

against said Colville, by said Treasurer, in the name of the Governor.

SEC. 2. *Be it enacted*, That the said clerk, upon duty of clerk the receipt of said order, and the payment of all costs incurred on the part of the State, is hereby required to enter satisfaction upon said judgment.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

CHAPTER CCXL

AN ACT, for the relief of the representatives of Thomas A. Thompson, deceased.

Two years allowed the representatives of Thomas A. Thompson to make settlement.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the personal representatives of Thomas A. Thompson, deceased, late sheriff of Carroll county, shall have the further time of two years, in addition to the time now allowed, to make a settlement with, and pay over, to the State and county treasurers, the State and county taxes collected by the said Thomas A. Thompson, deceased, for the years 1824 and 1825; *Provided*, that this act shall not be construed to discharge the securities of the said Thomas A. Thompson, deceased, in case of the non-payment of the taxes, collected as aforesaid, within the time prescribed by this act.

Twelve months given his administrator to produce a correct account of taxes.

SEC. 2. *Be it enacted*, That the administrator of the said Thomas A. Thompson, deceased, shall, within twelve months, next after the passage of this act, produce to the court of pleas and quarter sessions, for the said county of Carroll, a fair, full and correct account of the State and county taxes collected by the said Thomas A. Thompson, deceased, which is yet unaccounted for, for the years aforesaid, and the said court, being satisfied of the correctness thereof, shall order the same to be certified to the State and county treasurers, who shall, thereupon, hold the said administrator accountable for the amount of the said account, and discharge

him from the payment of the balance remaining on his list.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

CHAPTER CCXLI

AN ACT, to incorporate the academies therein specified.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John C. Hamilton, Lucas Kennedy, Hugh W. Dunlap, Washington J. Dewitt, James Jones, Samuel Hawkins and James Hicks, shall be, and they are, hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Paris Academy," in the town of Paris in the county of Henry, and by their corporate name may sue and be sued, plead and be impleaded, touching and concerning their corporate concerns, have a corporate seal, receive, purchase, and hold real and personal estate, and again dispose of the same for the benefit of the academy, make such by-laws, rules and regulations, as may be deemed necessary for the good government of the said academy; *Provided*, the same shall not be inconsistent with the constitution and laws of this State; and in their corporate capacity possess such powers and privileges as corporations usually have, and, as an academy, enjoy all the benefits and advantages that other academies in this State enjoy under the existing laws.

Trustees of Paris Academy.

SEC. 2. *Be it enacted*, That Joseph Brown, William Jarman, Jarred S. Allen, Thomas W. Crowder, Jacob Johnson, James Kelough, and John McClellan, for the town of Perryville, in the county of Perry; John McClellan, Benjamin Gillespie, Robert Murray, Robert E. C. Dougherty, Littleberry W. White, James Lattimore, Samuel Ingram, and John W. Nichols, for the town of Huntingdon, in the county of Carroll; William H. Johnson, Richard Porter, Archibald M. Hughes, Simpson Organ, and John Charlton, for the town of Dres-

Trustees of various academies.

den, in the county of Weakley; Eli Hornbeck, Samuel Sebastian, James Scott, Henry Nixon, and Alexander Gray, for the town of Centerville, in the county of Hickman; and Cullen Bayless, William Williams, Christopher C. Clements, William Bayley and Alexander B. Outlaw, for the town of Doyer, in the county of Stewart, shall be, and they are, hereby constituted bodies politic and corporate, by the name and style of the President and Directors Trustees of the academy for the town for which they are respectively named, and as such shall have, and enjoy, the same powers and privileges, and receive the same benefits and advantages prescribed in the foregoing section of this act.

Duty of Trustees.

SEC. 3. *Be it enacted*, That at the first meeting of the Trustees aforesaid, after the passage of this act, it shall be their duty to appoint a secretary, whose duty it shall be to keep a correct record of all the proceedings of the board of trustees, of which he is secretary, and receive, pay out and keep an account of all funds of the board, who shall, before entering upon the discharge of his duties enter into, and acknowledge, bond with such security, and in such penalty, as may be required by the said board conditioned for the faithful discharge of his duties.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

CHAPTER CCXLII.

AN ACT, to establish a separate battalion muster in the county of Hawkins, on the south side of Holston river, in the seventy-eighth regiment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful, for so much of the seventy-eighth regiment of Tennessee militia, as lives on the south side of Holston river, to hold a battalion muster on the south side of said river, and shall not be subject to attend any other battalion

or drill musters of said regiment, except the county and regimental drills and musters.

SEC. 2. *Be it enacted*, That it shall be the duty of the senior captain in said bounds, to hold and command the same on their battalion muster days; and it is further made the duty of the officers, to hold a court martial for the said battalion agreeable to law as in other cases.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 29, 1825.

CHAPTER CCXLIII.

AN ACT, for the relief of John McCan and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John McCan, of the county of Lawrence, and Randall Dupriest, of the county of Hickman, be, and they are, hereby permitted to hawk and peddle in their respective counties, without paying license.

SEC. 2. *Be it enacted*, That Thomas Lyons, of Lawrence county, be permitted to hawk and peddle in said county without paying license.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCXLIV.

AN ACT, to incorporate the town of Lawrenceburg, in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Lawrenceburg, in the county of Lawrence and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the mayor and aldermen of the town of Lawrenceburg, and shall have succession for the term of fifty years, and by their corporate name may sue

and be sued, plead and be impleaded, grant, receive, purchase and hold, real, mixed, and personal property or estate of any kind, whatsoever, and dispose of the same for the benefit of said town, and may have and use, a corporate seal.

Sec. 2. *Be it enacted*, That the said corporation shall be under the same rules, regulations and restrictions, and possess the same rights and privileges, contained in the second, third, fourth, fifth, and sixth sections of an act, entitled "an act to incorporate the town of Hardinsville, in the county of Hardin and for other purposes, passed 14th October, 1824.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCXLV.

AN ACT, for the relief of James Cason.

Be it enacted by the General Assembly of the State of Tennessee, That the principal surveyor of the ninth district is authorised and hereby required, to make void entries, No. 1619, for twenty acres, and entry, No. 1621, for forty acres both entered in the name of James Cason, and suffer him to re-enter the warrants on which said entries are founded on any vacant and unappropriated land in said district, *Provided*, they are good and valid warrants, and *Provided*, the said Cason will make it appear to the satisfaction of said surveyor, that the said entries, or either of them, does not cover the land intended to be entered.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCXLVI.

AN ACT, for the benefit of William Riley Blythe.

Be it enacted by the General Assembly of the State

of Tennessee, That William Riley Blythe, a citizen of Franklin county, an illegitimate child, be, and he is, hereby confirmed in said name, and by such name he is hereby made capable of suing and being sued, of defending and being defended, of receiving and inheriting, and doing all other acts and things as fully as though he had been born in lawful wedlock; *Provided, however*, that this act shall not have any retrospective operations in relation to any transaction heretofore entered into by said person under another name.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCXLVII.

AN ACT, for the relief of Henry Mahan of Perry county.

Be it enacted by the General Assembly of the State of Tennessee, That the county lines of Wayne county, shall be so extended as to include the plantation whereon Henry Mahan, of Perry county, now lives, immediately on the bank of Tennessee river, opposite to the town of Carrollville, in said county of Wayne, and he, the same Henry Mahan, shall hereafter be considered a citizen of Wayne county, and shall be entitled to all the privileges of any other citizen of said county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCXLVIII.

AN ACT, for the benefit of the heirs of Richard Barneycastle.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That military warrant No. 1218, which issued to the heirs of Richard

Barneycastle, for the services of said Richard, be adjudicated by the proper tribunal of this state, and if valid, that it be appropriated as may be provided by law, for warrants of like description.

SEC. 2. *Be it enacted*, That military warrant No. 1221, issued to Nathaniel Waller, for his services in the revolutionary war, be referred to the commissioner for adjudication, under the laws and regulations heretofore governing in such cases.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CXXIX.

AN ACT, to authorize Isaac Daniel, to hawk and peddle, in this state.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful, for Isaac Daniel, to hawk and peddle, and vend, wares, goods and merchandise, of foreign, or domestic manufacture, within any county in East Tennessee, without being required to pay for either State or county license, as required by the present existing laws of this State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCL.

AN ACT, to appoint additional trustees for the academy therein named.

Be it enacted by the General Assembly of the State of Tennessee, That William Seawell, John Hall, Joseph Johnson and William Steele be, and they are, hereby appointed trustees for Campbell academy, in the county of Wilson, and shall possess all the rights, privileges and capacities, that the original trustees had, and be subject to

the same rules, regulations and restrictions, with those heretofore appointed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLI.

AN ACT, for the relief of Lydia Curtis.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the entry taker of the Hiwassee district, shall make an entry in the name, and to the use of Lydia Curtis, of Monroe county, to the north west quarter section of section eighteenth, third fractional township, third range, east of the meridian, Hiwassee district. Should the above quarter section be previously entered by some other person, said Lydia shall be permitted to select some other vacant and unoccupied quarter in lieu thereof.

SEC. 2. *Be it enacted*, That if said Lydia shall pay to the entry taker of said district in twelve months after the making such entry, twelve and [a] half cents per acre, the register is hereby directed to issue a grant as in other cases in said district.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLII.

AN ACT, for the relief of John Baker and Thomas Molloy.

WHEREAS, an entry for 3840 acres was made in the thirteenth surveyors district and granted to John Baker, by grant No. 19,157, and also, an entry for 640 acres being made in the ninth surveyor's district, in the name of Thomas Molloy, and granted to him by grant No. 18,474 and after the issuance of the grants for the full com-

plement of acres, through mistake of the survey, or a deficiency was found in the former of about 100 or 110 acres, and in the latter of about 25 acres, for remedy whereof;

Be it enacted by the General Assembly of the State of Tennessee, That on satisfactory evidence being made to the surveyor of said districts of such mistake, said Baker and Molloy shall be entitled to enter the amount deficient, occasioned by mistake in their respective districts in which the original entries were made and obtain grants for the same as in other cases, Provided, nevertheless, that before the surveyor make an entry for deficiency of land to said Capt. John Baker, as provided in this act, he shall require a certificate from the secretary of this State, acting as commissioner of land claims, that he has examined, and is satisfied from the record of land claims in his office, that but one warrant ever issued from North Carolina for the services of said John Baker as a captain in said North Carolina.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLIII.

AN ACT, directory to the Judge holding the Rutherford circuit court.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for James I. Maxwell, of the county of Rutherford, to file a petition in the circuit court of said county, praying for a divorce from his wife Jane, and upon service of process, or upon said petition being taken pro confesso, on publication as now provided for by law, and upon the final hearing of said petition, either after answer or ex parte, as the case may be, upon a sufficient case made out, and upon such proof of wilful and malicious desertion or adultery on the part of the said Jane, as would authorize a divorce according to the laws of this State, it shall be the duty of the judge of said court to decree a divorce, a vinculo matrimo-

nii; notwithstanding the said facts may be proved to have been committed beyond the limits of this state.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER COLIV.

AN ACT, to repeal the act therein named.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed by the General Assembly of the State of Tennessee, on the 19th day of November, 1819, entitled "an act to establish a town in the county of Stewart," which town is called in said act by the name of Wynesboro', be, and the same is, hereby repealed, and the lots laid off in pursuance of said act, shall not, after the passage of this act, be taxed as town lots but shall be subject to taxation as other lands.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER COLV.

AN ACT, for the benefit of Tyree Rodes.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Tyree Rodes, of Giles county, shall have a preference for two years, to enter six acres of land in the bend of Richland creek in said county adjacent to the tract of land of one hundred and sixty acres owned by said Tyree Rodes and on which are a set of valuable mills.

SEC. 2. Be it enacted, That it shall be lawful for the said Tyree Rodes, at any time within the term of two years, to procure a warrant and enter the said six acres of land, and obtain a grant

thereon, as in other cases heretofore provided for.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLVI.

AN ACT, directing certain papers to be read in evidence in suits concerning reservations taken under the late treaties with the Cherokee Indians.

WHEREAS, the records made out and kept at the Cherokee agency, relative to the reservations taken under the late treaties with the Cherokee tribe of Indians are required to be produced and proved by the agent or sub agent, in all suits that now are, or may hereafter be pending for said reservations, which are of great expense and trouble to the parties and tends to the hindrance and delay of trials; for remedy whereof;

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be lawful for any person or persons interested therein, to obtain copies, from the records and other papers appertaining to any Indian reservations, which records have been made out and are kept at the office of the agent of the United States, for the Cherokee nation of Indians; and such copies being certified by the agent or sub-agent, for the time being to be true copies from the originals in his office, shall be admitted as evidence in any of the courts in this State, and shall have the same force and effect that the original records and other such papers in the office of the said agent would have, if produced and proved on the trial of any cause that may be depending in said courts.

SEC 2. Be it enacted, That it shall and may be lawful for the reservees to have their plats and certificates of survey registered in the register's office in the county wherein his, her, or their reservation may lie, and a copy of such plat and certificate, duly certified by any such register, shall be admitted as evidence in any of the courts in this State, and shall have the same force and effect that the original plat and certificate of survey

Copies of records and papers of Indian agent may be given in evidence.

Reservees plat and certificate to be registered.

would have, if produced and proved on the trial of any cause that may be depending in said courts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLVII.

AN ACT, for the relief of Walter B. Simms and others.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That Walter B. Simms and John S. Green, be permitted to vacate, entry No. — for 213 1 3 acres, in the tenth district, range 6, and section 9, the same being taken by a 5000 acre survey in the name of John Rice, and locate the same on any vacant and unappropriated lands in said district.

SEC. 2. Be it further enacted, That John McAlister, John Kennedy, John Rhea and William Dickson, be permitted to vacate so much of entry No. 524 for 5000 acres, in 10th district, range 6, and section 9, as interferes with a 5000 acre survey, in the name of John Rice, and locate the same on any vacant lands in said district; Provided, it be made appear to the secretary of State, the former commissioner of land claims, that said entries, hereby authorised to be vacated, were founded on good and valid warrants, and that no other grants ever issued thereon.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLVIII.

AN ACT, for the benefit of John Chawning.

Be it enacted by the General Assembly of the State of Tennessee, That it shall, and may be lawful for John Chawning, Sen'r. to file his peti-

tion for a divorce from his wife Mary, in the circuit court of Robertson county, first giving to the said Mary, his wife, ten days previous notice of his intention to file the same, and if it shall appear to the satisfaction of the court, by testimony, that the said Mary has more than two years since left his bed and board without any just cause, and still absents herself, then, and in that case, it shall and may be lawful for said court to decree a dissolution of the bonds of matrimony now existing between the said John Chawning, and Mary his wife, at the first term of said court, any law to the contrary notwithstanding.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLIX.

AN ACT, directing the sheriff and clerks of Franklin county, to advertise in certain papers.

Be it enacted by the General Assembly of the State of Tennessee, That the clerks of the county and circuit courts of Franklin county, and also the sheriff of said county, are hereby authorised to have their respective advertisements and orders published in the Franklin Gazette, which is now published in the county aforesaid, in the town of Winchester, 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 30, 1825.

CHAPTER CCLX.

AN ACT, to incorporate the town of Jasper, in the county of Marion.

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

town of Jasper, in the county of Marion and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the mayor and aldermen of the town of Jasper, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase, and hold, real, personal, and mixed property or dispose of the same for the benefit of said town, and may have and use a town seal.

Jasper incorporated.

*SEC. 2. Be it enacted, That the corporation aforesaid, shall have full power and authority to enact and pass such laws and ordinances necessary to preserve the health of the town; to prevent and remove nuisances; to establish night walks or patrols, to ascertain, when necessary, the boundary and location of streets, lots and alleys, to establish new streets, lanes and allies, with the consent of the proprietors of the lots or houses joining the streets, lanes and alleys; to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing, regulating and restraining theatrical or other public amusements, within said town, to keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within town, to erect and regulate markets, to appoint a recorder and constable, to provide for licensing and regulating a fire company; to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws, to lay and collect taxes for carrying the necessary measures into operation for the benefit of said town; to regulate and restrain tipping houses and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect; *Provided, they are not inconsistent with the constitution and laws of this State.**

Powers of the corporation.

SEC. 3. Be it enacted, That the laws and ordinances of said corporation shall be in no wise obligatory upon the persons or property of non-residents of said town being citizens of this State, unless in case of intentional violation of by-laws or ordinances previously promulgated.

Their laws not obligatory on non-residents

SEC. 4. Be it enacted, That all fines, penalties and forfeitures imposed by the laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single justice of the peace, and if exceeding that sum, then to be recovered by action of debt, in the county or

Fines &c. how recovered.

circuit court of Marion county, in the name of the corporation and for the use of the town.

Election when held and who entitled to vote and to be aldermen.
SEC. 5. *Be it enacted,* That the sheriff of Marion county shall hold an election at the court house in the town of Jasper, on the first Monday in December, in each and every year, for the purpose of electing five persons to serve as aldermen of the corporation of the said town of Jasper, for one year, commencing on the first day of January, next, thereafter, and all persons owning a freehold within said town, and also, all persons residing in said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for aldermen, and no person shall be eligible to the appointment of alderman, unless he shall have a freehold in said town and have been a citizen thereof for twelve months previous to said election.

When a quorum is taken.
SEC. 6. *Be it enacted,* That the five persons who are elected as aforesaid, having the highest number of votes, at any election held as aforesaid, shall be taken as duly elected aldermen for said town, and the sheriff of said county of Marion shall, within two days thereafter, notify said aldermen of their election, whose duty it shall be to meet at the court house in Jasper, on Saturday next, succeeding the day of their election, and any number not less than three, shall constitute a quorum, and they shall then proceed to elect, by ballot, one of their own number to be mayor of said corporation for the same time as aldermen as aforesaid, and whenever any mayor of said corporation shall die, remove out of said town or resign, another election shall be made by the aldermen aforesaid of any other person for the time then unexpired, and when any alderman shall die, remove or resign, such vacancy may be filled by the mayor and aldermen of said town, at any regular meeting, and the person or persons by them appointed, shall serve until the next election.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER COLXI.

AN ACT, for the relief of Benjamin Hardin.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the surveyor of the seventh district, to permit Benj. Hardin to make void a fifty acre entry made in the name of said Hardin, in said district, which entry was intended to have included the occupant improvement of William Hester, in Wayne county, on the waters of Indian creek, but by a mistake of the locator in one of his calls, the said entry was located one mile from the place intended to be entered, and enter the same on any vacant 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 30, 1825.

CHAPTER CCLXII.

AN ACT, for the relief of Alexander McDonald and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be, and is, hereby made the duty of the surveyor of the seventh district, to permit Alexander McDonald to make void entry No. 505; also, entry No. 1,603, and enter the same on the land originally intended to have been covered by said entries.

SEC. 2. *Be it enacted,* That before said surveyor shall permit the said Alexander McDonald to re-enter said tract, the said McDonald, or some other person, shall make oath that the ground proposed to be re-entered is the same intended to have been covered by said entries, No. 505, and No. 1,603, and *Provided,* said entries are on good and valid warrants.

SEC. 3. *Be it enacted,* That the said surveyor be, and he is, hereby authorized to permit Alfred M. Harris and Tyree Rodes, to withdraw the warrant upon which a certain entry was made in his office, on what terms Harris and Rodes may withdraw a warrant and

and which includes the occupant improvement of Mary Kirk, and apply some other good and valid warrant to the same, they or either of them making oath that the entry they propose to make void is the one contemplated by this act; *Provided*, that this act shall in no wise affect the right or interest either legal or equitable, of any other person or persons whatsoever; but that all persons, in any manner interested in said entries, shall have all benefits arising therefrom, either legal or equitable as fully as if this act had never passed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLXIII.

AN ACT, for the benefit of Montgomery Stuart and Samuel Mock.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Montgomery Stuart is hereby authorized to build a mill-dam in Nolichucky river, *Provided*, he do not obstruct the navigation thereof.

SEC 2. *Be it enacted*, That Samuel Mock is hereby authorized to extend his dam in Nolichucky river, *Provided*, he does not obstruct the navigation thereof.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLXIV.

AN ACT, for the relief of John Plumbly and John Pennington.

Be it enacted by the General Assembly of the State of Tennessee, That John Plumbly is hereby authorized and permitted to enter one hundred and sixty acres of land in White county, and that

John Pennington be permitted to enter one hundred and twenty acres, including any unappropriated land in said county, without paying any other consideration for the same than the fees of office, in consequence of said Plumbly and Pennington having paid twice for the same tracts of equal amount by reason of some defect in the calls of said entry or misapprehension of the law.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLXV.

AN ACT, for the relief of John and James Templeton and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the principal surveyor of the ninth district, in the State of Tennessee, on application, to make the following entries in his office void, (viz;) entry No. 1,460 for forty eight acres, in the name of William Howell; entry No. 1,641, for twenty-five acres, in the name of John and James Templeton; entry No. 1,680, for five acres in the name of Benjamin Leech, and entry No. 1,498, for fifty acres in the name of William Davis, and suffer the same to be re-entered on any vacant and unappropriated land in said district.

Entries vacated.

