollars and twenty-four cents, the amount of the State and county tax, due from Joseph Mc'Lain for the year 1819, including incidental expenses,

the amount paid for a town lot in Mount Sterling, purchased for the use and benefit of the State by him.

**SEC. 3.** *Be it enacted,* That the treasurer aforesaid, pay to said Gabriel Mc'Craw, the further sum of twenty-five dollars, the amount due for commissions and incidental expences, in selling twenty-three thousand acres of land belonging to Walter Sims for taxes due thereon, which was purchased by him for the State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 9, 1825.

#### CHAPTER CLXIII.

*AN ACT, to authorise the county court of Davidson to lay a tax for the purpose of building a court house.*

**SECTION 1.** *Be it enacted, by the General Assembly of the State of Tennessee,* That the county court of Davidson, a majority of the acting justices being present be, and they are, hereby empowered to lay a tax, not exceeding fifteen thousand dollars, upon persons and property in said county, in the usual proportions, which shall be leviable and payable in three equal annual instalments, in the years 1826, 1827, and 1828, to be appropriated towards the erection of a suitable court house in the town of Nashville, for the accommodation of the county and State courts.

**SEC. 2.** *Be it enacted,* That the collector of tax for said county, shall give an additional bond each of said three years, payable as in other cases, in the penal sum of seven thousand dollars, conditioned for the faithful collection of said instalments respectively, and it shall be his duty to collect and pay over the same to the order of the building commissioners, appointed to superintend the erection of said building, for all which services, he shall be entitled to the same compensation as is allowed for the collection of State and county taxes.

**SEC. 3.** *Be it enacted,* That David Mc'Garock, John Hardin, Henry Crabb, Eph. H. Foster, Commissioners to super-

intend the erection of the court house.

ter, Wm. B. Lewis, Thomas Welch, and Jos T. Elliston be, and they are, hereby appointed commissioners to contract for, and superintend the erection and completion of, said court house, and they shall have power, in case of resignation or refusal to act, death or removal, to fill the vacancy occasioned thereby, and said commissioners are hereby authorised to apply to, and contract with, the government of the United States, or the proper officer thereof, and with the town authorities of Nashville, for appropriations of monies, by them, and the erection of suitable apartments therewith in said building, to accommodate the courts of the said United States, and the mayor and aldermen or other tribunals of said town:

Courts may be held in any house in Nashville.

SEC. 4 *Be it enacted*, That the different courts directed by law to be holden in the court house in the town of Nashville, may be holden in any other house in said town, which may be procured by the sheriff of Davidson county for that purpose, until the said court house may be completed:

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 9, 1825.

#### CHAPTER CLXIV.

*AN ACT, for the relief of Audly Harrison.*

*Be it enacted by the General Assembly of the State of Tennessee*, That Audly Harrison be, and he is, hereby discharged, from all disability to hold any office of profit or trust under the laws of this State, for which he may have been disqualified, by being found guilty of a breach [of] a law against gaming, now in force in this State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 10, 1825.

#### CHAPTER CLXV.

*AN ACT, for the relief of Oliver Tolls.*

SECTION 1. *Be it enacted by the General Assembly*

*of the State of Tennessee*, That Oliver Tolls be, and he is, hereby discharged, from all disability to hold any office of profit or trust under the laws of this State, for which he may have been disqualified by being found guilty of a breach of the laws against gaming, now in force in this State.

SEC. 2. *Be it enacted*, That the said Oliver Tolls be released from his imprisonment by reason of a fine assessed against him for gaming, but is not hereby released from the payment thereof, should he hereafter have property or means to pay the same.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 10, 1825.

#### CHAPTER CLXVI.

*AN ACT, concerning the navigation of Red river.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Red river, from its mouth up to the junction of the North and South forks of said river, above Williams's mill be, and is, hereby declared a public highway, and navigable stream, and all persons who own mill dams on said part of said river, are hereby required, on or before the fifteenth day of September 1826, to cause to be constructed, such a slope in each dam respectively, and each slope to be at least thirty-six feet in width, so that the safe passage of all boats and other water crafts, descending said river, may not be impeded by said dams.

Red river a highway, and every dam must have a slope.

SEC. 2. *Be it enacted*, That the owners of said dams, who may fail or neglect to erect and construct such slopes, as are pointed out in the first section of this act, by the time pointed out in such section, shall forfeit and pay for each and every day thereafter, that said dams may continue without such slopes, the sum of fifty dollars, to be recovered by any person who may sue for the same, in any tribunal in this State having jurisdiction thereof.

Owners of dams without a slope to forfeit \$50 per day.

SEC. 3. *Be it enacted*, That all laws and parts of



laws, contrary to the intent and meaning of this act, be, and are, hereby repealed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 11, 1825.

### CHAPTER CLXVII.

*AN ACT, to authorize George Gordon to build a toll bridge across White's creek, and for other purposes.*

George Gordon's bridge. *SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That George Gordon, of Roane county be, and he is, hereby authorised to build a bridge across White's creek, at said Gordon's Iron works, on the road leading from Kingston to Washington, in Rhea county.*

Toll *SEC. 2. Be it enacted, That said Gordon shall be entitled to receive such toll from those crossing said bridge, as the county court of Roane, shall hereafter direct; Provided, that said Gordon, shall not obstruct the ford of said creek where the road now crosses the same.*

Repeals the act to encourage the manufacture of lead. *SEC. 3. Be it enacted, That an act passed at the present session of this General Assembly, entitled "an act to encourage the manufacturing of lead" be, and the same is, hereby repealed; and the register of East Tennessee, is hereby prohibited from issuing, and the governor and secretary of State from signing or countersigning, any grant, which may be required under the provisions of said act.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

### CHAPTER CLXVIII.

*AN ACT, for the relief of David Thwing.*

*Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee, at Nashville, be, and he is, hereby au-*

*thorised and required to issue to David Thwing, or his assignee or legal representative, a certificate warrant for twenty one acres of land, which said twenty-one acres was taken by interference of a six hundred and forty acre tract, laid off for the use of schools, from a tract of fifty-five acres, granted to said David Thwing, by the State of Tennessee, No. of grant, 19,789, and dated the 11th day of August 1823, which said certificate warrant may be located on any vacant and unappropriated land lying south and west of the congressional reservation line; Provided, said grant issued upon a good and valid warrant.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

### CHAPTER CLXIX.

*AN ACT, to revive an act passed at Murfreesborough 6th October 1824, for the relief of Willie Cherry and to revive the act of 17th August 1822, for relief of said Willie Cherry.*

*Be it enacted by the General Assembly of the State of Tennessee, That the above recited act and the act for the relief of Willie Cherry, passed October 6th 1824, as also, the act of 17th August 1822 be, and the same are, hereby revived; that the commissioner for adjudication of land claims issue to the heirs of said Willie Cherry, deceased, a duplicate land warrant, for six hundred and forty acres, according to the above recited acts, which this is intended to revive.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

### CHAPTER CLXX.

*AN ACT, to procure sealed measures for Washington county.*

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

be lawful for the county court of Washington county, two thirds of the acting justices being present, at their first court after the first day of January next, to elect a standard keeper for the county of Washington, whose duty it shall be to procure a proper set of stamps or brands for the measures of half bushels, pecks, and half pecks, and after such procurement, shall notify the citizens thereof, that he is ready to enter upon the duties of his office, and on application of any person to have his measures sealed, the said standard keeper, shall forthwith measure and seal the same; and for such measuring and sealing, shall demand of the person so applying for every set of measures, by him sealed, the sum of thirty-seven and one half cents, or twelve and one half cents for either of them.

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

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

## CHAPTER CLXXI.

*AN ACT, to regulate the sittings of the courts therein mentioned.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the circuit court for the county of Fentress, shall be held on the third Mondays in March and September, in each year, and sit one week.

Circuit courts  
in Fentress.

SEC. 2. *Be it enacted*, That the county courts for the county of Warren, shall sit the first Mondays in January, April, July, and October, and sit one week. The county courts of White, shall sit the second Mondays in January, April, July and October, and shall sit one week in January and July and two weeks in April and October; the county courts for the county of Overton, shall sit the third Mondays in January and July and the fourth Mondays in April and October, and sit one week; the county courts for the county of Fentress, shall sit the fourth Mondays in January and July and the first Mondays in May and November, and,

County courts  
of Warren,  
White, Over-  
ton, Fentress,  
Jackson.

sit one week, and where there are five Mondays in the months of January and July, the county courts for the county of Overton, may sit two weeks, and the county courts for the county of Fentress, shall sit the fifth Mondays. The county courts for the county of Jackson, shall sit the first Mondays in February and August and the second Mondays in May and November, and sit one week.

SEC. 3. *Be it enacted*, That the judge for the third circuit shall, and he is, hereby authorised to appoint a clerk for the circuit court of the county of Fentress, administer the oath of office and take bond with security, as the law directs, at Carthage in the county of Smith, or such other place as he may find convenient; *Provided*, he cannot go to the county of Fentress, or his business may so interfere as to prevent his attendance before the time appointed, for the sitting of the next term of said court, whose duty it shall be to go to the place appointed by law, for the sitting of the courts for the county of Fentress, and open his office, receive all papers and records in cases of appeals from the county courts and justices of the peace; and do all such other matters and things necessary and required by law to be done.

Judge of 3rd  
circuit to ap-  
point a clerk  
of Fentress.

And WHEREAS, great expense is daily arising to the county of Overton, on account of persons imprisoned for crimes and who are unable to pay said expense; therefore,

SEC. 4. *Be it enacted*, That it shall be the duty of the judge of the third circuit, if he find he cannot deliver the jail in the time now set apart for the sitting of the circuit court for the county of Overton, to appoint some convenient time when he can attend and shall enter said time upon the record and adjourn the court to that time, when and where he shall require the attention of the attorney general for the district, who shall attend and prosecute all causes depending in said court, in behalf of the State; and said court is hereby authorised to dispose of any civil cause depending in said court; *Provided*, the parties consent, but in no case, shall said court force a party in a civil cause into trial unless the same may have been continued from the previous regular sitting of said courts to that term, and the clerk is authorised to make capias's and subpoenas, returnable to said term.

Judge may  
appoint a cir-  
cuit court in  
Overton.



SEC. 5. *Be it enacted*, That the judge of said court, is hereby authorised to empannel a grand jury of by-standers; *Provided*, he shall conceive the public good requires it, which jury shall not be detained more than two days, unless the court shall require them to serve as traverse jurors, and in that event, they may do business any time during the term the court may detain them.

SEC. 6. *Be it enacted*, That this act shall take effect from and after the first day of January next, except so much as relates to the county of Fentress, which shall take effect and be in force from and after the passage thereof.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

## CHAPTER CLXXII.

*AN ACT*, to provide for the better regulation of the town of Springfield in the county of Robertson.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee*, That John Hutchison, Richard Cheatham, George C. Conrad, John L. Cheatham, John W. Ferguson, Solomon Pain, Samuel King, Pinkney Green, and Daniel P. Braden be, and they are, hereby appointed commissioners for the town of Springfield, in the county of Robertson, with full power and authority [to] enact and pass laws and ordinances, necessary and proper to preserve the health of said 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 said town, to prevent shooting and shooting-matches within the bounds of said town, or the commons thereof, and keep in repair the streets in said town, to impose fines, penalties, and forfeitures, and to appropriate the same, for a breach of their by-laws and ordinances; to appoint a treasurer, clerk and constable, to lay and collect taxes for carrying the necessary regulations into effect for the benefit of said town, and

Springfield incorporated.

to pass all laws and ordinances necessary and proper to carry into effect the intent and meaning of this act; *Provided*, they are not inconsistent with the constitution of this State, and, *Provided also*, that no fine, penalties or forfeiture, by and under any by-law or ordinance of said commissioners, shall not exceed three dollars for one and the same offence.

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

Fines, how collected.

SEC. 3. *Be it enacted*, That the justices of the peace, in and for the county of Robertson; shall have jurisdiction to issue warrants when demanded, on the order of the chairman of the board of commissioners of said town, for the time being, for the collection of fines, forfeitures, and penalties incurred for a violation of the by-laws or ordinances of said commissioners.

Justices jurisdiction.

SEC. 4. *Be it enacted*, That the said commissioners for the time being, shall have power and authority to fill all vacancies in the said board, happening by death, resignation, or otherwise.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

## CHAPTER CLXXIII.

*AN ACT*, to authorise the county court of Robertson to lay an additional tax.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the county court of Robertson, at their first court after the first day of January next, a majority or twelve of the acting justices of the peace for said county being present, to lay a tax

County court of Robertson to lay a tax to move and build the jail.

for the purpose of removing and rebuilding the jail in the town of Springfield, from the public square thereof, to some lot or parcel of ground within the limits of said town, which tax shall be levied in each and every succeeding year, so long as it shall be necessary for the completion of said work, which tax, when collected, shall be paid over by the sheriff to the commissioners hereinafter appointed, under the same rules heretofore prescribed by law.

