

UNIT

4

# ACTS

PASSED

AT THE STATED SESSION

OF THE

*EIGHTEENTH*

GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE,

1829.

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PRINTED BY AUTHORITY.

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ALLEN A. HALL & FREDERICK S. HEISKELL,  
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1829.

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# CONTENTS

## OF THE

### PUBLIC ACTS OF 1829.

	PAGE.
An act to prevent vexatious law suits.	3
An act giving further time for surveying entries and obtaining grants thereon.	do
An act to alter the times of holding the circuit courts of Monroe county.	4
An act concerning the ferriages of jurymen.	do
An act to provide for building a public Jail and Penitentiary house in this state.	5
An act directing and empowering Executors, &c. in this state to settle with Guardians in adjoining states.	7
An act to compel entry takers north and east of the congressional reservation line, and north of Tennessee river, to make settlements in certain cases.	8
An act to authorize the holding of a supreme court at Jonesboro' in the county of Washington.	10
An act to establish a Quorum court in Smith county	11
An act supplementary to the act passed at this session of the General Assembly, entitled "an act to provide for building a public Jail and Penitentiary house in this state."	12
An act to amend an act entitled "an act requiring certain duties to be performed by the trustees of the different county academies," passed the 11th December 1827.	13
An act regulating the manner of obtaining orders of sale upon executions issued by justices of the peace and levied upon lands.	14
An act to confirm and make valid the registration of certain deeds.	15
An act concerning bills of Exchange.	do
An act for the relief of the securities thereinnamed.	17

An act to amend an act entitled "an act to prevent abuses in granting writs of certiorari and supersedeas," passed November 29, 1827.

An act to repeal so much of an act entitled "an act to revise and amend the Militia laws of this state" as authorizes and requires county drills, passed December 24, 1825.

An act to repeal an act passed at Nashville on the thirteenth of December 1827, for the relief of the citizens south of French Broad and Holston.

An act to extend the time of surveying entries south and west of the Congressional reservation line.

An act to authorize Fentress county and other counties to have a quorum court.

An act to repeal part of an act passed November 10, 1817, entitled "an act more effectually to suppress the vice of gaming."

An act for the relief of the Occupants south and west of the Congressional reservation line, and for other purposes.

An act to reform and amend the Penal Laws of the State of Tennessee.

An act to amend an act entitled an act to regulate proceedings in civil cases, and for other purposes, passed November 27th, 1823.

An act to authorize any of the county courts in this state to organize a quorum for their county if they think proper, and to prescribe the time of holding the circuit and county courts in Maury county.

An act to amend an act passed 22d November 1825, entitled "an act for the relief of the Mechanics of this State."

An act to alter the time of holding the chancery court in Greenville, in the county of Greene.

An act more effectually to prohibit county officers from speculating in county claims.

An act more effectually to provide for emancipating slaves.

An act to encourage the navigation of the rivers in the Western District.

An act to prohibit certain trespasses.

An act for the benefit of the securities of deputy surveyors.

An act regulating costs in civil cases.

An act to explain an act passed at Nashville, December 3d, 1827, to provide the manner in which costs in criminal cases shall be paid.

18

19

20

do

21

22

23

27

46

do

47

48

49

do

50

51

do

52

53

An act to amend and enlarge an act passed in the year 1827, entitled "an act for the relief of the heirs of persons dying intestate."

An act to amend the statutes of descents and distributions.

An act to revise and amend the stray laws of this state. An act prescribing the mode of conveying criminals to the public Jail and Penitentiary house established in this state, and for their government therein.

An act to repeal the law allowing the president of the bank tax fees on judgments confessed, &c.

An act for the benefit of the purchasers of land in the Hiwassee District.

An act for the benefit of sheriffs and clerks.

An act for the relief of the assignees of occupants south and west of the Congressional reservation line.

An act to regulate the recovery of escheats.

An act to amend the laws now in force regulating process in equity, and for other purposes.

An act for the benefit of jurors in certain cases, and for other purposes.

An act to alter the times of holding the different terms of the supreme court of the State of Tennessee.

An act to settle a controversy between the colleges and academies and the citizens south of French Broad and Holston, and west of Big Pigeon rivers.

An act to change the time of holding Madison circuit court.

An act providing for the entry of the unappropriated Islands in the Tennessee river, in the counties of Roane and Rhea.

An act to authorize debtors to confess judgment.

An act to explain and amend an act entitled "an act to regulate certain proceedings on executions and for other purposes," passed at Nashville, November 27, 1827.