SEC. 2. *Be it enacted*, That the principal surveyor of the eighth district be, and is, hereby authorized and required to make void entry No. 1,263, for thirty-five acres; warrant No. 5,345 in the name of John Davis, and that said Davis be, and is, hereby authorized to enter said warrant No. 5,345, for thirty-five acres aforesaid, on any vacant and unappropriated lands lying south and west of the congressional line, and west of Tennessee river, any law to the contrary notwithstanding; *Provided*, the several persons intended to be relieved by the provisions of this act, shall make it appear to the satisfaction of the surveyor, that the land

Entries vacated.

covered by said entries, is not the land they intended to enter.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCLXVI.

AN ACT, directory to the president and directors of the branch bank of the State of Tennessee at Knoxville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be, lawful for the president and directors of the branch bank at Knoxville, to loan to Walter Kennedy, of Knox county, one thousand dollars out of the East Tennessee academy monies deposited in said bank, *Provided,* said Kennedy shall give good and sufficient security for the payment of the same. Said loan shall continue for the term of two years, on said Kennedy's renewing his note every six months and paying the interest on the same.

Loan to W.
Kennedy

SEC. 2. *Be it enacted,* That if said academy money shall be in the hands of the treasurer of East Tennessee, it shall be his duty to deposit so much of the same in said bank as will be sufficient to make said loan.

Duty of Treas-
urer of East
Tennessee.

SEC. 3. *Be it enacted,* That the loan required to be made by this act, shall be under the same rules and restrictions, as other loans, except, that it shall not be subject to any curtailment for the term of two years, but after that time, shall be subject as other notes.

Terms of the
loan.

WM. BRADY.

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

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXVII.

AN ACT, for the relief of William Evans and D. Cherry.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Evans be, and he is, hereby authorized to make void an entry made on certificate warrant No. 3,141, issued by the register of West Tennessee, for fifty acres of land, entered in the eighth surveyor's district, in the county of Perry, in the fifth section of the tenth range, beginning in the range line one hundred and eight poles south of the four mile tree, south of the north east corner of the said section, and running south one hundred and twenty-six poles, and west for complement, and that he is hereby authorised to enter said warrant on any vacant and unappropriated land, lying south and west of the congressional reservation line.

SEC. 2. *Be it enacted,* That the surveyor of the eighth district be, and is, hereby authorized to permit Daniel Cherry, to enter in his district, any quantity of land that his entry for one hundred and sixty acres entered in said district, section three and range eleven and twelve, may be deficient in quantity; *Provided,* that said surveyor shall have an actual survey of said entry made and the deficiency ascertained, and *Provided, also,* that the original entry is founded on a good and valid warrant, any law to the contrary notwithstanding.

WM. BRADY.

Speaker of the House of Representatives.

R. C. FOSTER.

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXVIII.

AN ACT, for the relief of John Johnson, a lunatic, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That upon it appearing to the satisfaction of the county court

County court
of Robertson
may order the
sale of John-
son's land.

for Robertson county, that it would be to the advantage, and necessary to the support and payment of the debts of John Johnson, the insane son of William Johnson, late of said county of Robertson, deceased, it shall, and may be, lawful for said county court to make an order authorising Jesse Bell, guardian for said lunatic, or such other person as they may think proper to appoint, to run out and sell a certain tract or parcel of land in said county, left by his said father, William Johnson, in trust for the support of said John; said land to be sold on such conditions and terms as the said court shall deem proper, and the proceeds arising from the sale of the aforesaid tract of land, after paying all reasonable charges and expenses, the balance to be placed in the hands of said Jesse Bell, guardian as aforesaid, or such other persons as the county court, from time to time, may direct; and it shall be the duty of said guardian, so appointed, to loan said proceeds at interest so long as any of said funds remain unappropriated for the support of said John Johnson.

Sale to be
good and vest
a title.

SEC. 2. *Be it enacted*, That any sale made in pursuance of, and under the provisions of this act, shall be good and available in law and vest the title in fee simple in the purchaser.

Not to sell
real estate
without giv-
ing bond.

SEC. 3. *Be it enacted*, That it shall not 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, to sell any of the real estate of said John Jones, deceased, lying in Giles county, under the authority of an act of the present session of this General Assembly authorising said David L. and Rebecca to make such sale until they, the said David L. and Rebecca, shall give bond and security to the satisfaction of the county court of Giles county, conditioned for the faithful application and distribution of the funds arising from the sale of said real estate, according to law.

To sell at
auction.

SEC. 4. *Be it enacted*, That it shall be the duty of said David L. Jones and Rebecca Jones, when they sell any of the real estate of said John Jones, deceased, lying in Giles county, to sell the same at public auction at the court house in the town of Pulaski, after giving twenty days notice

in some newspaper printed in the town of Columbia.

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

Passed December 1, 1825.

CHAPTER CCLXIX.

AN ACT, to fix permanently the county seat of Morgan county.

WHEREAS, it is represented to this General Assembly that a large majority of the citizens of said county are dissatisfied with the present county seat and are desirous to have the same permanently established at Samuel Scott's; for remedy whereof;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jacob Laymons, John England, Shadrack Stephens, Sterling Williams, John Triplett, Benjamin Hagler and Samuel Scott be, and they are, hereby appointed commissioners for the county of Morgan, whose duty it shall be to select an eligible site at Samuel Scott's, on the turnpike road, and procure a title for so much land as said commissioners shall deem sufficient to lay out a town, and if the said commissioners cannot procure said land, they shall procure so much as they deem necessary at the most convenient place adjoining said Scott, and take a title to themselves and successors in office, for the use of said county.

Commission-
ers to select a
site.

SEC. 2. *Be it enacted*, That when the town shall be laid off in half acre lots, the commissioners shall advertise the same in the newspapers printed in Knoxville, specifying the time and place for the sale of said lots, which advertisement shall be at least thirty days before the day of sale, and they shall proceed to sell said lots at twelve months credit, taking bond with good and sufficient security, and thereupon make deeds in fee simple to the purchasers.

Lots to be ad-
vertised and
sold.

SEC. 3. *Be it enacted*, That it shall be the duty of said commissioners, or a majority of them, to contract with some suitable person or persons to build a court house, prison and stocks, at the site

To contract
for public
buildings.

selected and laid off for the seat of justice, and the monies arising from said sales, after paying for the land purchased, shall be appropriated to the expense in erecting said public buildings, and if the monies arising from the sale of the lots aforesaid, be insufficient to pay for the land and public buildings it shall, and may be, lawful for the county court of Morgan, a majority of the acting justices being present, to lay a county tax on taxable property not exceeding the State tax, which may be continued from year to year, until a sum sufficient is raised to answer the intended purposes; and the tax aforesaid shall be collected at the time and in the same manner other public dues are collected; and in case of default in collecting or accounting for said tax to the commissioners, the sheriff, for such his default, may be proceeded against by motion and judgment before the county court, as in other cases of default.

Commissioners to give bond.

SEC. 4. *Be it enacted*, That before the commissioners shall proceed to discharge the duties assigned them, they shall enter into bond with the Governor and his successors, in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of their appointment, to be taken by, and filed with, the clerk of the county court and be by him recorded.

Courts to be held when buildings completed.

SEC. 5. *Be it enacted*, That when said town is laid off and established, it shall be known by the name of *Montgomery*, and as soon as said commissioners, shall notify the county court that they have procured a house sufficient to hold said court in, at the place thus laid off, or that the public buildings are ready, the justices of said court shall adjourn said court and all proceeding to the town of *Montgomery*, and the circuit court shall be removed to the same place at the first term after the county court is adjourned, and from thence forth it shall be the seat of justice for Morgan county.

Vacancies how filled.

SEC. 6. *Be it enacted*, That in case of death, resignation or refusal to act, of any one or more of the commissioners herein named, it shall, and may be, lawful for the balance of said commissioners to elect one or more, by ballot, so as to complete the number of commissioners, hereby appointed, and the commissioners thus elected, shall have the same privileges and powers as the commissioners by this act appointed have, and a ma-

majority of said commissioners shall be competent to transact any business or perform any duty imposed on them as commissioners.

SEC. 7. *Be it enacted*, That said commissioners shall appoint one of their body as chairman, in whose name all notes, bonds, &c. shall be taken and in whose name all suits may be instituted on the notes, bonds, &c. and for their services as by this act directed, said commissioners shall be entitled to such compensation as the county court of Morgan may allow.

To appoint a chairman.

SEC. 8. *Be it enacted*, That it shall be the duty of the Commissioners aforesaid, to value the lots in the town of *Montgomery*, where the courts are now held, and pay to the owners thereof such sums of money as they may think right to remunerate said owners for the loss they may sustain in conveyance of said county seat being moved, the money to be paid out of the sales of the lots where this act contemplates laying out the new town.

Owners of lots now in Montgomery to be remunerated.

WM. BRADY,

Speaker of the House of Representatives.

R. O. FOSTER,

Speaker of the Senate.

Passed December 1, 1828.

CHAPTER CCLXX.

AN ACT, for the relief of *Thomas Smith and others*.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the surveyor of the sixth surveyors' district be, and he is, hereby authorized to make out a duplicate plat, and certificate of survey of ten acres of land entered by *Thomas Smith*, in his office on the 22nd day of September, 1817, and surveyed, September 15, 1816, and that the register of East Tennessee, on the filing of said plat and certificate, shall and may, issue a grant to the said *Thomas Smith* for said ten acres of land, *Provided*, no other grant has heretofore issued for the same tract of land.

A duplicate plat and certificate to issue and on them a grant.

SEC. 2. *Be it enacted*, That the register of West Tennessee, is hereby required to issue to *William P. Anderson*, grants for the following entries, made

A grant to W. P. Anderson.

in the office of the surveyor for the second surveyor's district; viz: entry No. 11,733 for three hundred and twenty acres; 11,754 for two hundred acres of land and 11,930, for one hundred and twenty acres; *Provided*, it shall appear to the satisfaction of said register, that the plats and certificate, that have issued upon said entries have been assigned to said William P. Anderson; *Provided*, That the rights of all other persons, both legal and equitable, shall, in no wise, be affected thereby, and all persons interested in said entries or warrants, shall have all legal and equitable rights after the issuance of said grants, as fully as if no such grants had issued.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXXI.

AN ACT, for the relief of the commissioners of the town of Monroe, in the county of Overton.

WHEREAS, some years since, George Gordon made a donation to the commissioners of the town of Monroe, for the benefit of said town, of five thousand acres of land, and which was attested by Benjamin Totton, [and] Andrew Buchanan and WHEREAS, the said instrument, was proven by the oath of Benjamin Totton, in the circuit court for the county of Overton and registered on the books of the commissioners by the secretary or recorder, and afterwards proven in the circuit court for the county of Warren, by the oath of Andrew Buchanan, which said instrument aforesaid has been lost or so mislaid by the clerk of the circuit court of Warren county that it cannot be found; therefore,

Be it enacted by the General Assembly of the State of Tennessee, That a copy from the books of the commissioners shall be good to all intents and purposes as though the same had been proven by Andrew Buchanan at the time it was proven by

Benjamin Totton and registered by the register of Overton county, at the time it was registered by the secretary or recorder to the board of commissioners, provided said secretary or recorder shall produce to the honorable circuit court to be holden for the county of Overton and prove the same by his oath to be a true and perfect copy of the original, which said copy shall be recorded on the records at full length in said court, and the same shall be a sufficient authentication of said instrument to authorise the commissioners to sell and convey any part of said lands, or for any other purpose whatever, either in law or equity, subject to all legal exceptions.

WM BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER COLXXII.

AN ACT making it the duty of the Judges of certain judicial circuits to interchange their ridings and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the judges of the third and seventh judicial circuits to interchange ridings, and it shall be the duty of the judges of the fourth and sixth judicial circuits, to interchange ridings, and it shall be the duty of the judges of the fifth and ninth judicial circuits to interchange ridings, and continue to do so until the next session of the General Assembly, and this section to be in force from and after the first day of January next.*

Judges of
certain cir-
cuits to inter-
change ri-
dings.

SEC. 2. *Be it enacted, That it shall be the duty of each solicitor general in this State, to reside in their solicitorial district, and if they or either of them shall fail or refuse to make their place of residence in some one of the counties which compose his or their district, it shall be the duty of the judge of the circuit court who presides over the greatest number of the counties composing such solicitorial district, to certify the same to the Governor, who shall fill the same as in cases of*

Solicitors
must reside in
their district

death or resignation; this section shall be in force from and after the 1st day of May 1826.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXXIII.

AN ACT, for the relief of the legatees of Solomon A. Kittrell; deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it may and shall be, lawful for any court of equity, or court having equity jurisdiction in the fifth circuit, upon the bill or petition of the guardian of the heirs or legatees of said Solomon A. Kittrell, to decree the sale of a tract of land of about three hundred acres, if to said court, upon hearing of said petition or bill, it shall seem advisable and to the interest of said heirs, and *Provided also,* that the court are of opinion that they have power to make such decree.

SEC. 2. *Be it enacted,* That process served on Benjamin Harrison and his wife, shall be sufficient service of process as next friend to said heirs or legatees.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXXIV.

AN ACT, for the relief of the heirs of Charles Mattock, deceased, William Chilton and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the heirs of Charles Mattock, deceased, may, and they are, hereby authorised, to file with the commissioner for the adjudication of land claims, grant No. 1,956 dated May the 1st 1811, issued by the State of Tennessee to said Charles, for two hundred and

Mattock's
heirs.

twenty-five and a half acres, together with such evidence as shall satisfy said commissioner, that the said grant is within the limits of a forty thousand acre claim of which John McIver is now the reputed owner, granted by the State of North Carolina to Stokely Donalson and William Tyrrell, by grant, No. 289, dated the fourth day of January, one thousand seven hundred and ninety-five, then, and in that case, it shall be the duty of said commissioner to issue to the said heirs, a certificate warrant for the quantity so taken, and included by the said forty thousand acre grant, which certificate warrant, so obtained may be located as other warrants, south and west of the congressional line.

SEC. 2. *Be it enacted,* That it shall be the duty of the register of East Tennessee to issue to Elizabeth Huntsman and John Hill, a certificate for eighty two and a half acres, their interest in entry No. 1,617 dated August the 4th 1812, made by virtue of a part of warrant No. 1,358 for three hundred acres, dated October 24th 1809, which said eighty two and a half acres stands located in the fourth surveyors district; *Provided,* the said Elizabeth Huntsman and John Hill, produce satisfactory evidence to said register that said entry lies within the limits of the forty thousand acre grant mentioned in the first section of this act.

Register of
E. Tennessee
to issue cer-
tificate.

SEC. 3. *Be it enacted,* That should the said Elizabeth Huntsman and John Hill, obtain a certificate under the provisions of the second section of this act, they shall be at liberty to lay the same before the commissioner for the adjudication of land claims and may locate the same as provided for in other cases.

To lay cer-
tificate before
commissioner.

SEC. 4. *Be it enacted,* That it shall be the duty of the register of West Tennessee, to issue to William Chilton, a certificate for three hundred acres, his interest in certificate No. 73, dated the twenty-first of September 1810, obtained from the commissioner of East Tennessee, and entered in the surveyor's district at Sparta by entry No. 1211 dated the 8th day of November, 1810, in the name of said Chilton, *Provided,* the said William Chilton produce to the register satisfactory evidence that said entry of three hundred acres is within the limits of grant No. 300, by the State of North Carolina to John Sevier, for thirty-two thousand acres.

Register of
W Tennessee
to issue cer-
tificate.

SEC. 5. *Be it enacted,* That should said Chil-

ton obtain a certificate, as mentioned in section the fourth of this act, he shall be at liberty to lay the same before the commissioner for the adjudication of land claims, and may locate the same as provided in other cases.

SEC. 6. *Be it enacted, That William Hill* may, and he is, hereby authorised to file with the commissioner for the adjudication of land claims Grant No. 4,845 dated March the eleventh 1811, issued by the State of Tennessee to said Hill, for forty acres, together with such evidence as shall satisfy said commissioner that said grant of forty acres is included within the limits of grant No. 300, mentioned in the fourth section of this act, then, and in that case, it shall be the duty of said commissioner to issue to the said William Hill, a certificate warrant for the aforesaid quantity of forty acres, which, when obtained, may be located as other warrants south and west of the congressional reservation line; *Provided, always,* that the said grant No. 1,956, and the said entries No. 1,617 and 1,211, are respectively founded upon good and valid warrants upon which no other or former grants have issued.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 1, 1825.

CHAPTER CCLXXV.

AN ACT, for the relief of Thomas D. Deavenport and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the surveyor general of the seventh district of the State of Tennessee, to permit Thomas D. Deavenport, at any time, on application, to withdraw an entry made in his office for forty acres No. 1,624, and enter the same on any vacant and unappropriated land in said district.

SEC. 2. *Be it enacted,* That it shall be the duty of said surveyor to permit Maxamilian H. Buchanan, at any time, to withdraw any quantity of the warrant upon which entry No. 146 for 160 acres is founded, not exceeding one half of said

entry, and enter the same upon any vacant and unappropriated land in said district; and it shall be the duty of said surveyor to survey the balance of said entry on any part of the ground included in the 160 acres as it originally stands entered, not making its length exceed twice its breadth, in a square or oblong.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 2, 1825.

CHAPTER CCLXXVI.

AN ACT, for the benefit of Lot Foster.

Be it enacted by the General Assembly of the State of Tennessee, That the surveyor of the tenth district be authorised to alter the lines of Lot Foster, so as to cover the land intended to be originally entered by virtue of a warrant issued by the register of West Tennessee No. 5,784 for fifty acres.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 2, 1825.

CHAPTER CCLXXVII.

AN ACT, for the relief of Isaac Enloe, of Humphreys county.

Be it enacted by the General Assembly of the State of Tennessee, That Isaac Enloe of Humphreys county be, and he is, hereby, released from the payment of a fine assessed against him in the circuit court of Humphreys county, at their September term, 1823, for the sum of fifty dollars which was assessed on an indictment against the said Enloe for inter-marrying with one Elizabeth Robbins, a minor, under the age of sixteen

which release shall not operate till the costs of said prosecution are paid by said Enloe.

WM. BRADY

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 2, 1825.

CHAPTER CCLXXVIII.

AN ACT, for the benefit of John Clayton.

Be it enacted by the General Assembly of the State of Tennessee, That the entry taker of the Hiwassee District be, and he is, hereby authorised and empowered to receive from John Clayton, a location for one quarter section of land, in range third township second, north west quarter of section eighteen, east of the meridian, in the Hiwassee district, to which quarter section of land, said Clayton shall be entitled to, by paying to the entry taker, only the fees of office, 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 December 2, 1825.

CHAPTER COLXXIX.

AN ACT for the relief of jurors for the counties of Humphreys, Perry and Roane.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter, when any person in either of said counties, shall be summoned as jurors on the opposite side of the Tennessee river, or other river from the side on which the town is situated, in said counties, it shall be the duty of ferrymen, in either of said counties, where any of said jurors may necessarily cross said river, for the purpose of attending either the circuit or county courts as jurymen, to give said jurors a certificate when they pay their ferriage, for the amount they or either of them paid for crossing said river a

aforsaid, and said juror or jurors may file his said certificate with the county trustee in his county, who shall pay him the full amount thereof, out of any monies in his hands not otherwise appropriated, which certificate 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 December 2, 1825.

CHAPTER CCLXXX.

AN ACT, authorising the register of East Tennessee to issue a grant to William T. Ellis and Nathaniel Potter.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the register of East Tennessee be, and is, hereby authorised and required to issue a grant to William T. Ellis and Nathaniel Potter, for seventy six and one half acres of land in Cocke county, on the west side of Big Pigeon, on the waters of Sinking creek, which land was entered by, and surveyed for, John Hudson, agreeable to an act passed eighteen hundred and six and surveyed seventh February 1807, on which survey no grant has issued, and that said grant issue agreeable to the plat and certificate of said survey and agreeable to the law now in force respecting the lands south of French Broad and Holston and West of Big Pigeon.

SEC. 2. Be it enacted, That the register of East Tennessee issue to Andrew Crocket and John S. Hardy a grant each for three thousand acres agreeable to the plats and certificate now filed in his office.

To issue grant to A. Crocket & J. S. Hardy.

SEC. 3. Be it enacted, That all land heretofore sold and not granted in Hiwassee district, shall be granted and recorded by the register of said district under the same rules and regulations as are pointed out in the second section of an act passed at the present session of this General Assembly,

Register of Hiwassee to issue grants for all land to be granted in that district.

entitled "an act to establish a register's office in the Hiwassee district.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Passed December 3, 1825.

CHAPTER COLXXXI.

AN ACT, to provide for running a line between the counties of Jackson and White, and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the surveyor of Jackson county, by himself or deputy, to run and mark the line between the counties of White and Jackson, and complete the same by the 20th January next, as herein directed; beginning at three white oaks and two red oaks, on the east bank of Hutchiens creek, one of the corners on the line running west, fourteen miles and one hundred and sixty poles, to the south west corner of Jackson county, which line as herein designated, shall be, and is, hereby declared to be the line between said counties, for jurisdictional or any other purposes, forever.*

Surveyor's
compensation.