**SEC. 2.** *Be it enacted,* That John L. Cheatham, John Hutchison, George C. Conrad, William Seal, George Murphrey, William Pope and James Sawyers be, and they are, hereby appointed commissioners, and they, or a majority of them, are hereby authorised and required to contract for and superintend the removing and rebuilding said jail, which shall be removed to, and rebuilt on, some lot or parcel of ground within said town, which shall be purchased by said commissioners for that purpose and said commissioners shall take a deed of conveyance in the name of the chairman of said court for the same, for the purpose aforesaid.

**SEC. 3.** *Be it enacted,* That it shall [be] the duty of said commissioners to superintend the removing and rebuilding of said jail, and to take and receive from the person or persons with whom they may contract, a bond in double the amount of the contract money, conditioned for the faithful execution of the work, according to the terms prescribed by said commissioners.

**SEC. 4.** *Be it enacted,* That the said commissioners shall, at their discretion, let out the removing and rebuilding of said jail to the lowest bidder, of which they shall give thirty days notice.

**SEC. 5.** *Be it enacted,* That it shall be the duty of said county court, to make a reasonable allowance to said commissioners for their trouble, to be paid out of any monies in the county trustee's hands not otherwise appropriated.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

## CHAPTER CLXXIV.

**AN ACT,** to amend an act passed October 9th, 1824, entitled "an act to provide for the regulation of Athens, in the county of Mc'Minn."

**[SECTION 1.]** *Be it enacted by the General Assembly of the State of Tennessee,* That the fourth section of an act entitled "an act, to provide for the regulation of Athens, in the county of Mc'Minn," passed October 9th, 1824, be, and the same is, hereby repealed. Fourth section of an act of 1824 repealed.

**SEC. 2.** *Be it enacted,* That the commissioners of the seat of justice and the town of Athens, in Mc'Minn county be, and they are, hereby authorised to retain in their hands, all sums of money and bonds given for lots sold in said town, until the public buildings of said county shall be completed and finished, and until said commissioners shall have paid and discharged all other expenses necessarily and properly incurred in the erection and completion of said buildings, as well as such sums as may be rightfully expended in relation to other public matters and duties heretofore enjoined by law upon said commissioners. Commissioners to retain money till public buildings are completed

**SEC. 3.** *Be it enacted,* That the further time of two years, from and after the passage of this act be, and the same is, hereby allowed said commissioners to complete the public buildings in said county, and to defray all expenses which they may necessarily incur in and about the said public buildings and town of Athens; and at the expiration of the time aforesaid, said commissioners are hereby required to pay over and deliver to the chairman of said board of commissioners, all such sums of money as may be unexpended, and all bonds remaining in their hands at the time aforesaid. Two years allowed to complete them.

**SEC. 4.** *Be it enacted,* That the monies and bonds so paid over and delivered to the chairman of the board of commissioners, shall be subject to the orders of the county court of Mc'Minn, and be applied to such public purposes as said court may think most beneficial to said town of Athens, and county aforesaid. Monies and bonds subject to order of county court.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.



## CHAPTER CLXXV.

*AN ACT, for the benefit of the citizens residing in Cade's Cove, Blount county.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee.* That the citizens composing the settlement in Cade's Cove, are hereby empowered and authorised to form themselves into a company of militia, and elect one captain, one lieutenant, and one ensign, and non-commissioned officers in proportion, which company, when formed, shall be under the same rules and regulations of other companies of militia in Blount county; *Provided, nevertheless,* that the said company in Cade's Cove, shall be excused from attending battalion and general musters for two years from the 1st January, 1826.

SEC. 2. *Be it enacted,* That said company, when formed, shall have two musters in each year more than the number of private musters as now established by law.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 14, 1825.

## CHAPTER CLXXVI.

*AN ACT, to provide for defraying the necessary expenses of ascertaining the latitude of the north boundary line of this State.*

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of West Tennessee pay to William L. Willeford, and George W. McGehee, the sum of one hundred dollars each, as compensation for ascertaining the true latitude of Walker's and Steele's lines, and the receipts of the said William L. Willeford and George W. McGehee, shall be a good voucher in the settlement of his accounts.

SEC. 2. *Be it enacted,* That the treasurer of West Tennessee pay to the order of the governor the sum of seven dollars, the sum he expended in carrying into effect a resolution passed by this general assembly, on the twenty-third day of Septem-

Wm. L. Willeford and G. W. McGehee

The Governor's order to be paid.

ber, 1825, and the said order shall be a good voucher in the settlement of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 15, 1825.

## CHAPTER CLXXVII.

*AN ACT, to alter the names of the persons therein named and for other purposes.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the name of James Madison York son of Gabriel Jones, of Franklin county, and child of Nelly York be, and the same is, hereby changed to that of James Madison Jones, and he is hereby constituted the legal heir of the said Gabriel Jones and entitled to all the rights and privileges which he might, or could have been entitled to, had he been born in wedlock.

SEC. 2. *Be it enacted,* That the name of John Tether, an illegitimate son of John Summers, of Franklin county, and child of Winny Tether be, and the same is, hereby changed to that of John Summers; that the name of Caroline Read, daughter of Solomon Payne of Robertson county, be changed to that of Caroline Read Payne; that the name of Alexander Sevier, son of Richard C. S. Brown of Overton county, be changed to that of Alexander Brown; that the name of John Kelly, son of William Worthington, of Anderson county, be changed to that of John K. Worthington; that the name of Misiea Huston, daughter of John Harvey, of Franklin county, and the name of Leander Huston, son of said Harvey of Franklin county, be changed, to that of Musica Harvey and Leander Harvey; and that the name of Grief Lampkin Webster, son of William and Elizabeth Mitchell, of Maury county, be changed to that of Grief L. Mitchell; that Betsy H. Avent, Ann S. Avent, William P. Avent and Minerva Avent children of Hugh H. Wethers and Dolly A. Avent, be changed to Betsy H. Wethers, Ann S. Wethers, William S. Wethers and Minerva T.

R

Wethers; and that the said persons intended to be provided for by the first and second sections of this act, are hereby made the lawful heirs of their reputed fathers, and in all respects made as capable of inheriting, as if they had been born in wedlock.

SEC. 3. *Be it enacted*, That the name of Thomas Crutcher Baker, shall be changed to that of Sterlin Coleman Baker, and the name of Albert G. Anderson, of Smith county, be changed to that of Albert G. Sullivan, the name of John Smith of Hawkins county, be known by the name of John H. Smith, and that Joseph Goodman of Jackson county, be changed to that of Joseph Douglass.

SEC. 4. *Be it enacted*, That the name of Elizabeth Woody, an illegitimate daughter of Joseph Huff, of Cocke county, be changed to that of Elizabeth Huff, and be entitled to all the privileges of James Madison Jones, as mentioned in the first section of this act.

SEC. 5. *Be it enacted*, That the name of Eleanor Ann Brady, be changed to that of Eleanor Ann Frazier, and that the said Eleanor Ann, shall be considered in law as one of the legal heirs of her reputed father.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 15, 1825.

## CHAPTER CLXXVIII.

*AN ACT*, to authorise the drawing of a lottery for the benefit of the Nashville Female Academy, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Whyte, Felix Robertson, Oliver B. Hays, Andrew Hytes, Alfred Balch, Thomas Crutcher and John P. Erwin, or their successors in office be, and they are, hereby authorised as trustees of the Nashville Female Academy, to draft the scheme of a lottery, and superintend the drawing of the same, for the purpose of raising a sum of money

Lottery for  
Nashville Fe-  
male Acad-  
emy.  
no p

not exceeding five thousand dollars, to be employed in improving the buildings and enclosing and ornamenting the ground of the Nashville Female Academy, and procuring a suitable library and apparatus for the use of said academy.

SEC. 2. *Be it enacted*, That said trustees or a majority of them, or their successors in office, before they proceed with said lottery, shall enter into bond with good security, before the chairman of the county court of Davidson, in double the amount of the capital in said scheme, for the faithful payment of the prizes when drawn, or in case of failure to draw said lottery, for the repayment to such persons as have purchased tickets, of the sums by them advanced, which bond, when executed, shall be filed with the clerk of said court. Trustees to give bond.

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

SEC. 4. *Be it enacted*, That said trustees, or a majority of them, shall have power to make sale of tickets, to take bond from such person as they may sell tickets to, or from such persons as they may deposit tickets with for sale; and in case of failure to comply with the terms of said bond, they are hereby authorized, to sue for and recover, on said bond, 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 completed, they are hereby required to apply to the purposes set forth in the first section of this act. To sell tickets

SEC. 5. *Be it enacted*, That Jacob Shall, Fountain Lester, Andrew M. Ballentine, Samuel Y. Anderson and John H. Rivers be, and they are hereby authorized to draft the scheme of a lottery and superintend the drawing of the same, for the purpose of raising a sum of money not exceeding fifteen hundred dollars, for the purpose of erecting suitable buildings, and providing a lot on which to

A lottery for  
Nashville acad-  
emy.



erect the same, for a female academy in the town of Pulaski and county of Giles, which said lottery, shall be conducted in the same manner and subject to the same conditions, provisions, and restrictions, as are set forth in the first four sections of this act.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,

Speaker of the Senate.

Passed November 15, 1825.

#### CHAPTER CLXXIX.

*AN ACT, to authorise William Adkinson to build a bridge across Beech river at Perryville.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That William Adkinson of the town of Perryville be, and he is, hereby authorised to build a bridge across Beech river, at the town of Perryville, near the mouth of said river, and that the said William Adkinson, so soon as he shall have completed the same, so as to be fit for the safe and convenient passage of travellers, wagons, &c. and so long as the same shall be kept in good repair, shall and may be allowed the following rates of toll; viz; for a wagon and team, fifty cents; for a four wheel carriage, fifty cents; for a carry-all, twenty five cents; a gig and other two wheel carriage, twenty-five cents; a man and horse, six and a fourth cents; a single man, six and a fourth cents (except moving families, who shall be allowed to pass at the rate of three cents each;) each single horse, sheep, cow, and mule, in droves, one cent; hogs in droves, one half cent.*

SEC. 2. *Be it enacted, That before said William Adkinson shall be permitted to charge toll for crossing said bridge, he shall obtain a certificate from some three justices of the peace of said county in which said bridge is located, that the same is in a good condition for the passage of travellers, and said William Adkinson shall be liable as in similar cases, for all damages incurred by reason of any imperfection in said bridge.*

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,

Speaker of the Senate

Passed November, — 1825.

#### CHAPTER CLXXX.

*AN ACT, for the benefit of the surveyor of the second district.*

*Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of all and every person or persons having plats and certificates now on file in the office of the second surveyor's district, within six months from and after the first day of January next, to take said plats and certificates or cause the same to be taken to the register's office of West Tennessee, and should any person or persons fail so to do, it shall and may be lawful for the surveyor of said district, at his discretion, to transmit the same to the register's office aforesaid, for which service he shall be entitled to demand and receive twenty five cents; which, together with his other fees of office heretofore allowed by law, he may proceed to collect as in other cases of debt.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 16, 1825.

#### CHAPTER CLXXXI.

*AN ACT, to provide for the payment of the necessary expenses attending the reception of General Lafayette in this State.*

*Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of West Tennessee, pay to his excellency, William Carroll, the sum of thirty-six hundred and twenty four dollars and twenty cents, the amount expended by him in the reception of General Lafayette, in conformity with a resolution of the General Assembly adopted on the 23rd day of September, 1824, and the Governor's receipt will be a good voucher in the settlement of his accounts.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 16, 1825.

## CHAPTER CLXXXII.

*AN ACT, for the relief of Harriet Payne Scudder.*

*Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for Harriet Payne Scudder, of the town of Shelbyville, by her next friend, to file her petition before the next circuit court, to be holden for the county of Bedford, praying to be divorced from her husband Philip I. Scudder; and it shall be the duty of the court to hear and determine the same, at the same term, upon oral testimony, and if upon proof being made, it should appear to said court that her husband aforesaid, has hitherto absented himself from her, or has wholly failed and neglected to extend protection and support to her, it shall be the duty of said court to dissolve the marriage contract now existing between the said Harriet P. and the said Philip I. and that she shall thereafter be known by the name of Harriet Payne Whitney, Provided, ten days notice shall be given to the said Philip I. previous to the sitting of said court, that said petition will be so filed.*

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 16, 1825.

## CHAPTER CLXXXIII.

*AN ACT, for the benefit of James V. Anderson and James Sevier.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That James V. Anderson, clerk of the circuit court, and James Sevier, clerk of the county court of Washington county, are hereby authorised to build offices on the public square in the town of Jonesborough, at such place or places as a majority of the justices of said county may designate; Provided, said offices shall be erected at the expense of said clerks.*

*Sec. 2. Be it enacted, That it shall be lawful*

for the clerks aforesaid, in case of resignation, removal from office or death, they or their legal representatives shall be authorised to sell the building or buildings so erected to their successors in office. If they die or resign their buildings may be sold.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 17, 1825.

## CHAPTER CLXXXIV.

*AN ACT, for the relief of Robert J. Chester.*

*Be it enacted by the General Assembly of the State of Tennessee, That the surveyor of the ninth surveyor's district be, and he is, hereby required to make void entry No. 1,661, founded on commissioners warrant No. 675, for 640 acres, and the said Chester shall be entitled to enter the same warrant on any vacant land in said ninth surveyor's district.*

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 17, 1825.

