

Trustees of  
Macon Academy.

Alexander Keith Richard F. Cook, James Kirkpatrick, John Graham, William Scotland and Philip Muirhey of the county of Jackson, and their successors be, and they are hereby constituted a body politic, and corporate forever under the name of the trustees of Macon academy, and by that name shall have succession for fifty years and a common seal.

Invested with  
the same powers and  
privileges.

Sec. 6. *Be it enacted*, That said trustees of Macon academy, and their successors, or a majority of them by the name aforesaid, shall have, and possess all the powers and privileges, and be subject to all the penalties as provided for in the establishment and regulation of Craighead academy in the foregoing sections of this act.

Where to  
erect a building.

Sec. 7. *Be it enacted*, That the trustees of said Macon academy shall erect the same within two miles of the court house in Jackson county.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 3, 1827.

## CHAPTER CXXXII.

AN ACT for the benefit of Tennessee Academy in the county of Rhea.

County courts  
appoint Trustees.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Rhea county, shall from time to time appoint fit and proper persons, in addition to those now appointed, so as not to exceed twelve in number to constitute, and continue the board of trustees for the Tennessee academy in the county of Rhea.

Their duty.

Sec. 2. *Be it enacted*, That the board of trustees so appointed, or a majority of them on the first Monday in January in each and every year, shall proceed to appoint, one of their own body, as president, of said board for the ensuing year, and likewise a suitable person, recorder, who shall do the duty of treasurer, and it shall be the duty of said board to take bond and sufficient security, executed to the president of said board for the time

being, and his successors in office for the faithful performance of his duty agreeable to the laws of the state and by-laws of said board and it shall be the duty of said recorder to keep a fair record of all the by laws, and proceedings of said board, and read the same at the rise of each meeting, and the president shall sign the same, which shall be kept in a well bound bound book and at all times be subject to the inspection of persons interested and it shall be the duty of said recorder to make out a fair copy of all laws and ordinances enacted by said board and post them up within the walls of said academy at the commencement of each session.

Their power.

Sec. 3. *Be it enacted*, That the said board of trustees shall be, and continue a body politic and corporate by the name and style of the president, and trustees of the Tennessee academy, and by their corporate name, sue and be sued, plead and be impleaded, make and use a common seal and alter the same at pleasure, receive, purchase, and hold, real estate and personal property, and dispose of the same as they may think proper, enact and pass such by-laws, and ordinances as may be necessary for the good of said academy and government thereof, not inconsistent with the constitution, and laws of the state.

To meet on  
their own adjournment.

Sec. 4. *Be it enacted*, That the board of trustees, shall meet on their own adjournments, except where complaint of grievances, shall be made by some interested party, or the manifest interest of the institution may require their attention, then and in that case the president of said board shall call a meeting of said trustees, and take under consideration the cause of such complaints.

To employ  
President.

Sec. 5. *Be it enacted*, That the board of trustees, or a majority of them shall have the sole power of appointing a fit and proper person, able, and learned at least in the english language and the liberal sciences, as a president for tuition, to preside over the tuition of the students in said academy for the term, of one or more sessions, or during good behaviour, whose duty it shall be to obtain any necessary assistants, and attend in person the meetings of said board for the purpose of representing the interest of his students and the good of said institution, he shall see, and cause the rules and by-laws adopted for the government

thereof, to be kept and executed, and on his neglecting, or refusing to comply with the duties herein required, the board or a majority of them shall have full power to expell said president of tuition from the presidency or charge of said academy.

Trustees to  
loan money at  
5 per cent.

Sec. 6. *Be it enacted*, That when any dividend arising from the proceeds of the academy fund in this state shall come to the hands of the trustees of said Tennessee academy it shall and may be lawful for them to loan the whole of said amount, or amounts at the rates of six per cent interest, payable in advance in sums not to exceed fifty dollars on notes with good and sufficient security, payable every six months to the president and trustees, of said academy and they shall have power at any time they may deem proper to open, and receive subscriptions for building a better, and more suitable house on their lot, or any other more suitable site, they may procure in or adjoining the town of Washington, and when by the joint means aforesaid, a fund sufficient shall be procured they shall proceed to lay a plan for a convenient, durable house, and let the building thereof in the manner they may deem expedient provided the same is let to the lowest bidder who shall give bond, and security for the fulfilment of his contract.

To raise funds  
to purchase a  
library.

Sec. 7. *Be it enacted*. That the trustees aforesaid are hereby authorized, and required, on the completion of said building, for the use of said academy, to pursue the same means to raise the funds to furnish a library and other useful apparatus for the use and benefit of said institution.

Repealing  
clause.

Sec. 8. *Be it enacted*, That all laws and parts of laws coming within the purview and meaning of this act, be, and the same is hereby repealed.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 3, 1827.

#### CHAPTER CXXXIII.

AN ACT to authorize Thomas Durham and others to build a fish trap on Cany fork.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Durham and others, are hereby authorized to build a fish trap on any fork, at or near the mouth of Piney creek, provided said trap when erected shall not incommode boats passing up, or down said river, nor destroy any valuable ford across said stream.

Conditions.

Sec. 2. *Be it enacted*, That if said fish trap when erected shall in any way impede the passage of boats up, or down said river any person sustaining an injury therefrom shall be entitled to recover, from the proprietors damages, as he or they may have sustained, before any tribunal having cognizance thereof.

Owner liable  
for injuries or  
damages.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 4, 1827.

#### CHAPTER CXXXIV.

AN ACT for the relief of William R. Davis.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the sheriff of Lawrence county to pay over to William R. Davis, jailor of Giles county one half of the state tax of the county of Lawrence until the claims of the said Davis shall be paid, and the receipt of the said Davis shall be a good voucher to the said sheriff in the settlements of his accounts.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 5, 1827.

#### CHAPTER CXXXV.

AN ACT for the relief of the sheriffs of Hickman, and Hardeman counties,  
WHEREAS it is represented to this general as.

R,

sembly that Gabriel Faulx, through mistake advertised reported lands for the county aforesaid for taxes for the years 1824, and 1825, which was advertised on Sunday, which judgment for taxes yet remains due, and unpaid therefore.

Authorized to readvertise & sell certain lands.

Sheriff of Hickman to report lands on which tax is due for 1826.

Further time of six months allowed Sheriff of Hardeman to obtain his vouchers.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Gabriel Faulx sheriff and collector, of the county tax, for the county of Hickman be and he is hereby authorized to readvertise said reported lands and dispose of the same in satisfaction of the state and county tax severally due thereon for the years aforesaid.

SEC. 2. Be it enacted, That said Faulx, be authorized to make report of lands the state and county tax of which are yet due and unpaid to the court of pleas and quarter sessions of said county for the year 1826, any law to the contrary notwithstanding.

SEC. 3. Be it enacted, That the sheriff of Hardeman county, shall have the further time of six months from and after the first day of January next, to obtain his receipts, and vouchers &c. from the state and county officers any law to the contrary notwithstanding.

JNO. H. CAMP,

Speaker of the House of Representatives,

W. HALL,

Speaker of the Senate.

December 4, 1827.

## CHAPTER CXXXVI.

AN ACT to authorize the volunteer companies attached to the different regiments to composing the fourth brigade to form themselves into a volunteer regiment.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the volunteer companies attached to the different regiments of the fourth brigade of Tennessee volunteers, be and they are hereby authorized to form themselves into a volunteer regiment.

regiments to consist of not less than four, nor more than ten companies; and when so formed, shall be attached to, and constitute a part of the fourth brigade; provided however, that the exercise of the power hereby given, shall be discretionary with the officers and soldiers composing the volunteer companies.

SEC. 2. Be it enacted, That no company shall be admitted into such regiment, unless it shall have at least forty rank and file uniformed and equipped in a handsome military manner, and armed with muskets or rifles; and so soon as four or more companies shall notify the brigadier general of the 4th brigade in writing, or in his absence, to the senior colonel commandant, that they are willing to become members of the volunteer regiment, it shall be his duty to issue a writ of election to the sheriff of the several counties composing the fourth brigade, to open and hold an election on a particular day, at the court house for the purpose of electing a colonel commandant, lieutenant colonel, and first and second major to command said regiment, at which election each and every member composing said volunteer companies, shall be entitled to vote for said field officers; and such officers when elected shall be commissioned by the governor as in other cases; and it shall be expressed in their commissions, that they are officers of the first, second, or third, regiment as the case may be of Tennessee volunteers attached to the fourth brigade.

Terms of admission into such regiment

SEC. 3. Be it enacted, That when any regiment of volunteers shall be organized under the provisions of this act, they shall be under the rules, regulations, and restrictions, pointed out by an act of the General Assembly establishing a volunteer regiment.

After regiments of Volunteers to be under the rules of act of 1826.

SEC. 4. Be it enacted, That hereafter the county drill for Summer count shall be holden on the first Friday in September and the succeeding day of each and every year.

County drill for Summer when held

SEC. 5. Be it enacted, That it shall be lawful for any volunteer company in the thirteenth or fourteenth militia of this state to reduce any militia in the regiment where the same may be organized to the number of forty rank and file, or over, as they may think proper.

Militia companies in the 13th Brigade may be reduced.

Drill muster  
in the county  
of Smith, when  
held.

Sec. 6. Be it enacted, That the drill muster in the county of Smith shall hereafter be held on the Monday and Tuesday after the first Friday in September annually, and the drill muster for Wilson county on the Thursday and Friday after the first Friday in September annually.

JNO. H. CAMP,

*Speaker of the House of Representatives,*

W. HALL,

*Speaker of the Senate.*

December 4, 1827.

## CHAPTER CXXXVII.

*AN ACT* for the benefit of William Mays and others.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of East Tennessee, pay to William Mays the sum of twelve dollars thirty five cents, William M'Carver five dollars sixty one and a fourth cents, Richard Stablesfield twenty eight dollars sixty two and one half cents, and James Cleghorn the sum of five dollars thirty seven and one half cents the amount actually paid out by them for prison, fees, and expenses in bringing Lewis Welborn who was charged with the murder of Richard Hitson from Wilks county North Carolina to Claiborn county.

JNO. H. CAMP,

*Speaker of the House of Representatives,*

W. HALL,

*Speaker of the Senate.*

December 5, 1827.

## CHAPTER CXXXVIII.

*AN ACT* for the relief of Snowden Hickman of Wilson county.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for Snowden Hickman having heretofore

filed his petition in the circuit court of Wilson praying a divorce from his wife Milly Hickman, to hear and determine the same upon oral testimony, at the next term of said court, and upon oral proof being made if it should appear to said court, that his wife aforesaid hath absented herself from his bed, and board, for more than two years, and hath wholly refused to live with him without any consent, or collusion on the part of said Snowden Hickman, it shall be the duty of said court to dissolve the marriage contract between the said Snowden Hickman and his wife, the said Milly, provided that ten days notice may have been given to the said Milly Hickman (if within the county of Wilson) previous to said court, or such publication in some newspaper in this state for such a length of time as the court may have directed.

JNO. H. CAMP,

*Speaker of the House of Representatives,*

W. HALL,

*Speaker of the Senate.*

December 5, 1827.

## CHAPTER CXXXIX.

*AN ACT* to alter the names and legitimate the persons therein named.

*WHEREAS* it has been represented to this General Assembly, That Thomas Bradley of Wilson county, is charged with being the father of two illegitimate children, the sons of Susan Harpole, and being desirous of making them his lawful heirs—Wherefore

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That the names of said children are hereby altered, the name of the oldest son, to the name of James Allcorn Bradley, the other to the name of John Bradley, and they are hereby constituted the legal heirs, and joint heirs of the said Thomas Bradley, and are entitled to all the rights, and privileges, as if they had been born in lawful wedlock.

JNO. H. CAMP,

*Speaker of the House of Representatives,*

W. HALL,

*Speaker of the Senate.*

December 5, 1827.



## CHAPTER CXL.

AN ACT change the name of the town of Hardinsville in the county of Hardin to that of the town of Savannah, and for other purposes.

To be called Savannah.

SEC. 1. *Be it [enacted] by the general assembly of the state of Tennessee,* That the town of Hardinsville the present seat of justice in the county of Hardin shall hereafter be known, and called by the name of Savannah, and the commissioners heretofore appointed for the town of Hardinsville shall be known and called by the name of Commissioners of the town of Savannah, and have, exercise, and enjoy all the powers, rights and privileges heretofore granted to them by law.

Endowed with all the privileges of Hardinsville, relative to the town of Hardinsville.

SEC. 2. *Be it enacted.* That all process made returnable to Hardinsville, and all deeds, bonds, relinquishments, and all other instruments of writing executed, received, or given by the said commissioners, or other persons with reference to said town, shall be as good, and valid as if the name of said town had not been changed.

Duty of commissioners.

SEC. 3. *Be it enacted.* That it shall be the duty of the commissioners of the town of Savannah and they are hereby authorized, and empowered to sell upon a credit of twelve or eighteen months either by public or private sale, all that part of the old town of Hardinsville which has been or may hereafter be relinquished to them together with the public grounds and buildings thereon, and it shall be the duty of said Commissioners to make a title to the purchaser, or purchasers in fee simple, and the monies arising from said sale shall be applied to the building of a court house and jail in the town of Savannah.

Their power and duty.

SEC. 4. *Be it enacted.* That the Commissioners aforesaid may if they believe it to be for the interest of said county to reserve from sale the old jail and use the materials thereof in erecting a new jail in the town of Savannah and it shall also be lawful for said Commissioners, if any person or persons, has or may hereafter relinquish to said Commissioners, any lot, or lots with valuable improvements thereon to allow to said person or persons out of the proceeds of said sale, the value of said improvements, but the discretion hereby vested in said com-

missioners shall be exercised with a view to the best interest of said county.

SEC. 5. *Be it enacted.* That the commissioners of the town of Savannah shall in no case pay to the owner or owners of any lot, or lots in the old town of Hardinsville the first cost of his, her, or their respective lot or lots unless said owner or owners shall first relinquish to the said commissioners their title to said lot or lots, and in all cases where the owner or owners of said town lots shall refuse or neglect to relinquish to said commissioners as aforesaid said lot or lots, shall be subject to the same taxes as other town lots in this state.

Further authority.

SEC. 6. *Be it enacted.* That the relinquishment of any lot or lots to the said commissioners of the town of Savannah shall be good and valid without registration any law, usage, or custom to the contrary notwithstanding—and the town of Savannah, shall have all the rights, and privileges of the act incorporating the town of Hardinsville.

Relinquishment of lots in Savannah, valid without registration.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 5, 1827.

## CHAPTER CXLI.

AN ACT for the benefit of Abigail Nettles of the county of Jackson.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee,* That Abigail Nettles of Jackson county wife of Joseph Nettles have the privilege of making contracts in her own name, to sue and be sued, and have all the privileges of a feme sole; except the privilege of intermarrying with another person, and no property acquired by her shall be held, liable, or subject to the payment of any debt now owing from, or may hereafter be contracted by her said husband, Joseph Nettles.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CXLII.

AN ACT to amend an act passed in 1825 for the relief of Richard Gamble, an idiot of Sullivan county.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That it shall and may be lawful for any present or future guardian of said Richard Gamble to sell a negro woman slave Dinah, and her children on the best terms practicable, and appropriate the proceeds to the support and the taking care of said idiot.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CXLIII.

AN ACT for the relief of the heirs of John Groome.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That the Register of East Tennessee issue to the heirs of John Groome, a grant for seventy-five acres of land founded on part of commissioners warrant No. 385, and entry No. 1111 made in the 4th surveyors office, and dated 18th February 1812, provided it shall be made to appear to the Register that the entry is founded on a good and valid warrant, and that no other grant has issued for that part of said warrant, and when the grant shall be issued it shall be as good and valid, both in law and equity as if the warrant had been filed in the Register's office and the warrant is hereby declared to be fully satisfied.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CXLIV.

AN ACT to amend an act entitled, "an act to authorize the county court of Davidson to lay a tax for the purpose of building a court house."

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Andrew Hynes, Josiah Nichol, Nicholas B. Pryor, and Robert Weakly, be, and they are hereby appointed commissioners in addition, to those appointed by an act entitled "an act to authorize the county court of Davidson to lay a tax for the purpose of building a court house," passed at Murfreesboro' on the 9th of November 1825, and said commissioners shall have the same rights, authorities and privileges, as the commissioners appointed by the act to which this is an amendment, now have and possess.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CXLV.

AN ACT for the benefit of the estate of John Porter deceased.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the clerk of the county court of Williamson county, to grant special letters of administration on the estate of John Porter deceased, late of the county of Williamson, to any person applying for the same, and said person shall have power and authority, only by virtue of said special letters of administration, to sell and dispose of the stock of horses, hogs, and cattle, belonging to said estate, under the same rules, regulations, and restrictions, as administrators are now under by the laws of this state; which said special administration shall expire as soon as the county court of Williamson shall appoint an administrator, on said estate; provided

Clerk to grant special letters of Administration on his estate.

always, that before the said clerk shall grant letters of administration, under this act, he shall require of the person to whom the same may be granted bond with approved security payable to the chairman, of said county court, in double the amount of the value of the property which he is authorized to sell by this act, conditioned for the faithful discharge of the duties of said special administration, under this act, and conditioned that he will make a true inventory of the property he is hereby authorized to sell, at the next county court of said county, and that he will well and truly account for, and pay over to the administrator hereafter to be appointed by the court of said county all the property or proceeds of the sales, of the same to the said administrator, or executor, should there be a will.

Person appointed under this act, may sue & be sued.

Sec. 2. Be it enacted, That in case the next county court of Williamson, shall fail or refuse to appoint an administrator or executor on said estate, the person who may be appointed under this act, shall be liable to be sued, and shall be subject to the payment of the debts of said estate, for the amount he may get in his hands under this act, in the same manner, and under the same rules, regulations, and restrictions, as other administrators appointed by the laws of this state.

JNO. H. CAMP,

Speaker of the House of Representatives

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CXLV.

AN ACT for the relief of the heirs of Joseph Campbell deceased, and also, for the relief of John Harrison of Lincoln county.

Circuit court, upon certain proof, to issue writs with title to certain land.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the heirs of Joseph Campbell deceased, to present their petition to the next, or some subsequent term of the Lincoln circuit court, for the purpose of obtaining title to a certain tract of land

in Lincoln county containing about 195 acres on which said Campbell resided at the time of his death, and if it shall appear by the answer of the heirs of David Cowan, from whom in his lifetime, said tract was purchased, that the said David had sold said land to said Joseph, and that said Joseph had paid for the same, in whole, or in part, and that he had taken and held possession thereof in pursuance of said sale, or if said facts, (if not admitted by such answer) shall be proved to the satisfaction of said court to order and decree the title thereto to be divested out of said Davids heirs, and vested in those of the said Joseph according to the rules and principles in chancery as now practiced in such cases, on the payment of the balance, if any, due and owing for said land; the said decree to be made at the same term the petition shall be filed if practicable.

Sec. 2. Be it enacted, That it shall and may be lawful for the said John Harrison to file his petition in the same manner to obtain a title to a certain tract of land, purchased by said Harrison from the said David Cowan, containing about 45 acres, and if it shall be made appear, that said land was sold, and has been paid for in whole or in part, by the answer of the heirs of said Cowan, or by proof as above provided; it shall and may be lawful for such court by decree, to divest the title to said land out of the heirs of said Cowan, and vest the same in the said Harrison his heirs &c. according to the rules and principles in chancery as now practiced in such cases, and that said petition shall also be heard and determined at the same term the petition is presented if the same be practicable, provided, that before said decree be entered, the balance if any due for said land shall be paid by said Harrison, or secured to the satisfaction of the heirs of said Cowan.

John Harrison to have the same privilege &c.

Sec. 3. Be it enacted, That the widow of said Joseph Campbell shall be entitled to dower in said 195 acres in the same manner, as if the same had been regularly conveyed to her husband in his lifetime.

JNO. H. CAMP,

Speaker of the House of Representatives;

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CLXVII.

AN ACT requiring the collector, of the public revenue in Robertson county to pay over certain monies.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee,* That the collector of the public revenue in the county of Robertson for the year 1827, be, and he is hereby required to pay to the commissioners appointed, by law to superintend the building of the jail in the town of Springfield, the one half of the state tax, which by the act of 1825 he is directed to pay to the county trustee for county purposes, and the receipt of said commissioners shall be a good voucher for said collector and treasurer in the settlement of their accounts.

JNO. H. CAMP,

*Speaker of the House of Representatives*  
W. HALL,

*Speaker of the Senate.*

December 7, 1827.

## CHAPTER CLXVIII.

AN ACT for the benefit of the persons therein named.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That Banks M. Burrow, Robert Wood, Sterling Ogan, Daniel Beacroft, Thomas Vincent, Joshua Penn, and Edmond Jones, may lay off and survey fifty acres of vacant and unappropriated land unfit for cultivation at the camp ground now occupied by them in range 2, section 11th, 9th district, and have the same laid down on the general plan of said district, which shall not be subject to entry or appropriation by any person or persons whatsoever, until the right of soil in the western district shall be given by the United States to this state, and then it shall be subject to such disposition as the legislature may think proper.

SEC. 2. *Be it enacted,* That the persons aforesaid

Fifty acres  
allowed for a  
camp ground.

shall and may have the power to use any timber on said ground for the purpose of building a meeting house, camps, and other conveniences for religious worship.

Timber granted along with the land.

SEC. 3. *Be it enacted,* That Matthias Deberry, James Caldwell, John B. Brown, Ryland Chandler, Devereux Wynne, Gabriel Anderson, James H. Aubry, and Isaac Swan, trustees of Salem church in Madison county, shall have the power to lay off and survey sixteen acres of vacant and unappropriated land joining their camp ground and meeting house, and have the same laid down on the general plan of the ninth surveyors district, and when the same is so laid down, they shall be entitled to all the benefit and protection allowed to occupants and shall not be entered upon until otherwise provided for by law.

Sixteen acres in Madison granted with the like privileges.

JNO. H. CAMP,

*Speaker of the House of Representatives.*  
W. HALL,

*Speaker of the Senate.*

December 7, 1827.

## CHAPTER CLXIX.

AN ACT to alter the time of holding the battalion musters in the county of Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the first battalion of the 73d regiment of the militia of this state shall hold their muster on the fourth Thursday in March in each year; and the second battalion of the same regiment shall hold their muster on the Saturday next thereafter.

First Bat. of 73rd Regim't, when to hold their muster.

SEC. 2. *Be it enacted,* That the first battalion of the second regiment of the militia of said county, shall hold their muster, hereafter, on the third Thursday in April; and the second battalion of the same, shall hold their muster on the Saturday next thereafter, any law to the contrary notwithstanding.

First Bat. 2d Regim't when to muster

JNO. H. CAMP,

*Speaker of the House of Representatives.*  
W. HALL,

*Speaker of the Senate.*

December 7, 1827.



## CHAPTER CLJ

AN ACT authorizing the circuit courts to divorce the persons therein named.

Proceedings  
for the divorce  
of Nancy Creacy.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for Nancy Creacy of the county of Williamson, by her next friend, to file her petition before the next circuit court to be holden for the county aforesaid, praying to be divorced from her husband John Creacy, and it shall be the duty of the court to hear and determine the same at the same term upon oral testimony, and if upon proof being made, it should appear to said court that her said husband has absented himself from her, or has wholly and neglected to extend protection and support to her for the term of three years, it shall be the duty of said court to dissolve the marriage contract now existing between the said Nancy Creacy and John Creacy provided ten days notice shall be given to the said John previous to the sitting of said court, that said petition will be so filed, or proof be made that he evades the service of notice.

Act extended  
for the benefit  
of Mary Martin.

SEC. 2. *Be it enacted*, That the provisions of the foregoing act shall extend to Mary Martin of Williamson county, wife of Samuel N. Martin, and that it shall be lawful for said court at the first term to decree a divorce from the bonds of wedlock, to said Mary Martin from her husband, Samuel N. Martin, upon evidence being produced to said court that her said husband has, since the marriage contract, violated the same by any act or acts of adultery.

To Martha  
M. Williams.

SEC. 3. *Be it enacted*, That Martha M. Williams wife of Harrison Williams, may proceed in the circuit court of Rutherford county to apply for a divorce from her said husband in the manner pointed out in the foregoing sections of this act, and the benefits of the same are hereby extended to her; and it shall be lawful for the said court at its first term, to decree her a divorce from the bonds of wedlock, on satisfactory proof being made, that her said husband has personally abused and chastised her, and has wholly ceased to extend support and protection to her.