SEC. 2. *Be it enacted, That the county court of Jackson county, shall make said surveyor a reasonable compensation for his services out of any moneys in the hands of the treasurer of said county not otherwise appropriated.*

Legatees of
Walter Sims.

SEC. 3. *Be it enacted, That the act of the General Assembly, passed on the 15th day of November, 1823, entitled, an act for the benefit of legatees of Walter Sims, deceased, be, and the same is hereby revived and continued until the next session of the General Assembly.*

SEC. 4. *Be it enacted, That a deed of conveyance, bearing date 18th day of February, 1823, from Maurice Carmichael to his son Michael Carmichael, for 15,000 acres of land, in the Western district, and authenticated before Robert Grieve, vice consul of the United States for the port of*

Leith, be admitted to probate and registration in the county or counties where the land may

lie, which probate and registration shall be good and available to all intents and purposes, except as to creditors or subsequent purchasers, without notice; and upon payment of the state tax for such registration and probate in any one county where part of said land may lie, for the whole amount of acres called for in the deed, the same shall be admitted to record in any other county where part of said land may lie, upon a receipt shewing that the whole tax has been already paid.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER COLXXXII.

AN ACT, appointing commissioners to examine and cause to be removed the obstructions in Holston river.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That John Hodge, John Obrian, James Rogan, Daniel Carmichael, of Grainger county, James Young, and John Lynn, jun. be, and they are, hereby appointed commissioners, who shall have power and authority to remove all mill dams, fish trap dams and other obstructions, which may have been, or may hereafter be, erected in the river Holston, or so much of said obstructions as would leave open the main boating channel of said river sufficient for the free navigation of boats, in passing and repassing the same, from the town of Knoxville, to the mouth of Watauga, and upon such examination, they shall have authority to determine what obstructions impede the navigation of said river, or greatly endanger the passage of boats in ascending or descending the same.*

Commission-
ers.

SEC. 2. *Be it enacted, That upon the examination as directed by the first section of this act, if any mill dam, fish trap dam, or other obstructions, shall be found to impede or greatly to endanger the navigation of said river, the commissioner aforesaid shall have power, and they are hereby required, to give notice in writing of such their deter-*

Commission-
ers to give no-
tice.

mination to the person or persons who may have erected said obstruction, or who may, at that time, own or claim the same, and that such person or persons, within a reasonable time, are required by said commissioners to pull down said obstructions, or so to remove or alter them as that they no longer be a hindrance or impediment to the navigation of said river.

Reasonable time given to remove obstructions.
SEC. 3. *Be it enacted,* That the reasonable time within which said obstructions are requested to be removed or pulled down, shall be fixed by said commissioner, and shall also be specified in written notice given in pursuance of the second section of this act.

Forfeitures for failing to remove obstructions.
SEC. 4. *Be it enacted,* That if any person or persons, notified as aforesaid, shall fail, neglect or refuse, to pull down or remove the obstructions which may be determined by said commissioners to impede or greatly to endanger the navigation of said river, such person or persons, so failing, refusing or neglecting, shall forfeit and pay the sum of ten dollars for each and every day that said obstruction may continue or remain in said river, after the expiration of such reasonable time, as may have been fixed on and of which notice shall have been given by said commissioners, which sum may be sued for by any person or persons and be recovered before any jurisdiction having cognizance thereof. The person or persons so failing, neglecting or refusing, shall, moreover, be liable to be sued for damages to the same extent, and in the same manner, as is pointed out in the act on that subject heretofore made and provided for.

Commissioners' pay.
SEC. 5. *Be it enacted,* That a reasonable compensation for their services, shall be made to said commissioners by the board of commissioners for the improvement of the navigation of said river, which shall be paid after completing the examination of said river.

WM. BRADY,

Speaker of the House of Representatives

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCLXXXIII.

AN ACT, to authorise the treasurer to loan three thousand dollars for the purpose of cutting a canal from the Forked Deer river into the Mississippi.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful, and is hereby made the duty, of the Treasurer of West Tennessee to loan to Robert H. Dyer, the sum of three thousand dollars for the term of three years, for the purpose of cutting a canal from the Forked Deer river, into the Mississippi, out of any of the academy funds in the hands of said treasurer belonging to any of the counties West of Tennessee river, on which no academies have been established by law; *Provided,* said Dyer give unto the said treasurer, bond and approved security for the repayment of said money so loaned, and a further bond with security, that he will appropriate said money for the purpose herein named, or that he will perform the work by him undertaken as aforesaid.

R. H. Dyer must have \$3,000.

SEC. 2. *Be it enacted,* That the interest on said money shall be by said Dyer paid semi-annually to said Treasurer, and should said Dyer fail to pay said interest semi-annually, said loans shall determine, and said treasurer shall immediately proceed to collect the principal and interest due on said bond.

He must pay interest semi-annually.

SEC. 3. *Be it enacted,* That said canal, when opened, shall be under the direction and control of the legislature of this State.

Canal under control of legislature.

SEC. 4. *Be it enacted,* That should the academy monies of this State be funded in the bank of the State of Tennessee, and paid into said bank by the treasurer of West Tennessee before an appropriation is made to said treasurer by virtue of this act, it shall be the duty of the president and directors of said bank to make said loan under the same regulations and restrictions as the treasurer is authorised to do by this act.

Duty of Bank.

SEC. 5. *Be it enacted,* That the bond by said Dyer, given for the payment of the money, to be

Note, when renewable.

loaned by this act, shall [be] renewed every six months.

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

Passed December 3, 1825.

CHAPTER CCLXXXIV.

AN ACT, for the benefit of John T. Bryon.

Be it enacted by the General Assembly of the State of Tennessee, That John T. Bryon be, and is, hereby entitled and authorised to have access to the surveyor's office of the tenth surveyor's district, and to the books of said office, to enable him to collect the fees due him as deputy surveyor, [of] Adam R. Alexander late principal surveyor for said district.

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

Passed December 3, 1825.

CHAPTER CCLXXXV.

AN ACT, to authorize the entry taker of Bledsoe county, to keep his office at his own house.

Be it enacted by the General Assembly of the State of Tennessee, That Robert Porter, entry taker of Bledsoe county, be, and he is, hereby authorised to keep his office at his own house in said county, any law to the contrary notwithstanding.

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

Passed December 3, 1825.

CHAPTER CCLXXXVI.

AN ACT, for the relief of Nathan Jobe and James Robertson.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the principal surveyor of the seventh surveyor's district, on application of Nathan Jobe and James Robertson, to make void their entries of fifty acres each, entered in the name of David Crockett, and re-enter the same so that they can cover their improvements, which were intended to be entered, and that grants shall issue accordingly.

SEC. 2. Be it enacted, That the first section of the act for the relief of said Jobe and Robertson, passed October 16th, 1824, 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 December 3, 1825.

CHAPTER CCLXXXVII.

AN ACT, for the benefit of the commissioners of the town of Perryville.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Perry county, a majority of the justices of said county being present, are hereby authorised and directed to make such allowance to the commissioners of the town of Perryville for their services as said justices may deem an adequate compensation, which sum, when so allowed, shall be paid out of the funds arising from the sales of lots in said town.

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

Passed December 3, 1825.

CHAPTER CCLXXXVIII.

AN ACT, for the relief of James Hicks.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee be, and he is, hereby authorised and empowered to issue to James Hicks, a grant for so much of a plat and certificate, founded on warrant, No. 1,986, for 640 acres, as said Hicks can show he has title to and has not heretofore been granted to any other person or persons.

SEC. 2. Be it enacted, That so much of entry or grant, founded on said warrant, No. 1,986, for 640 acres, as interferes with older and better claims or titles, be referred to the commissioner of claims, and that he adjudicate thereon, and issue certificate for interference, if to him it seems just, legal and proper; Provided, said warrant, No. 1,986, is good and valid, and that it has not been otherwise satisfied.

SEC. 3. Be it enacted, That it shall, and may be lawful, for inspectors of tobacco appointed under the laws of this State, to pass tobacco by them inspected in first and second quality, or to pass it as crossed, which shall be considered, as of the third quality, according to the quantity of the tobacco by them inspected, any law to the contrary notwithstanding.

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

Passed December 3, 1825.

CHAPTER CCLXXXIX.

AN ACT, supplemental to an act entitled an "act to establish the seat of justice in the county of Monroe, and to enlarge the territory thereof."

Be it enacted by the General Assembly of the State of Tennessee, That Iredel D. Wright, Samuel Bicknell, Hambright Black, be, and they are, hereby appointed commissioners for the town of Tillico, in addition to those already appointed, in the act to which this is a supplement, and shall be under the same rules and regulations as those al-

ready appointed, except so far as the commissioners afore-said are concerned in a suit now pending in the court of chancery, to which exceptions, those commissioners by this act appointed, shall not be liable to any expense whatever, in consequence of said law suit.

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

Passed December 3, 1825.

CHAPTER CCXC.

AN ACT, to authorise the sheriff of Grainger county to appoint an additional deputy.

Be it enacted by the General Assembly of the State of Tennessee, That the sheriff of Grainger county be, and he is, hereby authorised to appoint an additional deputy to the number now allowed by law.

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

Passed December 3, 1825.

CHAPTER CCXCI.

AN ACT, to give an additional term of the circuit court for Maury county.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the judge of the sixth judicial circuit at the first term of the circuit court of Maury county, to appoint a certain time for holding a special term of said court, between the rise of the first term and the commencement of the next regular term of said court, and cause the same to be entered of record.

Judge of 6th circuit to appoint a special term in Maury

SEC. 2. Be it enacted, That it shall be the duty of said judge to continue all the chancery causes that shall not be tried at said first term, to said special term so appointed, and to attend at the time so designated, and open and hold a special

To try chancery suits at said term.

term of said court, for the trial of all chancery suits pending in said court, and shall, at such special term, have as full power and authority to make any rule, order or decree in any cause on the chancery docket of said court, as said court now has by the existing laws at a regular term thereof.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCII.

AN ACT, to amend an act passed at Murfreesboro' October 20, 1821, incorporating Winchester and Reynoldsburch.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee,* That the inhabitants of the town of Reynoldsburch and corporation, be in future known and distinguished by the name of the mayor and alderman of the town of Reynoldsburch; That should the sheriff of the county of Humphreys fail, or neglect to hold an election for mayor and aldermen for said town of Reynoldsburch on the first Saturday in January, as provided by the act this is intended to amend, that said sheriff may, at any other time, by advertising ten days previously, and it shall be his duty, to hold an election for said mayor and aldermen, any law to the contrary notwithstanding; and said mayor and aldermen, so elected, shall have and possess any and all the powers, that they would, if elected on said first Saturday in January.

Sec. 2. *Be it enacted,* That the corporation of the town of Reynoldsburch shall include the following bounds; to wit; beginning at the north east corner of said town, running east so far that a line running directly south, will include the soldier's spring and westwardly, to the south east corner of the town; then beginning at the south west corner, thence west to the Tennessee river, thence down the river at low water mark a northwardly course, so far that a line running east will strike the north west corner of said town.

Sec. 3. *Be it enacted,* That said mayor and al-

dermen may, and shall, have power and authority to make any rules and laws regulating the police of said town and the inhabitants thereof, to restrain and punish drinking, gaming, fighting, breaking the sabbath, shooting and carrying guns, and enact penalties and enforce the same, so that they do not conflict or violate the constitution of this State, and are consistent with the laws of this State.

Power of the corporation.

Sec. 4. *Be it enacted,* That the mayor shall be elected in the same way that the intendent was heretofore elected under the act which this is intended to amend.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCIII.

AN ACT, for the relief of George Crocket.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for George Crocket to file with the commissioner of land claims, a certificate copy of grant No. 3,383, which issued by the State of North Carolina to William White, for three hundred and fifty-seven acres, dated the twelfth day of December 1801, together with a certificate copy of a grant of better title, covering part of said grant, No. 3,383 and should said commissioner be satisfied by a plat of interference, that said grant, No. 3,383 is interfered with, by a grant of better title, it shall then, and in that case, be the duty of said commissioner to issue a certificate for the quantity so taken, to said Crocket, which shall be located as other warrants are, south and west of the congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCIV.

AN ACT, for the relief of Joseph Henderson, Jun'r.

Be it enacted by the General Assembly of the State of Tennessee, That it shall, and may be, lawful for Joseph Henderson, Jr. of Greene county, to present his petition to the circuit court of Greene county, for divorce against his wife Sarah, and upon producing to said court, satisfactory evidence that said Sarah, before her intermarriage with him, was guilty of acts of incontinence with any other person or persons, and that she was pregnant previous to her marriage, it shall be lawful, and said court is hereby required to grant to the said Joseph Henderson a divorce from his wife as in other cases, Provided, he give his said wife twenty days notice of his intention to file petition as above specified.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCV.

AN ACT, for the relief of Robert C Harrison, surveyor of the second district.

Robert P. Harrison. *SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the commissioner of common schools for the tract of land in Bedford county, on which John Knott made an entry, and the surveyor of the second district refused to have the same surveyed, and to compel which a mandamus issued, pay to Robert B. Harrison, out of the first monies received from the rent of said tract of land, not heretofore appropriated, the sum of forty dollars and fifty-seven and one half cents, the amount of costs paid by him in the case of said mandamus vs. John B. Hogg surveyor of the second district and which was decided in the circuit court of Bedford county at the June term, 1823.*

SEC. 2. Be it enacted, That Robert P. Harrison, surveyor of the second district, be allowed

the sum of fifty cents instead of twenty five cents, as compensation for services to be performed by him in transmitting plats and certificates of survey to the register as authorised by an act of this General Assembly. Allowances to R. P. Harrison.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCVI.

AN ACT, supplemental to an act passed October 5th, 1824, entitled an "act for the encouragement of iron works."

Be it enacted by the General Assembly of the State of Tennessee, That Bradley P. Carroll, of Monroe county, Isaac Love, of Sevier county, James Thompson, of M'Minn county, John Farmer, of Rhea county, Robert and Nathan Houston, and John Gillespie of Blount county, be, and they are, hereby entitled to all the privileges and benefits that any other person or persons are entitled to, under the provision of a law passed at this session of the General Assembly, entitled an act, to amend the laws in force respecting iron works, 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 December 3, 1825.

CHAPTER CCXCVII.

AN ACT, to incorporate a library company in Maury county.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That all persons who now are, or hereafter may be, shareholders in the Fountain Library Company, in Maury county, shall be, and they are, hereby constituted a body politic and corporate, by the name Share holders in Fountain Library Company incorporated.

and style of the "Fountain Library Company," and by that name have succession until the year 1860, and be capable of suing and being sued, pleading and being impleaded, in all manner of actions and causes.

To be managed by seven directors, their duties, &c.

SEC. 2. *Be it enacted*, That the said company shall be managed by seven directors, a majority of whom shall constitute a board to do business, and shall hold their appointments for one year, and until successors shall be elected and qualified as by this act directed; and the said directors shall appoint a president out of their board, and a librarian who shall do the duty of clerk, and a treasurer, both of whom shall be shareholders, and fix on the place where said library shall be kept.

When directors to be elected.

SEC. 3. *Be it enacted*, That the shareholders in said library shall meet at their library on the first Saturday in May, annually, for the purpose of electing seven fit persons as directors for the succeeding twelve months, which election shall be held by a justice of the peace, and three suitable persons as judges, and the justice holding said election shall make return thereof to the librarian, within ten days, and it shall be his duty to notify the persons elected, as early as practicable, and it shall be their duty to hold a meeting within twenty days after their election, and in case of the death, resignation, or removal of any of the directors, the balance of said directors may fill the vacancy occasioned thereby.

Corporation may regulate the election of directors.

SEC. 4. *Be it enacted*, That in case an election should not be held agreeable to the provisions of this act, the said company shall not be dissolved, but it may be lawful to hold an election for directors in such manner as may be regulated by the by-laws of said corporation.

Who may vote.

SEC. 5. *Be it enacted*, That each shareholder shall be entitled to vote for directors, and that the amount of each share, and the mode of transferring the same, shall be fixed and regulated by the laws of said corporation, and the said directors shall have power to raise such monies by assessment on the several shares in said library company, as they may deem necessary for the preserving and increasing the same, to make by laws for the due regulation of its concerns, not inconsistent with the laws and constitution of this State, and to sue and recover penalties for any breach of said by-laws.

SEC. 6. *Be it enacted*, That Richard A. L. Wilks, Ebenezer Rice, Jr. Alexander Johnston, Jonathan S. Hunt, John Campbell, Richard Henderson and John Annis be, and they are, hereby appointed Trustees of the Library Company. trustees of said library company, until successors shall be elected and qualified as by this act directed, and which first election shall be held on the first Saturday in May, 1826.

SEC. 7. *Be it enacted*, That no person shall be considered a member of said corporation, or be subject to the regulations prescribed by this act, unless he shall, after the same takes effect, subscribe himself as such in a book to be kept by the clerk for that purpose. Who shall be a member.

WM. BRADY;

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

CHAPTER CCXCVIII.

AN ACT, for the relief of Joseph Harris.

Be it enacted by the General Assembly of the State of Tennessee, That Joseph Harris, clerk of the county court of Overton be, and he is, hereby exempt, from the penalty of the laws against gaming, disqualifying him from holding any office of profit or trust, for five years upon any conviction for the offence of gaming heretofore committed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCXCIX.

AN ACT, to authorise William Hendrix and George D. Randells to build a mill at the place therein mentioned, and to secure to them a right of occupancy.

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

Hendrix & Hendrix and George D. Randell be, and they are, hereby authorised to build a mill on the middle Fork of Obion river, in Weakly county, in the 12th surveyor's district, sixth section and second range, adjoining William Lynn's and John R. Moore's tract of land, which place is called Hendrix's mill seat. And WHEREAS, the land on which said Hendrix and Randell wish to build said mill is vacant and unappropriated;

SEC. 2. *Be it enacted*, That the said William Hendrix and George D. Randell shall have an exclusive right to enter and obtain a grant to two hundred and fifty acres of land, including said mill seat, to be entered in an oblong or square, not to be more than twice as long as broad; *Provided*, they enter the same by virtue of a warrant or certificate warrant within six months after they may have it in their power to obtain a title under any law which may be hereafter made to appropriate the vacant land south and west of the congressional reservation line and west of Tennessee river.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCC.

AN ACT, to establish an Academy in the county of Monroe.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That [John] Mc'Gee, Joseph Callaway, Samuel Blackburn, Peter Ragan, Eli Cleaveland, John Mc'Krosky, David Caldwell and Samuel Bicknell, be, and the same are, hereby appointed a board of trustees of an academy which is hereby established in the county of Monroe as the county academy to be called *Bolivar Academy*.

SEC. 2. *Be it enacted*, That John Mc'Ghee shall act as chairman of said board of trustees, until said board elect one of their own body as is hereinafter directed.

SEC. 3. *Be it enacted*, That said academy shall

be located on an eligible site within one mile of the town of Tillico.

Where the academy to be located.

Sec. 4. *Be it enacted*, That the trustees of Bolivar academy, shall be under the same rules, regulations and restrictions, in all respects whatever, as the trustees of Forest Hill academy are under, established by a law passed at this present General Assembly.

Trustees of Bolivar academy how regulated.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCL.

AN ACT, for the relief of Aaron Anglin.

WHEREAS, it is represented to this General Assembly, that an act passed the 15th October, 1824, entitled "an act for the relief of Aaron Anglin and others," directing the register of West Tennessee to issue grants upon entries No. 806 and No. 228, for 160 acres each and No. 1,260, for 162 acres, made in the office of the 7th surveyor's district, and it further appearing, that the plats and certificates, together with the warrants, upon which they were founded, hath been lost or mislaid so that they cannot be found; and for remedy whereof;

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the register of West Tennessee to issue grants upon certified copies of the plats and certificates made upon said entries, *Provided*, always, that the issuance of said grants shall not prejudice the claim or claims of any other person or persons to the said warrants or the entries made thereon, and *Provided*, also, that said Aaron Anglin shall make oath of the loss of the said plats and certificates and the warrants on which they were founded, and shall furthermore prove that the said warrants, were good and valid.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 3, 1825.

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CHAPTER CCCII.

AN ACT, for the relief of John Webb Roach and John Robinson.

Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee be, and he is, hereby required to pay to John Webb Roach, the sum of twenty dollars, and to John Robinson, the sum of twelve dollars and fifty cents, for guns pressed from them during the late war; and their receipts shall be good vouchers in the settlements of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCIII.

AN ACT, to amend an act passed October 14th, 1824, entitled "an act for the relief of James Whitsitt."

Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee, be, and he is, hereby required to issue to James Whitsitt a grant for one hundred and thirty-nine acres of land, entered by the same James Whitsitt in the tenth surveyor's district, by number 851, dated the 11th day of May, 1822, founded on certificate of interference for 139 acres, it being part of entry 140, made in said district in the name of said James Whitsitt, for three hundred and ninety-four acres, taken by the interference of grant No. 2,420, issued by the State of North Carolina to Benjamin Smith, for 2,000 acres, and it shall be the duty of said register, previous to the issuance of said grant upon the surrender of grant No. 16,955, for three hundred and ninety-four acres so interfered with as aforesaid, to deliver to said Whitsitt or his assignee, the original plats and certificates of survey upon said entry, No. 140, at the same time erasing such endorsements as may be made relative to the satisfaction of the certificate warrant No. 3,920, upon which the same is founded in order that said sur-

vey may be corrected by the principal surveyor of the tenth district, and returned for two hundred and fifty five acres, the quantity of the original entry, No. 140, which remains not interfered with by better title, after which said register is hereby authorised and required to rectify said grant, No. 16,955, for 394 acres, so as to conform with the plat and certificate for 265 acres, both in its face and upon the records of his office, thereby leaving 139 acres of said certificate, No. 3,920, for the satisfaction of the aforesaid 139 acres, entry No. 851, as aforesaid.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCIV.