## CHAPTER CLXXXV.

*AN ACT, to divorce Edmund R. Anderson from his wife Eliza Anderson.*

*Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony between Edmund R. Anderson and Eliza Anderson his wife, be, and the same are, hereby dissolved, and the said Edmund R. restored to all the privileges of an unmarried man, in as full and complete manner as though he had never been married to said Eliza.*

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 17, 1825.



## CHAPTER CLXXXVI.

*AN ACT, for the relief of James B. Lockart, and others.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for James B. Lockart, Thomas Lockart, William B. Lockart and Elizabeth B. Clay, in their own right, and Sarah E. Peterson, James L. Peterson, Cornelius W. Peterson Erasmus N. Peterson and John L. Bort, by their guardians, either natural or legal, to file their petition in the chancery court for the sixth judicial circuit, for a sale of the following tracts of land, owned by them as tenants in common; to wit; one tract of two hundred and forty acres in Lincoln county; one tract of two hundred and fifty-seven acres in Davidson county; one tract of four hundred and forty acres in Wilson county; two tracts in Giles county, one of three hundred and thirty-one acres and two tenths, on the north side of Elk river, and the other of two hundred and sixty seven acres and seven tenths, on the south side of said river; and one tract in Stewart county of four thousand six hundred and eight acres.

Chancery court to decree equitably and justly.

*SEC. 2. Be it enacted,* That upon such petition being filed, said court shall have jurisdiction thereof, and shall decree therein as shall be equitable and just, and if it shall appear to said court, that the interest of said petitioners, who are minors, requires that said land or any part thereof should be sold, or that they, the said minors, would not be injured by selling the same or any part thereof, then, and in such case, said court shall have full power and authority to cause the said lands to be sold or such part thereof as, in the opinion of said court, may be proper to be sold, and upon such terms and conditions as will be consistent with the interest of all of said petitioners.

Interest of all concerned to be regarded

*SEC. 3. Be it enacted,* That in decreeing upon said petition, said court shall regard the interest of all the persons concerned in said tracts of land, and if it shall be made appear that the interest of the greater part of said persons, interested in said lands, would be more promoted by selling the same, than by having each ones share divided and laid off separate and apart from the rest, then it shall be the

duty of said court to cause the same to be sold as aforesaid.

*SEC. 4. Be it enacted,* That the monies arising from the sale of said lands, shall be divided amongst the said petitioners in proportion to the interest that each may have in the same, and so much thereof, as shall be paid to the guardians of any of said petitioners, that are minors, shall remain as assets in the hands of such guardians and shall be liable in the same respect and appropriated in the same manner, by such guardians, as other assets under the existing laws.

Monies how disposed of.

*SEC. 5. Be it enacted,* That if said court shall appoint a commissioner to sell said tracts of land or any part thereof, the person or persons so appointed, shall have full power and authority to make a good and sufficient title by deed for the same, to any person, that may become the purchaser thereof, and the same, when so made, shall be as binding and obligatory upon said petitioners and their heirs, as if they had in proper person, done the same.

Court may appoint a commissioner to sell.

*SEC. 6. Be it enacted,* That Doctor L. Munsell and Eliza his wife, Maria H. Blanton, Sarah Ann Sneed, Louisa R. Young, Julia Sneed, Bryan R. Young, legal heirs and representatives of Achilles Sneed, late of Frankfort, Kentucky, deceased, may file their bill or petition in the court of chancery, in the fifth circuit, and upon it appearing to said court of chancery that it would be necessary and of benefit to the estate of said Achilles Sneed, and to enable the administrator of said Sneed, to pay the debts of said Sneed, to sell any or all the real estate of said Achilles Sneed, in the counties of Montgomery and Henry, in this State, the said court shall and may, have power, at the first, or any subsequent term of said court, to make such order or decree, appointing a commissioner or commissioners to sell the said real estate or any part thereof, at such times and places and on such credits, as to said court, shall seem meet and proper, and to the advantage of said heirs and distributees, which sale, so directed and made in pursuance of said decree, shall be good and available in law or equity, to divest the title of said heirs and vest the same in the purchaser or purchasers

Dr. Munsell and others may file their bill.

notwithstanding some of said heirs, may not be of twenty-one years of age.

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 17, 1825.

#### CHAPTER CLXXXVII.

*AN ACT, for the benefit of Abraham W. Cannon and his wife Mary Y. Cannon.*

*Be it enacted by the General Assembly of the State of Tennessee,* That it is hereby made lawful for the legal heirs and representatives of John Sharp, deceased, to execute a deed of conveyance to Abraham W. Cannon, and Mary Y. Cannon his wife, for one hundred and fifty acres of land, situate in the county of Rutherford, which said tract of land was conveyed to the said Abraham W. and Mary Y. his wife, by the said John, deceased; and such deed, when executed and registered, as by law, other deeds are required to be registered and authenticated, shall vest in the said Abraham W. and Mary Y. a good and sufficient title in law.

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 17, 1825.

#### CHAPTER CLXXXVIII.

*AN ACT, to annex a part of Marion county to the county of Franklin.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the territory now included in Marion county, lying west of the line, hereinafter described be, and the same is, hereby attached to Franklin county, to wit; Beginning on the southern boundary line of the State of Tennessee, between the waters of Battle creek and Crow creek, at the present point where the second sur-

Boundary between Franklin and Marion.

veyor's district in Tennessee intersects with said southern boundary line, running thence northwardly, with the line of said second surveyor's district, till it strikes the present boundary line of Franklin county, so as to include in said county of Franklin, the territory lying west of said line.

SEC. 2. *Be it enacted,* That John Kelly and William M. Quisenberry be, and they are, hereby appointed commissioners and surveyors, to run and mark said line between said counties, whose duty it shall be to perform said duty on or before the first day of April next; the expense of which said running and marking shall be paid by the county of Franklin.

Surveyors appointed to run the line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 18, 1825.

#### CHAPTER CLXXXIX.

*AN ACT, for the relief of Woolsey Warrington.*

WHEREAS, it is represented to this General Assembly, that Woolsey Warrington made an entry for twenty acres of land in the eighth surveyor's district, number of entry 1286, founded on certificate No. 5,054, issued by the register of West Tennessee the 27th day of March 1824, and by an error in one of the calls of said entry, missed the land intended to be included in the same, which land has since been entered, for remedy whereof;

*Be it enacted by the General Assembly of the State of Tennessee,* That Woolsey Warrington be, and he is, hereby authorized to make void said entry for twenty acres, and the principal surveyor of the eighth district, is hereby authorized to permit the same to be made void and hand over said certificate for twenty acres to the said Woolsey Warrington, which shall be subject to entry on any vacant and



unappropriated land south and West of the congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 19, 1825.

### CHAPTER CXG.

*AN ACT, for the relief of William Woods.*

WHEREAS, a tedious and doubtful litigation has been, and is, still pending between said William Woods and John Birdwell, relative to an interference between their respective claims; therefore, for the purpose of adjusting and finally ending the same;

*Be it enacted by the General Assembly of the State of Tennessee,* That the said William Woods be, and he is, hereby authorised to withdraw his warrant for 220 acres, on Indian creek of Giles county interfering with grant No. 404 for 3,000 acres, issued to John Purviance, on surrendering his grant issued on the same, and satisfying the secretary of State, that the same is a good and valid warrant, shall obtain a certificate therefor, which may be satisfied on any vacant and unappropriated lands, south and west of the congressional reservation line; *Provided,* that the said William Woods shall dismiss his suit at the first term of the circuit court for Maury county, and make void his said grant, or so much thereof, as is lost by interference with an older and better title; *and Provided, also,* that the commissioners shall be satisfied that no part of the land covered by said grant, will be vacant after making the same void.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 19, 1825.

### CHAPTER CXCI.

*AN ACT, to incorporate the trustees of the Salem Academy in the county of Bedford.*

WHEREAS, it has been represented to this General Assembly, that a number of citizens of Bedford county have erected a convenient building for an academy, in the county aforesaid, for the education of youth; and WHEREAS, the patrons of said academy, cannot hold real or personal property to descend to their successors for the benefit of the said institution without the authority of an act of the General Assembly for that purpose; for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the patron of said academy are hereby constituted into a body politic and corporate, by the name and style of the *President and Trustees of the Salem Academy*, and shall have succession for forty years, and by their corporate name sue and be sued, plead and be impleaded, receive, purchase and hold real and personal property, or dispose of the same for the benefit of the said academy.

Salem Academy incorporated.

SEC 2. *Be it enacted,* That the corporation aforesaid shall have the power to enact and pass such by-laws and ordinances as may be necessary to preserve order and decorum in said academy, and to appoint a recorder.

May pass by law, and appoint a recorder.

SEC 3. *Be it enacted,* That it shall be part of the duty of the recorder to hold an election annually on the last Saturday in December, in each and every year, for the purpose of electing seven trustees for the said academy, to serve one year and until the board of trustees is organized for the succeeding year, and should said recorder fail or refuse to hold said election at the time herein prescribed, he may hold said election, at any time thereafter, by giving ten days notice; under the same rules as by this act directed, at which elections, all the patrons of said academy, who have in lands, money, materials, or labour, contributed to the same, to the amount of five dollars or upwards, shall be entitled to vote, and shall be eligible to the office of trustee; the said recorder shall make a return of the names of the seven persons duly elected trustees. The trustees elected as aforesaid, shall, on the next succeeding Satur-

Recorder to hold an election to elect trustees.

day, meet at the academy, and appoint, from their own members, a president and recorder, being thus organized, may proceed to business, and meet on their own adjournments and appointments; all vacancies which may happen in the board of trustees, shall be filled up by their own body, until the next ensuing election.

Trustees appointed. SEC. 4. *Be it enacted*, That Thomas A. Peacock, John Sutton, Stephen Murfree, Edward Cage, and William Knott be, and they are, hereby appointed trustees of said academy under this law until the first Saturday in December, 1826, who may immediately proceed to elect a president of their own number, and a recorder, when an election shall be made as contemplated in the third section of this act.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,

Speaker of the Senate.

Passed November 19, 1825.

## CHAPTER CXCH.

*AN ACT*, to authorize the holding of a special term of the circuit court for Smith county.

Special term of circuit court at Carthage. 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 this state, to hold a special term of the circuit court for Smith county, at the court house in Carthage, on the third Monday in December next, for the trial of all civil causes both at law and in equity now pending in said court, which special term shall continue from day to day, (Sunday excepted) until all said causes shall be tried or otherwise legally disposed of.

Judge may order sheriff to summon jury. SEC. 2. *Be it enacted*, That the judge of said court, on the first day of said special term, is hereby authorised to order the sheriff of Smith county, forthwith to summon twenty-six good and lawful men of said county to serve as jurors at said special term, and who shall be bound to attend during the term aforesaid, and be entitled to the same pay and liable to the same penalties for non-at-

tendance, as jurors at the regular terms of said court.

Witnesses to attend special term. SEC. 3. *Be it enacted*, That all witnesses now summoned or who may hereafter be summoned in any of the causes pending in said court, shall attend said special term, and shall receive the same pay and be liable to the same forfeitures for non-attendance, as at the regular terms of said court.

Duty of clerk. SEC. 4. *Be it enacted*, That the clerk of said court shall issue executions and other process on all judgments and decrees rendered at said special term, which shall be tested on the first day of said term and made returnable to the next April term of said court.

Appeals may be taken. SEC. 5. *Be it enacted*, That appeals in the nature of writs of error and writs of error, may be taken from any judgment or decree rendered at said special term, in the same manner and under the same regulations as if said judgment or decree had been rendered at a regular term of said court.

No original writ to be returned to said term. SEC. 6. *Be it enacted*, That no original writ or other original process shall be made returnable to said special term.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate

Passed November 21, 1825.

## CHAPTER CXCH.

*AN ACT*, to amend an act, entitled "an act, to authorise John Kelly, Peter Looney and James Mayo to open a turnpike road," passed October the 8th, 1819, and for other purposes.

WHEREAS, it is represented to this General Assembly, that the said John Kelly has been labouring on said road for several years past, and has been at very considerable expense; and there being a part of said road included in the original law through a mistake, and it has also been heretofore represented, that the said John Kelly has become the principal proprietor of said road; for remedy whereof;

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



John Kelly said John Kelly be, and he is, hereby released from keeping in repair that part of said road, lying eastwardly of George Williams' house, above the tumbling shoals, in Hamilton county, and that the same be liable to the directions of the county court of Hamilton county.

SEC. 2. *Be it enacted*, That the whole interest in the said road be, and the same is, hereby vested in the said John Kelly and his heirs for fifty years, by their keeping the same in the ordinary repair contemplated by the act authorising the opening of said road, and that David Oatts, Pleasant McBride and John Crouch, of Marion county, be appointed commissioners in the place of the former commissioners, and that they shall be bound in the same penalties and restrictions that the former commissioners were.