An act to lay off the 10th and 11th Judicial circuits in the State of Tennessee, and to establish a Chancery court at Bolivar.

An act to organize companies for clearing out the obstructions in the rivers in the Western District.

An act for the benefit of common schools.

An act to extend the right of peremptory challenge of jurors to criminal offences under the grade of petit larceny.

An act for the relief of sheriffs, coroners & constables.

An act for the relief of executors or administrators.

An act to authorize copies from certain books to be read as evidence in this state.

54

do

55

61

74

do

75

76

77

78

do

79

80

82

83

84

85

86

87

do

88

do

89

do



An act to alter the times of holding the courts in the counties therein named.	90
An act to prescribe certain duties to the Judges of the court of appeals.	91
An act to provide for the widows and minor heirs of certain purchasers of land in the Hiwassee district.	do
An act to tax Clock Pedlars.	92
An act to reinstate certain persons in their rights and privileges.	93
An act to amend an act entitled "an act to authorize the treasurer to receive certain moneys," passed November 26th, 1827.	94
An act to amend the charter of the Bank of the State of Tennessee.	do
An act amending the law on joint and several, or joint or several contracts.	95
An act to make distribution of the academy fund amongst the academies of this state.	96
An act giving the further time of two years to the owners of Iron works to procure the issuance of grants for their condemned lands.	97
An act to provide for certain children.	98
An act to prevent appeals in cases of roads operating as supersedeas.	do
An act to provide for the holding of the supreme, chancery and circuit courts of this state, and for other purposes.	99
An act to appropriate one half of the state taxes to county purposes.	100
An act to prevent the sale of lottery tickets not authorized by the state.	101
An act to punish negroes and others for selling spirituous liquors to negroes.	102
An act to establish a board of internal improvement, and set apart one hundred and fifty thousand dollars to be appropriated to the improvement of the navigable rivers, and other objects of internal improvement in this state.	103
An act to compel owners of mills west of the Tennessee river to cut down and remove the standing or decaying timber in their mill ponds.	105
An act to authorize a grand jury to be empannelled in certain cases.	106
An act to encourage and protect paper manufactories.	do
An act to authorize the transfer of chancery causes from the circuit courts to the district chancery courts.	107

An act to incorporate a Medical society in the State of Tennessee.	108
An act requiring all the books and papers belonging to the offices of the second and third surveyor's districts in this state, to be deposited with the secretary of state and for other purposes.	111
An act to revive the 12th chapter of the acts of 1825.	112
An act to define the compensation and duties of the public printers in this state.	do
An act for the benefit of the locators in the Western District.	113
An act to authorize the entering and obtaining grants for any quantity of land under five thousand acres and for other purposes.	114
An act to provide for the cases therein mentioned.	115
An act concerning the surveying and correction of entries made under the acts of 1823 and 1825, authorizing the entering of land at 12 1/2 cents, and one cent per acre.	116
An act explanatory of an act entitled "an act to provide a method to help and speed poor persons in obtaining their rights," passed October 26th, 1821.	117
An act to provide for the issuing of grants to the Entertainers of land in the Hiwassee district.	do
An act directing the manner of advertising sales on executions issued by justices of the peace.	118
An act to authorize the judges of the circuit courts in this state to grant injunctions in all cases on bills to be filed in the several courts of chancery.	do
An act for the benefit of the academies in this state.	119
An act to amend the act of 1806, chapter 17.	120
An act to compensate the commissioners of school lands for certain services.	do
An act to repeal the second section of an act passed December 14th, 1827, entitled "an act to suppress private banking."	121
An act to provide for the hearing and deciding of special causes in the supreme court.	125
An act to authorize the treasurers of East and West Tennessee to adjudicate certain claims.	126
An act for the relief of certain improvers of land in the Hiwassee district.	127
An act to authorize the county courts in this state to lay taxes for the purpose of building Jails or Court Houses.	130
An act to relieve the counties of this state from the payment of costs in certain cases	131

An act for the benefit of the public funds and for other purposes. 132

An act to regulate the county courts of Dyer and O-  
bion. 134

An act to repeal and amend the second section of an  
act passed December 5, 1825, entitled an act to repeal  
some of the rules lately made, and published by the su-  
preme court of errors and appeals, regulating the prac-  
tice in the courts of equity and court of appeals. 135

An act to alter the time of holding the court of chan-  
cery at Franklin, and also that of holding the circuit  
court of Davidson county, and other courts in this state. 136

An act supplemental to an act passed at the present  
General Assembly to establish a board of internal im-  
provement for the state, and appropriate one hundred  
and fifty thousand dollars of the proceeds of the sales of  
the Hiwassee lands to internal improvement. 138

An act to provide for surveying entries north and  
east of the Congressional reservation line, and north of  
Tennessee river, founded on warrants. 140

An act to establish a system of common schools and to  
appropriate the school funds of this state. do

## PUBLIC ACTS

PASSED IN THE YEAR 1826.