AN ACT, appointing additional commissioners for the turnpike road therein mentioned.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Tennessee, That Turner Lane and James Simpson, of White county be, and they are, hereby [appointed] additional commissioners on the turnpike road [from] Sparta to Kimmers, near Daddy's creek, who shall be under the same rules, regulations, and restrictions, that the former commissioners is now under, and shall receive the same pay for their services.*

SEC. 2. *Be it enacted, That Joseph Mc'Pherson, of Roane county, be, and he is, hereby appointed an additional commissioner on the old road from Kimmer's to the eastern side of the Cumberland mountain, under the same rules, regulations, and restrictions, that the present commissioners is under, and receive the same pay for his services.*

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCV.

AN ACT, for the benefit of the heirs of Thomas Stewart, deceased.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee is hereby authorised and directed to receive from William Stewart, guardian for the heirs of Thomas Stewart, deceased, the interest that now is, or may become due, upon a tract of land situate in the district of country south of French Broad and Holston, in Tuckeletchee cove, Blount county, which interest said guardian is bound to pay each twelve months at the rate of six per cent. per annum.

SEC. 2. Be it enacted, That the treasurer shall not be authorised to collect the principal due upon said tract of land, until the minor heirs of Thomas Stewart, shall arrive at full age, and take said tract of land, supposed to contain four hundred

and fifty acres, into their own possession.

SEC. 3. Be it enacted, That so soon as the above named heirs arrive at full age, then the said William Stewart, guardian of said heirs, shall no longer be bound by the provisions of this act.

WM BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCVI.

AN ACT, for the relief of David J. Robinson.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That James Johnson, Aaron Woodruff, of Williamson county John C. Gooch and James F. Ross, and John F. Blair, of Rutherford county be, and they are, hereby appointed trustees for the purpose of accepting a conveyance for certain property, for the purpose of conducting, managing and carrying into execution, a lottery, and conveying said property to those who will be entitled, for the entire benefit of the creditors of David J. Robinson.

SEC. 2. Be it enacted, That it shall and may

be lawful for said David J. Robinson, immediately to convey, by deed in fee simple, with general warranty, of his real estate; and also, to convey by deed, his personal estate to said trustees and to the survivor or survivors of them, forever, any real or personal property, belonging to him not exceeding three thousand dollars, in trust for the use and benefit of his creditors; and the said David J. Robinson, shall give bond and sufficient security to the said managers, that a good title to the property both real and personal, shall be made to the holders of the fortunate ticket or tickets.

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

SEC. 4. Be it enacted, That when said trustees shall have sold such a portion of the tickets as shall, in their opinion, authorise the commencement of the drawing of said lottery, they shall proceed to the same, under such rules and regulations as they shall have made known in their scheme, having first given at least twenty days notice in the Courier printed in the town of Murfreesborough; and in the Tennessee Balance, in the town of Franklin, of the time and place of drawing.

SEC. 5. Be it enacted, That when said trustees shall have sold said tickets, and the same shall have been drawn, any person or persons, who shall draw a prize, shall be entitled in law and equity, to such property as shall compose the prize which he or she shall have drawn, and it shall be the duty of the said trustees or the survivor or survivors of them or the heirs of such survivor, to convey by deed or delivery, to such person drawing such prize, said property, to him, his heirs and assigns forever.

SEC. 6. Be it enacted, That when the proceeds of said sales of tickets shall be received by said trustees, they, or a majority of them, shall equally distribute the amount to all his creditors, in proportion to their claims, and if any surplus should

remain after the satisfaction of said debts, the same shall be paid over to said Robinson after said trustees shall have retained a reasonable remuneration for their services.

If the lottery cannot proceed trustees to re-convey and refund.
 SEC. 7. *Be it enacted*, That if, for any cause, the said trustees or a majority of them, shall find it impossible to proceed with the conducting and drawing said Lottery, it shall be their duty to re-convey to said David J. Robinson, the property conveyed to them, and refund to the purchasers of tickets the amount of the money by them received so that he may hold the same subject to the just claims of his creditors; *Provided, nevertheless*, that if the sale of said tickets, and drawing of the lottery herein mentioned shall not be completed in eighteen months from the twenty-fifth of December next, then, the said property so to be conveyed, shall revert to said David J. Robinson, and be subject to the claims and executions of all his creditors, as if this act had [not] passed, and *Provided, also*, that this act shall cease to be in force and effect if said David J. Robinson shall not execute the deed of conveyance herein mentioned within ninety days from the passing thereof, *Provided, however*, that nothing in this act contained shall be so construed as to affect or impair the rights of any of the creditors of said Robinson, but said creditors shall be at liberty to proceed in the collection of their debts in the same manner as though this act had never been passed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCVII.

AN ACT, to repeal a part of an act entitled "an act to establish the seat of justice in Monroe county" passed the 22nd of November, 1823.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the twelfth section of an act entitled "an act, to establish the seat of justice in Monroe county" passed the twen-

ty-second day of November, one thousand eight hundred and twenty-three, as requires the commissioners for said county to pay the treasurer of East Tennessee the sum of one dollar per acre for the vacant land selected as a site for said town be, and the same is, hereby repealed.

WM. BRADY,

Speaker of the House of Representatives

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCVIII.

AN ACT, for the benefit of Haywood G. Bennett.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Haywood G. Bennett, of Knox county be, and he is, hereby allowed the sum of two dollars per day ^{allowance to H. G. Bennett.} for his service as provost martial in the trial of major James H. Gallaher, and the like sum for every twenty five miles he may have travelled in summoning witnesses in said trial and carrying orders to the different members to hold said court.

SEC. 2. *Be it enacted*, That the treasurer of East Tennessee, shall pay the same on a certificate from the judge advocate of said court setting forth ^{How to be paid.} the number of days served, number of miles travelled by said provost martial, which certificate shall be sworn to by the said H. G. Bennett and said certificate shall be a good voucher in the hands of the treasurer in the settlements of his accounts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCIX.

AN ACT, concerning the trustees of Overton county.

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

Commissioners to settle with trustees of Overton county.

Dillon, Patrick Pool and Reuben Finley be, and they are, hereby appointed commissioners for the purpose of making settlements and call the different trustees (who have been in office in said county and have not made final settlements with the former commissioners appointed by the county court for said county,) to account as well those out office as the present incumbent, and it shall be their duty to continue their examination and settlements until they complete the same and report the statement of each trustee's account to the county courts of Overton, and said courts, upon motion, shall have power to enter judgment against any of said trustees and securities for the amount of any balance which may be found against such defaulting trustee or trustees, or their executor or administrators.

Vacancies, how supplied. SEC. 2. *Be it enacted*, That in case of death, resignation, refusal to act, of any one or more of the commissioners appointed by the first section of this act, the county court of Overton shall appoint other persons to fill such vacancy occasioned thereby, and said commissioners shall take an oath before said court previous to the commencement of their duties that they will well and truly discharge the duties prescribed by this act to the best of their skill and abilities.

To settle annually and make report. SEC. 3. *Be it enacted*, That the commissioners by this act appointed, shall hereafter settle with the trustee for Overton, once in each year, and report to the county court, as heretofore directed by this act, and the county court allow a reasonable compensation for the services required by this act.

Commissioners to forfeit on failure \$25. SEC. 4. *Be it enacted*, That if either of the commissioners appointed by this act, after one or either of them shall have taken the oath as required by the provisions of this act, and shall have entered upon the duties hereby assigned them, and shall fail or refuse to perform them, they shall for every such offence, forfeit and pay the sum of twenty-five dollars to be sued for and recovered before any tribunal having cognizance of the

same, one half to the use of the person suing and the other half to the use of the county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCX.

AN ACT, to appoint commissioners to run and mark the line between the counties of Cocke and Jefferson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jonathan Wood, of Cocke county, and William Taylor, of Jefferson county, are appointed commissioners to run the line between said counties and they are hereby authorised to employ some fit and proper person to mark the line between said coun-

Commissioners to run the line between Cocke & Jefferson.

ties, and paid in the same way as the commissioners are, as heretofore established by law, commencing at French Broad river, where said line leaves the river below the Dutch bottom and continue with said line to the extreme height of English's mountain, and report to the respective county courts of each of the aforesaid counties when said survey is completed.

SEC. 2. *Be it enacted*, That the county courts of Cocke and Jefferson counties, be, and [are] hereby authorised and required to compensate the aforesaid commissioners for their services out of any monies in their respective county treasuries not otherwise appropriated, a majority of the justices being present.

How to be paid.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXI.

AN ACT, to authorize Jesse Lincoln to open and establish a turnpike.

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

sembly of the State of Tennessee, That Jesse Lincoln, proprietor of the road granted to John W. Simpson leading from Sparta and intersecting the old Cumberland turnpike at Kimmer's stand near Daddy's creek, is hereby authorised and empowered to open a road as hereinafter described on the best ground that can be obtained on or near the route marked out by the commissioners appointed by this General Assembly from Sparta to near the gap in the above mountains where it will intersect the road marked out by said Lincoln and George Gordon and therein crossing said road the most direct course that suitable ground can be had towards the Crab-Orchard, within three and one half miles of said Orchard.

Road, how
to be made.

SEC. 2. Be it enacted, That said road shall be formed at least thirty feet wide except on steep hill and mountain sides, which shall be eighteen feet wide free from all roots, stumps, rocks, or any large stones, or any thing that will in any wise obstruct the passage of carriages, wagons or horsemen, and that the hills shall be cut down and valleys filled up, so that no elevation in any part of said road shall exceed six and one half degrees, or two feet in each road, all the streams to be bridged with good substantial wooden or stone bridges, at least sixteen feet wide, the road to be made convex or higher in the middle and ditches cut along the sides of said road wherever it shall be necessary to draw the water off from said road.

Commissioners appointed and their duty
SEC. 3. Be it enacted, That Thomas Eastland and Turner Lane are hereby appointed commissioners to view said road at least twice in each year at such times as may be deemed proper, and at any other time when they shall obtain satisfactory information on oath that said road is out of repair; and if said commissioners shall at any time find said road out of repair, they shall direct the gate next to that section, so out of repair to be opened and kept open until said road shall have been put in good repair and give notice at Sparta, and at least three other public places, on said road, that no toll shall be collected at said gate, until said road shall have been put in good repair, and the certificate of said commissioners to that effect, and if said proprietor shall permit said road at any one time to remain out of repair for the space of twelve months, then

and in that case, all his right to said road shall revert to the State.

SEC. 4. Be it enacted, That the proprietor of said road, shall give notice to said commissioners when said road shall be completed, whose duty it shall be to review the same and should they find it in the order contemplated by this act, then they shall give said proprietor a license to erect two gates on said road one of which shall be erected at some suitable place at or near where the road crosses the Caney Fork, the other at some suitable place near the Grassy cove and receive from persons passing said road at each gate the following toll (to wit;) for each wagon and team fifty cents; for each cart twenty-five cents; for each four wheel pleasure carriage seventy-five cents; for each two wheel carriage of pleasure thirty seven and one half cents, for each carryall fifty cents; for each mail stage twenty-five cents; for each man and horse or mule twelve and one half cents; for each taxable six and one fourth cents; for each led horse or mule, if not in a drove, six and one fourth cents, and if in a drove, three cents; for each head of cattle, two cents; for each hog or sheep, one cent, provided movers, with not more than two horses, mules or oxen, or a two wheeled carriage of burthen drawn by not more than two horses, oxen or mules; and no person travelling the said road shall be detained at either of said gates if the head of family or person having the care of said family or traveller will swear that he or she have no money and are unable to pay said toll, which oath the keeper of each of said gates is hereby authorised to administer; and provided, also, that no toll shall be demanded from any person going to or returning from mill, muster or blacksmith shop with not more than one horse and mule and its load.

Commissioners to issue proprietor a license.

Toll.

Persons exempt.

SEC. 5. Be it enacted, That if any person shall forcibly or secretly pass either of said gates or within one thereof, to avoid paying such toll, such person shall forfeit and pay twenty-five dollars for every such offence to the proprietor of said road, to be recovered before any justice of the peace in said State.

Penalty for passing gate.

SEC. 6. Be it enacted, That the person appointed to keep said gates shall respectively take oath and subscribe the following oath, before some jus-

Gate keeper's oath.

tice of the peace in the county where the gates may be kept, (to wit;) I do solemnly swear that I will well and truly collect the toll determined by law to be taken at the gate which I have been appointed to keep, and no more, and that I will truly account for and pay over to the proprietor of said gate all the monies received at said gate so long as I do keep it.

SEC. 7. *Be it enacted,* That the said proprietor his heirs or assigns, shall be entitled to all the right, and emoluments of said road for thirty-five years or so long as the same is kept in repair; *Provided, nevertheless,* that if the State or the United States should wish to make a more perfect road in the said route they shall have the right to the same by paying a fair valuation, taking into consideration the costs of making and keeping in repair and also taking into consideration the profits and deducting the same.

SEC. 8. *Be it enacted,* That if the aforesaid Jesse Lincoln and George Gordon, James Orms and John Tollett or such of them as may have an interest in the said road under the act of 1824, shall open their road from where the aforesaid road will intersect it through the Grassy Cove, and thence on or near where their present road is marked out to intersect the Sequatchee valley road on the east side of the mountain in the same manner and agreeable to the plan laid down in this act, and that the whole distance from Sparta to Kingston shall be shortened thereby at least five miles from what it is on the old road, then, and in that case, they shall have the right to receive the same toll as received at one of the above gates and be entitled to the extension of time and the same privileges in every respect.

SEC. 9. *Be it enacted,* That Robert Burk and John Brown, proprietors of that part of the old Cumberland turnpike road between Wm. Brown's and John Kimmer's are hereby authorised and empowered to open a road from the Crab Orchard to where it will intersect said Lincoln's road, and that if they will open said road together with that part of the old road from the Crab Orchard to said William Brown's at the foot of the mountain agreeably to the mode laid down in the fourth section of this act, then, and in that case, they shall have the same extension of time and tollage and be entitled to the same privileges granted to said Lincoln in the foregoing part of this act;

Provided, that said Robert Burk and John Brown shall have the liberty of changing that part of the old road belonging to them as aforesaid, in any way that will make the road nearer or better from Kimmer's to Kingston.

SEC. 10. *Be it enacted,* That said Lincoln shall keep up the turnpike now owned by him, in its usual order, and receive the same toll until said new road shall be approved by the commissioners, when the old road shall be discontinued.

SEC. 11. *Be it enacted,* [That] said Lincoln shall have three years to complete said road from and after the passage of this act.

SEC. 12. *Be it enacted,* That all persons who may have houses of entertainment, or who may own lands on that part of the old road, which the new road may not pass by, shall have a preference of three months from and after the passage of this act, to enter one tract of land on said new road or in that section of country which the new road is to pass through.

SEC. 13. *Be it enacted,* That it shall be the duty of the entry taker in the county where said occupant may reside on due proof being made, that the applicant has a house of entertainment or may own lands on the old road and that the new road will not pass by the same, to receive the entry agreeable to the provisions of the law authorising the entering of vacant land north and east of the congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXII.

AN ACT, to authorise Joshua Parsons and John Isbell, of Monroe county, to open a turnpike road.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joshua Parsons and John Isbell be, and they are, hereby authorised to cut and open a turnpike road, commencing at the mouth of Abram's creek, on

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Old turnpike may be kept up until the new road is established.

Time allowed to complete the new road.

Preference of 3 months to certain tavern keepers.

Duty of entry taker.

A turnpike from Abram's creek to North Carolina line.

the Tennessee river, near Chilhowee, in Monroe county, the nearest and best way to the North Carolina line, on the top of the Smoky mountain, on the route to the mouth of the Tachasegee river, under the same rules, regulations and restrictions, as prescribed by an act to authorise John Houston and others, of Blount county, to open a turnpike road from Maryville, in Blount county, to the same point on the Tachasegee river, passed the third day of August, 1822.

SEC. 2. *Be it enacted,* That Henry Stephens and Nathan Hendrix, shall be, and they are, hereby appointed commissioners of the said road, and to be governed by the same rules, regulations and restrictions, that the commissioners on the road of said Houston and others, are governed, 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 CCCXIII.

AN ACT, to authorise a court martial to be held in the seventh regiment.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commandant of the seventh regiment, be, and he is, hereby authorised to convene a court martial at any time he may think proper, to be composed of the field and company officers of said regiment, the senior officer highest in rank shall be president of said court, and a majority of the officers of said regiment, shall be competent to transact the business hereinafter directed.

SEC. 2. *Be it enacted,* That when said court is organised, they may proceed to divide said regiment, notwithstanding there is not more than twelve captains' companies, under the same rules, regulations and restrictions, as courts martial are authorised to divide regiments where there are sixteen captains' companies.

SEC. 3. *Be it enacted,* That when said court is organised as aforesaid, should they be of opin-

ion that the establishment of an additional battalion in said regiment, will equally conduce to the convenience of the citizens, as if there was a division of the regiment, they may proceed to designate the bounds of an additional battalion.

SEC. 4. *Be it enacted,* That should said court martial designate the bounds of an additional battalion, as provided for in the third section, it shall be the duty of the brigadier general, upon notification thereof, to issue a writ of election as in other cases, for the election of a first major to command said additional battalion, which shall be denominated the third battalion of the seventh regiment, and the citizens subject to militia duty in the bounds of said battalion, shall elect the major herein provided for, to be elected, and when said battalion is thus organised, they shall constitute and be a part of the seventh regiment, and subject to all the duties and entitled to all the privileges of the militia of this State, with this exception, that they shall not be compelled to attend the regimental musters and courts martial of said regiment.

SEC. 5. *Be it enacted,* That said battalion shall hold a battalion muster on the third Saturday in April and October, and a court martial on the second Saturday in June and November, in each and every year; and in all respects not herein excepted, they shall be governed by the existing laws.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXIV.

AN ACT, to authorise the drawing of a lottery for the purpose of building a Masonic Hall in the town of Shelbyville.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Davis, John Eakin, Nathaniel E. Caldwell, Daniel McKessick, Robert Cannon and A. B. Morton be, and they are, hereby appointed trustees, with full power and authority to manage and superintend the drawing of a lottery for the purpose of raising a sufficient sum of money not ex-

Or may establish an additional battalion.

May fix bounds of the battalion and the brigadier general may then issue his writ of election.

When said battalion shall muster.

Trustees for a lottery to build a Masonic Hall in Shelbyville.

ceeding six thousand dollars, to be applied to the building a masonic hall in the town of Shelbyville, by the members of the Shelbyville lodge, No. 49, upon such scheme in one or more classes, as may be furnished to the said trustees, by said Lodge, No. 49.

How to be governed.
 SEC. 2. *Be it enacted,* That the said trustees shall be governed in the conduct and management of said lottery, by the provisions of an act of the General Assembly of the State of Tennessee, passed at Murfreesborough, September 28th, 1824, entitled "an act to authorise the drawing of a lottery for the purpose of building a masonic hall in the town of Columbia and Franklin."

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXV.

AN ACT, for the relief of Benjamin Parrot.

Be it enacted by the General Assembly of the State of Tennessee, That Benjamin Parrot, of Overton county, is hereby restored to all the rights and privileges belonging to other citizens of this State, any judgment of any of the courts of this State to the contrary notwithstanding.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXVI.

AN ACT, to appoint additional trustees for Madison Academy.

Additional trustees of Madison academy.
 SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Benjamin Craighead, Thomas M. Brown, William Dyer, sen'r. on Flat creek, and William E. Cocke, be, and they are, hereby appointed additional trustees for "Madison Academy," in Grainger county, to

have and possess, all the powers, privileges and capacities, allowed to the trustees of said academy, in the act of 1806, establishing academies in the several counties in this State.

SEC. 2. *Be it enacted,* That the county court of Perry be, and they are, hereby authorised, a majority of the acting justices of the peace being present and believing it necessary, to lay a tax sufficient to defray the balance of the debt due for finishing the public buildings, in said county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXVII.

AN ACT, authorising the county courts of Cocke county, to open a turnpike road.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Cocke county be, and they are, hereby authorised and empowered to enter into an agreement with Eli Mc'Mahon, of said county, to open a turnpike road from James Baxter's plantation, on Cosby's creek, to the North Carolina line where said line crosses Mahon's old turnpike road, and to require bond and security of said Mc'Mahons to complete said road, and in such manner as may to them seem proper, and further to authorise said Mc'Mahons to erect a gate on said road, where they may direct, and to receive such toll, and under such regulations and restrictions as the said Mc'Mahons may agree to and with said court, a majority of the justices being present.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 5, 1825.

CHAPTER CCCXVIII.