SEC. 3. *Be it enacted*, That the said John Kelly be, and he is, hereby authorised to build a bridge across the Squatchee river, on his own land, on a direction from the town of Jasper, to intersect said road, and that he be entitled to receive the following rates of toll, to wit; for a footman, six and one fourth cents; for a man and horse, twelve and one half cents; for a led horse, six and one fourth cents; for each head of hogs, one cent; for each head of cattle, three cents; for a four wheel carriage, fifty cents; and for a two wheel carriage, twenty-five cents; and for all pleasure carriages, seventy-five cents.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 21, 1825.

#### CHAPTER CXCV.

*AN ACT, changing the name of the persons therein mentioned.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Fielding Deadrick Bailey, an illegitimate son of the late George Michael Deadrick be, and is, hereby changed to that of Fielding Deadrick, and the name of George Michael Deadrick Nealy, an il-

legitimate son of said George Michael Deadrick deceased be, and the same is, changed to that of George Michael Deadrick, and in that name may sue and be sued, and possess and enjoy the legacies left them by their reputed father, George Michael Deadrick, late of the county of Davidson.

SEC. 2. *Be it enacted*, That Philip Cottengann and James Cottengann, sons of Elizabeth Cottengann of Williamson county, and illegitimate sons of Welcome Hodges, be hereafter known and called by the name of Philip and James Hodges, in which name they, and each of them, shall hold all property which they have or may hereafter acquire.

SEC. 3. *Be it enacted*, That William Hunter, of White county be, from and after the passing of this act, called and known by the name of William Keith.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 22, 1825.

#### CHAPTER CXCV.

*AN ACT, for the relief of Edward G. Clouston.*

*Be it enacted by the General Assembly of the State of Tennessee*, That Edward G. Clouston be, and he is, hereby released from the payment of the sum of fifty dollars as merchants' license paid by him for liberty to sell goods a few days after the expiration of his license; and that the clerk of the county court of Williamson refund the same if in his hand, and if paid over to the treasurer of West Tennessee, that he refund said sum of fifty dollars to the said Edward G. Clouston and his receipt for the same shall be a good voucher in the settlement of his accounts.

WM. BRADY,  
Speaker of the House of Representatives.  
R. C. FOSTER,  
Speaker of the Senate.

Passed November 22, 1825.

## CHAPTER CXCVI.

*AN ACT, authorising the county court of Rhea, to lay tax to build a new jail in said county.*

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee, That Thomas Price, Richard G. Waterhouse, William S. Leuty, John Locke, Miles Vernon, William Smith, and Robert Bell, be, and they are, hereby appointed commissioners, who, or a majority of them are vested with full power and authority, to contract with suitable workmen to build a new jail in said county of Rhea, in the public square, or such other place in said town as said commissioners may think most advisable, in the town of Washington on a substantial plan as said commissioners may deem advisable.*

*Sec. 2. Be it enacted, That for the purpose of creating a fund out of which the expenses of said jail shall be defrayed, the court of pleas and quarter sessions for the said county of Rhea, at the first court after the first day of January next, shall proceed to levy a tax on the taxable property and polls of said county, in such proportions, on articles of taxation as to the said court shall seem equitable and just, and that they have full power and authority to call for and apply any surplus monies now in the hands of the trustee of said county, a majority or nine of the acting justices being present.*

*Sec. 3. Be it enacted, That the said court, in levying the said tax, shall proportion the same into three equal annual taxations, and to enable the said court to levy the said tax in manner aforesaid, the commissioners shall, at the said first court after the first day of January next, report to said court, in writing, an estimate of the sum total which in their opinion will be necessary to defray the expenses of building the said jail, and before said commissioners enter upon the duties of their office, to take and subscribe the following oath; to wit; I, A B, do solemnly swear (or affirm as the case may be,) that I will faithfully, honestly and economically, use all the monies that may come to my hands by virtue of the foregoing act, for the purposes therein required and no other.*

*Sec. 4. Be it enacted, That in case of death, refusal to act, or removal, of the foregoing directors to a number less than three, or in the estimation of the county court to a number not competent to act, then, and in that case, said court shall have full power, by appointment, to fill such vacancy, for all of which services the said court shall make to said commissioners a reasonable allowance.*

*Sec. 5. Be it enacted, That the said tax shall be collected by the sheriff of Rhea county as other public taxes are now by law directed to be collected, and for delinquences in paying the same over, the said sheriff shall be liable, on motion, as for other taxes in the name of the said commissioner or a majority of them and the said sheriff shall pay the said taxes into the hands of the said commissioners, or a majority of them, or upon their order when collected, whose order or receipt shall be to the said sheriff, a good voucher on settlement of his accounts for the same.*

*Sec. 6. Be it enacted, That when the said jail is completed, the said commissioners shall report the same and their proceedings to the next court of pleas and quarter sessions of Rhea county, of which a record shall be made, whereupon the said court shall, as is now provided by law in like cases, assume the control and management of said jail, to the use and benefit of the said county of Rhea.*

*Sec. 7. Be it enacted, That the chairman of the court of Rhea county is hereby authorised to expose to public sale, the remains of the former jail, and the proceeds thereof to pay over to said directors for the purpose of being applied to uses in this act before mentioned.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 23, 1825.

## CHAPTER CXCVII.

*AN ACT, for the relief of Wallis Estill, Jun'r.*

WHEREAS, it is represented to this General Assembly that the commissioners for the town of Jasper, in Marion county, have not completed the



payment to Wallis Estill, jun. for building the court-house in said county, but that a considerable sum remains yet unpaid; and WHEREAS, an act passed the 24th day of November, 1823, entitled "an act to authorize the county court of Marion county to levy an additional tax, and for other purposes," has been found to be altogether inefficient for the purposes intended to be accomplished by the said act; for remedy whereof;

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Marion county, a majority of the acting justices of said county being present be, and it is, hereby authorized and required, on said Wallis Estill, jr. producing to the said county court the certificate of William Stone, chairman of the commissioners for the county of Marion and town of Jasper, plainly shewing the amount due said Estill for building the court-house in said county, to lay and collect a tax on all the taxable property in said county, equal to one third of the debt due and unpaid to Wallis Estill, junr. for building the court house in said county, and that the sheriff or collector of the public taxes for said county pay the same over to the said Wallis Estill, junr. whose receipt therefor shall be a sufficient voucher for said payment.

**SEC. 2.** *Be it enacted,* That a tax for the purposes mentioned in the first section of this act, shall be levied, collected and paid over in like manner for three ensuing years, so that the whole of the debt due shall be fully and completely paid.

**SEC. 3.** *Be it enacted,* That the first section of an act passed at Murfreesborough the 24th day of November, 1823, entitled "an act to authorize the county court of Marion county to levy an additional tax, and for other purposes," be, and the same is, hereby repealed.

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed November 23, 1825.

County court of Marion may lay a tax to pay for building court house.

How levied and collected.

## CHAPTER CXCVIII.

### *AN ACT, for the relief of the heirs of Timothy Fields, deceased.*

*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 the heirs of Timothy Fields, deceased, for one hundred and sixty-one acres entered in the twelfth surveyor's district, the plat and certificate whereof has been returned to this office, upon said heirs producing to him grant No. 16,467, and his endorsing thereon, that one hundred and sixty-one acres is void in consequence of the issuance of the grant directed to be issued by this act; *Provided,* that no other persons rights are prejudiced thereby.

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed November 23, 1825.

## CHAPTER CXCIX.

### *AN ACT, to authorise the holding of a special term of the circuit court for the county of Hawkins.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the judge who may hereafter preside at Hawkins circuit court, to appoint a time for holding one or more special terms of said courts, for the purpose of trying the causes pending in said court, and when the time for said special courts may be fixed on, it shall be publicly announced by the judge during the regular term, which shall be held sufficient notice of the same to all the parties concerned in said suits.

**SEC. 2.** *Be it enacted,* That it shall be the duty of the county court of Hawkins, at their first term after such proclamation is announced, to order the summoning twenty-six jurors, for said special term, and it shall be the duty of the sheriff for said county to summon the same to attend as in other

Authority of Circuit Judge of Hawkins.

Duty of county court of Hawkins.

cases, and on their refusal or failure to attend, they shall be liable to the same penalties, prescribed by law for non-attendance in regular terms of said court.

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 23, 1825.

## CHAPTER CC.

*AN ACT, to incorporate a company for opening a turnpike road from Nashville to Columbia.*

Commissioners appointed to receive subscriptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Randal Mc'Gavock, Joseph Woods, Matthew Bowen, Wm. Lewis, Robert Weakly, Thomas Bradley, Christopher E. Mc'Ewen, John Mc'Alister, James Swanson, John Watson, John C. Wormly, James P. Peters, James Black, Edward B. Littlefield, Matthew Rhea and William J. Frierson, be, and they are, hereby appointed commissioners to open books for the purpose of receiving subscriptions to the amount of one hundred thousand dollars, to be applied to making a turnpike road from Nashville, in the county of Davidson, to pass through Franklin, in Williamson county, to Columbia, in the county of Maury; which sum of one hundred thousand dollars shall be divided into shares of fifty dollars each, and the subscription shall be in person or by attorney, and as soon as fifteen thousand dollars shall be subscribed, a meeting of the subscribers shall be held at Franklin, of which meeting the managers of the subscription shall give thirty days notice in some newspaper printed in Nashville, Franklin and Columbia; and the said subscribers, from and after the first meeting, shall be, and they are, hereby constituted a body politic and corporate, by the name of the Nashville Turnpike Company, and shall so continue until the first day of January, one thousand eight hundred and ninety, and as such, may sue and be sued, plead and be impleaded, answer and be answered, and have a com-*

mon seal. The subscribers, or a majority of them, who shall be present at the first meeting, shall elect nine directors, being share holders, who shall elect one of their own body president of the board of directors; and the president and directors thus chosen shall continue in office one year, and until another election shall take place. The president and directors thus chosen shall have power to receive subscriptions for the residue of the said sum of one hundred thousand dollars, until the whole shall be subscribed for; and to make contracts with any persons for clearing, opening and marking the said road along the route which shall have been marked out by the commissioners hereinafter appointed, and for performing such other work thereon as they may think proper and necessary; and to require, from time to time of the subscribers, such advances on their respective shares, as the wants of the company demand, until the whole of the subscription shall be advanced; *Provided*, that no call shall be made for more than five dollars on each share at any one time, of which thirty days notice shall be given in some newspaper printed in Nashville and in Columbia and Franklin; said directors shall have power, on all emergencies, to call a general meeting of the subscribers, giving thirty days notice thereof, in some newspaper printed in Nashville, Columbia and Franklin, to appoint a treasurer, clerk and such officers as may be necessary; to sign and settle all accounts, and to transact all the business of the company during the interval between the general meetings.

SEC. 2. *Be it enacted, That if any subscriber should fail to pay the sum of five dollars on each share, within thirty days after the same shall have been advertised, as required by the first section, it shall be lawful for the president and directors to sell, at public auction, and convey to the purchaser, the share or shares of such subscriber, thus failing or refusing to pay, and after retaining the sum due with costs of sale, to pay over the surplus to the former owner of such share or shares; and if the said sale shall not produce the sum required to be advanced, and with interest and incidental charges; in that case, it shall be lawful for the company to recover the balance from the original proprietor, on motion before the court of the county where such delinquent resides, ten days previous notice there-*

*Delinquent subscribers.*



of being given or by warrant before any justices of the peace of the county, where the sum does not exceed fifty dollars, and any person purchasing under the sale of the president and directors, shall be subject to the same rules, penalties and regulations as the original proprietor.

What number may do business and vacancies how supplied.

SEC. 3. *Be it enacted*, That the president and directors or any five of them, shall be sufficient to transact all ordinary business, and all vacancies which may happen in the office of president or directors, between the usual meeting of the shareholders, shall be supplied by a meeting of the directors of no less than two thirds of the whole number. The clerk shall keep a regular journal of all proceedings had, and motions made, at the several meetings, and each director shall be at liberty to call for the ayes and noes on any question; and it shall, moreover, be the duty of the president and directors, to furnish printed certificates stating the number of shares held by each subscriber, which certificate shall be transferable by deed which shall be recorded in the books of the company, acknowledged by the vendor or proved by two or more witnesses, which assignment, thus recorded, shall, to all intents and purposes, constitute the assignee a member of said company, subject to all the rules and regulations thereof.

Commissioners to mark out the best route.

SEC. 4. *Be it enacted*, That Christopher M'Ewen, Robert Weakley, James P. Peters, Matthew Rhea, Matthew Barrow and James Snowdon be, and they are, hereby appointed commissioners, who, or a majority of whom, shall be, and they are, hereby authorised and required to proceed forthwith after the first meeting of said company, to mark out the most convenient and fit route for the said road, and each of the said commissioners shall be allowed the sum of two dollars for each day that he shall be necessarily engaged in performing the duty hereby prescribed, to be paid by the president and directors, out of the funds of the company.

Damages where sustained and how ascertained.