SEC. 4. *Be it enacted*, That it may be lawful for William Hickman to file his petition for a divorce from his wife Polly, before Giles circuit court, and on proof made to the satisfaction of said court, that said Polly has deserted the bed and board of said William Hickman without any just cause, and eloped from the county of Giles with another man, to decree a divorce from the bonds of matrimony existing between the parties, at the same term said petition may be filed without publication, or personal notice, unless it should appear to said court that said Polly has some known residence in this state, and in that event ten days notice shall have been given.

To Wm Hickman.

SEC. 5. *Be it enacted*, That it shall and may be lawful for Ann Swisher of the county of Williamson by her next friend to file her petition before the next circuit court to be holden for the county aforesaid, praying to be divorced from her husband Michael Swisher; and it shall be the duty of the court to hear and determine the same at the same term upon oral testimony, and if upon proof being made it should appear to said court that her said husband has absented himself from her, or has wholly failed and neglected to extend protection and support to her, it shall be the duty of said court to dissolve the marriage contract now existing between the said Ann Swisher and Michael Swisher, provided, ten days notice shall be given to the said Michael previous to the sitting of said court, that said petition will be so filed, or proof be made that he evades, or has absconded, so that notice cannot be served upon him.

To Ann Swisher.

SEC. 6. *Be it enacted*, That it shall and may be lawful for the circuit court of Wayne county at the first court at which a petition may be filed for that purpose, or at any subsequent term thereof, to decree a divorce from the bonds of matrimony now existing between Miranda Mahon and her husband Henry Mahon, upon its being made to appear to said court that said Henry Mahon has since the marriage been guilty of violating his marriage vow by any act or acts of adultery; and that no notice or publication previous to such application for a divorce shall be required; provided; it be shewn that said Henry Mahon has left the state of Tennessee, and gone to some other state, or to parts unknown.

To Miranda Mahon.

To Aurelia  
Formwalt.

Sec. 7 Be it enacted, That it shall and may be lawful for Aurelia Formwalt by her next friend to file her petition before the next circuit court to be holden for the county of Giles praying to be divorced from her husband, John B. Formwalt, and it shall be the duty of the court to hear and determine the same, at the term at which the same shall be filed upon oral testimony, and if upon proof being made, it shall appear to said court that her husband has abandoned her, and has failed and neglected to extend protection and support to his said wife, it shall be the duty of said court to dissolve the marriage contract now existing between the said Aurelia Formwalt and her said husband, John B. Formwalt, provided ten days notice shall be given to the said John B. previous to the sitting of said court, or proof made that said notice was left at his usual place of residence, or proof made that said John B. is not a resident of this state.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CLI.

### AN ACT for the relief of Benjamin Bond.

**WHEREAS** on the 18th day of November 1820, John Brown, purchased the south east quarter of section No. 220, in fractional township number three, range number four west, in the Hiwassee district, containing one hundred and sixty acres for the price of two dollars per acre, for which he paid in hand to the treasurer of East Tennessee, the sum of eighty dollars, the one fourth of the purchase money, the balance remaining payable according to the terms of the said sale: and whereas the said John Brown on the 23d of November 1820, transferred his certificate of purchase of said land to Robert Gamble, and the said Robert Gamble on the 21st day of February 1821, transferred said certificate to Benjamin Bond on which certificate is endorsed

a credit of nineteen dollars and twenty cents, the amount of interest due on said certificate, up to the 18th day of November 1825 and whereas at the July term 1827 of the Supreme court of Errors and Appeals at Knoxville, an Indian reservee Lewis Ross, recovered a part of the said land of the said Benjamin Bond together with the sum of thirty nine dollars and thirty six cents, the costs of suit. Therefore,

Be it enacted by the general assembly of the state of Tennessee, That the treasurer of East Tennessee pay to Benjamin Bond the proportion of the aforesaid several sums of money paid to the state on said certificate according to the number of acres recovered of said Bond as aforesaid by virtue of said reservation, which number of acres recovered as aforesaid shall be ascertained by John Locke clerk of the circuit of Rhea county, whose certificate of interference shall be produced to the treasurer aforesaid, who shall after ascertaining the sum due said Bond, pay the same together with legal interest upon such sum from the time the same was paid to the state up to the period of reimbursement. Also the aforesaid sum of thirty nine dollars six and a fourth cents the cost of suit, together with the sum of twenty five dollars each to Thomas L. Williams, and James C. Mitchell for defending said suit as counsel in the circuit and supreme courts. And also the like sum of twenty five dollars as compensation for said Bond's trouble and expense in attending to, and defending said suit, and the several receipts of the same shall be a good voucher for said treasurer in the settlement of his accounts.

Be it enacted the treasurer of East Tennessee pay to Allen D. Gentry the sum of fifty dollars by him paid to counsel to defend his claim of land bought of the state, against the claim of Bold Hunter an Indian reservee, and his receipt shall be a good voucher in the settlements of his accounts.

To pay over  
to Allen D.  
Gentry fifty  
dollars.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CLII.

AN ACT for the benefit of the clerk of the circuit court of Smith county, and the register of the western district.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Hart clerk of the circuit court in the county of Smith shall be allowed to keep his office at his residence near the town of Carthage in the county of Smith.

Sec. 2. *Be it enacted*, That the register of the western district, shall be permitted to keep his office at his own house which is not more than three hundred yards from Jackson.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 7, 1827.

## CHAPTER CLIII.

AN ACT to change the time of holding certain battalion and regimental musters of Tennessee militia.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*. That the first battalion of the 23d regiment of Tennessee militia shall hold a battalion muster on the last Saturday in march and the second battalion of said regiment on the first Saturday in April any law to the contrary notwithstanding.

Sec. 2. *Be it enacted*, That the militia of Blount county which compose the 105th regiment shall hold regimental musters on the fourth Thursday in October annually, & the first battalion of said regiment, shall hold their battalion muster on the third, and the second battalion, on the fourth Friday in April in each and every year.

Sec. 3. *Be it enacted*, That the 67th Regiment of militia, in the county of Monroe, shall hold their regimental muster on the Thursday immediately preceding the first Saturday in October annually,

1st battalion  
23d regiment  
when to hold  
batt. muster.

105th reg't  
when to hold  
regim'tal mus-  
ter.

under the same rules and regulations, as heretofore pointed out by law.

Sec. 4. *Be it enacted*, That the new regiment in the county of Humphries, and the new regiment in Perry county, shall be numbered in their proper numerical numbers by the Governor, upon the certificates of the Sheriffs of said counties, in issuing commissions to the field officers of said regiments, as in other cases.

New regim'ts  
to be number-  
ed.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

## CHAPTER CLIV.

AN ACT for the relief of certain purchasers of lands in the Hiwassee District.

*WHEREAS* it is represented to this general assembly that Bold Hunter a Cherokee Indian obtained a life estate reservation for six hundred and forty acres of land in the Hiwassee District under the treaties of 1817, and 1819, made between the United States and the Cherokee nation, with reservation to his heirs under the stipulations in said treaties mentioned, and whereas it is represented, that said land or a part thereof has been sold by the State of Tennessee and part of the purchase money has been paid into the Treasury, and that suits have been instituted against said purchasers or those claiming under them, by the said Bold Hunter, and the lands aforesaid have been recovered, and said purchasers or those claiming under them have been evicted, and turned out of possession by the superior title of the said Cherokee Indian, to remedy said grievance.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*. That Thomas J. Campbell be, and he is hereby appointed a commissioner on the part of this state who is hereby authorized to send for persons, and papers, and examine witnesses and after a full investigation into all the facts

Commissioner  
appointed this  
duty.

relative to said claims, and recoveries he is to report the truth of the case, more especially, whether the claim of the said Bold Hunter, is a good, and valid claim under the said treaties, and whether the facts stated in the above preamble be true, and whether said suits were instituted, and recoveries had against the consent and wishes, of said purchasers, and without any fraud or collusion, between him, and said purchasers, or those claiming under them, also he shall report if said purchasers, or those claiming under them have bought the interest of the said Bold Hunter in the lands respectively by them purchased from the state, and how much has been paid for each purchase and such report, when so made shall be returned to the Treasurer, of East Tennessee, and if said commissioner shall report in favor of the claims and that the same, or any of them ought to be paid, the said Treasurer thereupon, shall pay the purchasers from the state, or those claiming under them, the amounts respectively paid the state with interest thereon, and also eighteen dollars, fourteen cents costs of suit, and such report, and receipt, of the purchasers, or those claiming under them shall be a good voucher to the Treasurer.

Conditions on which the Treasurer of E. Tennessee may refuse to purchasers of Indian lands.

Sec. 2. Be it enacted, That it shall not be lawful for the Treasurer of East Tennessee to refund to any purchaser, or enterer of lands in the Hiwassee District, any monies under the provisions of any act of this general assembly until the purchaser, or enterer will file a relinquishment to the state of all title or claim which they may have derived, by the purchase, or entry, of the land so claimed by referees, together with a relinquishment of all title, or claim, which they may have in any way otherwise acquired for said lands previous to the termination of said causes, and also make oath, that he or they have not previously conveyed the said lands to any other person, or persons, whatever.

Entry on relinquished lands void.

Sec. 3. Be it enacted, That it shall not be lawful for any person, or persons to enter any of said lands so relinquished, and if any entry is made of said lands the same shall be null and void.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

## CHAPTER CLV.

AN ACT for the relief of Martha Callis wife of Abel Callis.

Sec. 1. Be it enacted by the general assembly of the state of Tennessee, That hereafter Martha Callis of Wilson county, and wife of Abel Callis, be and she is hereby authorized to have and to hold real and personal property in her own name to sue, and be sued in her own name, and in all respects act as a feme sole except intermarrying, and all property which she may hereafter acquire, by descent, gift, purchase, or otherwise, shall not be liable in any manner whatever, to the payment of the debts of her said husband, nor subject to his control in any way and that Meberry Rutlin wife of Redick Rutlin of Wilson county shall be entitled to the same privileges, and that Isabella Jackson of the county of Greene shall be entitled to the same privileges.

JNO. H. CAMP,

Speaker of the House of Representatives

W. HALL,

Speaker of the Senate,

December 8, 1827.

## CHAPTER CLVI.

AN ACT to establish a Female Academy at Bolivar, in the county of Hardeman.

Sec. 1. Be it enacted by the general assembly of the state of Tennessee, That Edmund R. Aderson, Thomas Simmons, J. C. N. Robertson, James Rufin, Josiah Ratty, Robert Rivers, Wiley B. Peck, Adam R. Alexander and Peter Miller, be, and they are hereby constituted a body politic and corporate, by the name of the Female Academy at Bolivar, and by that name shall have succession for fifty years, and a common seal; and the said Trustees, and their successors by the name aforesaid, shall be capable in law to purchase, receive, and hold to themselves and their successors for the term aforesaid, any goods, chattels, lands or tenements, not

Trustees appointed.



to exceed in value thirty thousand dollars, which shall be given, granted, devised, or purchased by them for the use of said Academy, and to use and dispose of the same, in such manner as to them shall seem most advantageous to said Academy; and said Trustees, and their successors, by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

Sec. 2. *Be it enacted*, That said Trustees or their successors shall have power to hold a meeting, whenever convened by any two of said Trustees, at any place they may appoint, but not less than five members shall constitute a board, and said board, when convened, may appoint a President, Secretary and Treasurer, and may from time to time fill all vacancies that may occur; and said board shall have full power to make and pass all necessary by-laws, for the police, government and regulation of said Academy: Provided the same are not inconsistent with the laws of this state.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

## CHAPTER CLVII.

AN ACT granting a resurvey of Overton county and for other purposes.

Overton c'ty  
to be re-sur-  
veyed.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That William Gajbraith of Jackson county, be, and he is hereby appointed to resurvey, and cause to be measured, the limits of Overton county, so as to accurately ascertain the number of square miles, contained therein.

Duty of sur-  
veyor.

Sec. 2. *Be it enacted*, That if there is not the constitutional number, of square miles in said county, the surveyor is hereby authorized, to continue east with the state line, so far by running south, parallel with the east boundary line of Jackson county, until it intersects the Morgan county line, thence south twenty-three, and three fourth de-

gress, west to Johnson's stand, ss. will leave O. Overton near constant said limits.

Sec. 3. *Be it enacted*, That the surveyor shall begin at Johnston's stand, on the old Cumberland road running west of said road (the line now existing between Jackson and White counties) until it intersects the Jackson county line thence north with the same to the Kentucky state line, thence east with the state line as directed, by the second section of this act.

Where to  
begin.

Sec. 4. *Be it enacted*, That the surveyor by this act appointed shall file with the county court of Overton county, three fair plats of the survey of said county, showing therein the distances to all the principle water courses and other places of notoriety on said line, and shall also ascertain by actual survey the center of said county, and designate the place of the same, one of which plats shall be considered a part of the records of said county, and the other for the use of the commissioners hereinafter appointed.

To file plats  
with county  
court of O.  
verton.

Sec. 5. *Be it enacted*, That the chain carriers, necessary in measuring the lines of said county, shall be disinterested persons from the counties of White, or Jackson.

Chain carriers  
to be disin-  
terested per-  
sons.

Sec. 6. *Be it enacted*, That the survey aforesaid shall be made, and completed, on or before the first day of July 1828.

Survey what  
time to be  
completed.

Sec. 7. *Be it enacted*, That Anthony Diberl of White county, Amos Kirkpatrick, and William Scanland of Jackson county be, and they are hereby appointed commissioners whose duty it shall be to examine said central point in Overton county, if it be a suitable place for a town, having respect to a sufficiency of water, and if it be a suitable place report the same to the county court of Overton, and if the central point be not a suitable place for a town, said commissioners shall examine the nearest eligible site to said central point, and report the same as aforesaid.

Commission-  
ers, their duty

Sec. 8. *Be it enacted*, That the county court of Overton county at the first term after the reception of the reports aforesaid, shall direct the Sheriff to hold an election, two days in succession, at the several places of voting in said county for members of congress, Governor and members of the assembly, and have the same advertised in each Captain's

county court  
Overton—  
duty.

company thirty days previous to the election, and the court shall appoint three respectable persons for Judges at each of the elections, or places of voting—and each person living in the county, entitled to vote for members of the general assembly of this state, shall be permitted to vote for the seat of Justice, prescribing where it is, or removal of the same to the place designated by the commissioners appointed by this act, as he or they may think proper.

Elections,  
how to be con-  
ducted.

Sec. 9. *Be it enacted*, That the said elections shall be conducted, under the same rules, regulations and restrictions as other general elections, and the Sheriff shall report the statement of the polls, of said election to the county court, and if upon counting out the votes, and properly comparing them, a majority of the votes of said county shall be in favor of continuing the seat of justice where it now is, it shall remain at Monroe; and if a majority of twenty-five votes of said county shall be in favor of removing the seat of justice the county court of Overton, a majority of the Justices of the peace being present shall thereupon appoint seven commissioners whose duty it shall be to proceed to lay off a county town, at the place designated, and fixed upon by the commissioners appointed in the seventh section of this act first having procured from any person, or persons who may own the land where the site is settled, a good, and sufficient title to forty acres of land for that purpose.

Commissioners  
to divide  
ties in two  
newspapers.

Sec. 10. *Be it enacted*, That when the town shall be so laid off the said commissioners shall advertise in two public newspapers, the time, and place of the sale of the town lots which notice, and advertisement, shall be thirty days before the sale shall take place, and they shall proceed to sell the said town lots, at twelve months credit, taking bond and security, of the purchasers, and they shall make a deed in fee simple for the said lots when sold, which deeds shall be executed by at least a majority of said commissioners.

Sec. 11. *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, and the money arising from the sale of said lots shall be appropriated to that purpose, after paying for the

land purchased for said town and if the money arising from the sale of the said lots is insufficient to pay for the land, and also for the court house, prison and stocks, it shall and may be lawful for the county court of said county of Overton a majority of the Justices being present to lay a county tax, on every description of taxable property in their county, not exceeding the state tax, which may be continued from year to year until a sufficient sum is collected to answer the purposes intended, and which tax shall be collected by the sheriff of Overton county, under the same rules, regulations &c. as he is bound to collect other taxes, and public dues, and shall receive the same fee, and said monies when so collected, shall be paid by said sheriff to said commissioners, and upon failure thereof he shall be liable to judgment upon motion, at the instance of the commissioners, in the same manner as judgments are taken against him in other cases.

Sec. 12. *Be it enacted*, That before said commissioners, shall proceed on the duties of their appointment, they shall enter into bond, to the Governor and his successors in office in the sum of five thousand dollars, conditioning for the faithful performance of the duties of their office which bond shall be filed with the clerk of the county court, and be by him recorded.

Commissioners  
to enter in  
to bond for  
the faithful  
performance  
of their duty.

Sec. 13. *Be it enacted*, That the commissioners appointed by the county court of Overton, as here- in directed shall proceed to carry this act into execution, or so much thereof as relates to the duties assigned to them, and a majority of them shall be competent at all times to transact business and before entering upon the duties of their appointment, they shall take, an oath, or affirmation that they will, well and truly discharge, the duties required of them, to the best of their skill, and judgment.

Majority of  
commissioners,  
to transact busi-  
ness.

Sec. 14. *Be it enacted*, That in case, of death, resignation, or removal of any of said commissioners or if any of them shall, refuse to act it shall and may be lawful, for the county court of Overton to fill up such vacancy and when so appointed and sworn they shall be as competent to act, as if they had been first appointed.

County court  
to fill vacan-  
cy.

Sec. 15. *Be it enacted*, That said commissioners shall appoint one of their own body, as chair-

Comm. to ap-  
point one of  
their own body  
as chairman.

man of said commissioners, and shall take all notes, bonds, &c. in his own name as chairman aforesaid.

*Compensation of the surveyor & chain carriers.*  
 Sec. 16. *Be it enacted*, That the surveyors, and chain carriers, appointed by this act shall receive the following compensation to wit: the surveyor, two dollars and fifty cents per day, and the chain carriers one dollar per day the commissioners shall receive such compensation as may be allowed by the county court of Overton county.

*Court to be adjourned to new Court House, when finished.*  
 Sec. 17. *Be it enacted*, That when the court house shall be erected and received by said commissioners, as contemplated by this act, the Justices of the county court for said county of Overton, shall adjourn said court and all the proceedings therein, to the same.

*Survey to be made on mathematical principles.*  
 Sec. 18. *Be it enacted*, That said surveyor shall run out said county horizontally, according to the principles of mathematics, and if the surveyor appointed by this act shall fail or refuse, to run the same the judge of the said circuit shall either in or out of term time, appoint some skillful surveyor, not a citizen of said county to run the same according to this act.

*Town shall be called Macon.*  
 Sec. 19. *Be it enacted*, That the town to be laid off for the seat of justice as herein provided for, shall be known, and called Macon in honor of the honorable Nathaniel Macon.

*No person to vote more than once in said election.*  
 Sec. 20. *Be it enacted*, That no person shall vote in said election but once, and if any person shall vote twice, or at more than one precinct the said person or persons, shall forfeit, and pay the sum of two hundred dollars to be recovered by action of debt, by any person who will sue for the same before any jurisdictions having cognisance thereof.

*County court to defray the expense said survey.*  
 Sec. 21. *Be it enacted*, That the expense of making the survey as contemplated by this act shall be paid by the county court of Overton county.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 8, 1827.

## CHAPTER CLVIII.

### AN ACT for the relief William Lawrence.

Sec. 1. *Be it enacted by the General Assembly the State of Tennessee*, That the Register of the Western District is hereby authorized to issue a grant to William Lawrence upon entry No. 980, dated 6th of May 1826, in the name of Asa Hill; provided nevertheless, said Lawrence shall produce to said Register the deed of conveyance, or a copy thereof from the Register's office of Shelby county from said Hill to said Lawrence, and provided also, that he produce the transfer on the plat and certificate, and prove the same by one witness, before said Register, which said papers shall be filed in the office of said Register, any law to the contrary notwithstanding.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 8, 1827.

## CHAPTER CLIX.

AN ACT to authorize lotteries for the purpose of opening and improving the navigation of Stones river, and to build a bridge across Red river.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*, That Glover W. Banton, Butwell Perry, Elisha Sandow, Thomas Shaw, Theophilus Sharp, Isiah Earle, Samuel Watkins, John Hooper, William Alford, Henry Ridley, John McGriger, John Knight, Lewis Watkins, William Lannum Robert Freeman, John Martin, Brooking Burnett, William P. King, Edward Gregory, William Bouman, William Sneed Robert L. Weakley, John M. Sharp, Moses Ridley, David Wendle, James C. Moore, George A. Hublitt, William W. Scarcey, James Martin, John C. Clements, Osa Cantrell, John Parks, Baker Wraether, William H. Smith, Isaac Sanders, Joel H. Barton, Moses G. Beavers, Absalom Gleaves, James Ridly, William Stewart, Joseph Kimbro, James Sharp, Con-

*Manager to draft scheme.*

slant Hardiman, Matthew M'Lanahan, Edwin Sharp, Samael P. Black, Robert Jetton, Samuel Anderson, William Robb and Russell Deace--be, and they are hereby authorized, or a majority of them to draft, a scheme of a lottery, and superintend the drawing of the same for the purpose of raising thirty thousand dollars, to be employed in removing the obstructions to the navigation of Stones river, from the junction of the east, and west forks, of said river, at Jefferson in Rutherford county, to its confluence with Cumberland river.

Their power  
and authority

Sec. 2. *Be it enacted*, That the before named commissioners, or a majority of them, are hereby authorized to appoint, an agent or agents to sell the tickets of said lottery, and to do such other things, touching the same, as he may be authorized by them to do, which agent or agents before they shall be authorized to act in any manner touching the same, shall enter into bond with two, or more good and sufficient securities, to be approved of by a majority of said commissioners, and in such penalties, as may deemed sufficient by them for the faithful performance of all duties, incident to or growing out said trust, which bond shall be taken in the name of the chairman of said commissioners, and his successors in office, which the said commissioners are hereby authorized to appoint.

Their duty.

Sec. 3. *Be it enacted*, That said commissioners or a majority of them, shall class said lottery into not less than four classes, and as soon as five thousand dollars shall be raised from said lottery, then they shall commence removing the obstructions to the navigation of said river, beginning at such point as may be agreed upon by a majority of said commissioners.

To appoint  
an Engineer,  
his duty.

Sec. 4. *Be it enacted*, That said commissioners or a majority of them, before they shall proceed to remove the obstructions in said river, shall appoint some skilful engineer, to examine and survey said river, within the bounds before designated, then they shall be, after having surveyed, and examined, said river to make out a draft of said survey for said commissioners with such notes, and observations, as said engineer shall deem it expedient to make, and also to report, the probable amount, of money it will cost, to remove said ob-

structions, which report shall be kept among the valuable papers of said commissioners who shall at all times keep a complete record of their proceedings.

Sec. 5. *Be it enacted*, That a majority of said commissioners are hereby authorized to appoint a board of managers to consist of ten members of their own body to contract with undertakers for the removing obstructions to said navigation and to do all things growing out of said undertaking.

And a board  
of managers,  
their duty.

Sec. 6. *Be it enacted*, That said commissioners shall appoint a Treasurer, who shall receive and keep possession of all the funds which may be raised by said lottery, but before he enters upon the duties of his appointment, he shall enter into bond, with such security, and in such sum as may be designated by said commissioners, which bond shall be taken in the name of the chairman of said commissioners, and his successors in office, but no money shall be paid out by said Treasurer except by order of the board of accounts, who shall be appointed by said commissioners, or a majority of them, and also allowed by the chairman of said board of managers.

And a Treas-  
urer, his duty.

Sec. 7. *Be it enacted*, That the chairman of said board of commissioners, shall exhibit to the legislature at each session thereof, a statement of the progress, they have made in removing said obstructions, the money they have expended, accompanied with such observations, as he may deem it expedient to make.

Statement to  
be exhibited  
at each session  
of the Legis-  
lature.

Sec. 8. *Be it enacted*, That when a vacancy shall happen in said board of commissioners, either by non-acceptance, death, or resignation, it shall be the duty of said commissioners, or a majority of them to fill said vacancies as soon as they may occur.

May fill va-  
cancies.

Sec. 9. *Be it enacted*, That if said commissioners shall fail to commence the drawing of said lottery within the term of five years from the passage of this act, they shall on the application of the holders of the tickets, refund the amount of money paid by them respectively, and upon failure to do so, may be sued, and a recovery had before any tribunal having cognizance thereof.

To refund  
the price of  
tickets, unless  
lottery drawn  
in five years.