AN ACT, to alter the times of holding some of
 B22

the courts in the eighth and ninth judicial circuits.

Circuit courts, when held in Mc'Nairy, Hardiman, Fayette, Shelby, Tipton, Haywood, and Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the circuit courts in the following counties, shall be holden at the times hereinafter mentioned, in each and every year; (to wit;) for the county of Mc'Nairy, on the third Monday in May and November; for the county of Hardiman, the fourth Monday in May and November; for the county of Fayette, the first Monday in June and December; for the county of Shelby, on the second Monday in June and December; for the county of Tipton, on the third Monday in June and December; for the county of Haywood, on fourth Monday in June and December; for the county of Madison, on the fourth Monday in January and July.

Circuit courts in Perry, Henderson, Carroll, Henry, Weakley, Obion, Dyer & Gibson.

SEC. 2. *Be it enacted*, That the circuit courts for the county of Perry, shall hereafter be holden on the first Mondays of May and November; for the county of Henderson, on the second Mondays of May and November; for the county of Carroll, on the third Monday in May and November; for the county of Henry, on the fourth Monday in May and November; for Weakley county, on the first Monday in April and October; for the county of Obion, on the second Monday in April and October; for the county of Dyer, on the third Monday of April and October; for the county of Gibson, on the fourth Mondays in April and October.

County courts in Mc'Nairy, Hardiman, Fayette, Shelby, Tipton, Haywood, Madison, Henderson, Carroll, Henry, Gibson, Dyer, Obion, and Weakly.

SEC. 3. *Be it enacted*, That the county courts in the following counties, shall be holden at the times hereinafter mentioned, in each and every year, (to wit;) for the county of Mc'Nairy, on the fourth Monday in March, June, September and December; for the county of Hardiman, on the first Monday in January, April, July and October; for the county of Fayette, on the second Monday in January, April, July and October; for the county of Shelby, on the third Monday in January, April, July and October; for the county of Tipton, on the first Monday in March, June, September and December; for the county of Haywood, on the second Monday in March, June, September and December; for the county of Madison, on the first Monday in February, May, August and November; for the county of Henderson,

on the second Monday in February, May, August and November; for the county of Carroll, on the second Monday in March, June, September and December; for the county of Henry, on the first Monday in March, June, September and December; for the county of Gibson, on the first Monday in March, June, September and December; for the county of Dyer, on the second Monday in March, June, September and December, for the county of Obion, on the first Monday in January, April, July and October; for the county of Weakley, on the second Monday in January, April, July and October.

SEC. 4. *Be it enacted*, That the court of chancery at Jackson, for the counties west of the Tennessee river, shall be holden on the fourth Monday in March and September. Chancery courts at Jackson.

SEC. 5. *Be it enacted*, That all bonds and recognizances which have, or may hereafter be, taken to any of the aforesaid courts, shall be as good and valid in law as if the times of holding said courts had not been changed, and all writs and other process, which have, or may hereafter issue, from any of the aforesaid courts, shall be deemed returnable to the next succeeding term after issuance as prescribed in this act, and shall be as good and valid in law, as if the times of holding said courts had not been changed; *Provided, however*, that said writs and other process, shall have been executed the number of days prescribed by law, before the return thereof, and if not, the said writs and other process shall be returned to the second succeeding term after issuance. Bonds and recognizances good, & writs, when returnable.

SEC. 6. *Be it enacted*, That this act shall take effect from and after the first day of January next.

SEC. 7. *Be it enacted*, That the courts of pleas and quarter sessions, and circuit courts of this State shall have, and take original jurisdiction of all suits where the Bank of the State of Tennessee is plaintiff, whether in suit by motion or otherwise.

WM. BRADY,

Speaker of the House of Representatives:

R. C. FOSTER,

Speaker of the Senate:

Passed December 5, 1825.

CHAPTER CCCXIX.

AN ACT, to establish a site for the erection of public buildings in the county of Fentress.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Gore, of the county of Overton be, and he is, hereby appointed to survey the lines of the county of Fentress, so as to ascertain the center of said county, and that he shall be allowed a reasonable compensation for his services, by the county court, as also, for the necessary chain carriers, to be paid out of any monies belonging to said county not otherwise appropriated.

SEC. 2. *Be it enacted,* That Woodson P. White, of White county and John Graham and Daniel Keith, of Jackson county, and George Finly and Joseph Bates, of Overton county be, and they are, hereby appointed commissioners, whose duty it shall be, or a majority of them, so soon as practicable after said lines are run or center ascertained by the said surveyor, to proceed to view the premises, including said central point, and if the same is an eligible site for a town, to report the same to the county court of Fentress, and should such central point, not be a suitable place for a town, the said commissioners shall select the nearest eligible site for a town to said point, which may, in their opinion, be suitable for that purpose; said commissioners to be paid for their said services a reasonable compensation by the county court of Fentress, out of any monies belonging to said county, not otherwise appropriated.

SEC. 3. *Be it enacted,* That it shall be the duty of the county court of Fentress county, at their first session after the passage of this act, to appoint eight commissioners, whose duty it shall be to procure, from the person or persons who may own the site selected as aforesaid, a good and sufficient legal title for as much land as to them may be deemed requisite for that purpose, and it shall be their duty, in case they cannot agree with the proprietor or the proprietors for the site agreed on as aforesaid, they may choose five disinterested freeholders, who, after having been duly sworn before any acting justice of the peace for the said county

of Fentress to decide impartially, proceed to value the said site or premises and report to the county court accordingly, whose duty it shall be, to pay to the proprietor or proprietors of the said site the amount of money for which the same is valued out of any monies belonging to said county, not otherwise appropriated.

SEC. 4. *Be it enacted,* That the commissioners appointed by the county courts as aforesaid, shall proceed to lay off said town and designate the plan thereof, to cause to be laid off the lots, streets, lanes and alleys, and designate the place for the court house and other public buildings, to be erected in said town.

SEC. 5. *Be it enacted,* That when the town shall be laid off, the commissioners shall advertise the same in the news-papers printed at Sparta, specifying the time and place for the sale of said lots, which advertisement shall be at least thirty days before the day of sale, and they shall proceed to sell said lots upon twelve months credit, taking bond with good and sufficient security therefor, making deeds in fee simple to the purchasers.

SEC. 6. *Be it enacted,* That the said commissioners or a majority of them, shall contract with some suitable person or persons, to build a court house, prison and stocks, at the site selected and laid off for the seat of justice, and the monies arising from the sale of the lots, after paying for the land purchased, shall be appropriated to the expenses in erecting said public buildings, and if the monies arising from the sale of lots aforesaid, be insufficient to pay for the land and public buildings, it shall, and may be, lawful for the county court of Fentress, a majority of the acting justices being present, to lay a county tax on taxable property, not exceeding the State tax, which may be continued from year to year, until a sum is raised sufficient to answer the purposes intended, and the tax aforesaid shall be collected at the time and in the same manner other taxes or dues are collected, and in case of default in collecting or accounting for said tax to the commissioners, the sheriff, for such his default, may be proceeded against by motion, and judgment before the county court as in other cases of default.

SEC. 7. *Be it enacted,* That before the commis-

Commission-
ers to give
bond. sioners shall proceed to discharge the duties as-
signed them, they shall enter into bond to the Gov-
ernor of the State of Tennessee and his successors,
in the sum of five thousand dollars, conditioned for
the faithful discharge of the duties of their ap-
pointment, to be filed with the clerk of the county
court, and be by him recorded.

A majority
of commission-
ers may act. SEC. 8. *Be it enacted*, That the commissioners
appointed by the county court as aforesaid, to car-
ry this act into effect, and a majority of them shall
at all times be competent to transact any business
or perform any duty imposed on them as commis-
sioners.

Vacancies,
how supplied. SEC. 9. *Be it enacted*, That in case of death,
resignation or refusal to act, of any one or more of
the commissioners herein named, it shall and may
be lawful for the balance of said commissioners
to elect one or more by ballot so as to complete
the number of commissioners hereby appointed,
and the commissioners thus elected, shall have
the same powers and privileges with the commis-
sioners by this act appointed.

A chairman
may be ap-
pointed. SEC. 10. *Be it enacted*, That said commis-
sioners, shall appoint one of their body as chair-
man, in whose name all notes, bonds, &c. and in
whose name all suits may be instituted on the
notes, bonds, &c. and for their services, as by this
act directed, said commissioners shall be entitled
to such compensation as may be allowed by the
county court of Fentress.

Jamestown. SEC. 11. *Be it enacted*, [That] said county
town or seat of justice in said Fentress county,
shall be known and called by the name of James-
town, in honor of James Fentress.

Courts to be
held in court
house when
finished. SEC. 12. *Be it enacted*, That so soon as the
court-house hereby authorised to be built, shall be
in a situation that the courts of Fentress county
can be held therein, the said commissioners shall
certify the same to the county court of said coun-
ty, whereupon it shall be the duty of the several
courts of Fentress county, to adjourn from the
present place of holding courts in said county, to
the court house in Jamestown, or if said commis-
sioners can procure a private house of any kind, in
the town aforesaid, suitable for holding the sev-
eral courts as aforesaid in, the commissioners shall
report the same to the county court as aforesaid,

and the said courts shall adjourn to the house
specified, in said town, without delay, and all
writs, subpoenas and other process, made return-
able to the present place of holding courts in said
county, shall be returnable to the house specified
in such town, until the court house aforesaid be
completed, after which, the courts as heretofore
directed by this act, shall adjourn without delay,
to the court house in Jamestown, and all writs,
subpoenas and other process, be returned to the
court house in Jamestown, and shall be as good
and available in law as if they had originally been
made returnable to the said court house in James-
town.

SEC. 13. *Be it enacted*, That the said com-
missioners before entering on the duties enjoined
on them by this act, shall, before some acting jus-
tice of the peace for Fentress county, take an oath
well and truly, faithfully and impartially to perform
all the duties required of them to do and perform
by the provisions of this act.

Commission-
ers oath.

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

Passed December 5, 1825.

CHAPTER CCCXX.

*AN ACT, to fix, permanently, the seat of justice in
Hardin county.*

WHEREAS, it is believed a large majority of the
citizens of Hardin county are much dissatisfied
with the location of their seat of justice for said
county, and that the present location thereof is
contrary to the true interest of said county
and the citizens thereof, for remedy whereof;

SECTION 1. *Be it enacted by the General As-
sembly of the State of Tennessee*, That it shall
be the duty of the sheriff of said county of Hardin,
on the first Saturday of March next, to hold an
election at the different precincts of said county,
giving at least ten days notice by advertising the
same at the most public place in each captain's
company, at which time the citizens of said coun-
ty entitled to vote for members to the General As-

Citizens of
Hardin to vote
for their coun-
ty seat.

sembly, may vote, whether or not it is their wish the county seat of justice shall be located on the Tennessee river, or remain where it at present is.

Sheriff's duty. SEC. 2. *Be it enacted*, That in the event a majority of the votes taken at said election shall be in favor of fixing the permanent seat of justice for the county on the Tennessee river, it shall be the duty of the said sheriff, to certify the same to the commissioners hereinafter appointed, within ten days after the said election, who shall proceed to appoint and select the spot on said river most eligible and nearest the center of the said county.

Commissioners' and duty. SEC. 3. *Be it enacted*, That col. Wm. Brady and col. Matthew McClanahan of Rutherford, and col. Anthony B. Shelby of Sumner county, are hereby appointed commissioners, and upon it being certified to them, or a majority of them, by the sheriff of Hardin county, aforesaid that a majority of the votes given in said election, was in favor of fixing the seat of justice for said county on the Tennessee river aforesaid, they or a majority of said commissioners are hereby empowered and authorised, to meet within twenty days after receiving notice as aforesaid, and to view the several sites on said river and to designate and mark out the place which, to them, it shall appear most proper and advantageous that said seat of justice shall be fixed and located, having a due regard to the convenience of the citizens of said county; said commissioners are further authorised and empowered to procure, by purchase or otherwise, fifty acres of land at the site so fixed upon by them, for which they shall cause a deed to be made to themselves and their successors, in trust for said town or county.

Commissioners how governed. SEC. 4. *Be it enacted*, That all other matters and things relating to a transfer of title by the said commissioners, and laying off lots and establishing a town at the site, and erecting public buildings and making sale of the lots in the town aforesaid, and all other things touching the seat of justice for said county holding the courts, shall be governed by the same laws, rules, and regulations, as are pointed out and prescribed in an act entitled an act appointing commissioners to establish the seats of justice for Henry, Madison, &c. passed November 16th 1821.

SEC. 5. *Be it enacted*, [That] the said commis-

sioners shall be allowed the sum of four dollars per day, each, as compensation to be paid out of the first money collected for said county of Hardin, to be paid by the sheriff or trustees thereof. **Commissioners' pay.**

SEC. 6. *Be it enacted*, That if the sheriff of said county shall fail or neglect any of the duties required of him by this act, he shall forfeit and pay the sum of one thousand dollars, to the use of said county of Hardin, to be recovered in any court having cognizance thereof, in the name of the justices of the county court of said county. **Penalty on sheriff for failure.**

SEC. 7. *Be it enacted*, That when said county seat shall be moved and established, the town shall be known by the name of Hardinsville. **Hardinsville.**

SEC. 8. *Be it enacted*, That the commissioners herein appointed shall pay to the holders of lots, in the town of Hardinsville, the first cost of their respective lots, so held by them out of the first money coming into their hands, by virtue of their appointment, out of the proceeds of the sales of lots in the town contemplated by this act, to be laid out. **Commissioners to pay owners of lots in said town first cost.**

WM. BRADY,
Speaker of the House of Representatives.
R. C. FOSTER,
Speaker of the Senate.
Passed December 5, 1825.

CHAPTER CCCXXI.

AN ACT, for the relief of Wm. Harmon.

Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee, be required to issue a grant to William Harmon, assignee of Adam Clemons, on his plat and certificate of survey, founded on location No. —, and dated the 20th day of June, 1820, founded on certificate of land warrant No. 3,683, issued by the register of West Tennessee; *Provided*, it shall satisfactorily appear to said register, that the said entry is founded on a good and valid warrant, and that no grant has issued thereon.

WM. BRADY,
Speaker of the House of Representatives.
R. C. FOSTER,
Speaker of the Senate.
Passed December 6, 1825.

CHAPTER CCCXXII.

AN ACT, to amend an act passed the 28th of November, 1823, authorising the governor of this State to open a written correspondence with the governors of the States of Alabama and Georgia, on the subject of internal improvements.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the governor of this State be, and he is, hereby authorised to continue a written correspondence with the governor of the State of Alabama, on the subject of the practicability of removing the obstructions occasioned by the Muscle and Colbert's Shoals in the Tennessee river, by a canal on the north side of the river, or by improving the bed of the river.

SEC. 2. Be it enacted, That the Governor of this State be, and he is, hereby authorised, to appoint two suitable persons on the part of this State whose duty it shall be to meet the commissioners on the part of the State of Alabama, at such time and place as may be agreed upon by the commissioners on the part of both States.

SEC. 3 Be it enacted, That it shall be the duty of the commissioners on the part of this State, to collect all practicable information from the commissioners on the part of Alabama, and their engineer employed for that purpose, so as to enable the legislature of this State, to judge of the propriety or impropriety of appropriating any of her funds for the removing of such obstructions in the Tennessee river, and it shall be the duty of said commissioners to make report to the next General Assembly of this State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXIII.

AN ACT, for the benefit of Edy Forbis.

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

Forbis, formerly Edy Grizel, an illegitimate child of William O'Neal, a citizen of Bedford county be, and she is, hereby made a lawful heir of the said William O'Neal, and made capable of inheriting and receiving, and doing all other acts and things, as fully as though she had been born in lawful wedlock.

SEC. 2. Be it enacted, That it shall and may be lawful for Sophia Williams of Bedford county, to file her petition as authorised by an act of this General Assembly, passed on the — day of November, 1825, entitled "an act for the relief of Juliana Buckener and others," in the circuit court of Bedford county, on any day of the present or any subsequent term of said court; Provided, the notice therein required be given five days before the filing of said petition.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXIV.

AN ACT, to amend the act passed Oct. 22nd, 1824, for relief of the heirs of Gen. Robert Howe, and for other purposes.

SECTION 1. Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee, be, and is, hereby authorised to issue a grant or grants to the heirs of gen. Robert Howe, for the quantity of land found deficient or for which the lines of the original survey was extended by virtue of said act of 1824, passed for the benefit of said heirs, and that said register be required and authorised, to issue any grant for the benefit of said heirs, that is necessary and proper to give to said heirs the full benefit of their original entry and survey, for the full quantity they are entitled to, notwithstanding a grant or grants may have heretofore issued purporting to contain, but in fact not containing, the full quantity of acres the said heirs are entitled to.

SEC. 2. Be it enacted, That it shall and may be a wful for the register of West Tennessee, to is-

A grant to
W. & D. Rush-
ing.

sue a grant to Willis Rushing and Dennis Rushing, for one hundred and ninety seven acres, by virtue of a survey made in the twelfth surveyor's district, on a registers certificate, No. 2,362, for two hundred acres, in the name of said Dennis and Willis Rushing; *Provided*, said grant shall not prejudice the title of any other person.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXV.

AN ACT, to amend an act entitled "an act, for the benefit of Bean's Station turnpike company."

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Power of commissioners commissioners appointed by an act entitled "an act, for the benefit of the Bean's Station turnpike company," passed October 14, 1824, shall not have power to so alter or change the direction of said road as to prevent its crossing Clinch river at the ford or place where it now crosses the same, but the route of the said road shall be, and remain, as it is now established until after the rise of the next General Assembly of this State, any law to the contrary notwithstanding.

SEC. 2. *Be it enacted*, That William Clark of Additional commissioners Grainger county, and George Williams of Hawkins county, be, and they are, hereby appointed additional commissioners on "Bean's Station turnpike road" and shall perform the same duty, and be under the same rules, regulations and restrictions, and be entitled to the same pay and emoluments, as the commissioner appointed under the act which this is intended to amend, and the commissioners hereby and heretofore appointed, may enter into bond to the chairman of the county court of their respective counties, and take the oath as prescribed for the commissioners heretofore appointed, in said act, and said commissioners shall

have power to meet at such places as a majority may agree upon.

WM BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXVI.

AN ACT, for the relief of certain persons therein named, and to enable them to obtain a grant for certain lands therein mentioned.

WHEREAS, Robert Snodgrass, John White and Esrom Liten, made a donation of certain lands to the commissioners of the town of Tillico, in the county of Monroe, and gave their written obligation, to make title to the same, but inasmuch as they, and each of them, had purchased their lands from the State, on a credit, and not having yet paid the whole of the purchase money, they are unable to obtain a grant for the same, in consequence of which, said commissioners are unable to make titles to town lots, for remedy whereof;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the register of East Tennessee, to issue a grant to the said Robert Snodgrass, John White and Esrom Liten, respectively, for the lands which they may have donated to said commissioners of said town; *Provided, always*, that there shall first be paid for said lands the amount of money that may be still owing from them, which amount shall be ascertained by the number of acres that may have been donated and shall be in proportion to the whole amount of debt that may be owing for the quarter sections out of which said donations were made.

SEC. 2. *Be it enacted*, That the said Robert Snodgrass, John White and Esrom Liten, shall have the same credit, for the money, which they may pay under this act, that they would have been

entitled to have received had they paid it without the passage of this act.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate

Passed December 6, 1825.

CHAPTER CCCXXVII.

AN ACT, authorising a re-survey, of Overton county.

Lines of Overton county to be re-surveyed.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Isaac Taylor, of White county, be, and he is, hereby appointed to re-survey the lines of Overton county so as to ascertain its constitutional limits, beginning at Johnston's stand, the south east corner of said county, running westward with the line dividing Overton and White counties, to where the Jackson county line intersects the same, thence north, with the line dividing Overton and Jackson, to the Kentucky line; thence east, with the State line, so far that by running south, parallel with the eastern boundary line of Jackson county, until it strikes the Morgan county line; thence with the same to Johnston's stand, leaving Overton county its constitutional limits, which lines, so run and marked, shall be known as the boundary lines of Overton county, and in case the survey is not made as aforesaid, in the time specified by this act, the line already run between Overton and Fentress counties, shall remain and be established as the boundary of said counties.

Survey, when to be completed.

SEC. 2. *Be it enacted, That* the survey of the lines aforesaid shall be made against the fifteenth day of February next, and the chain carriers necessary in making the survey shall be chosen from the counties of White or Jackson.

How to be paid for.

SEC. 3. *Be it enacted, That* the expense of the survey aforesaid, shall not be made a county charge, but may be paid by subscription or otherwise.

Surveyor's oath.

SEC. 4. *Be it enacted, That* the surveyor by this act appointed shall, previous to his surveying the lines aforesaid, before some justice of the peace for Overton county, make oath that he will

cause to be measured and impartially survey the lines specified by this act, without favor or affection.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXVIII.

AN ACT, for the relief of James Wilson.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That* should the county court of Bledsoe, on application made by the said James Wilson, fail or refuse to make an allowance to said James Wilson for his services in running and marking the county line between Rhea and Bledsoe, or should make so small an allowance that the said James Wilson shall be dissatisfied with the same, it shall and may be lawful for the said James Wilson, to have an appeal to the circuit court of said county.