SEC. 5. *Be it enacted*, That it shall be lawful for any person over whose land or lands the said road shall pass, at any time within one year after the said road may be opened, to apply to the court of the county in which the land lies, to award a writ of *ad quod damnum* to ascertain the damages

which he, she, or they may sustain from said road, which said writ shall be directed to the sheriff of said county, commanding him to summon and empanel a jury of twelve fit and disinterested freeholders to meet on the premises, who, being sworn for that purpose, shall view the land over which said road passes and assess the damages sustained by reason of said road passing through the same, which inquest, so made and signed by said jurors, shall be, by the sheriff or his deputy, returned to the next county court to be holden in and for said county, which court shall, upon said return, enter judgment against said company for the sum so assessed by motion; *Provided, always*, ten days notice shall be given to the president of the board of directors of such intended applications for a writ of *ad quod damnum*.

SEC. 6. *Be it enacted*, That it shall be lawful for the president and directors to purchase, for the use of the company, any quantity of land not exceeding five acres adjacent to each toll gate which shall be established on said road; and take conveyance in fee simple from the proprietors of said land; and for the purpose of making said road, and keeping it in repair the president and directors and their agents, may cut, dig, quarry or take from the lands of any person adjoining said road, such and so much timber, gravel, stone or earth, as may be necessary, and if any person or persons, from whose lands such timber, gravel, stone or earth, shall have been cut, dug, quarried or taken, shall desire compensation therefor, he, she, or they, or his, her or their agent, may apply to any justice of the peace, of the county in which the land may lie, notice of the time and place of the said application having been previously given to the said president and directors or their agent, to appoint three discreet and disinterested freeholders, for the purpose of valuing such timber, gravel, stone or earth, whose duty it shall be, upon their own view, upon oath, to ascertain the fair and reasonable value of such timber, stone, gravel or earth, and to grant a certificate thereof to each party if required; and it shall be lawful for such person or persons, his, her or their agent, to demand and recover the same before any court of record if it exceeds fifty dollars or before any justice of the peace, from said

President and directors may buy land, and dig, cut, &c. on other persons' land by paying therefor.



corporation; *Provided*, the sum so assessed, does not exceed fifty dollars.

**SEC. 7.** *Be it enacted*, That an annual meeting of the shareholders shall be held at such place in the county of Davidson, Williamson or Maury, on the first Monday of January of each year, as a majority of the subscribers assembled as aforesaid shall direct; to constitute which meeting, the presence of proprietors holding at least three hundred shares shall be necessary; and if a sufficient number do not attend on that day, such proprietors as do attend, may adjourn from day to day until a meeting may be had; in counting votes, each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten by him held at the time in the said company. The directors shall render fair

Shareholders to meet annually.  
Directors to render an account.

Road, how to be opened.

Governor's duty.

and distinct accounts of their proceedings and of all disbursements of money, to each annual meeting of the subscribers previous to the election of directors, by said meeting, for the ensuing year. The said road shall be opened at least thirty feet wide, with sufficient ditches on each side, at all times, to carry off the water and drain the same; shall gradually descend from the middle to said ditches; shall be substantially paved or gravelled, shall have substantial and sufficient bridges, where necessary, and in all respects, shall be completed in a faithful, and substantial turnpike road manner, and when the said road shall be thus finished and completed, for the distance of at least fifteen miles, the president and directors may apply to the governor of this State for the time being, whose duty it shall be, forthwith, to appoint three honest, discreet, disinterested persons, who shall not be stockholders, to view and examine said road, and on the report of said reviewers, or any two of them, that the road has been finished and completed for the distance aforesaid, according to the true intent of this act, it shall be the duty of the governor, and he is hereby required, to issue his certificate or warrant, under the seal of the State, authorizing the president and directors to erect so many gates and appoint so many toll gatherers as may be necessary to collect the tolls hereinafter allowed, which tolls are hereby declared to be as follows; to wit; for every twenty head of sheep,

ten cents; for every twenty head of hogs, ten cents; for every twenty head of horned or neat cattle, twenty-five cents; for every horse or mule, not employed in drawing a carriage, three cents; and so in proportion for any larger or lesser number of the above mentioned animals; for every four wheeled carriage, twenty five cents; for every two wheeled riding carriage, twelve and one half cents; for every loaded wagon twenty-five cents; and for every empty wagon, twelve and one half cents; and for a man and horse, six and one fourth cents; for every cart, twelve and one half cents; for every hogshead of tobacco, six and one fourth cents, including the above sum for oxen, mules or horses drawing the said carriage or wagon, cart or tobacco. The tolls, when received as aforesaid, shall be applied by the president and directors to the finishing and completing the residue of the said road; and so soon as said road is completed, a similar application shall be made to the governor, upon which proceedings shall be had as before directed; and as soon as said road shall be completed and finished, according to the true intent and meaning of this act, from Nashville to Columbia, a majority of the stockholders shall order the nett profits from the tolls hereby granted to be divided, half yearly amongst the proprietors of said company, in proportion to their respective shares. And should any person refuse or neglect to pay the tolls hereby granted at the time of offering to pass, the toll gatherers may lawfully refuse a passage to such person or thing liable to toll aforesaid, and if any article or thing liable for toll shall, by any ways, pass without payment thereof, on demand made and refusal to pay, the toll gatherers may, by warrant from any justice of the peace within this State, recover from the owner or occupier or person in possession of such article, or subject of toll, five dollars for each offence.

**SEC. 8.** *Be it enacted* That if the said company shall fail to keep the said road in repair for the space of twenty days, and information thereof shall be given to any justice of the peace in the neighborhood, he shall issue a warrant, to a constable, commanding him to summon three freeholders to meet at a certain time and at the place complained of, both of which shall be named in said warrant, reasonable previous notice hav-

Remedy where road is out of repair.



ing been given to the person interested with the case and repair of that part of the road, and if any injury by the said freeholders or any two of them in the presence of the magistrate, the said road shall be found to be out of repair according to the intent and meaning of this act, the tolls hereby granted shall cease to be demanded at the nearest gate, until such defective part of the said road shall be put in good repair; and the person entrusted with the repair thereof, shall be subject to a fine of ten dollars, to be recovered with cost, by warrant before a justice of the peace who is hereby required to take into view all the circumstances of the case, which fine, if assessed, shall be applied, one moiety to the use of the persons prosecuting for the same, and the other half to the use of the county where the same may be sued for.

**SEC 9** *Be it enacted*, That if the said company shall not begin said work within two years after said company shall have been formed, or shall not have completed the said road within the first ten years thereafter, in the manner hereinbefore directed, then, and in that case, all rights and interests in the road and tolls aforesaid, hereby vested in said company, shall forever cease and be forfeited. The tolls herein allowed shall be subject to the control of the legislature at the end of fifteen years next after the completion of said road, and ever thereafter; *Provided*, that they shall not be so reduced, as to bring the nett profits below a dividend of seven per centum per annum upon the sum *bona fide* expended in completing said road; and the president and directors are hereby required to make a report of the actual capital expended in completing said road, as soon as the same can be done after it shall have been finished on the terms of this act.

**SEC. 10.** *Be it enacted*, That no toll shall be demanded from any mail carrier, for himself or mail stage, or for any horses carrying mail, or from persons going to and from elections, going to and from musters: going to and from mills, or going to and from divine service, and going to and from blacksmith shops, or persons attending as jurors.

**SEC. 11.** *Be it enacted*, That said company shall be at all times subject to such laws and re-

gulations as may be passed, from time to time, by the General Assembly of this state.

**SEC. 12.** *Be it enacted*, That there shall not be a greater number than one toll gate for every five miles established on said road, and said gates shall not be less than five miles from each other, except those nearest the towns of Franklin, Columbia and Nashville, none of which shall be nearer than two miles from said towns, and the toll given by this act shall be collected at each gate on said road. Toll gates, where to be.

**SEC. 13.** *Be it enacted*, That the commissioners, when they view and mark out said road, shall determine what elevation shall be allowed in making said road, on different uneven parts thereof, and in no part shall more than five degrees be permitted; they shall also designate the places where bridges are to be erected, and the kind thereof; they shall also decide on the depth and width of the rock pavements on said road, and the different parts thereof; they shall make a written statement of all the foregoing matters and things, and shall preserve one copy thereof and deliver another copy to said company, and the said road shall be made to conform to the requisitions of said commissioners in the foregoing particulars. Duty of commissioners.

**SEC. 14.** *Be it enacted*, That the said president and directors shall not, at any time, either directly or indirectly, issue or put into circulation, their notes upon the faith and credit of the funds of said corporation, under the penalty of a forfeiture of their charter to them granted by virtue of this act. Not to issue notes.

**SEC. 15.** *Be it enacted*, That all roads except on the ground where the turnpike may pass, now in use between Columbia and Nashville, shall be continued unless the county courts through which they may pass, shall order them or either of them, to be discontinued. Old roads continued.

WM. BRADY,

Speaker of the House of Representatives.

R. C FOSTER,

Speaker of the Senate.

Passed November 19, 1825.

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## CHAPTER CCI.

*AN ACT, for the relief of John Haywood.*

*Be it enacted by the General Assembly of the State of Tennessee, That the Secretary of State issue to John Haywood, a certificate land warrant for four hundred and forty acres of land, and that the said John Haywood or his assignee, be permitted and allowed to enter the same, in any of the surveyors' offices south and west of the congressional reservation line; Provided, the warrant upon which said entry is made, is good and valid, and Provided, also, that it shall appear to the satisfaction of said commissioner, that the entry as made, does lie in the State of Alabama and that no grant has issued thereon, or if issued, that the same be produced and made void.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

## CHAPTER CCII.

*AN ACT, for the benefit of Richard Gamble, an idiot of Sullivan county.*

*Be it enacted by the General Assembly of the State of Tennessee, That George Gammon, the guardian of Richard Gamble, an idiot of Sullivan county, be authorized to sell a negro woman and her children, now the property of said idiot, and put the money arising from the sale on interest for the maintainance of said idiot.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

## CHAPTER CCIII.

*AN ACT, to authorize Jubilee Rogers, Perry Vincent, Absalom Jones, and Thomas H. Phillips, to build a mill and other buildings on the middle fork of Obion River.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Jubilee Rogers, Perry Vincent, Absalom Jones and Thomas H. Phillips be, and they are, hereby authorized to build a mill and any other buildings, which they may deem necessary, on the middle fork of Obion river, in the county of Weakley, in the twelfth and thirteenth surveyors' district, and, WHEREAS, the land on which said Rogers, Phillips, Jones and Vincent wish to erect said mill is now vacant and unappropriated;*

Certain persons may build a mill on middle fork of Obion.

SEC. 2. *Be it enacted, That the said Jubilee Rogers, Perry Vincent, Absalom Jones and Thomas H. Phillips, shall have an exclusive right to enter and perfect a title to five hundred acres of land, adjoining and including the place whereon said mill may be erected, to be located in a square or oblong so as not to be more than twice as long as broad, Provided, they locate and enter the same within six months after they may have it in their power to obtain a title under any law which may hereafter be made disposing of the vacant soil in that section of the country.*

To have exclusive right to enter 500 acres of land.

SEC. 3. *Be it enacted, That Jefferson Wallace be, and he is, hereby authorised to build a mill on a branch of the north fork of Forked Deer river, in the county of Henderson, 10th section, 3rd range, 9th surveyor's district; and WHEREAS, the land on which said Wallace wishes to build said mill is now vacant and unappropriated, Be it enacted, that said Wallace shall have a preference to enter and obtain a title to not less than fifty nor more than one hundred and sixty acres of said vacant land, to include said mill seat; Provided, that he avail himself of this right of preference within six months after he has the power of entering said land under any law which may hereafter be made*

J. Wallace may build a mill &c.



to appropriate the vacant soil south and west of the congressional reservation line

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

#### CHAPTER CCIV.

*AN ACT, to appoint additional commissioners for the town of Bolivar in Hardiman county.*

*Be it enacted by the General Assembly of the State of Tennessee, That James Chisom, Josiah Hatley and Ebenezer Kilpatrick be, and they are, hereby appointed commissioners for the town of Bolivar, in Hardiman county, in addition to those heretofore appointed, who shall possess all the powers, rights and privileges, of the commissioners heretofore appointed for said town.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

#### CHAPTER CCV.

*AN ACT, for the relief of William B. Carter, late sheriff of Carter county, and others.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That William B. Carter, late sheriff of Carter county, be allowed the further time of two years from the passing of this act, to finish his collection of taxes under the same rules, regulations and restrictions and with equal powers as acting sheriffs have in such cases.*

SEC. 2. *Be it enacted, That Alexander Millican, late sheriff of Cocke county, be allowed the fur-*

*ther time of two years for the collection of taxes yet due him under the same rules and restrictions as contained in the first section of this act.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

#### CHAPTER CCVI.

*AN ACT, appointing trustees for Martin academy, in the county of Washington.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That David Nelson, David A. Deaderick and Samuel G. Chester be appointed trustees for Martin academy, in the room of David Deaderick and David G. Vance, deceased, and John McAlister removed, and that they be vested with the same power as those heretofore appointed.*

SEC. 2. *Be it enacted, That all vacancies which may hereafter happen in said board of trustees, such vacancies may be filled, by said board, a majority being present, and when such vacancies are so filled, shall have the same powers as those heretofore appointed.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

#### CHAPTER CCVII.

*AN ACT, to authorize the drawing of a lottery in the town of Franklin, for the purpose of procuring a town clock.*

*Be it enacted by the General Assembly of the State of Tennessee, That Charles G. Olmsted, Robert P. Carin, Thomas Hardiman, Henry R. W. Hill and Robert Brethett be, and they are, hereby appointed managers of a lottery, to draft the scheme, and draw said lottery, to raise a sum of money not exceeding two thousand dollars for the purpose of procuring a town clock, for the*

use of the town of Franklin ; which said managers shall be subject to the same conditions, and said lottery shall be conducted on the same plan, as is pointed out by an act of the General Assembly of this state passed — day of — 18—, authorising the drawing of a lottery, for the erection of a masonic hall in the town of Franklin, and said sum of money, be the same more or less, when said lottery is completed, the said managers shall pay over to the mayor and aldermen of the town of Franklin, for the purpose of procuring a town clock, for the use and benefit of said town.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate

Passed November 24, 1825.