Sec. 10. *Be it enacted*, That before said commissioners shall proceed to sell, said tickets, the



stant Hardiman, Matthew M'Lanahan, Edwin Sharp, Samsel P. Black, Robert Jetton, Samuel Anderson, William Robb and Russell Dance—be, and they are hereby authorized, or a majority of them to draft, a scheme of a lottery, and superintend the drawing of the same for the purpose of raising thirty thousand dollars, to be employed in removing the obstructions to the navigation of Stones river, from the junction of the east, and west forks, of said river, at Jefferson in Rutherford county, to its confluence with Cumberland river.

Their power  
and authority

SEC. 2. *Be it enacted*, That the before named commissioners, or a majority of them, are hereby authorized to appoint, an agent or agents to sell the tickets of said lottery, and to do such other things, touching the same, as he may be authorized by them to do, which agent or agents before they shall be authorized to act in any manner touching the same, shall enter into bond with two, or more good and sufficient securities, to be approved of by a majority of said commissioners, and in such penalties, as may deemed sufficient by them for the faithful performance of all duties, incident to or growing out said trust, which bond shall be taken in the name of the chairman of said commissioners, and his successors in office, which the said commissioners are hereby authorized to appoint.

Their duty.

SEC. 3. *Be it enacted*, That said commissioners or a majority of them, shall class said lottery into not less than four classes, and as soon as five thousand dollars shall be raised from said lottery, then they shall commence removing the obstructions to the navigation of said river, beginning at such point as may be agreed upon by a majority of said commissioners.

To appoint  
an Engineer,  
his duty.

SEC. 4. *Be it enacted*, That said commissioners or a majority of them, before they shall proceed to remove the obstructions in said river, shall appoint some skillful engineer, to examine and survey said river, within the bounds before designated, whose duty it shall be, after having surveyed, and examined, said river to make out a draft of said survey for said commissioners with such notes, and observations, as said engineer shall deem it expedient to make, and also to report, the probable amount, of money it will cost, to remove said ob-

structions, which report shall be kept among the valuable papers of said commissioners who shall at all times keep a complete record of their proceedings.

SEC. 5. *Be it enacted*, That a majority of said commissioners are hereby authorized to appoint a board of managers to consist of ten members of their own body to contract with undertakers for the removing obstructions to said navigation and to do all things growing out of said undertaking.

And a board  
of managers,  
their duty.

SEC. 6. *Be it enacted*, That said commissioners shall appoint a Treasurer, who shall receive and keep possession of all the funds which may be raised by said lottery, but before he enters upon the duties of his appointment, he shall enter into bond, with such security, and in such sum as may be designated by said commissioners, which bond shall be taken in the name of the chairman of said commissioners, and his successors in office, but no money shall be paid out by said Treasurer except by order of the board of accounts, who shall be appointed by said commissioners, or a majority of them, and also allowed by the chairman of said board of managers.

And a Treas-  
urer, his duty.

SEC. 7. *Be it enacted*, That the chairman of said board of commissioners, shall exhibit to the legislature at each session thereof, a statement of the progress, they have made in removing said obstructions, the money they have expended, accompanied with such observations, as he may deem it expedient to make.

Statement to  
be exhibited  
at each session  
of the Legis-  
lature.

SEC. 8. *Be it enacted*, That when a vacancy shall happen in said board of commissioners, either by non-acceptance, death, or resignation, it shall be the duty of said commissioners, or a majority of them to fill said vacancies as soon as they may occur.

May fill va-  
cancies.

SEC. 9. *Be it enacted*, That if said commissioners shall fail to commence the drawing of said lottery within the term of five years from the passage of this act, they shall on the application of the holders of the tickets, refund the amount of money paid by them respectively, and upon failure to do so, may be sued, and a recovery had before any tribunal having cognisance thereof.

To refund  
the price of  
tickets, unless  
lottery drawn  
in five years.

SEC. 10. *Be it enacted*, That before said commissioners shall proceed to sell, said tickets, the

Managers to  
give bond and  
security.

board of managers to be appointed under this act shall give bond and security to be approved of by the county court of Rutherford payable to the governor for the time being, and his successors in office in the penalty of sixty thousand dollars conditioned for the faithful appropriation of the money that may be raised under this act, and also conditioned for the payment to the persons entitled thereto, of all prizes which may be drawn in the said lottery, and also conditioned to refund to the holders of any tickets which may be sold all monies which may have been paid for said tickets, should said lottery be not drawn.

How to proceed  
against  
managers in  
case of failure  
to draw.

SEC. 11. Be it enacted, That should the said lottery be not drawn for the term of five years after the passage of this act it shall and may be lawful for any person, who may have purchased tickets, to recover from said managers and their securities, the amount paid for tickets, by motion, on giving to any one of them, ten days notice thereof.

Managers for  
building a  
bridge over  
Red River.

SEC. 12. Be it enacted, That Thomas W. Atkinson, William T. Gray, James McClure, Andrew Vance, Joshua Elder, C. H. P. Marr, Edmund Barker, Isaac Dennerson and Hugh McClure, shall and are hereby constituted, and appointed commissioners for the purpose of drafting a scheme and to raise by subscription or lottery, a sum not exceeding twenty thousand dollars for the purpose of building a bridge over red river within one mile of the mouth of said river.

Restrictions  
on.

SEC. 13. Be it enacted, that said commissioners shall be bound by the same rules, be under similar restrictions, like penalties, privileges, and powers to raise money by lottery, to take bonds to digest a plan of a bridge, to superintend the building thereof to contract therefor, and to possess any, and all the powers necessary to raise the money and erect said bridge, that the commissioners in the several sections of this act, have to raise money, and clear out and remove the obstructions in Stone river.

Additional  
commissioners.

SEC. 14. Be it enacted, That Robert Cox, Nicholas E. Oldham, and Simon Doyle, be and they are hereby appointed, commissioners in addition to the commissioners appointed by an act entitled an act to encourage domestic manufactures passed December 9th 1826, and that they have

and possess all the powers vested in the former commissioners by said act.

JNO. H. CAMP,  
Speaker of the House of Representatives  
W. HALL,  
Speaker of the Senate

December 5, 1827.

## CHAPTER CLX.

AN ACT to establish a precinct election in the counties of Carter, and White.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That in all elections in future to be holden in the county of Carter for the purpose of electing, governor, members of Congress, and members of the state legislature, it shall be the duty of the sheriff of said county to open, and hold said elections at the house of ——— Snider in addition to the places now prescribed by law for holding elections in said county, under the same, rules, regulations, and restrictions as are prescribed by law for the holding elections elsewhere.

New precinct  
established at  
—— Snider.

SEC. 2. Be it enacted, That precinct elections are hereby established at the following places in the county of White, to wit: in the town of Milledgeville, at the houses of Robert Cook, Hunter's mill on falling water, James Davis', ——— Smiths, Brown's mill, Bluford Warren's on Cumberland mountains, and at the former precinct on the road leading up the calf killer.

Further pre-  
cincts estab-  
lished.

SEC. 3. Be it enacted, That said elections, shall be opened, held, conducted, and closed, under the same rules, regulations, and restrictions, that other general elections are required by law to be holden, and the return of the votes taken at said precinct elections shall be made on the day succeeding the days of elections to the sheriff in the town of Sparta to be by him compared as in other cases of precinct elections.

SEC. 4. Be it enacted, That nothing herein contained shall be so construed as to prevent the county court of White from establishing such other precinct elections as they may deem necessary

County ct. of  
White may es-  
tablish other  
precincts.

and to remove such as are herein established to any other place not exceeding three miles.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 6, 1827.

### CHAPTER CLXI.

AN ACT to appoint a trustee for Dover Academy.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Johnson be appointed a trustee for Dover academy in the county of Stewart.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

### CHAPTER CLXII.

AN ACT to authorize the volunteer rifle company in the county of Rhea, called the Washington Guards to form, and constitute, themselves into a company of cavalry.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee,* That the volunteer rifle company in the county of Rhea, and town of Washington, called the Washington guards, may and they are hereby authorized to dissolve their present association and to constitute, and unite themselves into a volunteer company of cavalry and after such association they shall be entitled to all the privileges and immunities that the said Washington guards are now entitled to by law, and subject to, and under the control, and command of the officers that now command the said company.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

### CHAPTER CLXIII.

AN ACT for the relief of J. Field.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That so much of the property of Jeremiah Field in the town of Franklin as is used as a farm except one acre including the improvements thereon shall not be subject to pay tax to the corporation of the town of Franklin.

Not to pay tax for specified property.

SEC. 2. *Be it enacted,* That no other privilege shall be extended to the said Field, and that he be, and all his other property except that above mentioned, shall pay the same tax, and be subject and governed by all the laws, and ordinances as other citizens of said town.

No other privileges to be extended in respect to said property.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

### CHAPTER CLXIV.

AN ACT respecting a volunteer company of militia in the county of Rutherford denominated the guards of the 53d regiment.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the volunteer company called the guards of the 53d regiment in the county of Rutherford now commanded by captain William F. Ready shall continue subject to all the duties of the militia in said regiment, entitled to all the privileges, of the militia under the existing laws with this exception, that they shall not be compelled to attend regimental, and battalion musters, or courts martial.

Not compelled to attend regimental, Battalion musters or of martial.

SEC. 2. *Be it enacted,* That said company may be composed of the number of forty privates and not more than one hundred privates, and that any person subject to militia duty, in Rutherford county shall be authorized to become a member of said company, and upon the production of a certificate, of the captain of said company,

Not to consist of more than 100 privates or less than 40.

that such militiaman has been admitted a member of said company he shall thereafter be exempt from militia duty in the company or regiment, in which he may reside, so long as he may remain a member of said company.

Officers may  
assess fines. SEC. 3. *Be it enacted*, That the officers of the said company may assess fines under their own by-laws, and regulations, and such fines when collected, shall be for the exclusive benefit of said company.

May change  
its name. SEC. 4. *Be it enacted*, That said company may change their name, and may assume, any such title or name, as a majority may agree on provided, that no militia company shall be reduced below the number of forty five rank, and file, by enrolments for said volunteer company.

Repealing  
Act. SEC. 5. *Be it enacted*, That so much of the 31st section of the act of 1838, chap. 18, as requires the troops of cavalry, for Montgomery county to muster at Clarksville, be, and the same is hereby repealed, and the said troops muster as they did before the passage of said act.

JNO. H. CAMP,

Speaker of the House of Representatives,  
W. HALL,

December 8, 1827. Speaker of the Senate.

#### CHAPTER CLXV.

AN ACT to establish a female academy in the town of Jonesboro.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That an academy for the education of females exclusively shall be established at Jonesboro in the county of Washington, by the name of the Jonesboro female academy, and that Thomas Emerson, John Kennedy, David A. Denderick, James V. Anderson, John A. Akin, O. B. Ross, Jacob Howard, Samuel Greer, John C. Eason, Samuel Crayford, Nathan Gammon, Matthew Aikin, Lewis Anderson, John A. Wilds Samuel G. Chester, and George Gammon, shall be a body politic, and corporate to be known by the name of Jonesboro female academy to have succession, and a common seal, and to continue for the term of fifty years, with all the powers, usually vested in corporations of that nature,

ture, in particular when vacancies shall happen in the board by death, resignation, or any other cause, the remaining members shall have full power to elect suitable persons to fill such vacancies as may at any time when a majority of the board shall deem it expedient, elect not exceeding five additional suitable persons to those already named, who shall have the same powers and privileges as those already named, and the board, or a majority of them shall have power to elect a president, secretary, treasurer, and such other officers as they may think proper, and also at any time to supersede them and appoint others, also to dismiss any member of the board, and elect, another in his stead, also to employ, a teacher or teachers, inspectors, and other assistants, in the academy, and to dismiss them whenever a majority of the board shall deem it expedient, and also to make and adopt any by-laws, and regulation, not inconsistent with the laws of this state, or the constitution thereof for the good government of the seminary, and for the promotion of learning, and virtue among the pupils.

SEC. 2. *Be it enacted*, That the said corporation, shall have power, to receive any donation or donations, which may be made to said academy in lands money or any other property, and to hold the same, manage, and apply it according to the intention of the donor or donors thereof, also to purchase property real or personal for the benefit of said academy, also to appear by their attorney before any court of record in law or equity, as a party in any cause or process which may in any manner concern the institution, and the same to pursue to final judgment, and execution, and also to sell, and convey any lands, or other hereditaments which the good of the institution may require by virtue of the powers vested in them by this act, but all such conveyances, or transfer of property shall be signed by the president of the board in the presence of the board, two thirds of the members being present, and the said board shall cause a fair record of all their proceedings to be made and preserved, and a fair, and regular account to be kept of all the debts and credits of the corporation.

Their power,  
duty, and au-  
thority.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.



## CHAPTER CLXVI.

AN ACT for the appointment of additional trustees to the academies therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Shields be and he, is hereby appointed a trustee of the academy in the county of Warren known by the name of the, Quincy Adams academy.

Sec. 2. *Be it enacted*, That said Quincy Adams academy shall be hereafter known and designated by the name of the Carroll academy, and by that corporate name shall be entitled to all privileges, rights, and immunities, now granted by law to said academy under the aforesaid, corporate name, of the Quincy Adams academy, and all the trustees of said academy shall continue trustees of the same, under the corporate name hereby conferred on it.

Sec. 3. *Be it enacted*, That John Staples, John M. Davis, Samuel Scott, John Triplitt, and Daniel S. Savender, shall and they are hereby constituted a body politic and corporate, to be known by the name of the trustees of Walden's academy in the county of Morgan, under the rules and regulations of an act entitled, an act, to establish academies in the several counties in this state, and for the appointment of trustees, thereof passed September 13th 1806.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 8, 1827.

## CHAPTER CLXVII.

AN ACT for the benefit of the Clerks of the several courts in Smith county.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the clerks of the county and circuit courts of Smith county and the clerk of the chancery court at Carthage, shall be allowed until the first day of January next, to pro-

duce to the treasurer of west Tennessee a statement of the annual receipts of revenue required by the act of 1825 chapter 51, and section second.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

## CHAPTER CLXVIII.

AN ACT prescribing certain duties to the commissioners of the seat of justice in McMinn county.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the commissioners of the seat of justice in the county of McMinn, to call on some experienced workman of the plastering trade to measure, and value the plastering, done in the jail of the town of Athens, which was superintended by John Austin, and if it shall be the opinion, of such valuer, that the aforesaid commissioners, has failed to pay to the aforesaid John Austin, a reasonable compensation, for said work then, and in that case it shall be the duty of said commissioners to pay the aforesaid John Austin the amount of such valuation, provided that the same shall not amount to a greater sum than forty five dollars, in addition to the sum already paid to the aforesaid John Austin.

Duty of commissioners.

Sec. 2. *Be it enacted*, That Nathaniel Smith be and he is hereby appointed a commissioner to settle with the aforesaid board of commissioners and after such settlement, shall take place any one, or either of said commissioners wishing to resign his appointment may tender his resignation to the county court of McMinn whose duty it shall be to receive the same who may if they think it necessary appoint some suitable person to fill such vacancy and such person or persons so appointed, being qualified to act as such, shall have the same powers, rights, and privileged, and be bound to perform the same duties, that the former commis-

To settle with N. Smith.

sgoners had, and was bound to perform, and that nothing in this act contained, shall be so construed as to alter and change the former acts of the aforesaid board of commissioners.

Sec. 3. *Be it enacted*, That the county court of McMinn, may allow to Nathaniel Smith a reasonable compensation for his services to be paid out of any of the public money in their hands not otherwise appropriated.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

## CHAPTER CLXIX.

AN ACT to establish a female academy in the county of Claiborne.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Lewis Christman, John M. Brabson, William Houston, Thomas R. M'Clary, and Joshua H. Chapman be and they are hereby appointed trustees to an academy in the county of Claiborne called, "Pleasant Grove Female Academy" now under the direction and management of Nancy Ann M'Clary, and that they or a majority of them be and they are hereby authorized to open a subscription for the benefit of said academy and to receive subscriptions and donations for the use of the same, which shall be applied in the manner herein after directed.

Sec. 2. *Be it enacted*, That if any person subscribing any sum of money, or valuable thing, to the use of said academy, shall fail or refuse to pay the same according to the terms of said subscription, the said trustees are hereby vested with power to sue for and recover the same before any tribunal having jurisdiction over the same.

Sec. 3. *Be it enacted*, That said trustees shall appropriate all subscriptions and donations for the use of said academy to the education of such poor orphan females in the county of Claiborne as they may think proper, under the direction and manage-

ment of the said Nancy Ann M'Clary, who shall so long as she may choose be principal superintendent of and tutress in said academy; and she shall have the power in the event of her sickness or inability to attend to the duties of tutress or in the event the number of females attending said academy may require it, to select and employ an assistant at her own expense.

Sec. 4. *Be it enacted*, That whenever the superintendent may think the conduct of any female placed under her charge in said academy may require, said intendant may call together said trustees, or a majority of them, who shall hear and determine upon the cause of complaint, and say what shall be done therein.

Authority of superintendent to make him intendant.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

## CHAPTER CLXX.

AN ACT for the benefit of Thomas Bradley former sheriff of Wilson county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the court of pleas and quarter sessions for the county of Wilson, there being nine or a majority of the acting justices of the peace for said county being present at any term of said court after the passage of this act to make such allowances to Thomas Bradley late sheriff of the said county for any sum or sums, that they may think equitable and right for vouchers lost or amount paid by him for claims against said county of Wilson, and it shall be the duty of the county trustees to pay the same agreeable to the order of said court.

County court to make him allowances.

Sec. 2. *Be it enacted*, That it shall be the duty of said court to receive the oath or affirmation of the said Thomas Bradley as evidence, and such other testimony as said Thomas Bradley may be

His oath to be received in evidence.

able to produce in support of said claims as the justice and equity of the case may require.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate,

December 10, 1827.

#### CHAPTER CLXXI

AN ACT for the relief of Thomas Norton and Anthony Hinkle.

Thomas Norton authorized to hawk & peddle with out license.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That* Thomas Norton of Maury county be and he is hereby authorized to hawk and peddle in the judicial circuit in which he lives without paying a state or county tax, provided nothing in this act shall be so construed as to prevent the collection of a state and county tax from any partner or partners of the said Norton, and provided the said Norton shall not be authorized to use more than one trading establishment by the provisions of this act.

Anthony Hinkle the same privileges.

SEC. 2. *Be it enacted, That* Anthony Hinkle of Robertson county be and he is hereby authorized to hawk and peddle within Robertson and Davidson counties without paying any taxes therefor, provided that the said Hinkle shall make out in open court, or before some justice of the peace in Robertson or Davidson county, that the goods, wares, and merchandize which he shall sell, are his own property, and for his own benefit.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

#### CHAPTER CLXXII

AN ACT for the relief of Lewis Harris.

SEC. 1. *Be it enacted by the general assembly of*

*the state of Tennessee, That* Lewis Harris of the county of Maury be, and he is hereby authorised to retail goods, wares, and merchandize in said county without paying any state, county or corporation tax therefor—provided, that should the said Lewis Harris enter into copartnership with any person or persons, such person or persons so entering into copartnership with the said Lewis Harris shall be subject to pay to the state, county, or corporation one moiety of such tax as may be paid by other merchants in said county or town.

JNO. H. CAMP.

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

#### CHAPTER CLXXIII

AN ACT authorizing the individuals therein named to raise \$100,000, for the purpose of improving the navigation of Cumberland river.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee, That,* Benjamin M'Cullough, John Allin, George Crockett, Harry L. Douglass, William Carroll, Andrew Hynes, Simon Bradford, Thomas Yeatman, George Shalh, Josiah Nichol, Robert Woods, Moses Norvell, Robert C. Foster, Robert Westley, Alexander Porter, John Shelby, Thomas H. Fletcher, Felix Robertson, William Martin, Richard Alexander, William Hart, Richard C. Napier, Frederick W. Huling, Richard Cheatham, Robert Allen, Thomas S. Watson, James Davis, Burchet, Douglass, George W. Sevier, William Allen, Isaac Taylor, Henry Crabb, Geo. H. Bullard, Edward B. Littlefield, James M'Kinick, Robert P. Curren, George W. Gibbs, William E. Owen, Wm. Brady, James P. Clark, Washington L. Hannum, Robert Baxter, William Ledbetter, James C. Moore, William F. Christie, Silas Locke, Moses Ridley, George Thompson, Peter La Grande, Charles I. Love, Boyd M'Nairy, Collin Bayless, Christopher C. Clemmins, Joseph Smith, Randal M'Gavock, Payton Robertson, Ed-

Commissioners authorized to draw a Lottery.

mond Goodrich, and Felix Grundy, be, and they, or a majority of them, are hereby authorized to draft a scheme of a lottery, and superintend, the drawing of the same, for the purpose of raising one hundred thousand dollars, to be employed in removing obstructions to the navigation of the Cumberland river, commencing at the Line Island of said river, and ending on said river, where the Kentucky line crosses the same.

Their authority to appoint agents.

**Sec. 2. Be it enacted,** That the before named commissioners or a majority of them, are hereby authorized to appoint an agent or agents to sell the tickets of the said lottery, & to do such other things touching the same as he may be authorized by them to do; which agent or agents, before they shall be authorized to act in any manner touching the same, shall enter into bond with such security, and under such penalty, as may be deemed sufficient by said commissioners or a majority of them, for the faithful performance of all duties incident to or growing out of said trust; which bond shall be taken in the name of the Chairman of said commissioners, and his successor or successors, whom the said commissioners are hereby authorized to appoint.

To class said Lottery in not less than ten classes.

**Sec. 3. Be it enacted,** That the said commissioners or a majority of them, shall class said lottery into, not less than ten classes, and so soon as ten thousand dollars shall be raised from said lottery, then they shall commence removing obstructions to the navigation of said river, beginning at such point as may be agreed upon by a majority of said commissioners.

To appoint an engineer to survey the river.

**Sec. 4. Be it enacted,** That the said commissioners or a majority of them, before they shall proceed to remove said obstructions, shall appoint some skillful engineer to examine and survey said river within the bounds before designated, whose duty it shall be after having surveyed and examined said river to make out a draft of said survey for said commissioners, with such notes and observations as the said engineer may deem it expedient to make, and also to report the probable amount of money it will cost to remove said obstructions, which report shall be preserved among the archives of said commissioners, who shall at all times keep a complete record of all their proceedings.

**Sec. 5. Be it enacted,** That the before named commissioners are hereby authorized to appoint a standing board of managers to contract with undertakers for the removing obstructions to said navigation, and to do all things growing out of said undertaking, but no contract shall be binding until it is confirmed by a majority of said commissioners, who may be convened when said managers may deem it necessary.

May appoint a standing board

**Sec. 6. Be it enacted,** That said commissioners shall appoint a treasurer who shall receive and keep possession of all the funds which may be raised by said lottery; but before he commences on the duties of said appointment he shall enter into bond with such security and under such penalty, as may be designated by said commissioners, which bond shall also be taken in the name of the chairman and his successors, but no money shall be drawn from the treasury except by order of the board of accounts, who shall be appointed by said commissioners or a majority of them, and also allowed by the chairman of said commissioners; and said treasurer shall also enter into another bond and sufficient security to the governor for the time being and his successors in office, in the penal sum of \$100,000 which bond shall be filed in the office of the clerk of the circuit court of Davidson county, conditioned, that he will return to the holder of the ticket or tickets the original purchase money paid for said ticket or tickets in said lottery and upon failure so to do, upon ten days notice given in writing, may be proceeded against upon motion before any competent tribunal who shall enter up judgment against said treasurer and his securities, and issue execution for the amount accordingly: Provided, the scheme to which said ticket or tickets belong, shall not be drawn within two years after said ticket or tickets have been sold.

And a Treasurer, his duty.

**Sec. 7. Be it enacted,** That the chairman of said board of commissioners shall exhibit to the legislature during each session, a statement of the progress they have made in removing said obstructions; the money they have expended, accompanied with such observations, as he may deem it expedient to make.

Statement to be exhibited to the legislature of the progress.

**Sec. 8. Be it enacted,** That when any vacancy



May fill vacancies.

To refund money if the lottery be not drawn in five years.

shall occur in said board of commissioners either by non acceptance, death, or resignation, it shall be the duty of said commissioners or a majority of them to fill said vacancies, so soon as they may occur.

SEC. 9. *Be it enacted*, That if said commissioners shall fail to commence the drawing of said lottery within the term of five years from the passage of this act they shall on application of ticket holders refund the amount of money paid by them respectively, and upon failure so to do, shall be sued and a recovery had before any tribunal having jurisdiction thereof.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

December 10, 1827. Speaker of the Senate.

#### CHAPTER CLXXIV.

AN ACT appointing additional Trustees to Transmontania Academy in Sumner county.