James Wilson may appeal.

SEC. 2. *Be it enacted, That* the said James Wilson shall make his application to said county court in writing, which writing shall be by the clerk of said court entered at large on the minutes of the court, which application, so made, and the judgment of the court thereon, should an appeal be taken, shall be certified by the said clerk to the circuit court.

His application how to be made.

SEC. 3. *Be it enacted, That* on the said record being filed with the clerk of the circuit court of said county at least ten days before the sitting of said court the said circuit court shall have and take cognizance of the said cause and it shall stand for trial at the first term after filing said record, but should the said record not be filed so long as ten days before the sitting of said circuit court it shall be continued to the next term of said court, at which term, it shall regularly stand for trial.

Cognizance of circuit court.

SEC. 4. *Be it enacted, That* the circuit court shall have power to issue a certificate to the said claimant for whatever sum of money it may be found he is entitled to, and it shall be the duty of the county trustee to pay and discharge the same, and the production of the receipt for the payment

Circuit court's certificate to be paid by trustee.

of said money, shall be a sufficient voucher for him in his settlement with the county courts.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXIX.

AN ACT, for the relief of the witnesses and others, in the case therein named.

WHEREAS, it is represented to this General Assembly, that Nathan Smith, was indicted for grand larceny in the circuit court of Warren county, and procured a change of venue of said cause to White county, where, for several terms, the cause was pending, during which time costs (for the attendance of witnesses and otherwise,) to a considerable amount, were incurred, and before the trial of said Smith he departed this life, so that no final decision in said cause was made;

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the judge presiding in said White circuit court, to certify the taxation of costs in the said cause, in the same way and under the same rules as are prescribed in cases on change of venue, where a final trial is had.

SEC. 2. *Be it enacted;* That it shall be the duty of the treasurer of West Tennessee, to pay out of any monies in the treasury, the amount of costs in said cause so certified, to have been incurred, which accrued by the attendance of witnesses on behalf of the State; *Provided* it be made appear to the satisfaction of said judge, that said Smith actually died before the final disposition of said cause.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXX.

AN ACT, to authorize the county court of Tip-ton to lay an additional tax.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Tip-ton county, a majority of the acting justices being present, be, and they are, hereby authorized to lay an additional county tax on land, not exceeding thirty-seven and one half cents per hundred acres, for the purpose of raising a fund to erect public buildings in said county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXI.

AN ACT, supplemental to an act, entitled "an act, to authorize the running and marking certain county lines," passed 20th November, 1823.

WHEREAS, it has been represented to this General Assembly, that an act was passed, November the 20th, 1823, entitled "an act, to authorize the running and marking certain county lines," and appointing John H. Bills of the county of Hardiman, surveyor for that purpose; and it further appearing, that the said Bills has not, as yet, run and marked the lines, therein mentioned, and that it is out of the power of said Bills to do the same; for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That Ezekiel P. McNeal be, and he is, hereby appointed surveyor to run and cause to be measured and marked, the lines and boundaries therein mentioned, in the same manner that the said Bills was directed to do, and the said act is hereby considered and declared in force and effect.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXII.

AN ACT, incorporating an academy in the town of Lawrenceburg in the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners of the town of Lawrenceburg, in the county of Lawrence, shall make a deed in fee simple to Isaac S. W. Cooke, William Davis, Josephus Irvine, George Lucus, Maximilian H. Buchannon, James Terril and James Bumpass, (who are hereinafter appointed trustees of the Jackson academy,) and their successors in office, to a certain lot in the town of Lawrenceburg, in the county aforesaid, purchased by them as trustees of the Jackson academy of William T. Cunningham, by assuming the payment of the original purchase money of said lot, to said commissioners, and that said commissioners shall not compel the payment of the said purchase money for said lot, but shall cause all bonds of [or] obligations relative to the purchase of said lot and [to] stand as though the same had been originally set apart as an academy lot.

SEC. 2. *Be it enacted,* That Isaac S. W. Cooke, Wm. Davis, Josephus Irvine, George Lucus, Maximilian H. Buchannon, James Terrill and James Bumpass are hereby constituted a body politic and corporate, under the name and style of the *president and trustees of the Jackson academy of the town of Lawrenceburg*, and shall have succession for fifty years, and shall have power, by their corporate name, to sue and be sued, plead and be impleaded, receive, purchase and hold, real, personal and mixed property, of any kinds, or dispose of the same for the benefit of said academy.

SEC. 3. *Be it enacted,* That the said corporation shall have power to pass such by-laws and ordinances, as may be necessary for the regulation and government of said academy.

SEC. 4. *Be it enacted,* That the trustees of said academy shall be elected annually, on the first Monday in January in each year after the first Monday in January next, at the court house in the town of Lawrenceburg.

SEC. 5. *Be it enacted,* That all persons shall be

entitled to vote for trustees of said academy, who may subscribe and pay the amount of five dollars or upwards, for the use and benefit of said academy, and all persons having one or more students entered by the year in said academy, and it shall be the duty of the sheriff of said county to open and hold said election, and should the said sheriff fail or neglect to hold said election at the times aforesaid, it shall be his duty, on the application of the then trustees in office, to give ten days previous notice at the court house door in said town, of the time when he will provide to hold said election, at which time the same shall take place, and such election, so held, shall be as good as if the same had taken place at proper time.

SEC. 6. *Be it enacted,* That any person in said county of Lawrence, shall be eligible to the office of trustee of said academy, and it shall be the duty of said sheriff to make a return of the persons so elected trustees, to the clerk of the circuit court of said county, who shall keep the same in his office, and said return shall be made immediately after the election takes place every year, and said trustees shall have power to fix upon their own meetings and adjournments, and the first board shall meet on the first Saturday in December, 1825, or as soon thereafter as practicable.

SEC. 7. *Be it enacted,* That the said trustees or their successors, shall have power to open and receive subscriptions for building a better academy on said lot, and when they may have procured subscriptions sufficient, may lay the plan and let the building of the same, [in the] manner they may deem expedient; *Provided,* the same is let to the lowest bidder.

SEC. 8. *Be it enacted,* That the trustees herein appointed, in the second section of this act, shall continue in office until the first day of March next.

SEC. 9. *Be it enacted,* That John McCrackin, John H. Linan, Isaac S. W. Cooke, Samuel McLain, John Beaty, James Terrill and William Davis be, and they are, hereby appointed the successors to the trustees hereinbefore appointed, and shall act as such after the first day of March next, until the time appointed out for the election of trustees.

tees, to said academy in the fourth section of this act.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXIII.

AN ACT, to alter the time of holding the circuit courts in the counties 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 Williamson, shall be holden in the court house in the town of Franklin, upon the first Mondays of February and August, and shall continue for the term of three weeks, unless the business of the court, shall be sooner dispatched; and that the court for the county of Rutherford, shall be holden in the court house in the town of Murfreesborough, upon the fourth Mondays of February and August, and shall continue in session, until the second Mondays of March and September, if required by the business of the court.

SEC. 2. *Be it enacted,* That all process issued returnable to the third Monday of February term, 1826, of the Rutherford circuit court shall be, and is, hereby made returnable to the fourth Monday of February.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXIV.

AN ACT, to authorise William Raynolds of the county of Greene to open and establish a turnpike road across Paint mountain.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Raynolds of the county of Greene, is hereby

authorised to open and cut out a turnpike road across Paint mountain, in said county commencing at the Warm Springs, and extending across said mountain the most direct course to Warrensburgh so as to intersect old road, that the situation of the ground will admit, which road, where the situation of the country will permit of, shall be cut eighteen feet wide, clear of stumps and other obstructions, and where the road has to be causewayed, where the nature of the ground is such that it cannot be extended, it shall be at least eleven feet wide, clear of stumps, roots and other obstructions, and if there shall be any creek or creeks, that from their nature shall require it, there shall be good, substantial bridges built, and if there are any swamps over which the road may be taken, it shall be the duty of the proprietor of said road to causeway said road with either rock or wood, to be made over said swamps at least eleven feet wide, clear of stumps and other obstructions.

SEC. 2. *Be it enacted,* That said road shall always be kept in repair, and if it should be permitted to be and remain out of repair for one month, at any one time after the road is opened and established by the commissioners hereby appointed by this act, said commissioners shall immediately make report thereof to the county court of Greene county; and when said court shall receive said report, they shall order the same to be recorded, and said commissioners shall also proceed to open said turnpike gate, and keep the same open until the said road shall be by them adjudged to be in good and sufficient order; they may then grant license, under their hands and seals, to said proprietor to shut said gate for the purpose of exacting toll, and if said proprietor, shall either directly or indirectly, exact, take or receive, any toll during the time said commissioners let said gate open, said proprietor shall forfeit and pay, for every such offence, the sum of twenty dollars, to be recovered before any justice of the peace in this State, by any person that will sue for the same, and if the road should be permitted to be and remain out of repair, at any time within six months before the session of the legislature, said commissioners after seeing open the gate, shall report the same to the General Assembly, whose duty it shall

Wm. Raynolds to open a turnpike across Paint mountain.

Remedy when road is out of repair.

he to elect a new proprietor or proprietors, as the case may be, and when so elected, shall be entitled to receive all the toll rated in this act, and shall be bound to the same duties, regulations, restrictions and penalties, as are prescribed by this act, for the original proprietor to do and perform.

Proprietor
to give bond
and security.

SEC. 3. *Be it enacted*, That the proprietor shall give bond and security in the sum of one thousand dollars, payable to the chairman of the county court of Greene and his successors in office, conditioned for the true, and faithful discharge of all the duties enjoined on him by this act, which bond shall be lodged in the clerk's office of said county, and it is hereby made the duty of the solicitor, for the district wherein said proprietor lives, to commence suit against said proprietor on said bond, if satisfactory proof either by the report of the commissioners or otherwise, should be given to them that the said road has been one month out of repair.

Commission
ers appointed.

SEC. 4. *Be it enacted*, That John Runner, Joseph McMurtry and John Uttinger be, and they are, hereby appointed commissioners and they shall be competent at all times, to do and perform all the acts and duties required of them by this act, and when the proprietor shall notify said commissioners that said road is cut out and completed for use, said commissioners shall proceed to examine said road and [if] in their opinion, the road is in the order, contemplated by this act, they shall proceed to license said proprietor to keep a toll gate, which license shall be under their hands and seals, and said proprietor shall proceed to erect a toll gate, on the most convenient place on said road, and shall be entitled to receive the following rates of toll; to wit: for each wagon and team, seventy-five cents; for each cart and driver, twenty-five cents; four wheeled carriage of pleasure, seventy-five cents; two wheeled carriage of pleasure, thirty-seven and a half cents; man and horse, or mule, twelve and a half cents; loose or led horse or mule, not in a drove, six and a fourth cents; loose horses or mules in a drove, three cents; each head of cattle, two cents; each head of hogs or sheep, one cent.

SEC. 5. *Be it enacted*, That the commissioners herein appointed by this act, shall, before he

[they] enters on the duties of their appointments, take and subscribe the following oath before some justice of the peace; to wit:

I do solemnly swear, that I will, well and truly perform the duties enjoined on me by this act, according to the best of my knowledge and abilities, so help me God.

Oath.

And the aforesaid commissioners shall be entitled to receive at the rates of one dollar and fifty cents per day, each, for every day they may be necessarily engaged in performing the duties enjoined on them by the provisions of this act, to be paid by the proprietor of said road.

Commission
ers' pay.

SEC. 6. *Be it enacted*, That if any part of said road shall be out of repair at any time after it is received by said commissioners, and by reason of which any person or persons, shall sustain any damage either in person or property, he, she or they, may have and sustain an action on the case, against said proprietor, if the damage should be over twenty dollars.

Any person
injured by the
road being out
of repair may
recover dama-
ges of proprie-
tor.

SEC. 7. *Be it enacted*, That if any person or persons, shall pass arbitrarily said gate, or within one mile thereof, for the purpose of evading the toll, such person or persons, shall forfeit and pay, for every such offence, the sum of twenty dollars, to be recovered by action of debt before any justice of the peace in this State, in the name and for the use of said proprietor.

Penalty for
passing toll
gate without
paying.

SEC. 8. *Be it enacted*, That said proprietor shall keep said road in good and sufficient repair for the term of twenty years after said road is completed.

Proprietor to
keep the road
in repair 20
years.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXV.

AN ACT, giving the county court of Lawrence county power to appoint commissioners for the county of Lawrence.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed 23d Nov. 1819, appointing commis-

Certain acts
repealed.

sioners for the county of Lawrence be, and the same are, hereby repealed, together with an act appointing additional commissioners for Lawrence county, which passed on the 13th of November, 1823 be, and the same are, hereby repealed.

Commission-
ers, when dis-
charged, and
duty of county
court of Law-
rence.

SEC. 2. *Be it enacted*, That the commissioners heretofore appointed by virtue of the before recited acts, shall be discharged from the duties of their office as commissioners, on the first Monday in January next, and that the county court of Lawrence county, on the first Monday in January, is hereby authorised and empowered to proceed and elect three suitable persons to act as commissioners for said county, who shall be bound and held as responsible in the same manner to perform all of the remaining duties that said former commissioners were bound by law to do, and so soon as the three new commissioners are elected, it shall be the duty of the court to take bond with approved security, in the penal sum of one thousand dollars, and administer to them the oath of office before they enter upon the duties of their office, payable to the chairman of the county court; *Provided, nevertheless*, it shall be the duty of the former commissioners to make a final settlement with the new commissioners immediately upon their entering upon the duties of their office, of all the business relative to said county, and at the same time pay over all the monies they may have collected, not otherwise appropriated, to the use of said county in the hands of said commissioners, and likewise transfer all papers and documents that they have in their hands relating to any business of said county, and upon the reception of which, said new commissioners shall have the same powers and authorities, and be subject to the same duties and under the same responsibilities, that the former commissioners possessed and were under.

When to
take effect.

SEC. 3. *Be it enacted*, That this act shall take effect and be in force from and after the first day of January next, 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 December 6, 1825.

CHAPTER CCCXXXVI.

AN ACT, to emancipate the persons therein named.

Be it enacted by the General Assembly of the State of Tennessee, WHEREAS, John Akins, of Wayne county, State of Tennessee, executed his last will and testament on the 19th day of July, in the year of our Lord, 1821, and has since departed this life, leaving said will and testament unrevoked, the execution of which will and testament was proven in Wayne county court, at their December sessions, 1821; and WHEREAS, said Akins, among other things, willed, that Lott, a negro man slave, and Esannah, a negro girl, the property of said Akins, should be set free, and WHEREAS, the heirs of the said John Akins have petitioned this Assembly to effectuate the provisions of said will; now, should the said slaves so emancipated, give bond and security to the county court in which they now reside, that they will not become a public charge to any county in this State, then, the said Lott and Esannah, shall be, and are, hereby emancipated and shall be entitled to all the privileges allowed by the laws of this State to free persons of color.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

CHAPTER CCCXXXVII.

AN ACT, for the relief of Mary Killingsworth.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the entry taker of the Hiwassee district be, and he is, hereby authorised to suffer Mary Killingsworth to enter any vacant quarter section of land lie [lying in] said district, in consideration of certain improvements made by said Mary and her husband in his lifetime, on a vacant quarter, which has been entered by some one else, on said Mary Killingsworth, producing to said entry taker the affidavit of two respectable persons, as to the val-

Mary Killings-
worth may
enter a quar-
ter section.

ue of said improvements, made as aforesaid, and *Provided*, that said valuation should not be equal to the price of a quarter section of land at the time of making such entry, the said Mary, shall pay to the entry taker the balance sufficient to authorise her to enter a whole quarter.

Her estate in it. SEC. 2. *Be it enacted*, That the said Mary Killingsworth shall have a life estate only in said quarter, and at her death, it shall vest absolutely in fee to her heirs.

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

Passed December 6, 1825.

CHAPTER CCCXXXVIII.

AN ACT, for the relief of Sarah E. Rawlings.

Be it enacted by the General Assembly of the State of Tennessee, That the surveyor of the 11th surveyor's district be, and he is, hereby authorised and empowered to permit Sarah E. Rawlings, to make void her entry for one hundred and twenty acres, entered in said 11th district, range one, section one, and permit said Sarah E. Rawlings to enter the same on any other vacant land in said district.

WM. BRADY,
Speaker of the House of Representatives.
R. C. FOSTER,
Speaker of the Senate
Passed December 7, 1825.

CHAPTER CCCXXXIX.

AN ACT, supplemental to the several acts of Assembly authorising Joseph and John Greer to build a mill dam across Elk river.

Commissioners to inspect John and Joseph Greer's dam. SECTION 1. *Be it enacted by the General Assembly [of the State] of Tennessee*, That Benjamin Reynolds, of Maury county, and Joseph Kincaid, and Clement Cannon, of Bedford county, be, and they are, hereby appointed commissioners to inspect and examine the mill dam erected by John and Joseph Greer, across Elk river, in Lincoln

county, and decide whether the same obstructs the navigation of said river, and if, upon examination, it shall appear to said commissioners that said dam forms an obstruction to the navigation of said river, they shall give written notice to said Greers of the defects in said dam, specifying, particularly, in what respect it obstructs the navigation and how it shall be altered so as to remove the obstructions thereby created, and in the same notice appoint the time within which such alteration shall be made, allowing a reasonable time for the water in said river to fall so as to work on said dam, and make the alteration in said notice specified.

SEC. 2. *Be it enacted*, That it shall be the duty of said commissioners, to attend at the time appointed for having completed the said alterations in said mill dam, and inspect the same, and decide whether the said dam forms any obstruction in the navigation of said river, and if, upon such examination, said commissioners shall be of opinion that said dam forms no obstructions to the navigation of said river, they shall make report thereof to the county court of Lincoln county, in which they shall specify the condition of said dam, at the time of making said report, and the improvements made thereon, which report shall be entered of record in said court.

SEC. 3. *Be it enacted*, That it shall be the duty of the said John and Joseph Greer, to keep said dam in the condition that said commissioners report the same to be in, and if they shall afterwards permit the same to become out of repair, so as to obstruct the navigation of said river, for more than ten days at any one time they shall be liable to pay twenty five dollars for every twenty four hours the said dam shall obstruct the navigation of said river, to any person who will sue for the same, before any justice of the peace of said county, and furthermore, be liable for all damages that any person navigating said river, may sustain in consequence thereof.

SEC. 4. *Be it enacted*, That said commissioners shall be entitled to receive four dollars per day for every day they shall be engaged in performing the duties imposed by this act, to be paid by the

To inspect proposed alteration and make report.

Duty of said Greers.

Commissioners compensation.

said John and Joseph Greer, at the time the services are rendered.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 30, 1825.

CHAPTER CCCXL.

AN ACT, to provide for the payment of the members, clerks and doorkeepers of the present General Assembly, and to defray the necessary contingent expenses thereof.

Members \$4 each, per day. SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee, That each member of this General Assembly shall receive the sum of four dollars for each day they have attended the present session, and the like sum for every twenty-five miles travelling to and from, the same.*

Speakers \$5 each, per day. SEC. 2. *Be it enacted, That the speaker of the senate and the speaker of the house of representatives, shall each receive the sum of five dollars per day, for each day that they have attended the present General Assembly.*

Clerks, \$6 per day. SEC. 3. *Be it enacted, That the clerks of the present General Assembly, both principal and assistant, shall each receive six dollars for each day they may have attended the same.*

Door-keepers, \$4 each. SEC. 4. *Be it enacted, That the doorkeepers of the present General Assembly, both principal and assistant, shall receive four dollars for each day they have attended the same.*

D. Wendel, \$445 94. SEC. 5. *Be it enacted, That the sum of 445 dollars 94 cents be allowed to David Wendel for stationary and sundry other articles furnished both houses of this General Assembly, during the present session.*

Sublets, \$467 SEC. 6. *Be it enacted, That G. A. & A. C. Sublett be allowed the sum of 467 dollars for printing done by order of the two houses of this General Assembly, during the present session, and that the treasurer of West Tennessee pay the same.*

Secretary's rent, \$110. SEC. 7. *Be it enacted, That the treasurer pay to Daniel Graham one hundred and ten dollars, the amount of rent for the office of Secretary of State,*

for the present year, whose receipt to the treasurer for the amount, shall be a sufficient voucher in the settlement of his accounts.

SEC. 8. *Be it enacted, That Joseph Norvell* Jo Norvell, \$18 75.
be allowed, and the treasurer of West Tennessee is hereby authorised to pay him, the sum of eighteen dollars and seventy five cents, for printing done in behalf of the State, and that his receipt shall be a good voucher in the settlement of his accounts.

SEC. 9. *Be it enacted, That no per diem compensation shall be allowed any person a member of this house, for any time after the date he or they have obtained leave of absence for the balance of this session.* Pay withheld from absent members.

SEC. 10. *Be it enacted, That the treasurer of West Tennessee pay to Cornelius Slater, doorkeeper of the Senate, fifteen dollars for expenses incurred in hiring a boy to carry water, &c. for the present session, and his receipt shall be a good voucher therefor.* C. Slater, \$15

SEC. 11. *Be it enacted, That either of the treasurers of this State pay to John Bright, twenty dollars for services and expenses in fixing the Senate chamber at the commencement of this session, and his receipt shall be a good voucher to either of said treasurers in the settlement of their accounts.* J. Bright, 20 dollars.