### CHAPTER CCVIII.

#### *AN ACT, for the benefit of Richard Rail.*

*Be it enacted by the General Assembly of the State of Tennessee, That Richard Rail, a citizen of Maury county, in this state, and a citizen of the United States, be entitled to his oath in any court of Record in this State, and be as he is of right entitled to all the rights and privileges of a citizen.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

### CHAPTER CCIX.

#### *AN ACT, to authorise the drawing a lottery to open and make navigable the Sequatchee river.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That John Kelly, Allen Belcher, William Standefer, of Marion county, James Robertson and Scott Terry of Bledsoe county, are hereby constituted managers, and authorised to draft the scheme of a lottery and su-*

*perintend the drawing of the same, in any manner they may think most advisable for the purpose of raising a sum of money not exceeding ten thousand dollars, to be employed in opening, clearing out and making navigable, the Sequatchee river by removing all obstructions in said river, in any manner the aforesaid managers or a majority of them, may find necessary and expedient.*

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

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

**SEC. 4.** *Be it enacted, That said managers, or a majority of them, shall have power to make sale of tickets, to take bonds of such persons as they may sell tickets to, or from such persons as they may deposit tickets with, for sale, and in case of a failure with the terms of such bonds or contracts, the said managers or a majority of them, are hereby authorised to sue for and recover on said contracts, in their names as managers of the said lottery, in any court having cognizance thereof, within the State of Tennessee.* Tickets how to be sold.

**SEC. 5.** *Be it enacted, That in case of the death, resignation or refusal to serve, of any of the above* Vacancies how filled.



named managers, the remainder of said managers shall have power, by a majority of their votes, to elect another fit person or persons to serve in his or their stead, and said managers, or a majority of them, shall have power to elect one or more fit persons as members of their body, who, when so elected, shall have vested in them, in consequence of such election, equal power with those hereby granted to the individual managers already mentioned in this act, and said managers, or a majority of them, or their successors forever, shall have entire control and management of said river, and make and enforce such rules for its operations and government not inconsistent with this act and the laws of the State, as they, or a majority of them, from time to time, may find expedient for the advancement of its interests.

How to resign and be exempt from further responsibility.

SEC. 6. *Be it enacted*, That in case the above named managers, after having begun his or their duty as managers of the lottery aforesaid, should find necessary to retire from the further execution of his or their office, it shall be lawful for him or them, so declining farther to act, to notify those acting with him or them as managers, of his or their intention so to decline; and upon his or their exhibiting to any two magistrates of the county of Marion a statement of his or their actings and doings as managers aforesaid, and obtaining their certificate that his or their accounts are correct, and paying over to the remaining managers such sums of money as the aforesaid justices shall award them, and in that case, he or they shall be exempt from further responsibility on account of his or their bond for the execution of his or their office as managers aforesaid, above specified in this act; and the remainder of said managers shall have power to fill his or their vacancy by a vote of a majority of its members, who shall still continue to serve and the manager or managers so elected, shall give bond and security for the execution of his or their office in the manner already specified in this act, before he shall enter upon the duties thereof.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 25, 1825.

## CHAPTER CCX.

*AN ACT, to authorize the drawing of lotteries in the counties of Dickson and Montgomery.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James M. Brewer, Molton Dickson, Edward D. Hicks, Abiram Coldwell, John C. Collier and John McAdoo be, and they are, hereby appointed and 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 fifteen hundred dollars, to be employed in building and endowing a female academy in or near the town of Charlotte, in the county of Dickson. Trustees appointed to draw a lottery

SEC. 2. *Be it enacted*, That the said trustees, before they proceed in the discharge of their duties as provided for in this act, shall give bond, with approved security, to the chairman of the court of said county and his successors in office, in double the amount of capital in said scheme, conditioned for the faithful payment of all prizes when drawn, agreeable to said scheme, or in case of failure in drawing said lottery, for the repayment of all monies which they have received for tickets to the holders of such tickets, which bond, when executed, shall be filed in the clerk's office of said court and subject to the use of all persons who may be aggrieved by the neglect or mismanagement of said managers. Trustees to give bond.

SEC. 3. *Be it enacted*, That the said trustees, or a majority of them, when about to proceed to the drawing of said lottery, shall, under the inspection of three justices of the peace of said county, put into the boxes the number of prizes and blanks contemplated by the scheme of said lottery, and shall appoint two clerks, to keep a fair record of the numbers drawn and of the blanks and prizes, who shall take an oath faithfully, truly and impartially to render a fair account of the drawing of said lottery. Lottery, how drawn.

SEC. 4. *Be it enacted*, That the said trustees or a majority of them, may make sale of the tickets and take bond of such persons as they may sell tickets to, or such persons as they may deposit tickets with, for sale, and in case of failure to comply with the obligations of said bonds, they are hereby

To sell tickets and take bond

by authorised to sue for and recover on such bonds in the name of the trustees of said lottery, and to do and contract all things necessary and proper to carry the same into effect, and the proceeds of said lottery, after defraying the necessary expenses of the same, shall be applied by the said commissioners to the purposes contemplated by the first section of this act.

County court  
to fill vacan-  
cies.

SEC. 5. *Be it enacted*, That in case of the death, resignation or refusal to serve, of any of the trustees, the county court shall, at their first term thereafter, fill such vacancy, and the person or persons, so appointed, shall give bond and security, as required by the second section of this act, and shall possess the same powers as the commissioners appointed by this act.

Charlotte Fe-  
male Acade-  
my.

SEC. 6. *Be it enacted*, That the trustees appointed by this act shall be known by the name and style of the *Trustees of the Charlotte Female Academy*, and shall have succession until the year 1865, and to make and use a common seal which they may alter at pleasure, to appoint a president and recorder out of their own body, and to pass such by-laws and ordinances as they may think proper, not inconsistent with the constitution and laws of this state, and to receive donations either in land, money or labor, and do all things necessary for the building and good government of said literary institution.

A lottery au-  
thorised to  
build Masonic  
Hall at Clarks-  
ville.

SEC. 7. *Be it enacted*, That Joel C. Rice, Lewis W. King, Edward H. Steele, Eli Lockert, William A. Cook, Samuel McFall and John Dicks be, and are, hereby authorised 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 three thousand dollars, in one or more classes, to be employed in building and completing the masonic hall in said town of Clarksville, by the members of Montgomery Lodge, No. 10, and chapter No. 3.

Three sections  
of act of 1821  
revived.

SEC. 8. *Be it enacted*, That the 2nd, 3rd, and 4th sections of an act passed in 1821, chapter —, be, and the same is, hereby revived, and to continue and be in force for three years from the passage hereof.

SEC. 9. *Be it enacted*, That Henry Merriweather, John Henderson, William S. White and Amos

Hatchier be, and are, hereby authorised to draft the scheme for a lottery and superintend the drawing of the same, for the purpose of raising a sum of money not exceeding five hundred dollars for the purpose of removing the obstructions in Red river, from Meriweather's ferry to the mouth thereof.

Lottery, to  
remove ob-  
structions in  
Red river.

SEC. 10. *Be it enacted*, That Cullen Bayless, William Williams, William Bayley, Christopher C. Clements, Thomas T. Watson be, and are, hereby authorised and empowered to draft the scheme of a lottery and superintend the drawing of the same, to raise a sum not exceeding twelve hundred dollars, for the purpose of building an academy at Dover, for Stewart county.

To build an  
Academy at  
Dover.

SEC. 11. *Be it enacted*, That the several provisions and restrictions of the 2nd, 3rd, 4th, 5th and 6th sections of this act apply and govern the trustees or commissioners, appointed by the two last sections of this act, and in the lottery therein allowed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 24, 1825.

## CHAPTER CCXI.

*AN ACT, for the relief of James Walton and others.*

WHEREAS, it is represented to the General Assembly that James Walton, and others, are boring for salt water in the Hiwassee District, and are likely to succeed in their enterprise; and WHEREAS, it [is] right and proper to afford every reasonable encouragement to such useful public undertakings, therefore;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James Walton, Isaac Baker, Thomas Mc'Carty, Benjamin Mc'Carty, and William Mc'Carty, shall have a preference for the term of twelve months, from and after the passage of this act, to enter and obtain a grant for the north west quarter of section eighteen, fractional township, No. 3, range 2, west of the meridian, in the Hiwassee district, being the



quarter section on which said persons are now boring for salt water.

SEC. 2. *Be it enacted*, That said persons shall be at liberty to enter said quarter section in the entry taker's office of said district, at the price of twelve and one half cents per acre.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 25, 1825.

## CHAPTER CCXII.

*AN ACT, for the benefit of Sally Burns.*

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the circuit court of Rutherford county, on some day of the next term of said court, to empanel a jury to ascertain the facts, whether William Burns has for more than seven years, last past, abandoned his wife Sally Burns without any just cause, and has failed for that time, to contribute any thing to the support and comfort of his wife, and if the facts be found affirmatively, then said court shall pronounce judgment, dissolving the marriage contract and divorcing the parties aforesaid, absolutely from each other.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 25, 1825.

## CHAPTER CCXIII.

*AN ACT, for the benefit of Richard Hawarth.*

WHEREAS, a certificate land warrant, No. 2,252, for seventy-two and one half acres, was issued to Richard Hawarth, and before the same was satisfied said warrant by accident, became lost to the said Richard: wherefore;

*Be it enacted by the General Assembly of the State of Tennessee*, That the Secretary of State

be, and he is, hereby directed to issue to the said Richard Hawarth a duplicate certificate for said seventy-two acres and one half of land, which shall authorise the said Hawarth or his rightful assignee to locate the same on any vacant and unappropriated land south and west of the congressional reservation line; *Provided, nevertheless*, that the original certificate shall be absolutely void to all intents and purposes, and shall not authorise either entry or location, and *Provided, also*, that said secretary shall be satisfied that said warrant or certificate, was actually issued to the said Hawarth or Howard.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate

Passed November 25, 1825.

## CHAPTER CCXIV.

*AN ACT, to incorporate the patrons of Little Bigby academy in the county of Maury.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said patrons of said academy are hereby constituted a body politic and corporate, by the name and style of the *President and Trustees of the Little Bigby Academy*, and shall have succession until the year 1865, and by their corporate name may sue and be sued, plead and be impleaded, and make and use a common seal and alter the same at pleasure; receive, purchase and hold real and personal property, and dispose of the same as they may think proper, for the benefit of said academy.

Little Bigby  
Academy in-  
corporated.

SEC. 2. *Be it enacted*, That the corporation aforesaid shall have power to enact and pass such by-laws and ordinances, as may be necessary for the good government of said academy, not inconsistent with the constitution and laws of this State.

May pass  
by-laws.

SEC. 3. *Be it enacted*, That Isaac J. Thomas, John Matthews, Ephraim E. Davidson, Richard Henderson, William E. M'Cree, John J. Zollecfer and Vincent Redly, be and they are, hereby appointed trustees of said academy, and shall hold their appointments until the third Saturday in De-

Trustees

ember, 1826, and shall hold a meeting on the third Saturday in December next, and shall have power to meet on their own adjournments.

**SEC. 4.** *Be it enacted,* That the said board of trustees, shall appoint one of their own body president of said board, and shall appoint a suitable person recorder, who shall do the duty of treasurer, and it shall be the duty of said board to take bond and approved security executed to the president of said board and his successors in office, for the faithful performance of his duty, and it shall be the duty of the recorder to keep a fair record of the proceeding of said board and of all laws and ordinances which they may pass for the government of said institution, which shall be kept in a well bound book, and which shall, at all times, be subject to the inspection of persons interested, and it shall be the duty of the recorder, to make out a fair copy of all laws and ordinances enacted by said board, and post them up within the walls of said academy.

**SEC. 5.** *Be it enacted,* That it shall be the duty of the sheriff of Maury county, to hold an election annually at said academy, on the second Saturday in December, 1826, and annually thereafter, for the purpose of electing seven trustees for said academy, to serve one year and until the board of trustees is organised for the succeeding year, and should said sheriff fail to hold said election at the time prescribed by law, he may hold said election at any time thereafter, by advertising the same at said academy twenty days previous to holding the same, at which elections all the patrons of said academy who have in lands, money, materials or labour, contributed to the same to the amount of five dollars or upwards; shall be entitled to a vote, and shall be eligible to the office of trustee. The said sheriff shall make a return of the seven persons duly elected trustees to the recorder of said board within three days after the said election, and the said trustees shall hold a meeting on the first Saturday after their election and appoint a president out of their board, and possess all the rights and privileges reserved to the president and trustees appointed by the third section of this act.