*Be it enacted by the general assembly of the state of Tennessee*, That, Hardy M. Cryer, John J. White, Alfred H. Douglass, Joseph Robb, Peter H. Martin, Elijah Boddie, Elmore Douglass, Robert M. Boyers, and George Elliott, beand they are hereby appointed additional Trustees to the Transmontania Academy in Sumner county.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 10, 1827.

#### CHAPTER CLXXV.

AN ACT supplemental to an act entitled an act to establish academies in the counties of Marion and Bledsoe, passed Nov. 8th 1826.

SEC. 1. *Be it enacted by the General Assembly of*

*the State of Tennessee*, That the trustees of the Kreamer Academy, in the county of Bledsoe, be and they are hereby authorized to locate the same, on an eligible site within one mile of the town of Pineville, and that so much of the before recited act, as comes within the perview, and meaning of this act, be, and the same is hereby repealed.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

#### CHAPTER CLXXVI.

AN ACT to establish the lines between the counties therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the line between the counties of Cooke, and Jefferson be so altered as to include within Cooke county, that part of Jefferson county which lies south of Nola Chockes river, or what is known by the name of Robert Hill's bend, any law, usage, or custom to the contrary notwithstanding.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

#### CHAPTER CLXXVII.

AN ACT to improve the navigation of Cany Fork.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That a company or companies are hereby authorized to be formed in any of the counties adjoining the Cany Fork river to consist of not more than sixty men each, nor less than twenty; to be called the Cany Fork navigation com-

Authority to form navigation companies.



panies, to consist of one Captain and two Lieutenants—said companies to be formed by voluntary enlistment, for a period of two years, from the time of such enlistment, and after twenty men or more have agreed to join said company they shall proceed to organize themselves, and elect their officers; and after said company shall have been organized the Captain shall make report thereof to the clerk of his county court and file a list with him of the members thereof, and such list so filed shall be evidence that the members thereof belong to said company.

The powers  
& duty of said  
companies:

SEC. 2. That when said company so organized, shall remove all snags, logs and other obstructions to the navigation of said river, and shall have power to do any thing else calculated to improve the navigation thereof, which does not infringe on the private rights of individuals; that the members of said company or companies, shall obey the command of their officers and shall work on such days as their Captain may direct not exceeding ten days in each year, and if they should fail, the fines shall be applied to hiring other hands.

Their priv-  
ileges.

SEC. 3. That all the members of said companies shall be exempt from muster, working on roads, serving as jurors, the payment of free poll tax, during the time they are members thereof; and if it shall not be lawful for them to remove any obstructions by virtue of this act above the great falls of said river. That the county court of any county, where any company may be formed, under the provisions of this act a majority of the acting justices being present shall have power, to dissolve said company or companies, and that, the companies so raised, shall have all the powers and privileges and be subject in all respects to enact passed the present session entitled an act to improve the navigation of Elk river.

Privileges ex-  
tended to oth-  
er companies.

SEC. 4. *Be it enacted*, That the Elk river and Richland creek company in Franklin county shall also be exempt from serving as jurors, or paying a free poll tax.

Company  
may be raised  
in Henry.

SEC. 5. *Be it enacted*, That a company may be raised in the county of Henry, for the purpose of opening Sandy river of the same number of officers and privates, and under the same regulations and restrictions.

SEC. 6. *Be it enacted*, That Wolf river shall be considered a navigable stream unto the town of La-  
range from its mouth, Wolf river  
declared nav-  
igable.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 11, 1827.

## CHAPTER CLXXVIII.

AN ACT for the relief of the Sheriff of Lincoln county.

*Be it enacted* by the General Assembly of the State of Tennessee, That William Husbands Sheriff and Collector for the county of Lincoln be and he is hereby released and exonerated from the payment of two hundred and eighty-nine dollars and sixty-seven cents, which sum the said Husbands stands charged with by the Treasurer of West Tennessee, provided, the clerk of Lincoln county court shall certify on oath, that said sheriff ought not to be charged therewith from the tax list furnished to him.

Released from  
payment of  
money.

*Be it enacted*, That it shall be the duty of the clerk of the county court of Lincoln in making out the tax list for the year 1828, to include in the state tax, now authorized to be collected, one half of the amount, which is by this act credited to said Husbands, which it appears he has heretofore failed to collect, and that the Sheriff of said county collect and pay the same over to the Treasurer of the state as other state taxes are now collected and accounted for.

Duty of the  
circuit court.

*Be it enacted*, That Joel S. Enloe Sheriff and collector of Obion county be and he is hereby released from the payment of the state tax on sixty-five thousand two hundred and eighty-four acres of land for the year 1826—provided it is made appear to the commissioners appointed by the county court to settle with the sheriff and other officers of said county, that there was that amount of land returned to the Treasurer more than was listed on the tax list which was delivered to the sheriff and

Sheriff of Obion  
released from  
payment of  
monies.

a certificate on oath of said commissioners shall be a sufficient voucher for him in his settlement with said Treasurer.

JNO. H. CAMP,  
Speaker of the House of Representatives.

W. HALL,  
Speaker of the Senate.

December 11, 1827.

### CHAPTER CLXXIX.

AN ACT for the relief of William C. Brittain.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the treasurer of west Tennessee pay to William C. Britton late jailor of White county, thirty three dollars and seventy five cents for monies by him expended in apprehending Isaac Martin who made his escape from the jail of said county while committed on a charge of horse stealing by a change of venue from Warren county.

JNO. H. CAMP,  
Speaker of the House of Representatives.

W. HALL,  
Speaker of the Senate.

December 14, 1827.

### CHAPTER CLXXX.

AN ACT for the relief of Spencer Tinsley and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Spencer Tinsley shall be entitled to the right of occupancy whereon he now resides and has built a mill in Hickman county, on Indian creek for not less than twenty nor more than one hundred and sixty acres of land, and may have the same surveyed and laid down on the plan of the 8th surveyors district and enjoy the possession of the same until the Congress of the United States shall otherwise dispose of the residue of vacant soil.

S. Tinsley to have the right of occupancy.

SEC. 2. *Be it enacted*, That William Beakly shall be entitled to the place whereon he now resides, and has made a tanyard in the same manner as is prescribed by the first section of this act.

Entitled to the place whereon here resides.

SEC. 3. *Be it enacted*, That Robert Wright shall be entitled to the same benefits for preference, to the place whereon his mill is built on Cane creek as is prescribed by the first section, for the relief of Spencer Tinsly.

Entitled to same privilege, as first section.

JNO. H. CAMP,  
Speaker of the House of Representatives.

W. HALL,  
Speaker of the Senate.

December 11, 1827.

### CHAPTER CLXXXI.

AN ACT for the relief of Samuel J. Wilkins of Maury county.

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

Circuit court of Maury may grant him a divorce.

SEC. 2. *Be it enacted*, That upon its appearing to the said court that the said Rebecca had previously to the passage of this act left the residence of her husband Samuel, and previous to the passing of the same refused to return to his residence or to live with him as a wife, it shall be the duty of the said court by a decree to grant to the said Samuel a divorce from his wife Rebecca, and to dissolve the bonds of matrimony heretofore existing between them notwithstanding the said Rebecca may not have absented herself from the residence of the

[Evidence on which the divorce is to be granted.

said Samuel for the term of two years previous to the making of said application,

To give notice in writing to his wife.

Sec. 3. *Be it enacted*, That the said Samuel J. Wilkins shall cause to be delivered to the said Rebecca a notice in writing ten days previous to the making of the said application apprising her of his intention to make the same,

To try the cause ex parte if she fails to appear.

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

Not liable for any debts hereafter contracted by his wife.

Sec. 5. *Be it enacted*, That the said Samuel J. Wilkins shall not after the passage of this act be liable or subject to the payment of any debts which may be contracted by his said wife Rebecca Wilkins.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

## CHAPTER CLXXXII.

AN ACT for the relief of Legate McCrory, assignee of Thomas McCrory.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the surveyor general of the 7th district shall permit the rightful assignee or representatives of Thomas McCrory deceased to make void entry No. 18 founded on warrant No. 1959 for fifty two acres, provided, it shall appear to his satisfaction that the entry aforesaid is interfered with.

May make void entry No 18.  
Grants to be issued to Jno. Frost.

Sec. 2. *Be it enacted*, That it shall be the duty of the register of West Tennessee to issue grants to John Frost upon entries No. 22126, 22127 and

22128, entered on the 10th day of December 1822 by virtue of a certificate warrant No. 4714, two for five acres each and one for one acre, provided the said John Frost shall produce to the said register the plats and certificates of survey made upon said entries, and provided it shall appear to the satisfaction of said register that no grants have heretofore issued upon said entries and that the warrant upon which said entries were founded was good and valid notwithstanding the same is lost, and provided when said grants are so issued they shall be in full satisfaction of said warrant No. 4714 so far as the same is hereby appropriated.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

## CHAPTER CLXXXIII.

AN ACT for the relief of John Jett and others.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That John Jett, John Lyon, Thomas Bounds and John Chissum, be permitted to put their notes on renewal, at the Agency of the bank of the state of Tennessee, in White county, for the amount of a judgment, rendered against them as security of Joel D. Mitchell, entry taker of said county, in favour of the state: Provided said judgment does not exceed eighteen hundred dollars, and provided they give good and indisputable security for the same.

To give their notes for amount of forfeitures.

Sec. 2. *Be it enacted*, That when said notes are put on renewal, as herein provided for, the operation of the judgement shall be suspended.

The operation of judgment suspended therefrom.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

## CHAPTER CLXXXIV.

## AN ACT for the relief of Comford Roberson.

Entitled to the privileges of a feme sole.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the passage of this act Comford Roberson shall and may be entitled to all the privileges of a *feme sole*, except the privilege of marrying another man during the lifetime of her present husband, and as a *feme sole* may sue and be sued, and may contract for and hold property real or personal in her own name, and for her own use, which property shall not be liable to satisfy the debts of her said husband.

Act not to protect property heretofore, is able.

SEC. 2. *Be it enacted,* That this act shall not be so construed as to protect the said Comford Roberson in the possession of any property which may heretofore have been subject to the debts of the husband of said Comford Roberson.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 14, 1827.

## CHAPTER CLXXXV.

## AN ACT to provide for the payment of costs of courts martial for the trial of officers and for other purposes.

Witness allowed payment

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the witnesses on behalf of the state, on the trial of Brigadier General William Stone at Washington in Rhea county, in the year 1820 on charges preferred against him by Andrew Still shall each be allowed the sum of one dollar per day, and the like sum for every twenty-five miles in going to and returning from the said town of Washington to their respective places of abode—and the Treasurer of East Tennessee is hereby directed to pay the witnesses aforesaid upon the certificate of the Judge Advocate of the attendance of said witnesses respectively and the affi-

davit of each of said witnesses taken before the Judge Advocate, of their attendance and mileage at the time of the trial, or at any time thereafter, and to be certified in like manner by the Judge Advocate.

SEC. 2. The Treasurer of East Tennessee, shall also pay the Judge Advocate two dollars per day for his services at said trial upon the affidavit of said Judge Advocate, taken before any justice of the peace of this state, of the number of days employed in said trial, and the like sum per day to Provost Martial, certified as aforesaid to the said Treasurer.

Judge Advocate and Provost Martial, also.

SEC. 3. *Be it enacted,* That the uniform of the Field, Company, and Staff officers of the several regiments of militia in this state, shall be such as has heretofore been worn, and any officer who shall equip himself agreeably to the fashion which may have been adopted or pursued by the officers in his regiment of the same grade, shall be considered equipped agreeably to law; any law usage or custom to the contrary notwithstanding.

Uniform of field officers.

SEC. 4. *Be it enacted,* That hereafter the expense of courts martial, ordered for the trial of officers for alleged misdemeanors, or unofficer-like conduct shall be paid by the officer so offending in case of conviction, and if acquitted the cost of said trial shall be paid by the person at whose instance the said officer was arrested unless the charge shall have been made by an officer whose duty it is made by law to prefer charges for neglect of duty.

Expense of court martial to be paid by the officer offending.

SEC. 5. *Be it enacted,* That William K. Hill and his securities in a bond given to the Governor of this state for the faithful accounting for the public arms intrusted to his care for the use of the Columbia Blues be and they are hereby released from accounting on said bond for seven stand, of muskets destroyed by the burning of the house in which they were deposited.

William K. Hill released from bond.

SEC. 6. *Be it enacted,* That in all cases when courts martial shall be convened for the purpose of trying any officer for any charge whatever, the Judge Advocate, shall be entitled to receive for his services one dollar and fifty cents per day—the provost martial one dollar per day, and the witnesses fifty cents each per day, for each day they

Pay of members and witnesses.



may severally attend—and also the officer who convenes the court and summones the witnesses, fifty cents for each summons or notification to be paid agreeably to the provisions of this act—and upon the decision of such case, and the judgment of such court martial thereon, the Judge Advocate shall be and he is hereby authorized to issue his execution therefor against the party liable to pay the same.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

### CHAPTER CLXXXVI.

AN ACT to continue in force the second section of an act entitled an act "to encourage the building of mills in the western district," passed November 27th 1826.

*2nd Section continued in force.*  
Be it enacted by the General Assembly of the state of Tennessee. That the second section of the above recited act be and the same is hereby continued in force, and shall be binding in all its provisions, until some provision is made by law for the entering of the occupant lands, south and west of the congressional reservation line.

*Individuals in that act to have a survey of their occupancy.*  
Be it enacted, That the individuals provided for by the above recited act, is hereby fully authorized to have a survey of their occupancy, although the survey may cross a line dividing surveyors districts, by any authorized surveyor of either district, and have a plat of such survey entered on the plan of the district in which the mill seat thus provided for—any custom to the contrary notwithstanding.

*Proviso.*  
Provided, such survey does not interfere with any other occupant or occupants but in case there shall be any such interference the surveyor shall be bound by the act prescribing the method of settling the disputes between occupants.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 11, 1827.

### CHAPTER CLXXXVII.

AN ACT to authorize Jesse Matthes to enter a certain tract or parcel of land therein named.

SEC. 1. Be it enacted by the general assembly of the State of Tennessee, That it shall and may be lawful for Jesse Matthes of Rhea county, to have surveyed by the surveyor of the Hiwassee district, the vacant fraction of land on which he now lives adjoining lands of Lewis Ross in said county of Rhea and Hiwassee district, and enter the same in the entry taker's office for the Hiwassee district under the same rules and regulations that entries are now by law required to be made in said office.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

December 11, 1827.

Speaker of the Senate.

### CHAPTER CLXXXVIII.

AN ACT authorizing Lotteries for the erection of a Female Academy in the county of Maury and a Masonic Hall in the town of Pulaski.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Hugh Shaw, John L. Ritrell, John Dawson, Benjamin Wortham, David Craig, Jesse Leftwich, Willis Ridley, Warren Briscoe, Benjamin W. Wilson, William Smith, Dicke Williams, William Hunter, William Newsum, and Robert Wortham, be and they are hereby constituted Commissioners to raise by lottery by one or more schemes and classes the sum of ten thousand dollars for the purpose of building a Female Academy in the town of Mount Pleasant in Maury county or its vicinity, to be known and distinguished by the name of the Mount Pleasant Female Academy.

*Commissioners.*

SEC. 2. Said Commissioners before drafting any scheme of a lottery, shall enter into bond in the sum of \$50,000, payable to the chairman of the county court of Maury county

*To enter into bond in county ct. of Maury.*

conditioned to conduct the lottery and all schemes and classes fairly; to apply the money raised, solely to the purpose of erecting the buildings and fitting them up for use; to pay off all prizes drawn to the fortunate drawer, according to the scheme, and if they fail to draw any scheme or class, shall refund to the purchasers of tickets, the money or effects advanced for tickets; which bond shall be filed in said court subject to the suit of any person injured and shall not be void until the whole be consumed, and they shall take an oath to the same effect before a judge or justice of the peace, which shall be in court, or in writing, and if out of court shall be filed in said court.

*Their duty.* Sec. 3. Said Commissioners may purchase or receive by donation or otherwise, a piece of ground on which to erect said buildings, and may enter upon the buildings, of the necessary houses, whenever they may choose to do so.

*Mt Pleasant Female Academy created* Sec. 4. The Mount Pleasant Female Academy is hereby created with all the rights, privileges, and franchises of other academies, in the state, and the court of pleas and quarter sessions on application, shall appoint Trustees, who, and their successors, shall be a corporate body, with all the rights, privileges and franchises of similar corporate bodies.

*Commissioners for Lottery.* Be it enacted That Sterling H. Lester, John K. Yerger, James Patterson, Lewis H. Brown, Wm. C. Flonoy, Alfred Flonoy and Archibald McKisick be commissioners to raise by lottery any sum not exceeding \$5000 for the purpose of building a Masonic Hall in the town of Pulaski; that before said commissioners enter on the business of said lottery, they shall enter bond with security in double the amount to be raised, to be approved of, by the clerk of Giles county court, and payable to the chairman thereof, conditioned for their faithful and correct management of said lottery and also conditioned that should said lottery or the first class thereof be not drawn in 3 years from the passage of this act that they will faithfully refund to the purchasers of tickets the money by them paid which bond shall be deposited with the clerk of Giles county court for the benefit of those who may be injured.

Be it enacted, That said Hall when built shall

belong to and inure to the sole use and benefit (to- To belong to  
gether with the piece of ground on which the same Pulaski lodge  
may be built) of Pulaski Lodge No. 51, and to No. 51.  
their successors or to such other person or persons to whom the same may be sold or conveyed by said Lodge or its successors, and the said Pulaski Lodge No. 51. is hereby empowered so far as to authorize the same to purchase, receive and hold a lot or piece of ground on which to build said Masonic Hall.

Be it enacted, That said commissioners are authorized to sell tickets on a credit and take bond To sell tickets on credit.  
&c. on which if not punctually paid, they may institute suits in other cases.

Be it enacted, That Robert Jetton, Samuel P. Black, David Wendel, Joseph Spence, James C. Moore, Silas Locke, Logan Henderson, William Ledbetter, Samuel Anderson, Russell Dance, Francis U. W. Burton, Samuel H. Laughlin, Jonathan Curran, or a majority of them, who will give bond and security as herein after required be and they are hereby constituted, commissioners to raise by lottery, by one or more schemes and classes, the sum of five thousand dollars for the purpose of erecting buildings or purchasing a library and philosophical apparatus for the use and benefit of Bradley academy the county academy of the county of Rutherford as to the trustees of said academy my term best.

*Commissioners for Lottery.*

Sec. . Be it enacted, That said commissioners before drafting any scheme of a lottery shall enter into bond in the sum of ten thousand dollars payable To enter into bond.  
to the chairman of the county court of Rutherford county, conditioned to conduct the said lottery and all schemes and classes thereof fairly for the faithful appropriation of the money when raised to the uses herein expressed, to pay off all prizes drawn to the fortunate drawer according to the scheme; and if they fail to draw any scheme or class within three years from the passage of this act, to refund to the purchasers of tickets the money or effects advanced for tickets, which bond shall be filed in said court, subject to the suit of any person injured, and shall not be void until the whole penalty shall be recovered.

Be it enacted, That the commissioners of the Forked Deer lottery shall have the further time of Further time to complete lottery.

two years to complete the lottery now contemplated by them under the authority of an act of the general assembly in such cases made and provided.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 11, 1827.

### CHAPTER CLXXXIX.

AN ACT for the benefit of Andrew Salts.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Andrew Salts of the county of Washington be, and he is hereby restored to all the rights, and privileges of a citizen of this state.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

### CHAPTER CXC.

AN ACT to establish a third battalion in the county of Dyer.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That militia of that part of Dyer county know by the name of the Key corner settlement shall, hereafter constitute and compose a third battalion in said county and shall be commanded by the lieutenant colonel of said county, and shall hold their battalion musters at Henry Rutherford's Esq. on the first Saturday in April, and the adjutant of said regiment shall attend as in other cases of battalion musters, in each and every year, and also a court martial on the first Saturday in June, under the same rules, as other courts martial are held.

SEC. 2. Be it enacted, That the militia of said

Third batt'n.  
re-established.

third battalion shall vote at their battalion muster ground for all field officers in said county and the sheriff of said county shall open and hold elections there as by law he is bound to do at other battalions in said county.

To vote at  
all elections.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

### CHAPTER CXCI.

AN ACT to authorize the court of pleas and quarter sessions of Anderson county to lay a tax for the purpose of building a prison and stocks for said county.

SEC. 1. Be it enacted by the General Assembly the State of Tennessee, That that it shall and may be lawful for the court of pleas and quarter sessions of Anderson county, a majority of the justices of said county being present at their first session after the first day of January next, to lay a county tax on all the lands liable to taxation in said county not exceeding twelve and one half cents per hundred acres for the purpose of erecting a prison and stocks in the town of Clinton.

SEC. 2. Be it enacted, That the sheriff of said county, shall collect, pay over to the county trustee, and account for the said tax as for other county monies, and the county trustee shall account for the same as for other county monies, and shall hold the same subject to the order of the county court, made to carry into effect the provisions of this act.

Shff. to collect  
it and pay it  
over.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

## CHAPTER CXCL

AN ACT to authorize Thomas Kell to erect a mill dam across Sequachee river in the county of Marion.

Thos. Kell  
may erect mill  
dam.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Thomas Kell, be and he is hereby authorized, to erect a mill dam across the Sequachee river in Marion county where the said Kell has erected his mill on said river, provided the navigation of said river shall in no wise be obstructed.

Conditions,  
penalty, &c.

SEC. 2. *Be it enacted*, That if the navigation of said river be obstructed by the erection of such dam, or if it shall at any time become, an obstruction to the navigation of said river the parties erecting such dam, and all others aiding and assisting in the erection of such obstructions and the owner, or owners of such dam shall all be liable to indictment for a nuisance, and shall be punished as in other cases of misdemeanor and the party or parties shall moreover be liable to a civil action for any private injury that he may sustain, on account of such nuisance or obstruction.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate,

December 12, 1827.

## CHAPTER CXCLII.

AN ACT authorizing James Kirby, and William M'Nabb to erect mill dams on little river in Blount county.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That James Kirby and William M'Nabb, be and they are hereby authorized to erect mill dams on little river in Blount county in such manner as may best suit their convenience and provided said mill dams when erected shall be so constructed as not to injure or obstruct the navigation of said river.

SEC. 2. *Be it enacted*, That when said dams are erected, the said James Kirby and William M'Nabb shall be liable to pay all damages that may be sustained, on account of any injury that may happen to any boat or other craft by reason of the obstruction, occasioned by the erection of said dams to the navigation of said river.

Penalty.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CXCLIV.

AN ACT for the relief of Charles S. M'Cory late sheriff of Dyer county.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That the treasurer of West Tennessee, shall, and he is hereby directed, to allow Charles S. M'Cory a credit for the state tax on ninety three thousand nine hundred and sixty nine acres of land for the year 1824, also a credit for the state tax on one hundred and fifteen thousand seven hundred and fifty two, and one fourth acres for the year 1825 which said land has been reported, but could not be sold for want of bidders.

Treasurer to  
give him cred-  
it for tax.

SEC. 2. *Be it enacted*, That the treasurer of East Tennessee, be, and he is hereby required to receive from Spencer Beaver's sheriff of M'Minn county the sum of sixty dollars of Tombechee bank notes which he received for taxes in said county of M'Minn for the year 1826, provided nevertheless that be the said treasurer shall be authorized to receive the same it shall be the duty of the said Spencer Beavers to make oath before said treasurer, that at the time he received said bank notes they were considered as good and available funds at par, and that he had not heard of their depreciation and also that he received them for state tax in said county.

Treasurer of  
E. Tenn. to  
receive from  
sheriff of M'.  
Minn county  
Tombechee  
money.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

W



## CHAPTER CXCIV.

*AN ACT* for the benefit of Joseph Byrd Sen'r.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the register of the Hiwassee district, is hereby authorized, and empowered to issue to Joseph Byrd Sen'r. a grant in fee to a certain tract of land it being an island lying in the river Tennessee, and above the round island containing between fourteen and twenty acres which tract or parcel of land was heretofore given to said Byrd for and during his lifetime, by the legislature, the governor and secretary of state are hereby authorized, and empowered to complete the same.

JNO. H. CAMP,  
Speaker of the House of Representatives  
W. HALL,  
Speaker of the Senate,

December 12, 1827.

## CHAPTER CXCVI.

*AN ACT* to establish an additional precinct election in the county of Greene.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That hereafter there shall be held by the sheriff of the county of Greene a precinct election in the town of Rhea in said county at the house of John Mathis Esq. for the election of governor, members of congress, members of the general assembly, and electors at the times, and in the manner now prescribed by law for holding elections at other precincts in the county of Greene, any law to the contrary notwithstanding.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate,

December 12, 1827.