SEC. 12. *Be it enacted, That John D. Martin* J. D. Martin, \$4 dollars.
be allowed the sum of eighty four dollars, for his services as assistant clerk in the House of Representatives, and that Henry C. Martin be allowed the sum of eighty-four dollars for his services as assistant clerk to the Senate, and that the sum of five dollars be allowed to James McDowell for express to General Jackson. H. C. Martin, 84 dollars. J. McDowell, 5 dollars.

SEC. 13. *Be it enacted, That the treasurer of West Tennessee pay to Newton Cannon, commissioner appointed and engineer on the part of this State to co-operate with the engineers on part of United States, in survey of the great national road from Washington City to New-Orleans, the sum of one hundred and thirty six dollars eighty seven and a half cents, for services, pilot hire and expenses as such* N Cannon, 136 dollars 87 1-2 cents.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed December 6, 1825.

Resolutions.



ADOPTED IN THE YEAR 1825.

RESOLUTIONS,

ADOPTED AT THE

REGULAR SESSION OF 1825.

NO. 1.

RESOLUTION, directing the Secretary to deliver to the clerks of the chancery court Scott's Revisal.

Resolved by the General Assembly of the State of Tennessee, That the secretary of State be required to furnish to the clerks of the chancery courts, established by the act of 1824, entitled "an act to amend the judiciary system of this State," one copy each of Scott's Revisal upon application of said clerks, Provided, that those who have heretofore obtained said revisal, as clerks of the supreme court of errors and appeals, shall not be allowed an additional copy, under this resolution; and Provided also, that the secretary, has in his office, the number of copies necessary to supply said clerks.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate

Adopted September 21, 1825.

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NO. 2.

A RESOLUTION, requesting the governor to give certain information concerning school lands.

Resolved, by the General Assembly of the State of Tennessee, That the governor be requested to lay before this General Assembly, the number of tracts of land laid off for the support of common schools; in what counties such tracts lie; how much in each county and when laid off.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted September 24, 1825.

NO. 3.

A RESOLUTION, requesting the treasurer of East Tennessee, to give certain information concerning college and academy lands.

Resolved, by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be requested to lay before this General Assembly all the information in his possession respecting the college and academy lands, the amount of money that has been collected; the amount that may yet be due, and the amount of land that has been sold under the laws of 1823 and 1824, and also, a statement of the amount of money paid to each college and academy; and the amount due to each.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted September 24, 1825.

NO. 4.

RESOLUTION, requesting register to issue a grant to Jacob Shaver.

Resolved, by the General Assembly of the State of Tennessee, That the Register of West Tennessee is hereby requested to issue a grant to Jacob Shaver, for forty acres of land, situated in White county, and founded on warrant, No. 42; Provided, the register is satisfied, on examination of said plat and warrant, that the said Shaver is entitled to the same by assignment upon equitable principles.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted October 7, 1825.

NO. 5.

RESOLUTION, relative to the reception of general Jackson.

Resolved, as an evidence of the respect and attachment entertained by this Legislature, in common with our fellow-citizens, towards general ANDREW JACKSON, for his high personal qualifications, and numerous and important services rendered to his country, that the two branches of this General Assembly will receive him on the day next after his arrival at the seat of government, at 12 o'clock, in the representative hall.

Resolved, That one or both of the speakers, on behalf of the two houses, shall deliver, at such time, to general Jackson, an address expressive of their high personal regard, and the great satisfaction they feel in relation to the course he pursued, during the pending of the late presidential election.

Resolved, That a joint select committee be appointed to wait upon general Jackson, on his arrival at the seat of government, to inform him of

the foregoing resolution, and conduct him within the bar of the house of representatives.

WM. BRADY,

Speaker of the House of Representatives.

Speaker of the Senate.

J. P. ERWIN,

Clerk, of the H. Rep.

Clerk of the Senate.

Adopted October 7, 1825.

NO. 6.

A RESOLUTION, appointing commissioners to view the country situate between Kingston and Sparta.

Resolved, by the General Assembly of the State of Tennessee, That Randolph Ross, Turner Lane, Jonathan C. Davis, James Simpson, and John Lyon, of White county; William Matlock of Franklin county, James Rogers of Warren county, and James Davis of Bledsoe county, be appointed commissioners, to examine the country situate between Sparta and Kingston; to be done free from any expense to the State, for the purpose of ascertaining, surveying, and marking the nearest, best and most practicable route for the establishment of a road between said places.

Resolved, That said commissioners or a majority of them, are hereby required to report the result of their examination, during the present session of this General Assembly.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted September 26, 1825.

NO. 7.

RESOLUTION, appointing a committee to examine into the State of the new Bank.

Resolved by the General Assembly of the State

of Tennessee, That a joint select committee be appointed to enquire into the situation of the new State Bank, and that they have power, to call for persons and papers, and that the officers of said bank shall afford said committee every facility required by them in producing the books, and in disclosing the transactions of said bank, and that said committee report the true situation of said bank, and what amount of money is loaned to individuals on what is called real transaction business, withholding the names of individuals; and on what funds said real transaction loans are bottomed; and that said committee have leave to sit in Nashville, if found to be absolutely necessary.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted October 8, 1825.

NO. 8.

RESOLUTION, directing grant to be issued to Isaac Hamby.

Resolved, by the General Assembly of the State of Tennessee, That the register of West Tennessee issue to Isaac Hamby, a grant for ten acres of land, founded on certificate warrant, No. 5,800, and dated fourth day of June, 1824, and entered by entry No. 1,392, in the eighth surveyor's district, and surveyed 10th December, 1824.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

J. P. ERWIN,

Clerk of the H. of Rep.

RUSSELL DANCE,

Clerk of the Senate.

Adopted October 10, 1825.

NO. 9.

RESOLUTION, granting indulgence to Wm. Young, and others.

Resolved, by the General Assembly of the State of Tennessee, That the president and directors of the branch Bank of the State at Knoxville, as also the sheriff of Hawkins county, suspend the collection of a judgment rendered in favor of the president of said bank of the State, for the sum of between three and four hundred dollars, against Wm. Young, and Samuel Powell and others, his securities; said judgment rendered on a note given at the agency in Hawkins county, until ten days after the rise of this General Assembly of their present session.

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

J. P. ERWIN,
Clerk of the H. of Rep.
RUSSELL DANCE,
Clerk of the Senate.
Adopted October 12, 1825.

NO. 10.

RESOLUTION, to stay certain proceedings against Thomas Hopkins.

Resolved, by the General Assembly of the State of Tennessee, That the sheriffs of all the several counties in this State, in whose hands executions may now be, in certain cases in which Thomas Hopkins and others, are defendants, and which Richard G. Waterhouse and others, are plaintiffs, issued from the circuit courts of Anderson and Bledsoe counties; also, from the supreme courts at Sparta and Knoxville, for relief of said Thomas Hopkins, in which said cases, an act has been passed at the present session of the General Assembly, on the 8th inst. entitled "an act for the relief of Thomas Hopkins," be, and they are, hereby directed to suspend and postpone any sales on said executions until after the fifteenth day of November next, so as to afford to the said Tho-

mas Hopkins, time to avail himself of the relief and benefit intended to be extended to him by said act.

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

J. P. ERWIN,
Clerk of the H. of Rep.
RUSSELL DANCE
Clerk of the Senate.
Adopted October 18, 1825.

NO. 11.

RESOLUTION, correcting a grant to Thos. Garner.

Resolved, by the General Assembly of the State of Tennessee, That the register of West Tennessee, at Nashville, alter the name of John Garner to that of Thomas Garner, in grant, No. 63, issued to John Garner and John M. Collock, for two hundred and thirty acres, dated 14th day of October, 1824; Provided, it shall appear to said register, that an error was committed in inserting the name of John Garner, instead of the name of Thomas Garner, and that said register enter the same of record; Provided, that the error corrected, shall not affect the rights of others.

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

J. P. ERWIN,
Clerk of the H. of Rep.
RUSSELL DANCE,
Clerk of the Senate.
Adopted October 26, 1825.

NO. 12.

RESOLUTION, requiring the secretary to deliver to Charles A. Houser, certain documents.

Resolved, by the General Assembly of the State of Tennessee, That the secretary of State

deliver to Charles A. Houser, the will of John G. Houser, and other documents, which accompanied a bill for the relief of the heirs of John G. Houser, which passed at the last General Assembly, and are now on file in his office.

WM. BRADY,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate—*Pro tem.*

Adopted October 28, 1825.

NO. 13.

RESOLUTION, appointing commissioners to view a road.

Resolved, by the General Assembly of the State of Tennessee, That William Lusk, John Duncan, and Ralph Matthews, of Warren county, and Alexander Lowry, John Chisum, and William Rolan, of White county, or any five of them, be, and they are, hereby appointed a jury of review to view and mark a road, report to this General Assembly, during the present session, whether it is provable to open a good turnpike road, commencing at or near the Grassy Cove, in Bledsoe county, and running thence to a point, at or near the mouth of Caney creek, in White county; said review to be confined to the south side of Caney fork, agreeable to the petition of James Rogers; Provided, the cost of said review does not fall on the State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 9, 1825.

NO. 14.

RESOLUTION for the relief of Thomas Hopkins.

Resolved, by the General Assembly of the State of Tennessee, That the sheriffs of the several counties in this State, in whose hands executions may now be, or hereafter may come, in

certain cases in which Thomas Hopkins and others, are defendants, and in which, Richard G. Waterhouse and others, are plaintiffs, issued from the circuit courts of Anderson and Bledsoe counties, for relief of said Thomas Hopkins, in said cases, an act has been passed at the present session, on the 8th ult. entitled "an act, for the relief of Thomas Hopkins" be, and they are, hereby directed to suspend and postpone any sale on said executions until after the 25th day of December next, so as to afford to the said Thomas Hopkins, time to avail himself of the relief and benefit intended to be extended to him by said act.

WM. BRADY,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate—*Pro tem.*

Adopted November 12, 1825.

NO. 15.

RESOLUTION, authorizing the governor to appoint a suitable person to act with the United States' Engineers.

Resolved, by the General Assembly of the State of Tennessee, That the governor be, and he is, hereby authorized and requested to appoint a suitable person, whose duty it shall be, to proceed forthwith to the eastern section of this State, and there unite, with the United States' engineers, and render all the aid in his power, in the survey which is about to take place, of a route through this State, for the great national road.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 12, 1825.

NO. 16.

RESOLUTION, to authorize the commissioner, appointed to unite with the Engineers of the U. S. to employ pilots.

Resolved, by the General Assembly of the

State of Tennessee, That the commissioner appointed on the part of this State, to unite with the engineers on the part of the United States, in making surveys of the route for the national road through this State, be, and he is, hereby authorized to employ such pilots, as will be necessary to enable said commissioner to explore the most practicable route for said road.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 14, 1825.

NO. 17.

RESOLUTION, directory to the secretary of State and the registers of East and West Tennessee.

Resolved, by the General Assembly of the State of Tennessee, That the secretary of State be authorised to deliver to the persons entitled, or their representatives, such title papers as may be filed with him, either at the present, or any former session of the legislature, which may not be necessary for him to retain in his office.

Resolved, That it shall be the duty of the register of East or West Tennessee, to issue certificate warrants for such fractional parts, or remnants of warrants or certificates, as may remain unsatisfied in their offices; *Provided*, the applicant makes satisfactory proof to the register, that the said fractional parts applied for did not stand located on the 22nd day of November, 1823, upon such certificates being issued by either of the registers aforesaid, it shall be the duty of the commissioner to adjudicate such certificate on its being presented to him for that purpose, and the party interested may locate the same south and west of the congressional line, and west of Tennessee river.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 22, 1825.

NO. 18.

RESOLUTION, requiring Matthew Nelson, treasurer of E. Tennessee to collect certain monies from Elihu Embry.

Resolved, by the General Assembly of the State of Tennessee, That Matthew Nelson, treasurer of East Tennessee, be instructed to proceed to collect the sum loaned by said treasurer to Elihu Embry in his life time, as his executors have failed to comply with the conditions on which he received the loan.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 28, 1825.

NO. 19.

RESOLUTION, requiring Robert Whyte to hold the chancery court at McMinville.

Resolved, by the General Assembly of the State of Tennessee, That Robert Whyte is hereby required to preside in, and hold the next chancery court, directed by law, to be holden in the town of McMinville, in the county of Warren.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 28, 1825.

NO. 20.

RESOLUTION, requesting the secretary of State to make out the captions of acts passed at this session of the General Assembly.

Resolved, by the General Assembly of the State of Tennessee, That the secretary of State be requested to make out a caption of the public acts, passed at the

present session of the General Assembly embracing the most important provisions contained in them, and state the number of private acts without their captions; and that 3000 copies of the same be printed, and apportioned in the several counties in the same way that the acts and journals are apportioned.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 1825.

NO 21.

RESOLUTION, directory to the register of East Tennessee.

Resolved, by the General Assembly of the State of Tennessee, That it shall be the duty of Drury P. Armstrong, register of the land office at Knoxville, to permit William Hogan, register of the land office in the Hiwassee District, to transcribe so much of the said land office at Knoxville; of which said Armstrong is register, as relates to the landed titles of the Hiwassee District; and it shall, moreover, be the duty of the aforesaid register of the land office at Knoxville, to give over to said Hogan, register of the land office of the Hiwassee District, all plats and certificates, now in the said land office at Knoxville, which have not been registered in said last mentioned office, and also, copies of all other papers in any wise appertaining to land titles in the Hiwassee District—and said register of the land office at Knoxville, is hereby required to take of the said register of the Hiwassee District, a receipt for the said plats and certificates, said copies and originals to be had without cost to the said Hogan or the State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 3, 1825.

NO. 22.

RESOLUTION, directing the printing of the militia laws.

Resolved, by the General Assembly of the State of Tennessee, That it shall be the duty of the public printer of this State, to publish as soon as practicable, two thousand copies of "an [act] to revise and amend the militia laws of this State," passed at the present session of the General Assembly, and to furnish to the several commandants of regiments seventeen copies, each, to be by them distributed to the field officers, and captains of their respective regiments; and to each general officer, four copies the residue to be deposited in the office of the secretary of State, for the use of the regiments hereafter to be established, and it shall be the duty of said printer, to publish and affix thereto, the constitution of this State, together with such other acts as may be passed at the present session for the regulation of the militia of this State.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 5, 1825.

NO. 23.

A RESOLUTION, in favor of R. H. Dyer and Philemon Hodge, relative to certain grants.

Resolved, by the General Assembly of the State of Tennessee, That it shall be lawful for the register of West Tennessee, to issue a grant to Robert H. Dyer, for sixty seven and three fourth acres, lying in the tenth surveyor's district, by virtue of entry No. 1804, made for one hundred acres, and dated 1st June, 1825, on warrant No. 561, issued by the register of East Tennessee to Charles Parker for one hundred acres, and if said Dyer shall procure a survey certified by the principal surveyor of said district, that no more than sixty seven and three fourth acres can be got of said entry, in consequence of older claims and natural boundaries, then, and in that case, the regis-

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ter aforesaid, shall issue a certificate to said Dyer, for as much of a balance as may be unsatisfied of said entry, No. 1804, provided said original warrant on which said entry was made, was a good and valid one.

Resolved, That a grant No. issued by the State of Tennessee, to Philemon Hodge, for acres of land, and including the mouth of Snow creek in Lincoln county, be referred to the commissioner of land claims for adjudication, and that he adjudicate thereon, and issue a certificate for any interference therewith by a tract of land laid off for the use of common schools; *Provided*, said grant is founded on a good and valid warrant.

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 3, 1825.

NO. 24.

RESOLUTION, permitting Charles Smith to hawk and peddle in the county of Hardin.

Resolved, by the General Assembly of the State of Tennessee, That Charles Smith be, and he is, hereby authorised to hawk and peddle, to vend goods, wares, and merchandize, of foreign or domestic manufacture, in Hardin county, without the payment of license or tax; *Provided*, he confines himself within the bounds of said county.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 6, 1825.

NO. 25.

RESOLUTION, in favor of Thomas H. Williams John Long, and William L. Petty.

Resolved, by the General Assembly of the State of Tennessee, That entry No. 225 for 100 acres, in the name of Elijah Witt, in the seventh surveyor's district, be made void, and that Thomas H. Williams

assignee of the heirs of Elijah Witt, be, and he is, hereby authorised, to locate the same on any vacant and unappropriated land south and west of the congressional reservation line.

Resolved, That John Long, be authorised to file with the commissioner, grant No. 3201, issued by the State of Tennessee, and grant No. 860, issued by the State of North Carolina, and said commissioner shall adjudge the same, and shall issue a certificate for any interference, of an older and better title, under the same rules, regulations, as in other cases, under the act of 1819.

Resolved, That an entry made on the 7th day of June, 1824, in the 4th range and 1st township, in the 9th surveyor's district in the name of William L. Petty for 64 acres, be made void, and said William L. Petty be, and he is, hereby authorised to locate the same on any vacant and unappropriated land, south and west of congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 7, 1825.

NO. 26.

Resolved, by the General Assembly of the State of Tennessee, That where the commissioners of school land have heretofore attended to, and prosecuted a suit or suits for the recovery of any tract of land laid off for the use of schools, it shall, and may be lawful for them to make out an account of the number of days they may have been necessarily engaged in attending to said suit or suits and the days they may have been employed in taking depositions in said suit or suits as well as an account of the expenses necessarily incurred by them in prosecuting said suits, and upon the same being proven as other accounts are authorised to be proven, they shall be paid out of any monies arising from the rents of school land, previous to 1st January, 1826, not otherwise appropriated, at

the rate of one dollar and fifty cents per day, and all necessary expenses as aforesaid.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 7, 1825.

NO. 27.

RESOLUTION, for taking care of public furniture, &c.

Resolved, That the assistant door-keeper to the House of Representatives, be directed to secure and take care of all the furniture and other articles belonging to the State, until called for by the secretary of State, and that he be paid twenty-five dollars for his service, and that the treasurer pay to Alexander Lacsey, eight dollars for wood furnished, &c.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 7, 1825.

NO. 28.

RESOLUTION, to adjourn the General Assembly to the town of Nashville.

WHEREAS, the examination of the Bank of the State of Tennessee, by the General Assembly at each meeting thereof, is indispensable for the security of the public interest; and WHEREAS, such examination cannot be made under the existing state of things, without much waste of time and expenditure of public money; therefore considerations of expediency dictate the propriety of holding the sessions of the General Assembly at the town of Nashville, in the county of Davidson, and WHEREAS, the use of the building erected for a masonic hall in that place, has been tendered to the General Assembly, gratis, by the proprietors of said building, and inasmuch as a considerable saving of public money, will there-

by be effected in having a suitable building for the reception of the General Assembly, and an office for the secretary of State free from charge; therefore,

Resolved by the General Assembly of the State of Tennessee, That as soon as the governor shall, by his proclamation, give notice that the masonic hall in the town of Nashville, is suitably prepared, for the purpose, it shall be the duty of the secretary of the State forthwith to remove the records and papers of office, to said house thus provided, and the sessions of the legislature shall thereafter be holden in said house until otherwise directed.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December 7, 1825.

NO. 29.

RESOLUTION, directing the Governor to transmit the Memorial of the General Assembly to each of the Senators and Representatives of this State, and Governor of Alabama, upon the subject of removing the obstructions in Tennessee river.

Resolved, by the General Assembly of the State of Tennessee, That the Governor be requested to furnish each of the Senators and Representatives in Congress from this State, with a copy of the memorial of this General Assembly to the Congress of the United States, on the subject of removing the obstructions in the navigation of the Tennessee river, created by the Muscle Shoals, and that they be instructed to procure the aid of the general government in removing the same, as contemplated in said memorial.

Resolved, That the Governor transmit a copy of said memorial, to the Governor of the State of Alabama, with a request that the same be laid before the General Assembly of that State, for the

purpose of procuring a concurrence therein by said Assembly.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted , 1825.

NO. 31.

RESOLUTION, directing the printing of sixty copies of an act, prescribing the duties of Clerks, &c.

Resolved, by the General Assembly of the State of Tennessee, That sixty-two copies of the act, to prescribe the duties of clerks, solicitors, treasurers, trustees, and judges of this State, be printed immediately, and be distributed, one copy to each clerk of the county court in this State.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted , 1825,

NO. 31.

RESOLUTION, directory to the Secretary of State.

Resolved, by the General Assembly of the State of Tennessee, That the secretary of State deliver to the door-keepers of either branch of the General Assembly, such books and documents in his office, as may be required for the use of its members.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

J. P. ERWIN,
Clerk of the H. of Rep.

RUSSELL DANCE,
Clerk of the Senate.

Adopted September 20, 1825.

Resolutions.

ON LAND CLAIMS.

RESOLUTIONS, ON LAND CLAIMS.

NO. 32.

RESOLUTION, referring interferences to the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That

1st, grant No.	2,044,	for 200 acres,	to John Nall,
2 " "	2,128,	228 " "	Jas. Brister,
3 " "	1,934,	640 " "	G. Cummins
4 " "	19,479,	20 " "	Jas. Dabbins

All, of which are said to be interfered with, and praying that certificates may issue by reason of such interference, be referred to the commissioner for adjudication.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 12, 1825.