## STCA CREDIT

### AMOUNT TO STATE

THE STATE OF TENNESSEE, IN SENATE,  
JANUARY 18, 1829.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE,  
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE,  
JANUARY 18, 1829.

ALBANY: J. B. LEECH, 1829.

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## PUBLIC ACTS

OF THE

### STATE OF TENNESSEE.

PASSED AT THE STATED SESSION, WHICH WAS HELD AND HELD AT BARNESVILLE, DAVIDSON COUNTY, ON MONDAY THE TWENTY-FIRST DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE.

WILLIAM HALL, Governor; DANIEL GRAHAM, Secretary of State; JOEL WALKER, Speaker of the Senate; EPHRAIM H. FOSTER, Speaker of the House of Representatives.

### CHAPTER I.

#### AN ACT to prevent vexatious Law suits.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That in all civil actions hereafter to be commenced, founded upon assaults, assaults and batteries, malicious prosecutions and false imprisonment, the party plaintiff shall recover no more costs than damages, unless the amount of damages given him shall exceed the sum of five dollars.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 3, 1829.

### CHAPTER II.

#### AN ACT giving further time for surveying lands and obtaining grants thereon.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the further time of two years be allowed to make surveys and return plats



and certificates and obtain grants on all entries made under the acts of 1823 and 1824, allowing the vacant land to be entered at twelve and an half cents per acre, and also an act of 1825, authorizing land to be entered at one cent per acre, north and east of the Congressional reservation line, and north of Tennessee river; and that the further time of two years shall be allowed to make surveys, return plats and certificates and obtain grants on all entries founded on good and valid warrants, north and east of the Congressional reservation line and north of Tennessee river.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 8, 1829.

### CHAPTER III.

*AN ACT to alter the times of holding the circuit courts of Monroe county.*

Be it enacted by the General Assembly of the State of Tennessee, That the terms of the circuit courts of Monroe county be hereafter held on the second Mondays of May and November.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 7, 1829.

### CHAPTER IV.

*AN ACT concerning the ferriages of Jurymen.*

Sec 1. Be it enacted by the General Assembly of the State of Tennessee, That all jurors legally summoned and attending any of the county or circuit courts in this state, shall be allowed all ferriages or tolls, which they, or any of them may necessarily incur or be liable to, in going to, or returning from their

Ferriages allowed jurors and to be paid by other county charges on certificate of the Clerk.

place of residence to the court house of their respective counties; and it shall be the duty of the clerk of either of said courts, upon oath of any jurymen aforesaid, that he has necessarily incurred ferriages or tolls as aforesaid, to certify the same and the amount thus necessarily incurred, which shall be included in the certificate issued by the clerk to said jurors, and shall be a good voucher, and chargeable on the county in the same manner that the attendance of jurors in the respective counties is now by law chargeable.

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

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 7, 1829.

### CHAPTER V.

*AN ACT to provide for building a public Jail and Penitentiary House in this State.*

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That a Jail and Penitentiary House shall be erected at such place as may be designated by the commissioners hereafter mentioned within this state, to be appropriated to the purpose of confining such persons as shall be convicted of offences made punishable by imprisonment and hard labour therein.

To be located by Commissioners.

SEC. 2. Be it enacted, That said Jail and Penitentiary House shall be established and erected within two miles of the town of Nashville, in the county of Davidson, on a site to be chosen and designated by three commissioners elected by joint ballot of both branches of this General Assembly, and said commissioners shall have power, and they are hereby authorized to contract for a lot of land sufficient to build said Jail, Penitentiary House, and all other necessary buildings upon, not less than four acres, nor more than ten acres, and to receive a title therefor from the Governor for the time being and his

Commissioners to select site within 2 miles of Nashville & take deed to Governor.



cessors in office, to the use and benefit of the state forever in fee: Provided said commissioners shall not be authorized to contract for said lot of land at a higher price than one hundred dollars.

Commissioners to be elected by assembly

Vacancies how filled.