## CHAPTER CXCVII.

*AN ACT* establishing a precinct election in the county of Grainger.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That a precinct election, be, and is hereby established at the house of Robert M'Guines, on the north side of Clinch mountain in the county of Grainger, and it is hereby made the duty of the sheriff of said county to open and hold elections at said precinct at the same times, and under the same rules, regulations, and restrictions, that elections are held at other precincts in said county.

Where held.

Sec. 2. *Be it enacted,* That precinct elections be, and are hereby established the houses of Ferrell and John D. Spain, both of the county of M'Nairy, Esq's. and it is hereby made the duty of the sheriff of said county to open and hold elections, at the same times, under the same rules, regulations, and restrictions that elections are held at the court house in said county.

For the county of M'Nairy where held.

Sec. 3. *Be it enacted,* That there shall be a precinct election held at the house of James Askins in the county of Rutherford, under the same rules, and regulations as other precinct elections.

In Rutherford at James Askins.

JNO. H. CAMP,  
Speaker of the House of Representatives  
W. HALL,  
Speaker of the Senate

December 12, 1827.

## CHAPTER CXCVIII.

*AN ACT* to authorize John Stone and James Ellidge to open and keep in repair a turnpike road.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee,* That, John Stone and James Ellidge, be and they are hereby authorized to open and keep in repair a turnpike road commencing at or near the head of Collins' river at the foot of Cumberland Mountain in Warren county

Authority granted.

and running the nearest and best way, the situation of the country will permit—to James Elledge's at the foot of the mountain in the county of Marion.

Sec. 2. Be it enacted, That said road shall be formed at least twenty feet wide except on steep hills or mountain slides, which shall be fifteen feet wide, free from all roots, stumps and rocks or any large stones, or any thing that will in any wise obstruct the passage of carriages, waggons, or horsemen, and all the streams to be bridged with good substantial wood or stone bridges, at least fifteen feet wide, where it may be necessary.

Sec. 3. Be it enacted, That John Jackson of Marion county and John Rogers of Warren county are hereby appointed commissioners to view said road at least once in every six months at such times as may be deemed proper—and at any other time, when they may receive satisfactory information 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 to be opened and kept open until said road shall have been put in good repair and give notice in writing in at least three public places on said road that no toll shall be collected at said gate until said road shall have been put in good order and the certificate of said commissioners to that effect obtained, 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 their right to said road shall revert to the state.

Sec. 4. Be it enacted, That the proprietors 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 the proprietors a license to erect a toll gate on said road at some suitable place and receive from persons passing said road the following rates of toll—to wit:

For each wagon and team fifty cents, for each cart twenty-five cents, for each four wheel pleasure carriage one dollar, for each two wheel pleasure carriage seventy-five cents, for each cariol thirty-seven and one half cents, for each mail stage twenty-five cents, for each man and horse twelve

Condition on which it is to be kept.

Commissioners to view the duty.

Rates of toll

and one half cents, for each taxable six and one fourth cents, for each lead horse or mule if not in a drove six and one fourth cents, and if in a drove two cents, for each head of cattle two cents, for each hog or sheep one cent provided, that no toll shall be demanded from any person going to or returning from preaching, muster, mill, or blacksmith shop.

Sec. 5. Be it enacted, That if any person shall forcibly or secretly pass said gate or within one mile thereof, to avoid paying toll such person shall forfeit and pay twenty-five dollars for every such offence to the proprietors of said road, to be recovered before any Justice of the peace in this state.

Sec. 6. Be it enacted, That the commissioners appointed by this act shall receive at the rate of two dollars per day for every day they may necessarily serve in discharging the duties by this act imposed on them to be paid by said proprietors recoverable before any Justice of the peace of this state.

Sec. 7. Be it enacted, That Jonathan Whiteside of Bledsoe county be and he is hereby appointed a commissioner for John W. Simpson's, Isaac Brown's Scott Terry's and Robert Montgomery's Turnpike road, whose duty it shall be to examine said road once in every three months and if said road shall be out of repair as contemplated by law it shall be the duty of said commissioners to notify the proprietor or proprietors in writing whose duty it shall be to open the turnpike gate and permit all persons to pass through the same free from turnpikeage until said road shall be reported by said commissioners to be in the order required by an act of the general assembly passed 7th day Nov. 1823, entitled an act to authorize John W. Simpson and Isaac Brown, of White county and Scott Turney and Robert Montgomery, of Bledsoe county to open a turnpike road and said commissioners shall be entitled to receive the same compensation as was allowed to the former commissioners of said road, and shall perform the same duties and take the same oath.

Sec. 8. Be it enacted, That the proprietors of said turnpike road, shall be entitled to the use and benefit of said road, and the tollage arising from

Penalty of forcing passage thro' toll gate.

Compensation of commissioners.

Commissioner for Simpson's turnpike his duty.

Privileges of proprietors of said road.

the same for the term of ten years from the passage of this act and subject to the control of the general assembly.

Privileges of  
the citizens of  
White & Bled-  
soe.

Sec. 9. *Be it enacted*, That the citizens of White and Bledsoe counties shall be permitted to pass and repass for the purpose of herding their cattle, horses and hogs on Cumberland mountain or any other purpose—provided they do not cross said mountain through said turnpike gate, without payment of toll.

Road to be in  
good repair at  
the end of the  
term.

Sec. 10. *Be it enacted*, That said road at the expiration of the charter shall be left in as good repair as it is required to be kept in, during the term of the charter, for the performance of which the persons to whom the charter is granted shall be liable on their bond.

Commission-  
ers for Beas-  
ley's turnpike  
road, their du-  
ty.

Sec. 11. *Be it enacted*, That Samuel Cathy Sen. of the county of Bledsoe and Spilesby Dyer of Rhea county, be and they are hereby appointed commissioners for Hugh Beasley's turnpike road, under the same rules, regulations and restrictions of the former commissioners of said road, & be entitled to the rights, privileges, and benefits, that their predecessors were entitled to.

Privileges of  
the proprietors  
of Piles' turn-  
pike.

Sec. *Be it enacted*, That it shall and may be lawful for the proprietors of Piles turnpike road to open and cut a turnpike road from James Dearmons, the nearest and best way to intersect the said Piles turnpike road east of Emmerys river in the county of Morgan under the same rules and regulations that the said proprietors are now by law compelled to keep up, the aforesaid Piles turnpike road, provided that this act shall not be so construed as to authorize the said proprietors to erect a tollgate on any part of said road, that they are by this act authorized to open.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CXCIX.

AN ACT altering the time of holding regimental

musters in the 64th regiment of Tennessee militia.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That it shall be the duty of the militia composing the 64th regiment of Tennessee militia to meet at the place appointed for said regimental muster on the fourth Friday of October in each, and every year for the purpose of being disciplined by the officers of said regiment.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CC.

AN ACT for the relief of Audly Harrison and Thomas Ealy.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Audly Harrison, and Thomas Ealy be and they are hereby released from the payment of forty dollars each it being a part of a fine entered against them in the circuit court of Warren county provided they pay ten dollars of the fine, and costs accrued thereon, and if they have already paid the fine, the officer having the same, is hereby directed to refund them the money, all but the ten dollars as aforesaid.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCI.

AN ACT to alter a county line between the counties of Giles and Maury.

Sec. 1. *Be it enacted by the General Assem-*

By of the State of Tennessee, That the line between the counties of Giles, and Maury shall hereafter run on the top of the ridge where the Shelbyville road crosses the same, thence a north east course to the top of the ridge where the Columbia road crosses the same, so as to include the house and spring of John Andrews in the county of Giles, but of no other person, provided however nothing herein contained shall be constructed, to prevent the sheriff of Maury county from collecting such taxes and public dues as may be properly owing to the state, or county of Maury for the year 1827 from the said John Andrews, attached by the passage of this act to the county of Giles

JNO. B. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCH.

AN ACT to provide for the better regulation of the town of Alexandria in the county of Smith.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That William B. Eigen, Joshua M. Coffee, Thomas Whaley, Isaac Moore, Willis W. Allmon, be and they are hereby appointed commissioners for the town of Alexandria with full power and authority to enact and pass all laws and ordinances necessary and proper to preserve the health of said town, to prevent and remove nuisances, provide for licensing and regulating auctions, taxing, regulating and restraining, theatrical and other public amusements, and shows within the bounds of it now, restrain and prohibit gambling and shooting matches within said town, to pave and keep in repair the streets, impose and appropriate fines, penalties and forfeitures for a breach of their bye laws and ordinances, lay and collect taxes, to pass all laws and ordinances necessary to carry the intent and meaning of this act into effect.

SEC. 2. *Be it enacted,* That all fines, penalties

Commissioners appointed, their power & authority.

and forfeitures, as well as taxes shall be recovered by an action of debt, before a justice of the peace in the name of the commissioners for the time being.

Fines and penalties how recovered.

SEC. 3. *Be it enacted,* That the justices of the peace for Smith county shall have jurisdiction and issue warrants for all fines, penalties forfeitures &c. of said town.

Justices of Smith county to have jurisdiction over them.

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

Comm. may fill vacancies in their own body.

SEC. 5. *Be it enacted,* That an act passed at on the day of 18 en-  
corporating the town of Alexandria in the county of Smith be and the same is hereby repealed.

Repealing clauses

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCHH.

AN ACT for the benefit of the Carroll guards.

*Be it enacted by the General Assembly of the State of Tennessee.* That the volunteer company denominated the Carroll guards in the county of Carroll, shall not be compelled to attend battalion and regimental musters or courts martial in said county.

Not compelled to attend certain musters.

SEC. . *Be it enacted,* That any person subject to military duty in Carroll county shall be authorized if received to become a member of the Carroll guards, and upon the production of a certificate of the captain of the Carroll guards, that such militiaman has been admitted a member of said company he shall thereafter be exempt from militia duty in the company or regiment in which he may reside so long as he remain a member of said company.

Privileges of members.

SEC. 3. *Be it enacted,* That the Carroll guards may assess and collect fines under their own constitution, and bye-laws, and such fines when col-

May assess & collect fines.



jected, shall be applied by said company in any way they may think proper.

Provided no militia company shall be reduced below the number of forty-five, rank and file by enrollments in such volunteer company.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCIV.

AN ACT to authorize the laying off a town a Daugherty's office in Carroll county.

Be it enacted by the general assembly of the state of Tennessee, That Robert E. C. Daugherty he and he is hereby authorized to lay off a town on his own land at Daugherty's office in the county of Carroll, which said town shall be known by the name of Carrollton, and when laid off shall be under the same regulations as other towns in this state.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCV.

AN ACT for the benefit of George Hicks of the county of Maury.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That George Hicks of the county of Maury, he and he is hereby authorized to hawk and peddle, vend goods, wares, and merchandize of foreign or domestic manufacture, within any of the counties composing the 6th congressional district of the state of Tennessee, and in Maury county without paying tax or obtaining li-

cense therefor: Provided, that the said George Hicks shall make oath or affidavit in open court or before some judge or justice of the peace in the county of Maury that the goods, wares and merchandize which he shall sell by virtue of this act are his own property or for his own benefit.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCVI.

AN ACT for the relief of William V. Akin.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That William V. Akin, is hereby authorized to settle on James' island in the Tennessee river, and shall be entitled to enter, and procure a grant for the said island, in the same way that other occupants are, or may be entitled to procure titles to their occupancy and the said Akin may make his entry in the 9th surveyors district.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCVII.

AN ACT to establish a precinct election in William county.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be the duty of the sheriff of Williamson county, or his deputy, on the constitutional days of holding elections to open, and hold a separate election at the store of Browning & Hiltner and also at the house of Jesse Evans in the county of Williamson for the purpose of electing a Governor, mem-

bers to congress, members to the state legislature, & electors for President, & Vice President of the United States, which elections shall be held, and conducted under the same rules, regulations, and restrictions as similar elections in this state.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

### CHAPTER CCVIII.

AN ACT to divide the first battalion of the 81st regiment into two battalions.

*Batt. divided.* SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That so much of the 1st battalion of the 81st regiment, as lies on the north side of big Hatchee river, and within the county of Hardiman; shall hereafter be divided from the first battalion of said regiment, to which it was heretofore attached, and that the militia within said bounds shall constitute the third battalion of the 81st regiment.

*Officers to hold their commissions.* SEC. 2. *Be it enacted,* That all commissioned officers in said battalion who in consequence of such division shall fall within said third battalion, shall hold their commissions, and rank and all deficiencies of commanding officers in either of said battalions in consequence of such division, shall be filled up by election in the manner, and form now pointed out by law.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

### CHAPTER CCIX.

AN ACT for the relief of the commissioners of the town of Raleigh in the county of Shelby.

SEC. 1. *Be it enacted by the general assembly of the*

*state of Tennessee,* That all, and every estate in law, or equity, that heretofore vested in the commissioners, James Fentress, Benjamin Reynolds and Robert Jetson, who under the different acts of assembly of this state located the seat of justice for Shelby county, and received the title for the land on which said seat of justice was located be, and the same is hereby divested out of said commissioners, and the same is vested in the commissioners, of said town of Raleigh, their successors and assigns forever.

*Title divested out of old and vested in new Commissioners.*

SEC. 2. *Be it enacted,* That the acts, and proceedings of the commissioners of said town of Raleigh heretofore had, and done, be & the same is hereby declared, valid, and effectual, to all intents and purposes, and the deed made to them by Wilson Sanderlin for the use, and benefit of said town shall inure to said commissioners, their successors, and assigns forever, any law to the contrary notwithstanding.

*Acts as Comm. valid.*

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

### CHAPTER CCX.

AN ACT for the relief of Eve Sherill wife of Samuel Sherill, of Wilson county.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee,* That hereafter Eve Sherill of Wilson county, and wife of Samuel Sherill be and she is hereby authorised to have and to hold real, and personal property, in her own name to sue, and be sued in her own name, and in all respects to act a feme sole, and all property which she may hereafter acquire, by descent, gift, purchase, or otherwise, shall not be liable in any manner whatever, to the payment of the debts of her

X

said husband nor subject to his control, or disposition in any manner whatsoever.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 12, 1827.

#### CHAPTER CCXI.

AN ACT to authorize the running, and marking the dividing lines between the counties of Warren and Franklin.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That John A. Wilson of Warren county and Leroy May of Franklin county be, and they are hereby authorized to run the dividing lines between the counties of Warren and Franklin agreeably to the acts of assembly on that subject, and that they receive for said services the sum of one dollar and fifty cents per mile, one half to be paid by the county of Warren and the other half by the county of Franklin

JNO. H. CAMP,  
Speaker of the House of Representatives,  
W. HALL,  
Speaker of the Senate.

December 12, 1827.

#### CHAPTER CCXII.

AN ACT to establish a Female Academy at Purdy in the county of M'Nairy.

Sec. 1. Be it enacted by the General Assembly of the state of Tennessee, That Benjamin Wright, McLin Cross, John P. Burtwell, John Chambers Sen. Abel V. Maury, Sergeant Wisdom, George W. Barnett, and Robert Adams, be, and they are hereby constituted a body politic and corporate, by the name of the Female Academy at Purdy, and by that name shall have succession for fifty years and

<sup>4</sup> trustees appointed; their power & authority.

a common seal, and the said trustees, and their successors by the name aforesaid, shall be capable in law to purchase, to receive, and hold to themselves, and their successors for the term aforesaid, any goods chattles, lands or tenements not to exceed in value twenty five thousand dollars, which shall be given, granted, devised to, or purchased by them for the use of said academy, and to use and dispose of the same in such manner, as shall to them, seem most advantageous to said academy, and said trustees and their successors, by the name aforesaid may sue, and be sued, implead, and be impleaded in any court of law, or equity in this state.

Sec. 2. Be it enacted. That said trustees, and their successors shall have power to hold a meeting whenever convened by any two of said trustees at any place they may appoint, but, not less than five members shall constitute a board, and said board when convened may appoint a president, secretary and treasurer, and from time to time fill all vacancies that may occur, and said board shall have power to make, and pass all necessary bye-laws, for the police, government, and regulation, of said academy provided the same are not inconsistent with laws of this state.

<sup>2</sup> To elect officers and enact by-laws.

JNO. H. CAMP,  
Speaker of the House of Representatives,  
W. HALL,  
Speaker of the Senate.

December 12, 1827.

#### CHAPTER CCXIII.

AN ACT for the benefit of George Reaves.

Sec. 1. Be it enacted by the general assembly of the state of Tennessee, That George Reaves, shall have a preference of building a mill on the main fork of White Oak, on a vacant and unappropriated piece of land.

<sup>2</sup> To have preference of building a mill on tract of land.

Sec. 2. Be it enacted, That it shall be lawful the said Reaves to lay off and survey in the ninth surveyors district, fifth range and sixth section fifty acres of land not otherwise appropriated so as not

<sup>2</sup> To survey the same and obtain grant.

to interfere with any other improvement heretofore made by any other person, and spread the same on the general plan of the district, as the occupant law, of eighteen hundred and twenty five and twenty six provided for occupant settlers south and west of the congressional reservation line: Provided, the said George Reaves will erect a mill or mills and cause the same to be put in operation within eighteen months after the first day of January next.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXIV.

AN ACT to establish a town to be called Winton in the county of Maury.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Edward Littlefield, Elijah Blocker and John Bullock, be and they are hereby authorized to lay off in town lots any number of acres of land in the county of Maury at the big spring on a tract of land granted to Gen. Winn not exceeding fifty acres for the purpose of establishing a town, to be denominated Winton.

Commissioners to lay off town.

SEC. 2. That said persons who are hereby declared commissioners to sell and dispose of the lots in said town of Winton, shall take from the owner of the land on which said town is to be laid out, a deed of conveyance with covenant of general warranty, and good security before selling the same, and when the sales are made shall convey to purchasers in the same way, all lots by them sold.

Their power and authority

To sell lots at their discretion.

SEC. 3. That as to the time, manner and regulations of the sale it shall be at the discretion of said commissioners, and if any one refuses or fails to act it shall be sufficient for the others to do so.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXV.

AN ACT for the relief of Arthur Patterson, assignee of Julius Weeb.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Arthur Patterson, assignee of Julius Weeb, be authorized to draw from the office of the 12th surveyors district a certificate warrant issued by the register of the western district for twenty four acres to Julius Weeb, and assigned to said Arthur Patterson, and filed in said office, provided no entry has been made on said certificate warrant.

May draw certificate warrant.

SEC. 2. Be it enacted, That the said Arthur Patterson be and he is hereby authorized to make an entry on the production of said certificate warrant in any of the offices, south and west of the congressional reservation line when the offices are opened for the reception of entries, and the register of the western district issue a grant thereon.

And make entry thereon.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXVI.

AN ACT for the relief of Humphrey Donelson of Wilson county.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Humphrey Donelson be, and he is hereby permitted to hawk and peddle in the county of Wilson without paying any tax or obtaining a licence for the same.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.



## CHAPTER CCXVII.

AN ACT for the relief of Macajah L. Armstrong and Samuel Turney.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That Macajah L. Armstrong and Samuel Turney, be released from the payment of a forfeiture entered against him in Warren county court in favour of the state of Tennessee.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXVIII.

AN ACT for the relief of James Greer.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That the surveyor of the tenth district be authorized to survey an entry No. 1704, in the name of James Greer for 150 acres of any vacant lands on either side or end and adjoining of entry No. 1039, in the name of James Vault for 60 acres, notwithstanding that such survey may be in two pieces to the full extent of said entry, and to include the number of acres called for by his warrant and that the register issue a grant therefor.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXIX.

AN ACT for the relief of Joseph Wyatt.

SEC. 1. Be it enacted by the General Assembly

of the state of Tennessee, That the treasurer of West Tennessee pay to Joseph Wyatt the sum of forty three dollars for his attendance as witness in behalf of the state in the prosecution against John York for murder: Provided, it shall appear from the bill of costs now in the treasurers office that the same has not been paid, and that the same accrued after the change of venue in said cause.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXX.

AN ACT directing the judge of the circuit court of Maury county to divorce Susan D. Carr and Mary Harris upon certain proof, and to extend the privilege of a feme sole.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the judge holding the circuit court for Maury county at the first or any subsequent term, after the passage of this act, shall hear determine and decree upon a suit of Susan D. Carr, to be divorced from her husband William Carr, and upon proof that she has been divorced from his bed and board, and that they have lived separate and apart three years; shall decree her a divorce from the bonds of matrimony of the said William Carr and change her name to that of Susan D. Smith such decree may be made upon the petition already filed, or upon any which may be filed, and in the latter case, if filed ten days before court it shall be deemed sufficient notice: Provided, nevertheless, that this act shall have no effect upon any interlocutory decree for Alimony, but that said judge, may decree to the said Susan the whole or any portion of the property which she brought into the family, if it shall seem right to him to do so.

May divorce  
Susan D. Carr

SEC. 2 That Mary Harris shall have all benefits of the foregoing section, so far as they extend and apply to her case, and that upon proof that her

And Mary  
Harris.

husband, Richard C. Harris is living in adultery with another woman, or has done so since their intermarriage, said judge shall decree her a divorce from the bonds of matrimony from the said Richard C. Harris and change her name as she desires it.

Bersheba  
Rounsavel.

Sec. 3. That Bersheba Rounsavelle be and she is hereby entitled to all the privileges and rights of a feme sole except that of marrying.

Lacy William  
son.

Sec. 4. *Be it enacted*, That the circuit of Davidson county, on some day of the next term of said court, or on some day of the succeeding term shall empanel a jury to ascertain the fact, whether George Williamson, has for more than four years last passed, abandoned his wife Lacy Williamson without any just cause, and has failed for that time to contribute any thing to the support of his wife and her two children, and if the facts aforesaid be found affirmatively, then said court shall pronounce judgment, dissolving the marriage contract and divorce the parties aforesaid absolutely from each other.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXXI.

AN ACT to authorize Abram Jones to build a fish trap on the river Clinch.

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*, That Abram Jones be and he is hereby authorized to build a fish trap on Clinch river in the county of Anderson, adjoining his own land, provided in so doing he does not obstruct the navigation of said river and be liable to a civil suit for all damages that may accrue to the owner or owners of any boat or boats in consequence of said trap.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXXII.

AN ACT to authorize the county court of Weakley to lay a tax for the purpose therein mentioned

Sec. 1. *Be it enacted by the general assembly of the state of Tennessee*, That the county court of Weakley a majority of the acting justices of the peace being present, be, and is hereby authorized to lay a tax, not exceeding the state tax, upon the taxable property, and pull in said county sufficient to defray and discharge the balance of the debt due for finishing the court house of said county, which shall be collected as other public taxes are appropriated exclusively to the payment of said debt.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXXIII.

AN ACT to authorize the county court of Cocke county, to open a turnpike road.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the county court of Cocke county be and they are hereby authorized and empowered to enter into an agreement with James Baxter, William Gilliland and John Allen 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 Mohun's old turnpike road; and to require bond and security of the said James Baxter, William Gilliland, and John Allen, to complete said road, and in such manner as may to them seem proper; and further to authorize them to erect a gate on said road where they may direct, and to receive such toll, and under such regulations and restrictions, as they the said Baxter, Gilliland and Allen may agree to, and with said court, a majority of the justices being present: Provided; that Eli M'Mahan

County court  
to enter into  
agreement for  
a Turnpike  
road.

of said county, for whose benefit, an act of the general assembly of the state of Tennessee was passed at Murfreesborough on the 5th of December 1825, entitled "an act authorizing the county court of Cocke county to open a turnpike road" shall before any such contract shall be made by the said court with the persons herein before mentioned, enter his consent thereto upon the records of said county court. And provided also; that the said M' Mahan shall; if he may elect to become a party with the persons herein before named, in the contract provided for, by this act, have it in his power to become a party, with all the advantages privileges, and benefits, which the other persons herein named would be entitled to, under the provisions of this act.

To appoint  
commissioners—their du-  
ty.

Sec. 2. *Be it enacted*, That it shall be the duty of the county court of said county to appoint three commissioners, of said road, whose duty it shall be to examine said road, and report the condition thereof at least once in each year, to the said court; and it shall not be lawful for the persons hereby authorized to open said road, to receive toll from any person, who may travel the same either with carriages, stock, or any other way until the same shall be, by the said commissioners reported to be in such condition as may be provided for, by the contract herein contemplated to be made with the said county court.

Entitled to  
receive toll.