NO. 33.

RESOLUTION, requiring certain land claims to be adjudicated.

Resolved, by the General Assembly of the State of Tennessee, That

No.	Acres.	
1 grant	8,518,	for 100 to Robert Rhea,
2 " "	847,	" " E. Waller,
3 " "	240,	" " Robert King,
4 " "	1,299,	" " Janus Berry,
5 " "	387,	" " Nathan Henderson,

6	"	565,	"	"	"	E. Waller,
7	"	3,266,	"	"	"	Edmond D Berry,
8	"	475,	"	2,000	"	Richard Hight-wer,
9	"	2,803,	"	73	"	Philips & Campbell,
10	"	2,816,	"	428	"	"
11	"	3,377,	"	163	"	"
12	"	6,678,	"	510	"	Cherry,
13	"	4,668,	"	500	"	W. Cherry,
14	"	1,897,	"	640	"	Nicholas Lang,
15	"	2,223,	"	610	"	"
16	"	1,895,	"	610	"	"
17	"	2,180,	"	610	"	"
18	"	2,183,	"	640	"	"
19	"	1,918,	"	610	"	"
20	"	"	"	"	"	Founded on military warrant No. 384
21	"	"	"	"	"	" 3,066
22	"	1,910,	"	1,000	"	Henry Latham,
23	"	522,	"	640	"	Thomas Forns.

All of which are said to be interfered with, and praying that certificates may issue by reason of said interferences, be referred to the commissioner of Land claims for adjudication.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 15, 1825.

NO. 34.

RESOLUTION, requiring certain claims to be adjudicated.

Resolved, by the General Assembly of the State of Tennessee, That

	No.	Acres.	Grantee.
1	grant 1,759,	for 640,	to James Robertson,
2	" 2,174,	" 271,	" William Patterson,
3	" 1,932,	" 100,	" William Nolan,
4	" 89,	" 1000,	" Aquilla Sug,
5	" 2,940,	" 640,	" Thomas Hickman,
6	" 2,783,	" 640,	" do.
7	" 3,392,	" 126,	" Buckner Russell,
8	" 7,038,	" 100,	" James Young,
9	" 17,	" 1000,	"
10	" 2,161,	" 640,	"
11	" 2,445,	" 640,	"

12	"	23,	"	"	"	James Young,
13	"	14,110,	"	15,	"	John Talley,
14	"	9,715,	"	1928,	"	Jas. Lewis interfer-
						ence, 106 acres,
15		Founded on wt. No. 679,				to A. D. Murphey,
16	"	822,	"	640,	"	Orin B. Payne & Smith
17	"	391,	"	80,	"	Joseph Cobb,
18	"	310,	"	361,	"	Jesse Rigg,
18	"	394,	"	63,	"	Joseph Cobb,
20	"	474,	"	262,	"	Alexander Ferguson,

All of which are said to be interfered with, and it is prayed that certificates may issue by reason of such interference, and be referred to the commissioner of land claims for adjudication.

Resolved, That military warrant, No. 1,098, issued to Eithured Dance for 904 acres, and military warrant, No. 255, issued to Neal Hutson, for 640 acres, also a Military warrant, No. 1,972, issued to Jacob Sittgraves, for 640 acres, be referred to said commissioner for adjudication.

Resolved, That the following certificate warrants be referred to said commissioner for adjudication, viz.

No.	Acres.	
40,	228,	to William Gee,
2617	80,	" Robert P. Harrison,
103,	27,	" Alexander Hamilton,
1062	50,	" Jacob Peck,
640,	40,	" Simeon Huddleston,
274,	20,	" William Evans,
917,	84,	" Philip Sebackler,
54	57,	" James Seduskys heirs,
3819,	1,	" Henry Campbell,

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 18, 1825.

NO. 35.

RESOLUTION, referring grant, No. 2,328, to the commissioner.

Resolved, by the General Assembly of the State of Tennessee, That grant, No. 2,328, issued by the State of North Carolina, to N. S. Shepard, for 640 acres, be referred to the commissioner

of West Tennessee for adjudication, and if it shall satisfactorily appear to said commissioner, that any part of the land covered by said grant, is taken by older or better title, it shall be his duty to issue to the person who may show himself rightly entitled thereto, a certificate for so much as may be taken as aforesaid; *Provided*, said grant, No. 2,328, is founded on a good and valid warrant, and that no other grant has ever issued thereon.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Passed November 21, 1825.

NO. 36.

RESOLUTION, requiring the register of W. Tennessee to issue a certificate.

Resolved by the General Assembly of the State of Tennessee, That the register of West Tennessee, issue to the rightful assignee a certificate warrant for 19 acres, being part of commissioner's certificate No. 95 for 40 acres, now on file in the office of the 2nd surveyor, which may be laid before the commissioner of land claims for adjudication as in other cases.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 21, 1825.

NO. 37.

RESOLUTION, referring certain claims to the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee. That

	No.	Acres.	
1 grant	520,	for 2,00,	Richard Andrews,
2 "	5294,	" 428,	
3 "	6594,	" 200,	

4 "	15176,	" 274,	
5 "	14022,	" 330,	
6 "	" 1200,	Willie Yarborough's heirs	
7 "	3276,	" 640,	Joshua Hadley,

All of which are said to be interfered with, and praying that certificates may issue by reason of such interference, be referred to the commissioner of land claims for adjudication.

Resolved, That it may be lawful for the administrator of John Blair, deceased, to file with the commissioner of land claims, grant, No. 657, issued by the State of North Carolina to said John Blair, deceased, for 1000 acres, and also, that Hugh Dunlap may file grant, No. 121, which issued to Martin Armstrong for 5000 acres, and if it shall satisfactorily appear to said commissioner, that said grants were founded on good and valid warrants and that no other grant or grants ever issued on said warrants, and that said land lies within the State of Kentucky, then, and in that case, said commissioner shall issue to said John Blair's heirs or the persons entitled thereto, certificate warrants for the same or such parts thereof as lies in Kentucky.

Resolved, That the commissioner of land claims issue to Joshua Hadley, a duplicate warrant for nine hundred and ten acres No. 2577; Provided, it shall from evidence satisfactorily appear to said commissioner that said warrants has not been adjudicated by any commissioner or board of commissioners; and provided, no grant has issued on said warrant, and that it may be lawful for said Hadley to file with said commissioner warrant No. 1637 for 2430 acres, and if it shall be made appear to said commissioner, that no grant has ever issued on said warrant, and that said warrant has not been adjudicated by any commissioner or board of commissioners, then and in that case, he shall issue to said Hadley a certificate for the amount he may be entitled to.

Resolved, That it shall be lawful for the register of East Tennessee to issue to William Fleming a certificate for 70 acres, being so much of warrant No. 1863 for 800 acres, issued to Allen McDaniel, Provided, the said William Fleming shall make it appear to said register, that he is entitled to said 70 acres by legal assignment, and Provided, also, that he make it appear that the said 70 acres

has been located within the bounds of an older and better claim, which location shall be represented by a plat of some sworn surveyor, who shall certify that he has surveyed the whole of said 70 acre entry, and so much of the better title as has enabled him to ascertain that the interference by him made out is correct, and that said commissioner examine entry No. 1389, dated January 15, 1784, for 3000 acres, the warrant issued January 5th, 1785, by John Armstrong, and on satisfactory proof being made to said commissioner that no grant has ever been issued on said entry and warrant, and that said entry or any part thereof is included within the bounds of grant, No. 209, of older and better title, then, and in that case, said commissioner shall issue a certificate for so much as may be taken, to John Purris and Thomas Brown; *Provided*, they may make it satisfactorily appear to said commissioner that they are the proper owners of said entry, No. 1389; *Provided*, some sworn surveyor shall certify that he has surveyed the whole of entry, No. 1389, and so much of the older and better title as has enabled him to ascertain that the interference by him made out is correct; and that it shall be [lawful] for John Price to file certificate warrant, No. 1585, for 60 acres, with said commissioner for adjudication; *Provided*, some sworn surveyor shall certify that he has run all the lines of said 60 acre entry, and so much of the better title as has enabled him to ascertain that the interference by him made out is correct, and that certificate warrant, No. 1663, for five acres be referred to the commissioner for adjudication.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 21, 1825,

NO. 38.

RESOLUTION, allowing Thomas Hopkins to lay certain register's certificates before the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That Thomas Hopkins, or the rightful assignee of said Hopkins, be permit-

ted to file with the commissioner for adjudication, the following register's certificates:

No. 4177, for	30 acres,
" 3903, "	160 "
" 4178, "	30 "
Originally issued to Jas. Histon,	3551, " 50 "
" 2142, "	12 "

WM. BRADY,

Speaker of the House of Representatives,

R. C. FOSTER,

Speaker of the Senate.

Adopted November 21, 1825.

NO. 39.

RESOLUTION, requiring certain claims to be adjudicated

Resolved, by the General Assembly of the State of Tennessee, That

Location, No. 22126, for 1 acre,

" " 22127, " 5 "

" " 22128, " 5 "

" " 22129, " 4 "

" " 22130, " 5 "

Resolved, That John Frost be permitted to file with the commissioner of West Tennessee, the above locations, and if it shall appear to said commissioner, that the same or any part thereof is interfered with, or taken by an older and better title, then said commissioner shall adjudicate the same; *Provided*, said John Frost shall procure some sworn surveyor, to ascertain by actually surveying all of said entry, and so much of the older title as will enable him to ascertain with certainty said interferences, and if said claims should be taken in part or the whole, then, and in that case, the commissioner shall issue to the said Frost a certificate for such interference; *Provided*, the original certificate was a good and valid one.

Resolved, That it shall be lawful for Gilbert Christian or his representatives, to file with the commissioner of West Tennessee, for adjudication, grant, No. 161, for 450 acres, granted by the State of North Carolina to said Christian—and if his heirs or representatives shall make satisfactory proof to said commissioner, that the whole of said

grant, or any part thereof, lies within the State of Kentucky, then, and in that case, he shall issue to said heirs, or representatives, a certificate for so much as may lie in said State; *Provided*, said grant was founded on a good and valid warrant and no other grant ever issued on said warrant.

Resolved, That the representatives of William Armstrong, deceased, be permitted to file grant, No. 4780, with the commissioner for adjudication, to be examined by him—and if said grant is interfered with by grant, No. 300, and if it shall appear to said commissioner, that grant, No. 4780, is founded on a good and valid warrant, he shall issue a certificate for so much as may be taken by grant, No. 300—he being governed by the law now [in] force in such cases.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 22, 1825.

NO 40.

RESOLUTION, authorizing the commissioner of West Tennessee to adjudicate certain land claims.

Resolved, by the General Assembly of the State of Tennessee, That it shall be lawful for William Bludworth to exhibit his claim to warrant, No. 891, issued to Henry Miller, a sergeant in the North Carolina line—also for Lewis D. Wilson, attorney for Allen J. Dane to exhibit his claim to entries, No. 2571, 2572—3—4, and 2010, in John Armstrong's office—and if it shall appear that neither of said entries have been granted by the State of North Carolina, nor the warrants thereon adjudicated or granted by this State, it shall be the duty of the commissioner to issue duplicates; *Provided*, it shall satisfactorily appear that the originals have been lost, mislaid or destroyed, and that the same are fair and just claims, and that the person in whose name such duplicates may issue, is *bona fide* entitled to the same.

Resolved, That the commissioner of land claims be authorised to examine and adjudicate any warrant that may issue from the proper authority of

North Carolina, to Morgan Brown, for his services as an officer in said line in the revolution, and if he find the same a fair and just claim that he adjudicate the same valid, to be located as other warrants of a similar kind are authorised to be.

Resolved, That James Mulherren be permitted to lay before the commissioner for adjudication, warrant, No. 3130, for 513 acres—also, that James Greenlee lay before him, John Armstrong warrant, No. 1957—also, Peter McNamee lay before commissioner J. Armstrong warrant, No. 921; and that said commissioner is hereby authorised and empowered to examine said claims, and adjudicate the same if the warrants can be produced; but if the said warrants or either of them are lost, and it shall be made appear to said commissioner that said warrants are fair, honest and *bona fide* claims, that the same have never been adjudicated or granted, that he adjudicate the same or issue a duplicate thereof—which when issued shall be in satisfaction of the originals.

Resolved, That the following claims—being interfering claims—be referred to the commissioner to adjudicate claims, for adjudication; to wit:—Grants, No 213—356—335—336—338—1910—2460—3364—and 8841—that he examine the said claims and issue certificates for the interferences, under the laws of this State.

Resolved, That warrant, No. 6515, issued by the register of West Tennessee, to Squire Lowry for forty acres, dated 10th September, 1824—and also, warrant, No. 6516, issued by the register of West Tennessee to Job Manning, for four acres, dated 10th September, 1824, be referred to the commissioner for adjudication.

Resolved, That it may be lawful for the representatives of George Dougherty, deceased, to file grant, No. 358, and grant No. 359, with the commissioner of land claims for West Tennessee—and if it shall appear to the satisfaction of said commissioner that said grants are founded on a good and valid warrant, and no other grants or certificates have issued on said warrants, and if it shall appear to said commissioner that the same are interfered with by older or better titles, then and in that case, he shall adjudicate the same under the law now in force in such cases.

Resolved, That Peter Swanson be permitted to file grant, No. 16229, for 320 1-4 acres, with the

commissioner of West Tennessee; and if it shall appear to the satisfaction of said commissioner that any part of said grant is taken by older or better title, that he shall issue to the person who may show himself rightfully entitled thereto, a certificate for so much as may be taken as aforesaid; *Provided*, said grant, No. 16229, is founded on a good and valid warrant and that no grant ever issued thereon, and that no certificate has heretofore issued for said interference.

Resolved, That James Blakeman be permitted to lay before the commissioner of West Tennessee grant, No. 1775, for 274 acres, to Stephen Wright, grant, No. 1769, for 640 acres, to Andrew Willoughby, issued by the State of North Carolina—and grant, No. 8212, for 75 acres, to Jane Brandon, issued by the State of Tennessee, and if it shall appear to said commissioner that the whole or any part of said grants are taken by older or better title, it shall be his duty to issue certificates for such parts as may be taken as aforesaid to the persons rightfully entitled; *Provided*, the warrants on which said grants issued were good and valid, and that no other grants ever issued thereon, or certificates heretofore issued for said interferences.

Resolved, That John Pope may be permitted to file with the commissioner of land claims, grant, No. 13827, issued by the State of Tennessee to said John Pope for 220 acres—and if [it] shall satisfactorily appear to said commissioner, that said grant is founded on a good and valid warrant and no other grant ever issued on said warrant, and that grant, No. 71, interferes with said grant, No. 13827, and of older and better title, then he shall adjudicate the same, and issue a certificate for so much as may be interfered with, under the law authorizing him to examine interfering claims.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 30, 1825.

NO. 41.

RESOLUTION, referring certain grants to the commissioner for adjudication.

Resolved, by the General Assembly of the

State of Tennessee, That grant, No. 9807, for 640 acres, and No. 16949, for 563 acres, issued by the State of Tennessee to Samuel Dobbins, be referred to the commissioner for adjudication, and that he issue a certificate in either case for so much as shall appear to be taken by older and better title, so that a certificate shall only issue upon one of said grants.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 30, 1825.

NO. 42.

RESOLUTION, referring certain military warrants to the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That military warrant, No. 1219, issued by the State of North Carolina to the heirs of Joseph Elkin, warrant, No. 2351, issued by the board of commissioners for West Tennessee to Caleb Portlask be referred to the commissioner for adjudication.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted November 30, 1825.

NO. 43.

RESOLUTION, referring certain grants to the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That grant, No. 15534, for 97 acres, which issued to R. C. Kennedy, on the 28th day of July, 1821, by the State of Tennessee, be referred to the commissioner for adjudication.

Resolved, That an entry made in the second surveyor's district, in the name of R. C. Kennedy for 63 acres adjoining the above grant of 97 acres, be referred to the commissioner for adjudica-

tion; and if it shall satisfactorily appear that the said grant and entry respectively are founded on good and valid warrants, and that no other grant ever issued on the same, and that the whole or part of said grant or entry, are taken by older or better title the said commissioner shall issue to the heirs of said Kennedy a certificate in each case for so much as shall be so taken.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted December 1, 1825.

NO. 44.

RESOLUTION, laying J. C. Mc'Lemore's land claim before the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That John C. Mc'Lemore be entitled to file grant No. thirteen thousand seven hundred and forty four, for three hundred acres, with the necessary evidence of interference and should it appear to the satisfaction of the commissioner for the adjudicating of land claims, that any part thereof is taken by a better title, to issue a certificate for such amount as is prescribed by law, which shall be subject to entry south and west of the congressional reservation line.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted December 3, 1825.

NO. 45.

RESOLUTION, for the benefit of Wm. Price.

Resolved, by the General Assembly of the State of Tennessee, That it shall be lawful for Wm. Price or his legal assignee to lay before the commissioner of West Tennessee, grant, No. 3124 for 100 acres, granted to said Price by the State of Tennessee, by virtue of warrant,

number 2014 for 3000 acres, and if it shall appear to the satisfaction of said commissioner that said grant of one hundred acres is taken by an older and better title or any part thereof, and that the same was founded on a good and valid warrant, it shall be his duty to issue a certificate warrant for the whole or so much thereof, as has been taken by such older and better title to the said Price or his legal assignee, and which may be entered on any vacant land south and west of the congressional reservation line and a grant issued thereon, as in other cases.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted December 3, 1825.

NO. 46.

RESOLUTION, referring certain land claims to the commissioner for adjudication.

Resolved, That grant No. 15789, for one hundred and forty nine acres, be referred to the commissioner for adjudication, and upon it appearing that any part of said grant is lost by interference with an older and better title, he shall issue a certificate therefor; Provided, said grant is founded upon a good and valid warrant and no other grant has issued thereon.

WM. BRADY,
Speaker of the House of Representatives.

R. C. FOSTER,
Speaker of the Senate.

Adopted December 3, 1825.

NO. 47.

RESOLUTION, for the benefit of John Rushing.

Resolved, That John Rushing file with the commissioner of land claims for adjudication grant, No. 14893, issued to him for forty three and a half acres, also, grant, No. 14892, issued also to him for forty-three and a half acres, and if it should ap-

pear that the same is interfered with or has been taken by older or better title, then a certificate shall issue to said Rushing for the amount so interfered with, or taken by older title as in other cases.

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

Adopted December 5, 1825.

NO. 48.

RESOLUTION, requiring the register of West Tennessee to issue certain certificate warrants.

Resolved, by the General Assembly of the State of Tennessee, That the register of West Tennessee, issue to William Lord a certificate warrant for fifty acres, part of certificate, No. 663, for one hundred acres, also a certificate warrant for five acres, part of certificate, No. 1805, for 855 acres, also to Reuben George a certificate warrant for 10 acres, part of certificate, No. 4664 for one hundred and eighty two acres, and the same when issued, shall be adjudicated by the commissioner of land claims.

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

Adopted December 6, 1825.

NO. 49.

RESOLUTION, referring grant, No. 1895, to the commissioner for adjudication.

Resolved, by the General Assembly of the State of Tennessee, That Jno. Bond be permitted to file grant, No. 1893, with the commissioner of West Tennessee for adjudication; and if said grant is interfered with by older or better title, to issue a certificate as in other cases, and that he

conform to the existing laws in adjudicating said interference.

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

Adopted December 6, 1825.

NO. 50.

RESOLUTION, referring grant, No. 521, to the commissioner for adjudication.

Resolved by the General Assembly of the State of Tennessee, That it may be lawful for Anderson Childress to file grant, No. 521, for 1000 acres, issued by the State of North Carolina to Mitchell; and if it shall appear that the said grant is taken by an older and better title or any part thereof, and that the same was founded on a good and valid warrant, to issue a duplicate thereon as in other cases.

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

Adopted December 7, 1825.

NO. 51.

RESOLUTION, for the benefit of Thomas Williams.

Resolved, by the General Assembly of the State of Tennessee, That Thomas Williams, be permitted to file with the commissioner of West Tennessee for adjudication, grant, No. 9009, dated 26th March, 1816, and grant, No. 718, dated 11th July, 1788, and if it should appear to the satisfaction of said commissioner that any part of said grants are interfered with by older and better title, and that the warrants upon which said grants was issued, is good and valid, it shall be the duty of said commissioner to issue certificates for such interference as in other cases, which may be located

upon any vacant land south and west of the congressional reservation line.

WM. BRADY,

Speaker of the House of Representatives.

R. C. FOSTER,

Speaker of the Senate.

Adopted December , 1825.

NOTE BY THE PRINTERS.

In a number of instances, we have inserted a word where it was wanting. In all such cases, it is enclosed in brackets, [] In some cases, where a word or name, was evidently incorrect, it will be found to be in *italic*.

In the militia law, the number of the sections are frequently omitted, and from section 43 to the end of the act, they are erroneously numbered; not feeling authorized to make the necessary corrections. Other errors will no doubt be perceived, which, however, are conformable to the original.

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