**SEC. 6.** *Be it enacted,* That the trustees appointed by the provisions of this act, or may hereafter be elected, shall have power, in case of vacancy by resignation or otherwise, to fill such va-

cancy by their own appointment, until the next election, and a majority of said trustees shall constitute a quorum for exercising any of the powers and privileges created by this act.

**WM. BRADY,**

Speaker of the House of Representatives.

**R. C. FOSTER,**

Speaker of the Senate.

Passed November 25, 1825.

## CHAPTER CCXV.

*AN ACT, to repeal an act, entitled "an act, supplemental to an act, entitled an act, to authorise John W. Simpson and Isaac Brown, of White county, Scott Terry and Robert Montgomery, of Bledsoe county, to open and establish a turnpike road," passed 4th day of October, 1824.*

**SECTION 1.** *Be it enacted by the General Assembly of the State of Tennessee, That so much of the fourth section of an act entitled "an act, to authorise John W. Simpson and Isaac Brown of White county, Scott Terry and Robert Montgomery of Bledsoe county, to open and establish a turnpike road," as exempts the citizens of White and Bledsoe counties from the payment of toll, be, and the same is, hereby repealed.*

**SEC. 2.** *Be it enacted,* That the citizens of White and Bledsoe counties, who are living on Cumberland mountain, shall be permitted to pass and repass said gate on their ordinary business, without the payment of toll, nor shall it be lawful for said proprietors or gate keeper, to exact or receive any toll from any minister of the gospel of any denomination or any person or persons passing to or from said counties for the purpose of attending public worship.

**SEC. 3.** *Be it enacted,* That the commissioner's jurisdiction shall extend to the foot of the mountain between Hootenpile's and Pikeville; under the following rules and regulations, (viz:) that it shall be the duty of said commissioner to examine said road once in every three months, and if said road should appear out of repair as contemplated by law, it shall be the duty of said commissioner to notify the proprietor or proprietors in writing,



setting forth the necessary repairs, and give the proprietors four weeks to make the necessary repairs; at the expiration of which time it shall be the duty of said commissioner to examine said road, and if it shall appear that said road is not in the repair as contemplated by law, it shall be the duty of said commissioner, and he is hereby authorised to open said gate and keep the same open until the road is put into repair as contemplated by law, and advertise the same at two public places on said road and prohibit said proprietor or gate keeper from receiving any toll from persons travelling the same, and should the gate keeper or proprietor ask or receive any toll from any person or persons, during the time that said gate is declared open by said commissioner, he shall forfeit and pay the sum of ten dollars for every such offence recoverable by action of debt before any acting justice of the peace in this State for the use of the person suing for the same.

*To examine road.* SEC. 4. *Be it enacted*, That it shall be the duty of said commissioner on receiving notice from the proprietor or proprietors that said road is in repair, to examine said road and if the same shall be in repair, as contemplated by law, then, and in that case, it shall be the duty of said commissioner to authorise said proprietors to shut said gate and receive toll as before.

*To make report to General Assembly* SEC. 5. *Be it enacted*, that it shall be the duty of said commissioner to make report to each and every session of the General Assembly of the repairs of said road, any law, usage or custom to the contrary notwithstanding.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 25, 1825.

## CHAPTER CCXVI.

*AN ACT*, to appoint commissioners for turnpike roads therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Overstreet and William Hill be appointed

commissioners for a turnpike road granted to Madison Mc'Laurin of Overton county, leading from the Pilot Nob, near Joseph Bates' in said county, to the Kentucky line, near Captain Elliott's mill. *Turnpike road from Pilot Nob to Kentucky line.*

SEC. 2. *Be it enacted*, That said commissioners shall, (previous to entering upon the duties of their appointment, before some justice of the peace for Overton county,) take the same oath, perform the same duties, in all respects which is required of commissioners for said road by an act passed at Murfreesborough, July 13th, 1820. *Oath of commissioners.*

SEC. 3. *Be it enacted*, That Garrett Hall, of Morgan county, be appointed commissioner, in addition to those heretofore appointed, for a road granted to William Marchbanks and others, and shall be bound to the same duties, privileges and capacities, in all respects with those heretofore appointed for said road with the same compensation. *Additional commissioner*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 26, 1825.

## CHAPTER CCXVII.

*AN ACT*, for the relief of the heirs of Thomas Jackson, deceased.

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the heirs of Thomas Jackson, deceased, to lay grant No. 376, which issued from the state of North Carolina, for five thousand acres, before the commissioner of West Tennessee for adjudication, and if it shall appear upon examination thereof, that it is interfered with by older and better titles, it shall be the duty of said commissioner to issue, to said heirs, or their legal representatives, a certificate for so much as shall appear to be taken by such older and better title, after deducting any amount which the bounds of said grant may include more than the quantity called for in the same, and also, the amount which may have heretofore issued to said heirs or others on account of interference; *Provided*, it shall appear satisfacto-

rily that the said grant No. 376, is founded upon a good and valid warrant, and that no other grant has issued thereon.

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 26, 1825.

### CHAPTER CCXVIII.

*AN ACT, to declare the south fork of the Forked Deer river, navigable.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the south fork of Forked Deer river is hereby declared navigable, as high as the junction of Clarke's creek.*

SEC. 2. *Be it enacted, That any person or persons who may erect mill dams, fish traps or any other obstructions that will have a tendency to obstruct the navigation of said south fork of Forked Deer, shall be subject to the same forfeitures or penalty as is heretofore imposed by an act declaring the Forked Deer river navigable as high as the town of Jackson.*

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 26, 1825.

### CHAPTER CCXIX.

*AN ACT for the relief of Elkins Hands.*

*Be it enacted by the General Assembly of the State of Tennessee, That the surveyor of the seventh district be, and he is, hereby directed to make void two entries in the name of Elkins Hands, for twenty acres each in said district, range eleven, section two, founded on certificate No. 1,039, for six hundred and forty acres, issued by the commissioners of West Tennessee, dated the second September 1817, and he is, hereby authorised to enter them on any vacant and unappropriated*

land, south and west of the congressional reservation line.

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 26, 1825.

### CHAPTER CCXX.

*AN ACT, to authorise the appointment of an additional deputy sheriff for the county of Jefferson.*

*Be it enacted by the General Assembly of the State of Tennessee, That the sheriff of the county of Jefferson be, and he is, hereby authorised and empowered to appoint one deputy in addition to the number heretofore allowed by law.*

WM. BRADY,  
Speaker of the House of Representatives.

R. C. FOSTER,  
Speaker of the Senate.

Passed November 26, 1825.

### CHAPTER CCXXI.

*AN ACT, to authorise Jacob Sampson to build two fish traps in Holston river.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Jacob Sampson of Sullivan county be, and he is, hereby authorised to build two fish traps on the small sluice of Holston river, one opposite Jacob Boys, the other opposite George Little, one on the north, the other on the south sluice, both of which he may erect; Provided, he does not, in any manner, injure the navigation of said river.*

SEC. 2. *Be it enacted, That Joel Holt of Knox county be, and he is, hereby authorised to build a fish trap in Clinch river, near the mouth of*



Hickory creek, under the provisions of the first section of this bill.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 26, 1825.

## CHAPTER CCXXII.

*AN ACT, to incorporate an academy in the Town of Jackson and for other purposes.*

Jackson Academy.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That Wm. E. Butler, S. D. Hays, J. F. Brown, John Read and Joshua Haskell, shall be, and they are, hereby constituted a body politic and corporate, to be known by the name of the trustees of the Jackson male academy, in the county of Madison, and that said trustees be allowed and entitled to the same privileges and powers, and subject to and governed by the same rules, regulations, liabilities and restrictions, as are provided for the trustees of the academies named in an act of Assembly of this State, entitled "an act, to establish academies in the several counties in this State and for the appointment of trustees thereof," passed in the year 1806, chapter 8.*

Pulaski Academy.

SEC. 2. *Be it enacted, That Lunsford M. Bramlett, Henry Hagen, Alfred M. Harris, James Patterson, Elisha B. Eldridge, Fountain Lester, Charles Buford, and Tyree Rodes, be, and they are, hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Pulaski female academy, to be governed by the same rules, regulations, and restrictions as are provided by an act to incorporate the Shelbyville female academy, passed July 1, 1820.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 26, 1825.

## CHAPTER CCXXIII.

*AN ACT, more effectually to secure the navigation of Stone's River.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That the county courts of Davidson and Rutherford counties, are authorised, and are hereby directed, to appoint overseers of said river, designating their respective bounds or portion of said river, not less than two for each county, whose duty it shall be to examine said river in their respective bounds, and when they find obstructions in said river to the free navigation thereof, contrary to law, by fish dams or cutting timber into said river, the said overseer shall give the person or persons who shall have built said dam or dams, or cut such timber in said river, fifteen days notice to remove such obstruction, and in case said obstruction shall not be removed within the time aforesaid, the overseer shall thereupon hire hands and cause the same to be cleared out and removed and make out a schedule of the cost thereof, and return the same to a justice of the peace, upon oath, who shall issue a summons in the name of the overseers against the person or persons who caused or erected said obstruction, and upon a return of said summons, executed, before him or any other justice of the peace for said county, and on examination should said justice find the party guilty, he shall thereupon enter up judgments for the amount of said bill of costs and issue execution as in other cases.*

Overseers to be appointed.

SEC. 2. *Be it enacted, That if any person or persons, their tenants or agents, shall in future build a fish dam or dams across Stone's river upon such part as has been declared navigable by law, so as to obstruct the free navigation thereof, the person so offending shall forfeit and pay the sum of fifty dollars, recoverable in the name of the overseer in whose bounds it may have been erected, before any justice of the peace in said county, and it shall be the duty of the overseer to prosecute a suit to recover the same; and if any person or persons shall, in future, cut or fall timber into said river, thereby obstructing the free navigation thereof, for every such offence he, she*

Penalty for obstructing navigation.



or they, shall forfeit and pay ten dollars, recoverable by the overseer of said river, in like manner as fines for erecting fish dams.

*Forfeitures how laid out.*  
**SEC. 3.** *Be it enacted,* That all fines and forfeitures collected under the provisions of this act, shall be laid out and expended in improving said river, and said overseer shall annually make out and render an account, upon oath, of all monies received and expended to their respective county courts; and the said overseers shall be exempt from working on roads or serving on juries, and shall be at liberty after having served twelve months, to resign their appointment to the court who made the appointment, and said court shall appoint another in their stead; and said overseers shall be subject to the same penalties for a failure of duty as overseers of roads.

**WM. BRADY.**

Speaker of the House of Representatives.

**R. C. FOSTER.**

Speaker of the Senate.

Passed November 26, 1825.

#### CHAPTER CCXXIV.

*AN ACT, to incorporate the Jackson Female Academy.*

*Be it enacted by the General Assembly of the State of Tennessee,* That Jas. Caruthers, D. Horton, A. L. Martin, W. E. Butler and Geo. Todd, shall be, and they are, hereby constituted a body politic and corporate, to be known by the name of the Trustees of the Jackson Female Academy, in the county of Madison, and that said trustees be allowed and entitled to the same privileges and powers, and subject to, and governed by, the same rules, regulations, liabilities and restrictions as are provided for the trustees of the academies named in an act of Assembly of this State, entitled [an] act, to establish academies in the several counties in this State, and for the appointment of trustees thereof, passed in the year 1806, chapter eighth; *Provided,* the

said trustees shall not be entitled to any portion of Academy money under said act of 1806.

**WM. BRADY.**

Speaker of the House of Representatives.

**R. C. FOSTER.**

Speaker of the Senate.

Passed November 26, 1825.

#### CHAPTER CCXXV.

*AN ACT, for the benefit of Henry Smith and others.*

*Be it enacted by the General Assembly of the State of Tennessee,* That the treasurer of East Tennessee is hereby authorized and directed to pay to Henry Smith, of *Washington county,* the sum of eight dollars, and to William Cruse, of Grain-*land county,* the sum of twenty dollars, out of any money in his hands not otherwise appropriated, the same being for guns lost in the late war with the Creek Indians.

**WM. BRADY.**

Speaker of the House of Representatives.

**R. C. FOSTER.**

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXVI.

*AN ACT, for the relief of the heirs of Thomas Masterson, deceased.*

**WHEREAS,** it is represented to this General Assembly, that the said Thomas Masterson appointed Thomas Washington and Chapman White, executors of his last will; that said Thomas Washington departed this life some time afterwards, leaving the [said] Chapman White surviving executor of said will; that after the death of the said Thomas Washington the said Chapman White, as surviving executor aforesaid, filed a bill in the court of Equity for the fourth judicial circuit in the State of Tennessee, against the executors of John Sample, deceased, one of whom is Robt. P. Currin; that pending said bill, the said Chapman White



departed this life, and the said Robt. P. Currin, one of the defendants, has become one of his administrators; that the said will of the said Thomas Masterson is therefore left without an executor; that the business of said estate of said Thomas Masterson, is so nearly settled, as not to require an administrator *de bonis non*, with the will annexed; that said suit is yet undetermined, and must abate unless revived at the next term of said court, and that Thomas Washington, jun'r. is guardian for said heirs; therefore,

*Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the said suit, if the same have not already abated, to be revived at the next term of said court, in the name of the said Thomas Washington, jun'r. guardian as aforesaid and prosecuted by him to a final decision, for the benefit of said heirs in the same manner as the same might be done by an administrator de bonis non with said will annexed.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXVII.