Sec. 3. *Be it enacted*, That nothing herein contained shall be so construed as to prevent Eli M' Mahan from keeping up said road and taking toll thereon in such manner as he is now by law entitled to do, until he shall consent to the making of the contract herein provided for.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXXIV.

AN ACT for the relief of John Lane a citizen of Lincoln county.

*Be it enacted by the General Assembly of the*

state of Tennessee, That John Lane Sen. of Lincoln county be and he is hereby released and exonerated from a penalty of two hundred and fifty dollars; the amount recovered against said Lane at the circuit court for the county of Lincoln as a forfeiture on his bond for the appearance of Thomas Lane who failed to appear at said court.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

#### CHAPTER CCXXV.

AN ACT for the relief of Deliverance Gray and others.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Deliverance Gray be entitled to a preference, and may lay down upon the general plan, twenty-five acres of land on White Oak creek in Wayne county. Range 12 and Section 3, for the purpose of erecting a mill thereon, provided the said land is vacant, and provided also that if the said Gray shall fail to complete his mill within eighteen months after the passage of this act, he shall forfeit his right of occupancy to said 25 acres of land.

Entitled to  
preference.

Sec. 2. *Be it enacted*, That John Shepherd may lay down on the general plan of his district 100 acres of land including a mill seat on Piney creek in the county of Henderson—9th District, Range 5th and Section 8th and shall be entitled to the same protection as other occupants—provided, the said land is vacant, and provided, that the said Shepherd shall forfeit all right to said preference unless, he complete said mill in eighteen months.

Entitled to  
100 acres.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 12, 1827.

## CRHAPTE CCXXVI.

## AN ACT for the relief of John Pickins.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Register of West Tennessee to issue a grant to John Pickins for eighty acres of land lying in the seventh district, Wayne county, on the waters of Indian creek, beginning on the north west corner of an entry for 120 acres in the name of the said John Pickins the said eighty acres being entered in the name of Francis Nixon, provided the said John Pickins shall make it appear to the satisfaction of the Register, that the transfer of said eighty acres of land was made in due form by the said Francis Nixon to the said John Pickins, and that the same has been lost from the clerk's office of the circuit court of Wayne county after being proved by the oath of one subscribing witness, and filed for further probate and provided also that the said Pickins shall produce a copy of the plat, and certificate of survey and shew that the said entry is founded on a good and valid warrant.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXXVII.

## AN ACT for the relief of Jeremiah Lilliard and others.

SEC. 1. *Be it enacted by the general assembly of the State of Tennessee*, That it shall and may be lawful for Jeremiah Lilliard of the county of Monroe to file his petition before the next circuit court to be holden for the county aforesaid praying to be divorced from his wife Sarah, and it shall be the duty of the court to hear and determine the same at the same term upon oral testimony and if upon being made it shall appear to said court that his said wife has abandoned her said husband and e-

May file petition for divorce.

loped with another man, it shall be the duty of said court to dissolve the marriage contract now existing between the said Jeremiah Lilliard and Sarah Lilliard, provided ten days notice shall be given to the said Sarah if within the county previous to the sitting of said court, that said petition will be so filed or proof be made that she evades the service of notice.

SEC. 2. *Be it enacted*, That it shall be lawful for Elizabeth Ramsey to file her petition in the circuit court of Overton county praying to be divorced from her husband William Ramsey and said court shall proceed as directed in the first section of this act, and upon proof being made that said William Ramsey has abused or abandoned her, it shall be the duty of said court to dissolve the marriage contract now existing between the said Elizabeth Ramsey and William Ramsey—provided ten days notice shall be given to said William Ramsey previous to the sitting of said court that said petition will be so filed, or proof be made, that he evades the service of notice.

Privilege extended to Elizabeth Ramsey.

SEC. 3. *Be it enacted*, That it shall be lawful for Daniel Bullock and Sawney M'Nabb to file, their petition in the circuit court of White county praying to be divorced from their wives Lydia Bullock and Jemima M'Nabb and said court shall proceed as directed in the first section of this act, and upon proof being made that the said Lydia Bullock and Jemima M'Nabb have abandoned their said Husbands it shall be the duty of said court to dissolve the marriage contract now existing between the said David Bullock and Lydia Bullock and between Sawney M'Nabb and Jemima M'Nabb provided ten days notice shall be given to said Lydia and Jemima previous to the sitting of said court that said petition will be filed or proof be made that they evade the service of notice.

To Dan'l Bullock and Sawney M'Nabb.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

Y



## CHAPTER CCXXVIII.

AN ACT to authorize Columbia Lodge No. 31, to receive a title to a piece of ground for a Hall.

May receive title to land.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the master warden, and brethren of Columbia Lodge No. 31, be, and they are hereby authorized to accept, and receive a deed or deeds of conveyance, in fee simple to a piece of ground in the town of Columbia being a part of lot No. 14, situated on the north side of market street, beginning at a stone on the south west corner of said lot No. 14, where Market and Garden streets intersect running east along Market street seventy-five feet to a stake, north seventy feet to a stake, west 75 feet, to Garden street south along Garden street to the beginning, to have and to hold the same to themselves, their successors and assigns forever.

To escheat upon dissolution of the lodge.

Sec. 2. *Be it enacted*, That if said lodge shall forfeit its charter, for any cause whatever, said ground and premises shall not revert, return, or escheat to any immediate, or remote vendor or to the state, or to any Academy, or common school fund but shall enure forever to the use of masonry, and shall continue the property of Freemasons in the town of Columbia, and its vicinity, for the use of masonry until the charter shall be renewed in which event it shall forthwith revert in said lodge, as completely and effectually as though the charter had never been forfeited, whether the new chartered lodge be of the same, or a different name or of the same or a different number, and as often as the charter may be renewed to vest in the same manner, and to renew to the masonic fraternity in the town of Columbia, and its vicinity for the use of masonry forever, provided however said lodge, or any other to which said ground, and premises may inure, or the masons within the town of Columbia in the event, that said lodge will not procure its charter to be renewed, may convey the whole, or any part of said ground, and the purchasers shall have and hold a title in fee simple forever.

Sec. 3. *Be it enacted*, That the trustees of the

lottery for the purpose of raising a sum of money for the erection of a masonic Hall in the town of Columbia be, and they are hereby authorized to raise by lottery the additional sum of five thousand dollars for the purpose completing said Hall and for the purpose of purchasing a clock for the same, under the same rules and regulations, as are prescribed by the law appointing them trustees for raising a sum by lottery for the erection of a masonic Hall in the town of Columbia provided however, that a judge of any of the courts of this state, be, and is hereby authorized to perform all, or any of the duties required in said to be performed by a Justice or Justices of the peace.

Additional sum of money may be raised by lottery.

JNO. H. CAMP

Speaker of the House of Representatives

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXXIX.

AN ACT for the benefit of Edward Mitchel.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Register of east Tennessee be authorized, and required to correct the error in grant No. 1295 to Andrew Kennedy and the Registration thereof in his office, and that the Treasurer of east Tennessee on the production of said grant, when corrected shall refund to the said Edward Mitchel so much money as he the said Treasurer may have received as occasioned by the said error and shall correct his books so as to correspond with the said corrected grant in making further collections thereon.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXXX.

AN ACT for the relief of Peter Lenehan of Lincoln county.

Released from certain liabilities.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Peter Lenehan late a citizen of the town of Fayetteville be, and he is hereby released and exonerated from any liability on prosecutions that may hereafter be instituted, or any suits that are now pending against said Lenehan for retailing spirits from the first Monday in October until the third Monday of the same notwithstanding the term of his licence had expired.

To pay costs of prosecution.

Sec. 2. *Be it enacted*, That nothing in this act shall be so construed as to release said Lenehan from costs of prosecutions that are now pending where the court shall enter a judgment against him for the same.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXXXI.

AN ACT to encourage and facilitate the commercial intercourse between the citizens of the states of Tennessee and North Carolina.

Appropriation.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That one thousand dollars be, and is hereby appropriated towards the opening of a road from the North Carolina line across the Walnut mountain to Jonesboro; to be paid by the treasurer of East Tennessee to the person or persons herein after named out of any money, in the treasury.

Commissioners appointed.

Sec. 2. *Be it enacted*, That E. Embree, John G. Eason, John Kennedy, Joseph Songmins, David A. Deaderick, Nathan Gammon, Samuel Crawford, Ephraim Murray, Jacob Hartsell, Jacob Brown, John Greene, and James Young Esq. be and they are hereby appointed commissioners to

contract for and superintend the opening of said road.

To meet and elect officers.

Sec. 3. *Be it enacted*, That said commissioners or a majority of them shall meet in the town of Jonesboro as soon as practicable for the purpose of dividing the best plan for the most speedy and advantageous opening of said road, and that on their first meeting they shall proceed to elect out of their own body a chairman, clerk, & treasurer.

Duty of clerk.

Sec. 4. *Be it enacted*, That the clerk, whose duty it shall to make a faithful record of the proceedings of the board of commissioners shall soon as may be after his appointment by order of the board make application to the treasurer of East Tennessee for the amount of money appropriated in the first section of this act, and shall receive and give a receipt for the same, which receipt shall be a sufficient voucher to the treasurer of east Tennessee.

Appropriation to be placed in the hands of the Treasurer.

Sec. 5. *Be it enacted*, That said appropriation shall be placed in the hands of the treasurer of the board subject to the order of a majority of the board, in their appropriation of any portion thereof toward the opening of said road.

Power of commissioners.

Sec. 6. *Be it enacted*, That said commissioners are hereby empowered to contract with any person or persons for the opening of any portion of said road from time to time as in their discretion shall be most advisable until it shall be completed.

Their duty.

Sec. 7. *Be it enacted*, That said commissioners shall report to the county court of Washington at the first court after the work on said road is commenced, what progress has been made in the opening of said road and shall continue to report to said court at each session thereafter, the amount of money by them appropriated for the purpose aforesaid, the manner of its appropriation and progress that may have been made in opening said road until its completion.

Overseer to be appointed.

Sec. 8. *Be it enacted*, That when said road shall be completed, the county court of Washington, shall appoint an overseer and a competent number of hands to keep said road in good order.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 12, 1827.

## CHAPTER CCXXXII.

AN ACT for the benefit of Jacob Lee and others.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee.* That it shall, and may be lawful for Jacob Lee, to file his petition for a divorce from his wife Mournen in the circuit court of Wayne county, and if it shall appear to the satisfaction of the court, by testimony, that the said Mournen has more than two years since, left his bed, and board, without any just cause and still absents herself, or that the said Mournen has been guilty of adultery, it shall be the duty of said circuit court to decree a dissolution of the bonds of matrimony now existing between, the said Jacob Lee, and Mournen his wife at the first term of said court.

Sec. 2. *Be it enacted,* That Benjamin Fisher may file his petition for a divorce from his wife Peggy in the circuit court of Lawrence county, and if upon the testimony it shall appear to the satisfaction of the court that the said Peggy has for two years or more wilfully absented herself from his bed, and board without any just cause, or that the said Peggy has been guilty of adultery it shall be the duty of the court at the first term afterwards to decree a dissolution of the bonds of matrimony now existing between the said Benjamin Fisher and his wife Peggy.

Sec. 3. *Be it enacted,* That it shall, and may be lawful for Nathaniel Casey to file his petition in the circuit court of Hardin county, for a divorce from his wife China, and upon proof that his said wife China has been guilty of adultery, it shall be the duty of said court at the first term thereof to decree a dissolution of the bonds of matrimony now existing between the said Nathaniel Casey and his wife Chany.

Sec. 4. *Be it enacted,* That it shall, and may be lawful for Margaret Fickle to file her petition for a divorce from her husband Abram B. Fickle, in the circuit court of Sullivan county, and upon it appearing to the satisfaction of the court, by testimony that the said Abram B. Fickle, has been convicted as deputy post master, of taking money out of a letter in the post office and that he has been

sentenced to ten years imprisonment for the said offence, it shall be the duty of the said court at the first term to decree a dissolution of the bonds of matrimony, existing between the said Margaret, and her husband Abram, and the said Margaret Fickle is hereby constituted the sole guardian of her son Robert P. Pickle.

Sec. 5. *Be it enacted,* That Betsy H. Linsey, may apply to the circuit court of Hardeman county by petition, and upon due proof, that her husband has absconded her altogether for two years, said court may divorce her, from her husband at the first term, and no notice upon him shall be necessary, if it shall be proved that he is gone to parts unknown.

And Betsy  
H. Linsey.

JNO. H. CAMP.

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXXXIII.

AN ACT for the relief of Robert Gamble.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee.* That it may and shall be lawful for the treasurer of East Tennessee, and he is hereby directed to pay to John Miller, an Indian reserve of the Cherokee nation the sum of fifteen hundred dollars; Provided however, and on the express condition that the said John Miller shall execute to the treasurer aforesaid for the use of the state a bonafide transfer of all the right, title, claim and interest, which the said reservee has in and to a certain reservation by virtue of the treaties of 1817 and 1819, and which was lately recovered by said Miller, in an action of ejectment, determined in the circuit court of Knox county, wherein said John Miller's lessee was plaintiff and Robert Gamble was defendant.

Treasurer to  
pay John Miller  
\$1500.

Sec. 2. *Be it enacted.* That on the transfer and conveyance provided for by the first section of this act being bona fide made and executed to the treasurer aforesaid for the sole use and benefit of the

Register to  
issue grant to  
R. Gamble for  
(30) acres of  
land.

state, then and in that case the register of East Tennessee is hereby authorized and directed to issue to the said Robert Gamble a grant or grant-for the one hundred and thirty one acres and a half purchased by him at the land sales at Knoxville, and lately recovered from him by the reserves aforesaid in the above named action of ejectment.

Remainder  
of the reserva-  
tion not liable  
to entry.

SEC. 3. *Be it enacted*, That the remainder of said reservation of five hundred and eight and one half acres so conveyed to the state shall not be liable to entry, but remain subject to the future disposition of the legislature.

Treasurer to  
pay R. Gam-  
ble \$143.88.

SEC. 4. *Be it enacted*, That the treasurer aforesaid is hereby authorized and directed to pay to Robert Gamble aforesaid the sum of one hundred and forty three dollars, eighty eight cents expended by him in and about his defence in the action of ejectment aforesaid.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 13, 1827.

#### CHAPTER CCXXXIV.

AN ACT to amend "an act for the relief of John Grigsby Sen'r." passed October 18, 1824.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That the heirs and representatives of John Grigsby Sen'r., now deceased, be and are hereby released from the balance of the forfeiture not released by that act, provided always that nothing in this act contained shall be construed to release the said heirs and representatives from the payment of any and all costs that may have accrued in said case and that may now be unpaid.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 13, 1827.

#### CHAPTER CCXXXV.

AN ACT appointing a commissioner to settle with the entry taker of the Hiwassee district.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Henry Frey be and he is hereby appointed commissioner to settle with the entry taker of the Hiwassee district, whose duty it shall be to call upon the entry taker of said district, and examine all books and records of his office, and ascertain what amount of lands have been entered therein, plainly distinguishing the number of entries and the number of acres of land entered by virtue of the different provisions of the act of 1823, and the act of 1826, authorizing lands to be entered in said district, at the different prices pointed out by law, and it shall be the duty of the said commissioner to charge the entry taker with the amount of money which should have been received for the lands entered in said office, being governed in making out the amount with which said entry taker is to be charged by the price of land in said district at the time the respective entries were made in said office, and plainly shew the total amount of money received by said entry taker after deducting his commissions and the amount of receipts or vouchers produced by said entry taker.

H. Frey ap-  
pointed, his  
duty, power &  
authority.

SEC. 2. *Be it enacted*, That it shall be the duty of said commissioner to make out two reports agreeable to the first section of this act, one of which he shall deliver to the treasurer of east Tennessee, whose duty it shall be to file the same in his office, and the other transmit to the next general assembly.

To make out  
two reports.

SEC. 3. *Be it enacted*, That the commissioner herein appointed be and is hereby allowed the sum of three dollars per day for each day that he may be necessarily engaged in making said settlements, and also for each mile he may travel in going to or returning from the place of making such settlement ten cents to be paid out of any monies in the treasury not otherwise appropriated upon his making oath of the time he may have been engaged in making said settlement, whose receipt for

His compen-  
sation.

(the same shall be a sufficient voucher in the hands of said treasurer in settlement of his accounts.

JNO. H. CAMP,  
Speaker of the House of Representatives  
W. HALL,  
Speaker of the Senate,

December 13, 1827.

### CHAPTER CCXXXVI.

AN ACT requiring the secretary of state to have bound and kept in his office a certain number of copies of the pamphlet acts of this state.

*Duty of the Secretary.*  
SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That the secretary of state be and he is hereby authorized and required to have bound in durable binding in volumes of convenient size, three copies of all the pamphlet acts of the general assembly of Tennessee which have been passed and published since the year 1796, and that if a sufficient number of copies cannot be found in his office it shall be his duty to enquire after and procure such as may be wanting, wherever the same may be found and can be purchased, and that whenever a sufficient number of pamphlet acts to compose a volume shall hereafter be published, said secretary shall have a like number of copies in the same manner as required for those heretofore published, and said acts when bound shall be deposited in the secretary's office and shall there be preserved and kept for the use of the state forever.

*To draw on Treasurer.*  
SEC. 2. *Be it enacted,* That it shall and may be lawful for said secretary to draw on the treasurer of West Tennessee, for the amount of necessary expence under this act incurred, which draft when paid by said treasurer shall be a good voucher in the settlement of his accounts.

JNO. H. CAMP,  
Speaker of the House of Representatives  
W. HALL,  
Speaker of the Senate,

December 13, 1827.

### CHAPTER CCXXXVII.

AN ACT appointing additional trustees for the county academies therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Wheeler, John Philips, David Richardson, and Abraham Hayter be, and they are hereby appointed trustees to Franklin academy in the county of Campbell. And John Hunt and John Hodge, to Speedwell academy in the county of Claiborne. And that they have the same powers and privileges as those trustees heretofore appointed to said academies, And Hugh Houston, William E. Copke and Thomas Whiteside be and they are hereby appointed additional trustees for Madison academy in the county of Grainger.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate,  
December 13, 1827.

### CHAPTER CCXXXVIII.

AN ACT to establish an inspection for tobacco and other articles at the mouth of Gap creek, on Powell's river in Claiborne county.

*Inspection established.*  
SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee,* That an inspection be and is hereby established at the mouth of Gap creek, on Powell's river in said county, for the inspection of tobacco, and such other articles as may be deposited at said inspection.

*County court to appoint inspectors.*  
SEC. 2. *Be it enacted,* That the county court of said county, a majority of the acting justices being present shall have power to appoint inspectors, and prescribe the rules and regulation under which such inspection shall be conducted, and shall establish the fees and storage at such inspection, and to alter the same from time to time as they shall seem fit and proper.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate,  
December 13, 1827.



## CHAPTER CCXXXIX.

## AN ACT for the relief of John S. Hardy.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for any person to institute any proceedings under any law of this state to render null and void any grant or grants made to John S. Hardy for lands in Claiborne county for the benefit of Iron Works in said county, or to enter any of the lands in the bounds of such grant or grants in the entry takers office of said county until the first day of June 1830.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXXX.

## AN ACT for the benefit of Benjamin C. Totten.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee,* That Benjamin C. Totten of Obion county be and he is hereby authorized to build a set of mills on the north fork of Obion river in the 13th surveyors district, west of the second range line in the 8th section of said range on vacant and unappropriated land.

SEC. 2. *Be it enacted,* That said Benjamin C. Totten shall have an occupancy and preference of entry to two hundred acres of vacant and unappropriated land so as to include the seat selected by him for said mill, and the said Totten shall within three months after the passage of this act, cause the same to be surveyed and distinctly marked and entered on the general plan as other occupant entries in the western district, provided that the said Totten does not interfere with any older occupant.

SEC. 3. *Be it enacted,* That John W. Rogers of Weakly county shall have an occupancy and preference entry of two hundred acres of vacant and

Authorized to  
build a set of  
mills.

To have an  
occupancy of  
200 acres.

Same privilege  
to John  
W. Rogers.

unappropriated land, so as to include the mill seat selected by him on Mud creek in the county of Weakly in the 13th surveyor's district in the second range and in sections six and seven, and that within three months after the passage of this act that the said Rogers shall cause the said two hundred acres of land to be surveyed and marked, and to be entered on the general plan of said surveyors district as other occupant entries in the western district.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXLI.

## AN ACT authorizing a turnpike road over the Tennessee bottom opposite Reynoldsburg.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joshua Williams, Dorsey P. Hudson, Wyatt Arnold, Thomas K. Wylly and James Langford, shall be and they are hereby authorized to open and cut out a road from the south bank of Tennessee river opposite Reynoldsburg in Humphreys county, from thence across the Tennessee bottom, near or in the direction of the present road from Reynoldsburg to Huntingdon in the county of Carroll, and until it reaches the foot of the hill, which road shall be cut at least thirty feet wide, and where the ground is wet or swampy shall be causewayed covered with clay, that where said road crosses the cypress creek there shall be erected a good and permanent bridge, also across a sluice between said creek and the hill.

Persons au-  
thorized to o-  
pen a road.

SEC. 2. *Be it enacted,* That said road shall at all times be kept in good repair, and if it should be permitted to remain out of repair for three weeks at any one time after said road is opened and received by the commissioners appointed by this act said commissioners shall immediately report the same to the county court of Hum-

Road to be  
kept in good  
repair.

phreys, which said court shall order said commissioners to open said gate and keep the same open until such road and bridges shall be by them adjudged to be in good repair, the said commissioners shall then authorize said proprietors to shut said gates for the purpose of receiving toll.

SEC. 3. *Be it enacted*, That Burwell Lashlea, Green B. Flowers, Jacob Browning, William Bloodworth and James Rutherford be and they are hereby appointed commissioners for said road, whose duty it shall be at any time when called on by said proprietors to proceed to view and mark said road, also draft, design and prescribe therefor materials and manner in which the bridge over said Cypress creek and sluice, shall be built, shall require bond, and security of said proprietors to do, perform, and complete said road within such time, and in such manner as they shall deem right, practicable, and to the interest of the public.

Commissioners to view it.

Their duty.

SEC. 4. *Be it enacted*. That when said proprietors shall notify said commissioners that said road is completed, they or a majority of them who shall at all times be competent to do and perform any duties required of them by this act, shall proceed to examine said road and bridge, and if in their opinion said road is completed as required by this act and the interest of the public requires, said commissioners may license said proprietors to erect a gate and receive such toll of all travellers, waggons, horses, stock, neat cattle and hogs as said commissioners shall prescribe or fix, which rates shall be reduced to writing, one copy of which shall and may be given to such proprietors, and one copy filed with the clerk of the county court of Humphreys, provided nevertheless said commissioners may amend, revise, and alter such rates at any time they in their judgment may think right, and the interest of the country requires: Provided nevertheless that nothing in this act contained shall be so construed as to authorize the collection of a toll of any citizen of Humphreys county lying west of Tennessee river, going to or returning from the court house of said county of Humphreys or the town of Reynoldsburg, and provided also that if said proprietors or a majority of them do not give bond and security and undertake the making said road as provided by this act

on or before the second county court in said county after the first day of January next, that all powers and rights given by this act shall cease and be of no effect.

SEC. 5. *Be it enacted*, That in case any of the above named proprietors or commissioners shall fail or refuse to take upon him or themselves the duties and responsibilities of this act or to qualify as required, the county court of Humphreys county a quorum being present shall have power to fill such vacancy at the first or second term thereof, after the first of January next.

County Ct. of Humphreys to fill vacancies.

SEC. 6. *Be it enacted*, That the commissioners may have power to allow the proprietors of said road and bridges, toll upon the completion of any part of said bridge or road as in their discretion they may deem right and just, notwithstanding the whole may not be completed: Provided also that this act shall be and continue in force until the first day of January 1850 and no longer: Provided also that all mail carriers shall at all times pass free from paying toll.

Proprietors may be allowed toll on part of said road.

JNO. H. CAMP,

Speaker of the House of Representatives,

W. HALL,

Speaker of the Senate

December 13, 1827.

## CHAPTER CCXLII.

### AN ACT for the relief of Abraham Hunter.

SEC. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That Abraham Hunter may hawk and peddle in the second congressional district in this state without taking out any licence, or paying any tax, provided, the said Abraham Hunter, shall take & subscribe an oath before the clerk of the county court of Claiborne county that he is about to hawk and peddle for his own benefit and that he is not in partnership with any other person.

JNO. H. CAMP,

Speaker of the House of Representatives,

W. HALL,

December 13, 1827.

Speaker of the Senate

## CHAPTER CCXLIII.

## AN ACT for the relief of Charles M'Clung.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That the register of the western district is hereby authorized to cancel grant No. 21853 for 476 acres and issue another grant upon entry No. 717, for the same amount of acres to Charles M'Clung, any law to the contrary notwithstanding.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXLIV.

## AN ACT for the benefit of the commissioners of the town of Tellico.

SEC. 1. Be it enacted by the General Assembly of the state of Tennessee, That the county court of Monroe county, a majority of the justices being present, be and hereby is authorized, to allow and cause to be paid out of the monies arising from the sale of lots or other public property belonging to the town of Tellico to Charles Kelso, Jones Griffin and Jesse Milton, respectively the several amounts by them or either of them paid to counsel as commissioners for said town in making defence on a bill of injunction filed against them as commissioners aforesaid, and also to make such allowance for the expenses of said commissioners as the court shall think reasonable: Provided the said commissioners shall, or either of them state on oath or give other satisfactory evidence to the court of the amount so paid by them to counsel and expended in making the defence aforesaid, and the court shall be of opinion that the same is reasonable.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXLV.

## AN ACT to authorize Thomas Wheeler of Campbell county to open a turnpike road.

SEC. 1. Be it enacted by the general assembly of the state of Tennessee, That Thomas Wheeler is hereby authorized to open a turnpike road, commencing at Daniel Martins in Powell's Valley road in the Walnut cove, leading up cove creek, crossing the Elk gap of Cumberland mountain, then down the Elk fork a suitable direction to intersect a turnpike road leading through Whetley county in the state of Kentucky, which road, where the situation of the country will admit of it, shall be cut eighteen feet wide, and cleared of stumps, and all other obstructions, and where the road has to be causewayed, where the nature of the ground is such that it cannot be extended it shall be at least twelve feet wide, clear of stumps, roots and other obstructions.

Bounds of the road.

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

To be kept in repair.

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

Commissioners to be appointed.  
 SEC. 3. Be it enacted, That Daniel Queener, Joseph Hart, and Daniel Martin shall be, and they are hereby appointed commissioners of the aforesaid road and they shall be capable at all times to do and perform all the acts and duties required of them by this act, and when the proprietor shall notify said commissioners that the said road is cut out and completed for use, said commissioners shall proceed to examine said road, and if said road in their opinion is in the order contemplated by this act, they shall proceed to licence said proprietor to keep a toll gate, which licence shall be under their hands and seals; and said proprietor may proceed to erect a toll gate on the most convenient place on said road, and shall be entitled to receive the same rates of toll that are received at Bean's station turnpike gate.

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

Penalty for not keeping road in repair.  
 SEC. 5. Be it enacted, That if any part of said road shall be out of repair, at any time after it is received by said commissioners, and by reason of which any person or persons shall sustain any damage either in person or property, he, she, or they, may have and sustain an action on the case against said proprietor for the damage sustained.

SEC. 6. Be it enacted, That if any person or

persons shall pass said gate arbitrarily, or within one mile thereof for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence, to said proprietor the sum of twenty dollars, to be recovered by action of debt before any justice of the peace within this state.

For passing the Gate forcibly.  
 Persons cured from paying toll.

SEC. 7. Be it enacted, That the mail stage or mail carrier on horse back, or any person going to or returning from mill, blacksmithshop, muster, elections, or preaching, shall at all times pass said gate free from paying any toll: Provided said proprietor shall not erect said gate within one half mile of the road leading from Jacksborough to Clinton: and provided said turnpike shall from time to time be under the control of the general assembly.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL

Speaker of the Senate.

December 13, 1827.

## CHAPTER CCXLVI.

AN ACT providing compensation for the counsel of the state in certain Indian reservation suits.

SEC. 1. Be it enacted by the general assembly of the State of Tennessee, That the treasurer of East Tennessee be and he is hereby directed to pay to Hugh L. White five hundred dollars in addition to the compensation for his services as counsel in behalf of the state up to this time in the several Indian reservation suits reported to this general assembly by said counsel, and his receipt shall be a sufficient voucher in the settlement of his accounts.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1827.



## CHAPTER CCXLVII.

## AN ACT for the benefit of Elizabeth L. Crenshaw and Samuel Morris.

SEC. 1. Be it enacted by the general assembly of the State of Tennessee, That it shall and may be lawful for Elizabeth L. Crenshaw of the county of Williamson by her next friend to file her petition before the next circuit court to be holden for the county aforesaid praying to be divorced from her husband Daniel Crenshaw, and it shall be the duty of the court to hear and determine the same, at the same time upon oral testimony, and if upon proof being made it should appear to said court that her said husband has absented himself from her or has wholly failed and neglected to extend protection and support to her, or has been guilty of, and convicted of the crime of horse-stealing, it shall be the duty of said court to dissolve the marriage contract now existing between the said Elizabeth L. Crenshaw, and Daniel Crenshaw, provided ten days notice shall be given to the said Daniel previous to the sitting of said court that said petition will be so filed, or proof be made that he evades the service of notice.

SEC. 2. Be it enacted, That Elizabeth White of Roane county shall be permitted to file her petition in the circuit court of said county praying a divorce from her husband James White, and it shall be the duty of said court to hear and determine the same at the first term of said court, and if it shall appear to said court, that her said husband has lived separate and apart from her for the space of three years, it shall be the duty of said court to dissolve the marriage contract now existing between the said Elizabeth White and her said husband: Provided, that ten days notice shall be given to said White previous to the sitting of said court that said petition will be so filed, or proof be made by the return of the sheriff of said county into whose hands said notice shall be placed, that the same cannot be served on said White.

SEC. 3. Be it enacted, That Elizabeth Oliver of Roane county shall be entitled to file her petition praying a divorce from her husband John Oliver, under the same rules and regulations that E-

Elizabeth Crenshaw — proceeding to obtain a divorce.

Elizabeth White.

Elizabeth Olive.

Elizabeth White in the foregoing section is entitled to file her petition for a divorce, and said court shall determine the same and dissolve the marriage contract now existing between the said Elizabeth Oliver and her said husband John Oliver, on proof of notice and absence of the husband as is required in the before recited section.

SEC. 4. Be it enacted, That Samuel Morris be permitted to file his petition praying a divorce from his wife Malinda before the circuit court of Bedford at their first term after the passage of this act and upon oral proof being made, that said Malinda has lived separate and apart from said Samuel for twelve months and during said time has lived dissolutely, it shall be the duty of said court to dissolve the marriage contract now existing between said Samuel and his wife Malinda: Provided, ten days notice be given said Malinda, that said application will be made

Samuel Morris.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 13, 1927.

## CHAPTER CCXLVIII.

## AN ACT to alter the time of holding county drills in the counties therein named.

SEC. 1. Be it enacted by the general assembly of the State of Tennessee, That hereafter the county drills in the county of Washington shall be held on the Friday and Saturday after the second Monday in September in each and every year and that the county drills, in the county of Sullivan shall hereafter be held on the Friday and Saturday after the fourth Monday in September in each and every year and that the county drill in the county of Bedford shall be held on the second Friday and succeeding day in September in each and every year under the same rules and regulations, as heretofore prescribed by law, that hereafter the county drills in the county of Maury shall be held on the second Friday and Saturday in September annual-

When to be held

Sec. 2. Be it enacted, That in all cases where the drills of the brigade inspector conflict with regimental drills it shall and may be lawful for the officers of each regiment who composed regimental courts martial to fix the time of such county drills in such manner as to prevent interference, and it shall be the duty of the brigade inspector to attend at the time which the regimental courts martial shall appoint and perform his duty in holding county drills as in other cases.

Officers of  
the  
10th Regt.  
ment  
Sec. 3. Be it enacted, That the 102 regiment of militia shall hold a regimental muster on the first Tuesday in October and the new regiment formed in the county of Bedford now commanded by Col. Abram Whitney shall constitute the 103 regiment and shall hold a regimental muster on the first Saturday after the first Tuesday in October annually.

Uniform of  
Officers  
Sec. 4. Be it enacted, That it shall be lawful for the field company and staff officers of the infantry of this state to wear round black hats with red plumes on days of muster such as are prescribed by the 53th section of the act of 1825, for the officers of volunteer companies.

10th Regt.  
ment  
Sec. 5. Be it enacted, That the militia on the north side of Clinch mountain and that portion of said militia residing in poor valley as constitutes a part of Capt. David Rogers' company in the county of Hawkins shall compose the 104 regiment.

When to hold  
muster  
Sec. 6. Be it enacted, That the 104 regiment shall hold their regimental muster on the third Saturday in October in each year at such place as a majority of the officers of said regiment may direct the first battalion to be holden on the 4th Saturday in March in each year the second battalion on the first Saturday in April in every year at such place as the battalion courts martial may direct.

Officers to be  
elected  
Sec. 7. Be it enacted, That it shall be the duty of the brigadier general of the first brigade to issue writs of election directed to the sheriff of Hawkins county to hold an election to elect the field officers of said regiment to be holden at the house of George Rogers Esq. and it shall be the duty of the sheriff to give notice of the same at six public places on the north side of Clinch mountain of the time and place of holding said election.

Sec. 8. Be it enacted, That it shall be the duty of the officers of said regiment as soon as the field

officers are elected to divide said regiment in two battalions and as many companies as the number of militia may authorize.

Sec. 9. Be it enacted, That the companies commanded by Capt. Willie B. Mitchell and George R. Smith of the 4th regiment, be attached to the 78th regiment and constitute a part of the 78th regiment, and that the eastern boundary of said company constitute the boundary line between the 4th and 78th regiment and be subject to all the rules and regulations of the militia of this state.

Sec. 10. Be it enacted, That the cavalry attached to the 10th brigade shall hereafter hold annual battalion musters in lieu of regimental musters that the cavalry of Bedford county shall muster at the town of Shelbyville and the cavalry of Lincoln county shall hold their musters at the town of Fayetteville annually, and it shall be the duty of the field and staff officers to attend both musters.

Sec. 11. Be it enacted, That the county drills for the several counties in the 6th brigade shall be as follows for the county of Robertson on Wednesday and Thursday preceding the last Saturday in September. For the county of Dickson the first Monday in October, and the succeeding day. The county of Hickman the Thursday and Friday following. The county of Stewart the second Monday in October and the succeeding day. The county of Montgomery the Thursday and Friday following.

Sec. 12. Be it enacted, That the following regiments of Tennessee Militia in the 6th brigade shall hold regimental musters annually as follows to wit: the 26th regiment on the first Saturday after the first Monday in October. The 36th regiment on the first Saturday after the first Monday in October. The 26th regiment the first Wednesday after the 2d Monday in October. The 24th regiment the Friday following and the 50th regiment the Saturday following.

Sec. 13. Be it enacted, That the law authorizing regimental drills be and the same is hereby repealed in said 6th brigade.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 14, 1827.

## CHAPTER CXXIX.

## AN ACT for the relief of Henry Matlock.

Sec. 1. *Be it enacted by the General Assembly of the state of Tennessee*, That the treasurer of East Tennessee be and he is hereby directed to pay to Henry Matlock and others purchasers, or assignees of purchasers, entefers, or assignees of entefers the amount of money paid by them respectively to the state for the fourth section in the fourth township, first range west of the meridian in the Hiwassee district; which section of land was recovered from said purchasers by the widow of Fallenwater M'Intosh in an action of ejectment by virtue of a reservation claim, and said treasurer is also directed to pay the costs of suit, together with the interest upon the purchase money from the time the same was paid up to the time of reimbursement and their receipts for the same shall be to the said treasurer good vouchers in the settlement of his accounts.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 14, 1827.

## CHAPTER CCL

## AN ACT to erect the Woodward Academy into a College to be denominated Columbia college.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Woodward academy in the county of Maury be and the same is hereby declared to be and is erected into a college to be hereafter known by the name of Columbia college, and that the corporate name of the trustees of the Woodward academy be no longer used, and that all the privileges, claims, rights, and property of every description, be and they are hereby henceforth vested in said college, and the trustees of said academy by the name of president and trustees of Columbia college may do all acts in all ways manner

Academy  
erected into a  
College

and places that they could lawfully have done prior to the passage of this act as trustees of said academy, and that all acts done, or to be done and all proceedings had or to be had in the former name shall inure to their benefit in the latter, and all acts and proceedings, commented by the former name may be carried on, if need be, in the latter name for the benefit of the said college, so that no possible injury can result from the change of name. That all monies due, or which hereafter may fall due to said college as the Woodward academy shall be paid to the said president and trustees of Columbia college, and that said trustees select out of their body some suitable person as president of the board of trustees, and establish such rules and regulations for the government of said institution and for their own convenience as they shall deem expedient, which shall not be inconsistent with the laws of the land.

Sec. 2. *Be it enacted*, That Columbia college is hereby vested with all the rights powers, privileges, franchises and emoluments of other colleges in this state, and to confer the same degrees and honors, upon Students and others.

Privileges,

Sec. 3. *Be it enacted*, That William E. Kennedy, Simon P. London, John C. Wormly, William M. Neil, Alexander Johnston, John Brown, John B. Hays and Abraham Looney are hereby appointed additional trustees to said college.

Additional  
trustees.

Sec. 4. *Be it enacted*, That Edmund Russell, Matthew L. Dixon, Jonathan Spyker, Benjamin Decker, Benjamin Powell, Micajah Warren, William Buckannon, Reuben Wells, Doctor Wallace Estill, Mark Hutchins, John J. Hyter, and Willis Estill Jr. be and they are hereby constituted and appointed trustees of Carrick academy in Franklin county, and that any five of them shall constitute a board to do business, and that all laws heretofore passed creating any trustees of said academy are hereby repealed.

Trustees for  
Carrick acad.  
any.

Sec. 5. *Be it enacted*, That said trustees shall have power, to fill any vacancies which may occur in their own body.

Their power.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

December 14, 1827.

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## CHAPTER CCLI.

## AN ACT for the relief of Thomas White and others therein named.

To have certain money refunded from the treasury.

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That the treasurer of east Tennessee be and he is hereby directed to refund to Thomas White the sum paid to the state with legal interest thereon for and on account of three hundred and twelve acres of land purchased by said White at the land sale in the Hiwassee district, and which has lately been recovered from said White in an action of ejectment wherein Willioah's heirs lessee was plaintiff and the said White was defendant.

To receive the further sum of \$200.

SEC. 2. *Be it enacted*, That the treasurer aforesaid be and he hereby is directed to pay to the said Thomas White the further sum of sixty six dollars and seventy three cents for costs of suit by him expended in making his defence in said action of ejectment.

Treasurer to refund certain monies.

SEC. 3. *Be it enacted*, That the treasurer aforesaid be and he hereby is directed to refund to William Kanard the sum paid the state for one hundred and twenty acres, to Miller Isbell, the sum paid to the state for one hundred and fourteen acres, to Edward Ragsdale the sum paid to the state for thirty eight acres, to William Montgomery the sum paid to the state for twelve acres, to Robert Hudson the sum paid to the state for eight acres, and to William Isbell the sum paid to the state for six acres of land by them severally purchased in the Hiwassee district and which has been recovered from them in an action of ejectment wherein Willioah's heirs lessee was plaintiff and Thomas White was defendant.

Further sums or money to be refunded.

SEC. 4. *Be it enacted*, That the treasurer aforesaid be & he is hereby directed to refund to Wm. S. Blair the sum paid to the state for the north west quarter of section nineteen, second fractional township and fourth range east of the meridian, with the legal interest on the sum so paid and also that the said treasurer refund to Elizabeth Upton the sum paid to the state with the legal interest thereon for the south west quarter of section eighteen, second fractional township and fourth range east

of the meridian in the Hiwassee district, which two last described quarter sections of land are included in the reservation granted to the bold Hunter by the treaties of 1817, and 1819, and was recovered by said reservee in an action of ejectment lately decided in the circuit court of Monroe county: Provided however that before the treasurer be authorized to refund to said purchasers they shall execute a release to the state of all title acquired by the purchase of the lands at the public land sales, or entered in the entry takers office of said district.

SEC. 5. *Be it enacted*, That it shall not be lawful for any person or persons to enter any of said lands so relinquished, and if any person or persons shall contrary to the provisions of this act enter any of said lands, the entry shall be void, and no grant issuing upon such entry shall be valid but the same void and of no effect: Provided nevertheless that the several claimants intended to be relieved by this act shall procure additional surveys of the several lots or parcels of land by them individually claimed and produce the certified plats thereof to the treasurer, distinctly shewing the exact quantities by them individually claimed which lies within the aforesaid reservation reserved as aforesaid the number of the quarter or fractional quarter as the case may be.

Relinquished lands not to be entered.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 15, 1827.

## CHAPTER CCLII.

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

SEC. 1. *Be it enacted by the general assembly of the state of Tennessee*, That Robert Bowie and Joseph England of Morgan county in place of the commissioner appointed in 1825, be appointed additional commissioners for the turnpike road called Piles' road, and that they perform the same duties,



and receive the same compensation required from and given to the former commissioners on said road.

JNO. H. CAMP,  
Speaker of the House of Representatives,  
W. HALL,  
Speaker of the Senate

December 15, 1827.

### CHAPTER CCLIII.

*AN ACT* making an appropriation of money to defray the expence of the 1st session of the 17th general assembly.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the speaker of the senate and speaker of the house of representatives, shall each receive the sum of five dollars per day for their services during the present session, and the further sum of four dollars for every twenty five miles travelling to and from the seat of government

Compensation of the Speakers.

Of the members.

SEC. 2. *Be it enacted*, That each member of the general assembly shall receive the sum of four dollars per day for their services during the present session, and the like sum for every twenty five miles travelling to and from the seat of government.

Of the clerks.

SEC. 3. *Be it enacted*, That the clerks of the senate and of the house of representatives shall each receive the sum of six dollars per day for their services at the present session.

Of door keepers.

SEC. 4. *Be it enacted*, That the doorkeepers shall each receive the sum of four dollars per day for their services at the present session.

Of the Book-seller.

SEC. 5. *Be it enacted*, That the treasurer of west Tennessee pay to Robertson and Elliot the sum of eight hundred and twenty five dollars and twenty seven cents for stationary and sundry other articles furnished this general assembly during the present session.

Of the Printers.

Also, pay to John S. Simpson printer the sum of two hundred and twenty one dollars and 69 cents for sundry printing done by order of the senate.

and also pay to Messrs. Hall and Fitzgerald the sum of two hundred and two dollars and 75 cents; for sundry printing done by order of the house of representatives, and also the sum of thirty four dollars and 89 cents to John P. Erwin post master for the postage of letters directed to the speakers of both branches of the general assembly, and also to Robertson and Elliot the further sum of six dollars and seventy five cents. And the receipt of the said several persons shall be good vouchers in the hands of said treasurers.

SEC. 6. *Be it enacted*, That the treasurer of west Tennessee pay to Daniel Graham one hundred and twenty four dollars office rent for the secretaries and commissioners office from the 31st December 1826, to the 31st December 1827, and his receipt shall be a good voucher in the settlement of said treasurers accounts.

Secretary of State to paid Office rent.

SEC. 7. *Be it enacted*, That the treasurer of West Tennessee pay to Cornelious Slater and James M'Dowell thirty dollars each for extra services as doorkeepers and to Daniel Graham for Isaac hauling water thirty two dollars sixty two and one half cents, and also to Jeffrey seventy five dollars for services rendered to this general assembly, whose receipts shall be good vouchers in the settlement of his account.

Compensation of the Door keepers

SEC. 8. *Be it enacted*, That the treasurer of West Tennessee pay to Jacob P. Chase the sum of one hundred and fifty five dollars for services rendered as assistant clerk to this general assembly whose receipt shall be a good voucher, in the settlement of his accounts.

Of Jacob P. Chase.

SEC. 9. *Be it enacted*, That the treasurer of West Tennessee, pay to James M'Dowell twenty five dollars for taking care of the public furniture whose receipt shall be a good voucher in the settlement of his accounts.

Of James M'Dowell.

JNO. H. CAMP,  
Speaker of the House of Representatives,  
W. HALL,  
Speaker of the Senate.

December 15, 1827.

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**RESOLUTIONS.**

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## *Resolutions.*

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NO. 1.

Resolution requiring certain information from the University of Nashville, the college of East Tennessee and the several county academies.

*Resolved by the General Assembly of the state of Tennessee,* That the trustees of the university of Nashville and the trustees of the college of East Tennessee be requested to report to this general assembly the amount of funds belonging to each arising from public donation and or any law of the state; distinguishing such as are at this time available from those which are not, how they are vested at this time what are the annual proceeds derivable from them, and how the same has been appropriated, embracing the accounts of each of said institutions for the last four years; what are the branches of education taught in each at this time and what are the rules adopted regulating the admission of students into each of those institutions.

*Resolved,* That the trustees of each and every one of the academies in this state also make a report to this general assembly of the amount of funds belonging to each arising from public donations or under any law of the state, distinguishing such as are at this time available from those which are not, how they are vested, what are the annual proceeds derivable from them, how the same

has been appropriated, embracing the accounts of each of said institutions for the last four years—what are the branches of education taught in each at this time, and what are the rules adopted regulating the admission of students into each of those institutions.

JNO. H. CAMP,  
*Speaker of the House of Representatives,*  
W. HALL,  
*Speaker of the Senate.*

September 26, 1827.

# NO. 5.

Resolutions calling for information from the bank agents, entry takers &c.

1. *Resolved*, That the president of the bank of the state of Tennessee, report what amount of monies set apart for common schools, has been received by the said bank, and by whom paid, and that he report to what amount the duplicate receipts taken by the entry takers from bank agents, and forwarded to the principle bank, exhibit such bank agents in default, and to what particular amount, each of such defaulters are in arrears.

2. *Resolved*, That all the bank agents in this state north and east of the congressional reservation line report what amount of monies have been paid to them by the several entry takers, and what amount is yet in the hands of such bank agents.

3. *Resolved*, That each of such entry takers, report on oath, what amount of monies he may have received for entries, and what amount by his predecessor or predecessors in office, so far as he may know, and how far the said monies have been paid out in pursuance of law.

4. *Resolved*, That each of the county court clerks, north and east of the congressional reservation line, report whether settlements have been made with the entry takers as by law directed, and if so what is the state of the accounts of such entry takers.

5. *Resolved*, That the president of the bank of the state of Tennessee report to this general assembly such agents as are in default, and to what amount, at what time said agents became defaulters, whether suits have been commenced against them, in what cases judgments have been rendered, and the amount of such judgments, and report as far as practicable, if the persons against whom the judgments have been rendered, are solvent and able to pay the same.

6. *Resolved*, That the solicitors in the several districts in this state, report to this general assembly how far they have performed the duties assigned them by the laws, which require steps to be taken against the entry takers who have failed to pay over the public monies, in what cases judgments have been rendered, the amount of such judgments, and as far as practicable the solvency of the persons against whom judgments have been rendered, and further report the situation of such suits as are now pending against the entry takers.

JNO. H. CAMP,  
*Speaker of the House of Representatives,*  
W. HALL,  
*Speaker of the Senate.*

October 5, 1827.

# NO. 5.

A Resolution appointing additional trustees for Dresden Academy.

*Resolved by the general assembly of the state of Tennessee*, That Benjamin Bondurant, and John McNeely be appointed additional trustees to Dresden Academy in the county of Weakley.

JNO. H. CAMP,  
*Speaker of the House of Representatives,*  
W. HALL,  
*Speaker of the Senate.*

October 9, 1827.



## NO. 4.

Resolution calling for information from the president and directors of the bank of the State.

*Resolved by the general assembly of the state of Tennessee, That the President and directors of the bank of the state of Tennessee, report to the legislature, the amount of money received from each of the entry takers, and when received, and that said bank report the amount of money annually loaned in each county, from its establishment, to the present period, designating as far as practicable, in what manner, said loans are secured, whether by a lien on real estate, or by personal security. Also to state whether said bank has established a lien on real estate for personal security, and if so, in what instance. And whether if any loss is likely to be sustained by such exchange of securities, and if so, how much, and that said bank further report the amount of expenses of said institution from its establishment to the present period, designating in said report the particular items of expense at the principal bank, at its branch and at the several agencies.*

JNO. H. CAMP,

Speaker of the House of Representatives,

W. HALL,

Speaker of the Senate,

October 10, 1827.

## NO. 5.

Resolution expressing the sense of this general assembly on the appointment of members to offices created by the legislature.

*Resolved by the general assembly of the state of Tennessee, That in the opinion of this general assembly it is inconsistent with the provisions of the constitution and spirit of our government, that any*

office created by the legislature, should be filled by a member of that body, where the acceptance of such office will vacate such member's seat.

JNO. H. CAMP,

Speaker of the House of Representatives.