*AN ACT, for the benefit of Rebecca Redin of Monroe county.*

*Be it enacted by the General Assembly of the State of Tennessee, That Rebecca Redin, of Monroe county, shall have a preference of two years to enter the north west quarter of section twenty five, second township and first range, west of the meridian, and that said Rebecca be allowed to enter said quarter section of land at twelve and one half cents per acre, at any time within the aforesaid term of two years, any law to the contrary notwithstanding.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXVIII.

*AN ACT, for the relief of the heirs of James Brooks and James Woods.*

*Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of land claims be, and he is, hereby authorised and required to examine grants No. 259 and No. 257, for six hundred and forty acres each, and also, grant No. 255, for three hundred acres, all of which grants, issued by the State of North Carolina to James Brooks and James Woods, and on its appearing satisfactory to the commissioner that the same is taken by older or better title, and that said grants issued on a good and valid warrant, and that no other grants ever issued thereon, and that they have not been previously, or in any other way since satisfied, it shall be his duty to issue duplicate warrants to the heirs of James Brooks and James Woods, on said heirs delivering up said grants, or a certified copy thereof, to the commissioners of land claims, to be cancelled, and it shall and may be lawful for said warrants, when issued as aforesaid, to be located on any vacant and unappropriated land south and west of the congressional reservation line.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXIX.

*AN ACT, to establish an academy in Wayne county.*

*SECTION 1 Be it enacted by the General Assembly of the State of Tennessee, That there shall [be] and is, hereby established, for the county of Wayne and at Waynesborough, an academy <sup>Waynesboro' Academy.</sup> called *Waynesborough Academy*, to have and possess any and all rights, claims and advantages and immunities which, by any of the existing laws of this State are allowed and belong to any of the county academies of this State, and the trustees hereaf-*



ter appointed to have all the powers to make rules for the government thereof; to receive their portion of all funds by law appointed to the several counties of this State, for the benefit of academies.

**Trustees.** SEC. 2. *Be it enacted*, That William Burns, John Hill, Fletcher F. Edwards, David Gallaher, James Campbell, James Riley and Benjamin Hardin, be, and they are, hereby appointed trustees of said Waynesborough academy, and that they be constituted a body corporate and politic, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed, and personal property and dispose of the same for the use of the academy and they, or a majority of them, in case of resignation, removal, or any other accidental vacancy, may, a majority being present, fill such vacancy by the appointment of other person or persons.

**Duty of trustees.** SEC. 3. *Be it enacted*, That it shall be the duty of the trustees to appoint a secretary for said board, and also a treasurer, of whom they shall require bond and security for the faithful discharge of their duties; that said bond shall be made payable to the said trustees or their successors in office.

SEC. 4. *Be it enacted*, That the commissioners of the town of Waynesborough shall set apart some vacant lot in said town, eligibly situated, for said academy, and make a deed therefor to said trustees and their successors in office, in fee simple.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXX.

*AN ACT, for the relief of Frederick Sieber.*

*Be it enacted by the General Assembly of the State of Tennessee*, That either of the treasurers of this State are hereby authorised to pay to Frederick Sieber, his heirs or legal representatives, twelve dollars, for work done on the Cumberland turnpike road, under the direction of Bird Smith, agent for the State, and the receipts of the said Frederick Sieber, his agent or attorney, shall be

a good voucher with either of said treasurers in the settlement of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXXI.

*AN ACT, for the relief of C. D. Mc'Lean.*

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee be, and he is, hereby authorised to pay Charles D. Mc'Lean, late editor and proprietor of the *Tennessee Watchman*; printed at Clarksville, the sum of one hundred dollars for advertising sundry tracts of land reported by the sheriff of Stewart county, for non-payment of taxes for the year one thousand eight hundred and twenty, the sales of which land for said taxes was prevented by an act of the General Assembly entitled "an act to release the owners of land in the western district, from the payment of a double tax for the year 1820 and for other purposes, passed September 28, 1821.

SEC. 2. *Be it enacted*, That the said treasurer of West Tennessee, pay to said C. D. Mc'Lean the sum of six dollars, for publishing the act allowing an additional term to the Dickson circuit court, passed September 24, 1823, and the account and receipt of the [said] C. D. Mc'Lean, shall be a good voucher in the settlement of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

#### CHAPTER CCXXXII.

*AN ACT, authorising Christopher Acklin and Jesse Oldham to build a bridge over Elk river in the county of Franklin.*

SECTION 1. *Be it enacted by the General As-*



sembly of the State of Tennessee, That it shall and may be lawful, for Christopher Acklin and Jesse Oldham, to erect and build a good and substantial bridge over Elk river, in the county of Franklin, at a place where the lands of said Oldham and Acklin, upon which they now reside, bounds on each side of said river, and it shall, and may be lawful for the said Oldham and Acklin, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same, except those hereinafter excepted, such rates of toll as the county court of Franklin shall allow, and *Provided*, the county court of said county shall think it right and agree to the same, a majority of the acting justices of said county being present.

Rates, how  
established.

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

Exclusive  
right vested  
in Oldham &  
Acklin.

SEC. 3. *Be it enacted*, That the said Oldham and Acklin, their heirs, executors, administrators, or assigns, shall have the exclusive right and benefit of said bridge, *Provided*, they shall keep the same in good repair, and they shall be answerable for all damages that may be sustained by any person crossing the same, should it be made appear the said bridge was owing to its want of repair the cause of such damage.

Not to ob-  
struct naviga-  
tion.

SEC. 4. *Be it enacted*, That said bridge, when made, shall not be so placed as to obstruct the navigation of the said river, but shall be built of such height as to admit of the safe passage of boats under it at all times.

Who exempt  
from toll

SEC. 5. *Be it enacted*, That all persons having occasion to attend regimental or private or company musters, or any public elections held by law, shall not be compelled or required if going to or returning from the same, or if going to or returning from divine service, or jurors going to or returning from court, or persons going to [or] from mill, to pay any toll for their passage over said bridge.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

## CHAPTER CXXXIII.

### AN ACT, for the relief of Wm. K. Paulding.

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall, and may be, lawful for Wm. K. Paulding to file grant No. 4,837, before the secretary of State, and if it should satisfactorily appear to said secretary, that the same was founded on a good and valid warrant, and that the land described and granted has been taken by a better title, and that no other grant has issued on said warrant, then, and in that case, that he issue to the said William K. Paulding a warrant for 640 acres of land, which may be entered on any of the vacant and unappropriated land lying south and west of the congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

## CHAPTER CXXXIV.

### AN ACT, for the relief of Nancy B. Formwalt.

*Be it enacted by the General Assembly of the State of Tennessee*, That Nancy B. Formwalt is hereby authorized and empowered to make application to the circuit court of Knox county, at the first or any succeeding term of said court, for a bill of divorce from her husband John H. Formwalt, and it is made the duty of said judge of the circuit court to have a jury summoned to hear and determine said case, and upon good evidence appearing to said court and jury, that John H. Formwalt has made no provision for the support of his wife Nancy B. Formwalt for the space of seven years, then, and in that case, it shall be the duty of said judge, and he is hereby required, to grant to the said Nancy B. Formwalt, a divorce from



her husband John H. Formwalt, any law, usage or custom to the contrary notwithstanding.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

### CHAPTER CCXXXV.

*AN ACT to authorise Charles Gamble, Crispian E. Shelton and John Witt, to open and establish a turnpike road.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Charles Gamble, of Hamilton county, Crispian E. Shelton and John Witt, of Rhea county be, and they are, hereby authorized to open and cut out a road the nearest*

*and best way from the foot of W. A. Har- kin's ridge, at the ford of Roaring creek, in Hamilton county, in a direction to the Sequatchee valley, to intersect the road that crosses the said valley at John Raines; and said proprietors shall be bound to do and perform the same duties on said road, and in all respects be under the same penalties, rules, regulations and restrictions, that are imposed by "an act of Assembly passed nineteenth of November, one thousand eight hundred and sixteen, authorising Samuel Terry, Peter Hoodenpile, and William Rainey to open Turnpike roads, but such duties as may hereafter be excepted in this act, and said proprietors shall erect a gate on said road at any point they may think most convenient, and receive the same rates of toll to which the said Samuel Terry, is entitled by the before recited act, and said proprietors shall be entitled to the use and benefit of said road, and the tollage arising from the same for the term of twenty years from the passage of this act, Provided, said proprietors open and keep said road in the repair required by this act.*

*SEC 2. Be it enacted, That it shall be the duty of said proprietors to give bond and security to the Governor for the time being and his successors in*

office, as required by the act to which the first section of this act refers.

*SEC 3. Be it enacted, That John Russell of Ham- iltion county, is hereby appointed a commissioner of said road, who shall take the same oath, perform the same duties, and in all respects be under the same rules, regulations and restrictions, that the commissioners of Terry, Hoodenpile and Rainey's turnpike roads are under, excepting making his report to the Blount court, as required by the second section of the before recited act, which shall be made to Hamilton county court in conformity to the said second section; and said commissioner shall receive two dollars per day for his services, to be paid by said proprietors, and if shall be recovered of them, or any one of them, before any justice of the peace of Hamilton county.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

### CHAPTER CCXXXVI.

*AN ACT, for the relief of William Finley and others.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the Wm. Finley treasurer of East Tennessee, is hereby authorised and required to pay William Finley, of Hawkins county, the sum of twelve dollars and fifty cents for a rifle gun, furnished the troops in the creek campaign, in the year 1813, and his receipt shall be a sufficient voucher in the settlement of his accounts.*

*SEC 2. Be it enacted, That the treasurer of East Tennessee, shall pay to William A. Har- kins of the county of Greene, the sum of twelve dollars for a rifle gun, pressed from him during the last war.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.



## CHAPTER CCXXXVII.

*AN ACT, for the relief of Moses Humphreys of Monroe county.*

*Be it enacted by the General Assembly of the State of Tennessee, That upon payment by said Moses Humphreys to the treasurer of East Tennessee, of the sum of fifty cents per acre, within eighteen months after the passage of this act, it shall be lawful for the register of East Tennessee, and he is hereby required to issue to said Moses Humphreys a grant for Catey Harlin's said reservation, which shall be signed by the governor and countersigned by the secretary of State and recorded as other grants issued by this State.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

## CHAPTER CCXXXVIII.

*AN ACT, for the benefit of Juliana Buckner and others.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Juliana Buckner shall be allowed to file her petition in the circuit court for the county of Humphreys, to obtain a divorce from her husband Virgil Buckner, and said court shall entertain jurisdiction thereof, and proceed to hear and determine the same at the first term of said court or any term thereafter and upon proof of the facts stated in the petition of said Juliana Buckner, which has been presented to the present session of this General Assembly, it shall be the duty of said court by decree to dissolve the bonds of matrimony now existing between the said Juliana Buckner and her husband, and restore her to all the privileges of a feme sole: *Provided*, the said Juliana shall cause written notice to be given to the said Virgil Buckner of her intention to file such petition ten days previous to her filing the same, or should the same not be served upon him in consequence of his evading the service of the notice aforesaid upon proof*

Juliana Buckner may file a petition for a divorce

of which the court shall proceed to try and determine upon said petition as though said notice had been served.

*SEC. 2. Be it enacted, That Sophia Williams, of Bedford county, shall be allowed to file her petition, praying a divorce from her husband James A. Williams, before the circuit court of the county aforesaid, upon the same conditions that are secured to Harriet Payne Scudder, by an act passed at the present session of the General Assembly of the State of Tennessee.*

Sophia Williams may file her petition.

*SEC. 3. Be it enacted, That it shall be lawful to have the notice, required by the provisions of the above recited act, at the residence of Phillip J. Scudder, and it shall be held sufficient to have the notice at the last known residence of the said James A. Williams in this State; *Provided*, in either case, if the petition should not be filed, or the cause determined at the first term of said court, the cause may be continued to, or the petition filed at, any other thereof.*

What notice shall be sufficient.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 28, 1825.

## CHAPTER CCXXXIX.

*AN ACT, for the benefit of Joseph Colville.*

*SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the circuit judge of the third judicial circuit, is hereby authorized and required to examine and determine whether the State hath sustained any damage for the failure of Joseph Colville, clerk of Warren county court, to return to the treasurer of West Tennessee, a list of the tax for the year 1824, for said county, which the sheriff was liable to pay, and if it shall appear to the satisfaction of said judge, that the State hath sustained no damage, more than the lying out of the use of said tax, then, and in that case, he shall certify the same and order the clerk of Davidson circuit court, to enter satisfaction upon the record of the judgment recovered*

Duty of judge of the third circuit.