W. HALL,

Speaker of the Senate.

October 11, 1827.

## NO. 6.

Resolution referring certain land claims for adjudication.

*Resolved by the general assembly of the state of Tennessee, That grant,*

1	No. 22900	for 640	to John Rhea,
2	15680	160	Thomas Stewart,
3	2193	640	do
4	1719	640	do
5	2941	640	do
6	882	640	J. Cobb, W. Paine and J. Smith,
7	391	80 acres	interference,
8	394	65	Joseph Cobb,
9	310	381½	Interference,
10	8920	640	John Morgan,
11	228	640	Elisha Wallen,
12	847	640	do
13	469	640	John Williams,
14	511	640	John Carmack,
15	419	600	Benjamin Wallen,
16	240	600	Robert King,
17	356	640	Samuel Henderson,
18	485	640	Joseph Williams,
19	432	500	William Hall,
20	1299	200	James Berry,
21	152	5000	Stokely Donaldson,
22	155	5000	do
23	5759	200	Wm. P. Anderson,
24	11845	do	Rebush Sharp,
25	3583	do	Thomas Sillaman,
27	6311	do	Isaac M'Leroy,
28	2394	do	do
29	23331	500	Thos. P. Deveraux,
30	9442	do	do
31	439	do	do

Ba

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 grants No. 397, 617, and 667, which issued from the state of North Carolina be referred to the commissioner for adjudication and if it shall appear from the certificate of the surveyor of the adjoining county, in this state, that said grants, or any part of them lies north of the Kentucky line, and beyond the jurisdiction of this state, to issue certificates to the legal claimants as in other cases, provided said grants are founded upon good and valid warrants, and that no other grants have issued thereon.

*Resolved*, That John Johnson of Dickson county be permitted to remove his entry for 134 acres of land made by virtue of entry No. 21963 and which was founded on certificate warrant No. 4698 issued by the register of West Tennessee to David Mason on the 10th day of July 1822, and enter the same on any vacant and unappropriated land lying south and west of the congressional line: Provided said Johnson satisfy the commissioner of land claims that the whole of his entry is taken, by an older, and better, title, then said commissioner shall adjudicate his claims as in like cases.

*Resolved*, That James W. Davis be permitted to enter certificate warrants No. 646 and 647, for twenty five acres each, on any vacant and unappropriated land lying south, and west of the congressional line, and that the commissioner of land claims, issue to said James W. Davis a certificate for twenty five acres in lieu of certificate No. 648, which said Davis has lost upon his making satisfactory proof to said commissioner of the loss of said certificate warrant No. 648, and when issued he may locate the same as the two above mentioned.

*Resolved*, That land warrant No. 726 for 166 acres and No. 136 for 40 acres issued by James Gains be referred to the commissioner for if land claims for adjudication.

*Resolved*, That certificate warrant No. 2795 issued by Archibald Roane for one hundred acres of land to the heirs of Thomas Ross to be referred to the commissioner of land claims for adjudication.

*Resolved*, That grant No. 153 to Richard Dalum be referred to the commissioner for adjudication and that he issue a certificate for any interference that may appear, as in other cases, also that warrant No. 1228 to the heirs of Malscha Venters be referred for adjudication.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 10, 1827.

# NO. 7.

Resolution directory to the public printers.

*Resolved by the General Assembly of the state of Tennessee*, That the printers of the public laws for this state, be and they are hereby required, as soon as practicable, to print, and forward to the clerks of each and every county in this state, one copy of the acts bound in boards, passed at this general assembly.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

October 12, 1827.

# NO. 8.

Resolution calling for information from the president and directors of the old state bank.

*Resolved by the General Assembly of the state of Tennessee*, That the president, and directors of the old state bank of Tennessee, report to this general assembly, whether said bank has substituted a lien on real estate for personal security, and whether any loss is likely to be sustained by such exchange of securities, and if so how much.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

October 17, 1827.

A Resolution appointing Isaac Taylor and Turner Lane to examine the books and papers of the surveyors office of the third district.

*Resolved by the general assembly of the state of Tennessee, That Isaac Taylor and Turner Lane be and they are hereby appointed commissioners to examine the books and papers belonging to the office of the third surveyors district, and to report to this general assembly at its present session, the present situation of the office, the books and papers belonging to it, and such as require to be transcribed, and the probable cost and expense thereof.*

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate,*

October 18, 1827.

# NO 10.

*Resolutions of the general assembly of Tennessee proposing to give to the election of president directly to the people.*

*Resolved by the General Assembly of the state of Tennessee, That the constitution of the United States should be so amended, as to give the election of President, and Vice President, directly, and conclusively to the people, preserving the present relative weight of the several states in the election.*

*Resolved, That many of the measures of the present administration of the general government are injurious to the interests, and dangerous to the liberties of the country.*

*Resolved, That the surest remedy for these evils now in the power of the people, is the election of Andrew Jackson to the chief magistracy of this union.*

*The mode of appointing the president, as now prescribed by the federal constitution, has been the source of so much inconvenience, and is the subject of such general discontent, that a sufficient*

reason for recommending its amendment, need not be sought in the experimental nature of the instrument itself. The evils inherent in the last election, and the anxieties connected with the next, give it a claim to public deliberation, which none but the service and the union can disregard. It cannot be fairly denied that the choice of our chief magistrate was intended to spring from the free, and unobstructed judgment of the people; and it must be admitted, that in the late election, which was conducted according to the forms of the constitution, that intention was disappointed. A charter, the letter of which conflicts with its spirit, the details of which counteract its principles, is certainly defective. On the occasion alluded to, the candidate, who, in the primary election, obtained the highest number of votes, and at the moment of final competition, bore incontestable evidence of being the choice of a majority of the American people, evidence which subsequent popular decisions have confirmed, was superseded by a combination that triumphed only, because the competition was transferred to a small pre-existing body of electors, of which, one party to the combination was an influential member. The crisis was calculated to awaken the worst designs of selfish ambition, and if the motives of men are to be determined by their actions, seems to have had its sinister opportunities fully employed; according to Mr. Adams's declarations in his book on the fisheries, as well as to recollections, and convictions resulting from the public observations of public men; political hostility and personal estrangement, had for several years, and on momentous subjects, separated himself, and Mr. Clay. No approach to union, no inclination for amity was manifested, by either, until it was ascertained, that as long as they obeyed the principles, and supported the opinions which had formed their respective pretensions, and produced their avowed opposition, the power at which they grasped was not to be gained; that continual disunion would frustrate, and that instant combination would gratify their mutual ambition. Then, and not till then, long cherished distrust, was mutually forgotten; old experienced opinions were practically renounced and adverse principles openly abandoned, each became the ar-

tificer, of that man's promotion, whose depression up to the moment, had been a chief object of his exertions. The highest amount of executive power was divided, and the closest fraternity of political fortune was established between them. What is enormous need not be exaggerated, what is flagrant requires no demonstration. Mr. Adams desired the office of president; he went into the combination without it, and came out with it. Mr. Clay desired that of secretary of State, he went into the combination without it, and came out with it. Of this transaction, the simplest history is the best analysis. Where a change of political principles, or even of private estimation, is the immediate cause of personal gain reciprocally to the agent, and the object of the change, impurity of motive is necessarily concluded. Whoever expects otherwise, must expect the laws of reasoning imprinted by the deity on the human mind to be altered. It is equally certain that a daring ingratitude is displayed by the citizen who insults the majesty of the people, with the very power which their generous confidence, had placed in his hands. To believe when proof is sufficient, is not greater folly than to doubt when it is convincing, and where circumstantial evidence is conclusive, positive testimony which is always liable to a corrective collation with circumstances, is rather curious, than valuable. It was but the other day that an atrocious murder in the enlightened state of New York was detected, and punished upon circumstantial evidence; and surely a process of reasoning, which will sanction the destruction of one man's life, is rigorous enough to determine the conduct of another. Those who demand stronger evidence of an improper understanding between Mr. Adams and Mr. Clay, than that afforded by their combination itself, must be prepared to contend, that it is not in the nature of things, for circumstances to evince guilt, and must be disposed to suspend their judgments until the parties confess their crimes. It ought however to be remembered that all our knowledge of motives and character, every decision we form respecting mental occurrences, is drawn from the consideration of circumstances, and that it is out of the ordinary course of things for the confession

of the accused to precede the sentence of the proper tribunal. The members of this assembly, therefore, in protesting against the election of Mr. Adams as impure, and anti-republican, are sensible of no precipitancy of judgment, or too great license of language, unwilling to assert what is doubtful; they are determined to speak what is true nor do they deem it necessary to fortify their protest by the numerous collateral proofs to be derived either from the contradictions contained in the studied vindication of the secretary of state; from the confession of his friend, his colleague and his champion; or from the pertinent, and concurring reminiscences of respectable witnesses. The object of these resolutions being remedial, not vindictive, it remains after exemplifying the actual danger of the present plan, to show the probable advantage of the amendment proposed, in the first place by giving the election directly and conclusively to the people, we should conform to the fundamental principles of our government, which was departed from in the formation of the constitution, from apprehension which experience, as far as it has gone, proves not to have been well founded. Another benefit will be, that the dependence of the governor on the governed, so desirable in a republic, will be thus effectually secured. A consideration of equal moment, both as it regards the theory and practice of our government, is to be found in the fact, that an election placed entirely in the hands of the people, must result in the expression of their choice. This will exclude the formidable evils of previous cabals, concomitant corruption, and subsequent resentments. The people will be satisfied with their own work, and at succeeding elections, will deliberately confirm or prudently correct their former preference. Nor is it probable, that thereby purity of elections would be obtained at the expense of public tranquility. The turbulence apprehended by the framers of the constitution, is less likely to be excited by the process of a fair, and open election, than by the contentions sure to arise, under the present narrow system between parties inclining to practice, and parties endeavoring to defeat corruption. Besides, the people of the United States are farther advanced in the knowledge of self government than they



were when the constitution was adopted, more capable of forming a prudent choice, and of avoiding those convulsions to which a less informed community might be exposed by the immediate exercise of a right so important. The division of the union into states, and the consequent modification of the elective process, will have a tendency to limit within moderate bounds the effect of any agitating impulse, and it should never be forgotten, that when any faculty of government is susceptible of salutary exertion by the people to lodge it with a body of trustees for their benefit, is an odious, and pernicious departure from the cardinal principles of free government. These are some of the reasons which may be assigned in favour of the first resolution.

As experience proves that the present system has a tendency to destroy the purity of elections, it also shows that a bad administration is likely to spring from, and reproduce an impure election. When a president gets into power with so small an "approach to unanimity" as to be indebted for his office to the rewarded support, and obvious tergiversations of his most inimical competitor, the motive which reduced him to this abasement will naturally prompt him to administer the government, not with a view to the public welfare, but with an eye to his own popularity. Hence those branches of policy which time has sanctioned and the fruits of which, though nutritious, and substantial are neither captivating by novelty, nor dazzling by splendor will be neglected, for visionary, and ambitious schemes devised to amuse the imagination of the public, and to reflect on their authors the credit of superior patriotism, invention, and sagacity; with the delusive machinery will be combined the influence of executive patronage, which in most countries is mighty, and even in our own is powerful. This great engine will be perverted from its rightful use, to the purchase of praise for the executive, and a peroration of its adversaries; and should eminent services, and virtue render any citizen a dangerous competitor for the Presidency, slanders proportioned to his merit will be fabricated by interest, and imposed on credulity, such is the natural history of power unjustly acquired in a free country. Since the last election, accordingly,

the attention of the general government averted from the salutary relations which for a series of years had secured for us the enjoyment of a productive commerce, has been devoted to the formation of chimerical, & intrusive alliances, the avowed object of which was an outrage upon the spirit and independence of the nations whose religion and laws it was proposed to subject to our kind control and supercilious care. The mischief of this ambassadorial crusade, of this egregious departure from that modesty and reserve (the dictates of dignity and prudence) which had exalted us in the family of civilized nations promises to equal the absurdity of its conception. Besides the unnecessary, and enormous amount of public money expended, and the ridicule and censure of foreign nations to which this strange embassy has exposed us, it be well for our country if it involves us in no other and greater calamities. To suit this theory to his practice, the president claims almost boundless authority for the executive, ejects the senate from all participation in the institution of embassies, and the commissioning envoys; compares the influence of the constituent on the representative to the effect of paralysis on the human body, in the true spirit of arbitrary condescension, he displays to the nation fantastical projects of benefaction, and improvement, befitting the gracious king of stargazing subjects rather than the responsible agent of free people. Nor is the profusion with which public money is expended, and the mismanagement of the government abroad, greater than its profligacy at home. The chief member of the cabinet whose duties require his greatest sagacity, and most intense application, annually deserts his department, and displays himself as an itinerant Rhetor, at electioneering feasts exceeding some of his colleagues in his official degredation only, as far as he exceeds them in ability. In the days of Washington, and Jefferson, it was not in this manner, that the great officers of state were employed; neither Hamilton nor Madison was seen traversing various states at seasons of elections to rise before carousing multitudes and to pour forth praises on the president in office, whilst the flood gates of defamation were opened against his expected competitor. Those great men never del

in boisterous harangues, unbecoming the gravity of statesmen, in banquet bravadoes consistent neither with decency nor courage, nor in bold assertions bearing no comparison with facts. One was devotedly engaged in the definition of our rights at home, and in the expansion and security of our interests abroad, now violated and neglected, the other was sedulously employed in the creation of a system of economy and credit, now impaired and abandoned, whilst both had exerted their mighty intellects in the formation of that bond of national union, which it is the earnest and ardent desire of this general assembly to maintain and perpetuate.

They have made this brief, but in their opinion, impartial reference to the conduct of the present administration in support of their second resolution.

In regard to the third resolution, it will be sufficient to say, that the acknowledged popularity, the established fame, and well tried patriotism of Andrew Jackson designate him as the candidate most capable of, and most deserving, a successful competition with Mr. Adams. Here he has been known from the dawn of manhood, through the vicissitudes of life and fortune, in peace and in war—and we speak the sentiments of our constituents as well as our own, when we declare, that the fire of youth never impelled him beyond the bounds of honor, and that the coldness of age has not made him deaf to the voice of patriotism. As a man he has always enjoyed our peculiar esteem, and as a public agent our highest confidence. The force and fitness of his intellect we have never found inferior to the grandeur of his character or the lustre of his fame. Conspicuous for the charities of private life, and alone doubtful of his public abilities, he has seldom left its sacred retreats, without earning renown for himself and glory for his country. But the retreats of private life are no longer sacred. This beloved citizen, this genuine republican, venerable for his age, illustrious for his services, and still more illustrious for his inflexible patriotism, has seen not only his conduct distorted by slander, and his glory tarnished by calumny, but the partner of his bosom betrayed and exposed for the sport of the idol, and the malice of the infamous. That couch which has so often

been forsaken, that others might sleep in safety and peace. That breast that has so often braved danger that others might not even feel its alarm, which felt a stain on the honor of the country like a stab into its own vitals, has been invaded, and cruelly outraged. That some of the members of the present administration of the federal government are accountable for the slander and persecution of General Jackson and his wife, is reluctantly, though solemnly asserted. No moral distinction can be drawn between the act of hiring a man to commit a crime, and that of rewarding him after he has committed it, and it is notorious that the prostituted miscreants, who invent and circulate those slanders, are the continued objects of ministerial favor, patronage, and pay, hired with the money of the very people whose willing gratitude, and just admiration are the real causes of this defamation and rancour. This foul injustice, not only aggravates the demerit of its procurers, but should endear to his country the hero who sustains it. As citizens of Tennessee we feel it our especial duty to denounce it, and to proclaim our proud, our fervent, and our increased attachment to the candidate, and the cause of the people.

Resolved, That the governor cause to be furnished to each of our senators, and representatives in Congress, a copy of the foregoing resolutions, and of the remarks accompanying the same.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

October 22, 1827.

#### NO. 11.

Resolution, authorizing certain reserved cases in the Hiwassee District to be taken to the supreme court of the United States.

Resolved by the General Assembly of the State Tennessee, That it is expedient to remove to the supreme court of the United States, some one, or two of the reserved cases in the Hi-

wassee District, for decision; *Provided*, the same shall be decided by the supreme court of this State, against the interest of the State of Tennessee; and *provided*, the Congress of the United States shall by law authorize the supreme court to take jurisdiction thereof.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

October 25, 1827.

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NO. 12.

Resolution refering certain Land Claims for adjudication, in favor of the assignee or legal representatives of George Beard.

*Whereas*, upon the trial of the cause of John Sims, chairman, of common schools, &c. of common schools vs. George Beard and others, in the circuit court of Lincoln county, a recovery was had for a certain tract of land in controversy, against said Beard.

*Therefore be it resolved by the General Assembly of the State of Tennessee*, That the assignee or legal representatives of said Beard, be authorized to file the grant upon which he claimed title to the land so lost with the commissioner of land claims for adjudication and if it should appear that the same was founded on good and legal warrants a certificate shall be issued for the amount of the land so lost.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

November 27, 1827.

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NO. 13.

*H resolution for the benefit of Mark Mitchell or his legal assignee*

*Resolved by the General Assembly of the State of*

*Tennessee*, That Mark Mitchell or his legal assignee be, and they, or either of them, are hereby authorized to have surveyed three hundred acres on any vacant and unappropriated land, south and west of the congressional reservation line, upon a duplicate warrant No. 2314, dated at Knoxville 22nd June, 1818, and adjudicated by the commissioner, of land claims of West Tennessee, dated the 20th September, 1824, which said warrant was issued to Mark Mitchell by the State of North Carolina the 8th of March, 1782; and a plat and certificate of such survey shall be returned to the Register of the Western District at Jackson in the county of Madison, and it is hereby made the duty of said Register to issue a grant thereon, as in other cases.

*Resolved*, That the surveyor making the survey aforesaid, before he proceeds to the performance of the duties which may be required of him, shall take and subscribe the oath before some one of the circuit judges of this State, or justice of the peace, heretofore required to be taken by the surveyors under the act of 1823; and said surveyor in making the survey aforesaid, shall be subject to all the rules, regulations and restrictions, as by law such surveyors were under by said act.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

November 30, 1827.

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NO. 14.

Resolution instructing the Delegation in Congress to procure an amendment to the judiciary act of 1789.

*Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed and our Representatives requested to use their best endeavors to procure an amendment to the judiciary act of 1789, to authorize the State of Tennessee, or those claiming under her, to remove from the courts of Tennessee, to the supreme court of the U. S. one or more of the reservation

causes arising under the treaties of 1817, and 1819, with the Cherokee tribe of Indians.

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 1, 1827.

NO. 15.

Resolution to remove some of the Indian reservation causes to the supreme court of the United States.

*Resolved by the General Assembly of the State of Tennessee, That the agent and attorney employed by this State to defend the interest of said State against the reservation causes arising under the treaties of 1817 and 1819 with the Cherokee tribe of Indians, be directed to remove one or more of said causes from the courts of Tennessee to the supreme court of the United States, if the laws of the United States should authorize the same to be done, and the faith of the State is hereby pledged to indemnify said agent and attorney against any reasonable expense or liability which he may incur in carrying into effect this resolution.*

JNO. H. CAMP,

*Speaker of the House of Representatives*

W. HALL,

*Speaker of the Senate,*

December 1, 1827.

NO. 16.

Resolution requiring the treasurer of West Tennessee to perform certain duties.

*Resolved by the General Assembly of the state of Tennessee, That Thomas Crutcher treasurer of West Tennessee sell or dispose of fifteen hundred dollars of the notes of the bank of the state of Kentucky, and convert the same into par, or available funds on the best possible terms.*

*Resolved, That the treasurer employ council*

*and bring suit for the recovery of fifteen hundred dollars, the amount of the notes held by said treasurer, and due from the Farmers and Mechanics Bank of Nashville to the state of Tennessee; Also for the recovery of one hundred and forty four dollars due from the Fayetteville Bank to the State, or make such arrangements with the president and directors of said banks as will secure available funds to the state, for said amounts.*

JNO. H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 1, 1827.

NO. 17.

Resolution requiring the secretary to perform certain duties.

*Resolved by the General Assembly of the State of Tennessee, That the secretary of state be requested to make out a caption of such public acts as may be passed at the present sessions of the General Assembly together with a brief abstract of their provisions and that two thousand copies of the same be printed for the use of the members of the senate, and four thousand for the use of the house of representatives.*

JNO: H. CAMP,

*Speaker of the House of Representatives.*

W. HALL,

*Speaker of the Senate.*

December 5, 1827.

NO 18.

Resolution referring a land claim for adjudication

*Resolved by the General Assembly of the state of Tennessee, That a warrant issued by the commissioners of East Tennessee, dated 8th April 1827, on entry No. 1362 in John Armstrong's office be*



referred to the commissioner for adjudication, withstanding.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 10, 1827.

NO. 19.

A Resolution referring the grants therein named for adjudication.

*Resolved by the General Assembly of the state of Tennessee, That grant No. 205, for one thousand acres granted by the State of North Carolina to Robert King; and grant No. 3303 for 640 acres, be referred to the commissioner for adjudication.*

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 11, 1827.

NO. 20.

A Resolution vesting certain powers in the Governor in relation to the donation of John Rice.

*Resolved by the general assembly of the state of Tennessee, That the governor of this state and his successors in office, be and they are hereby vested with the same powers in relation to the donation of John Rice to the poor of Cumberland now Tennessee, as the governor is vested with in relation to the devise of Mason Lee, except as to compensation, which shall depend on future appropriation by the legislature.*

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate.

December 12, 1827.

NO. 21.

Resolution referring certain land claims for adjudication.

*Resolved by the general assembly of the State of Tennessee, That*

1	Grant	No.	3449
2	do	do	3135
3	do	do	338
4	do	do	374

all of which are said to be interfered with by older and better title, and by reason of such interference prays that the commissioner may adjudicate them as in like cases of interferences.

Resolved further that said commissioner adjudicate certificate warrant No. 1024 for 80 acres issued by the register of West Tennessee to Robert Kirk; also military warrant No. 1048, agreeable to the law now in force in such cases.

Resolved further that grant No. 5448, which was issued by the register of West Tennessee to James Greer for one hundred acres be referred to the commissioner for adjudication, and if it shall appear from the certificate of the surveyor of the adjoining county in this state that the said grant or any part thereof lies north of the Kentucky line and beyond the jurisdiction of this state to issue a certificate to the rightful owner.

JNO. H. CAMP,  
Speaker of the House of Representatives.  
W. HALL,  
Speaker of the Senate

December 13, 1827.

NO. 22.

Resolution directory to the governor of the State of Tennessee.

*Whereas it is a matter of considerable importance to the citizens living in the states west of the Alleghany mountain and in the valley of the Mississippi who are in the habit of ascending and descending the Mississippi river to have a Hospital erected at the town of Memphis in the*

state of Tennessee for the relief of the sick and diseased persons of said states, who often land at that point. And whereas the state of Tennessee has made an appropriation for that purpose.

Therefore, Resolved that the governor of this state communicate with the governors of the states interested in the navigation of said river with a view to invite the co-operation of said states in any appropriation they may think proper to make to promote said object.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate*

December 13, 1827.

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NO. 23.

Resolution directory to the secretary of state.

Resolved by the general assembly of the state of Tennessee, That the secretary of state be authorized to deliver to the persons entitled to 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

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 13, 1827.

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NO 24.

Resolution directory to the president and directors of the bank of the state.

Resolved by the general assembly of the state of Tennessee, That the president, and directors of the bank of the state transmit to the different agencies the amount of money coming to each county academy, and loan the same as other monies are loaned, at the agencies provided however, that

in making the distribution to each county of the amount to be loaned under this resolution there shall be deducted the amount loaned under any former law or resolution of the general assembly to individuals in said counties of academy monies.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 13, 1827.

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NO. 25.

Resolution directory to the secretary, &c. &c.

Resolved, That the thanks of this general assembly be expressed to the owners of the Masonic Hall, for the use of the respective rooms in which our deliberations have been conducted and that the secretary of state ascertain the casual damages to the windows, shutters &c. which have been done during the session in consequence of its use and have the same repaired and present his act, to the next session of the general assembly.

JNO. H. CAMP,  
*Speaker of the House of Representatives.*  
W. HALL,  
*Speaker of the Senate.*

December 15, 1827.

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*I have carefully examined the foregoing acts and resolutions, and find them to be the true copies of the originals now on file in my office.*

April 16th, 1828.

DANIEL GRAHAM,

Secretary of State.

NOTE.—Having no authority to alter any errors of any description whatever, the publishers have printed the acts precisely as they are found in the original manuscripts.