SEC. 3. *Be it enacted*, That said commissioners shall be elected or appointed by joint ballot or vote of both branches of the General Assembly, and in case of the death, resignation or removal of any of them or their refusal to accept their appointments, the Governor, for the time being, shall fill such vacancy until the next regular session of the General Assembly, who shall have the power to perform all such duties as his predecessor in office had authority to perform.

Contracts how made.

SEC. 4. *Be it enacted*, That when the site shall be procured as above stated, the conveyance thereof shall be made to the State of Tennessee, and the contracts and obligations thereafter entered into by any person for the fulfilment of the objects herein contemplated, shall be made with the three commissioners before mentioned and their successors in office, and suits may be brought thereon in the name of said commissioners or their successors—said commissioners, before entering on the duties of their office, shall severally take the following oath before the Secretary of State, or some Judge or Justice of the Peace—"I do solemnly swear, or affirm, that I will faithfully execute the duties of my appointment of commissioner, under the act for building a Penitentiary, and in fixing upon a site for said buildings, I will be governed by what I conceive to be the best interests of the people of the whole state, without regard to sectional or local considerations, jealousies or prejudices, and in all things will perform the duties of my appointment agreeably to law and the best of my skill and judgment—*So help me God.*"

Oath of Commissioners

Compensation to Comm'rs.

SEC. 5. *Be it enacted*, That said commissioners shall be allowed for their services respectively, such compensation as shall be stipulated for with the Governor, not exceeding three dollars per day.

Appropriation of funds.

SEC. 6. *Be it enacted*, That the sum of twenty-five thousand dollars of the funds of the State, now in the Bank of the State of Tennessee, is hereby appropriated to carry into effect the objects herein contemplated.

Moneys to be drawn on war-

SEC. 7. *Be it enacted*, That all moneys drawn from said fund appropriated to the purposes aforesaid.

shall be by warrant from the Governor, who is authorized, when he deems it necessary, to take bonds or with security payable to himself and his successors in office from the persons authorized to receive the same, conditioned for the faithful application thereof, and that they will account therefor according to law.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 28, 1829.

## CHAPTER VI.

*AN ACT directing and empowering Executors, &c. in this State to settle with Guardians in adjoining states.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases wherein administration may be or has been granted in any county in this state on the estate of any deceased person, and wherein the heir or heirs, devisee or devisees, distributee or distributees, being minors, reside in any other than this state, and the guardianship of such minor or minors may be, or has been granted in the state and county in which such minor or minors live and reside, it shall and may be lawful for the executors or administrators in this state to settle with, and pay or deliver over to such guardian, any and all estate in their hands, which shall be as good and valid as if the guardianship had been granted in this state: Provided, that it shall be the duty of said guardian, before he shall be entitled to receive the estate, as in this act provided, to produce to the court of the county wherein administration has been or may be granted, a certified copy of the record of his appointment as guardian, with certificates of the clerk and judge that said appointment is in due and legal form under their laws, also a copy of his bond as guardian, also the certificate of the clerk of the court, and judge or justices of the court granting such guardianship, the amount of estate that has or may come to his hands in the state where such guardianship is granted, that they are acquainted with the guardian and his security, and that they are good

or the amount of the penalty of the bond, which shall be considered of by the court; and if it shall appear satisfactorily to said court, that such guardian has been legally appointed, and that the security is sufficient, such court shall order such record and evidence to be recorded in the clerk's office of the county court, which, when recorded as aforesaid, shall entitle the guardian to settle as in this act provided.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

October 31, 1822.

## CHAPTER VII.

*AN ACT to compel entry takers north and east of the congressional reservation line, and north of Tennessee river, to make settlements in certain cases.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the commissioners appointed by the county courts to examine the clerks returns, to call upon the several entry takers north and east of the congressional reservation line, and north of Tennessee river, on or before the first day of March next, and examine the books and other documents in the possession of said entry takers, necessary, in order to ascertain what amount of money is in the hands of said entry takers, which by law they are required to pay over to the bank agents for the use of common schools, and if said entry takers shall refuse to produce their books and papers, and make the settlement of them required, said commissioners shall report the facts to the next term of the circuit court of their county, and thereupon it shall be the duty of said court to order the attorney for the state to prefer a bill of indictment ex-officio against said entry taker, and on conviction, said entry taker shall be fined in a sum not less than fifty dollars, and shall moreover be committed to prison, until he shall produce his books and papers, and enter into said settlement.*

SEC. 2. *Be it enacted, That if any of said entry*

takers should appear to be in arrears for money which they ought to have paid over under the law now in force, it shall be the duty of the circuit court to order a notice to be served on the securities of said entry takers, and on the return of said notice, the court shall direct the attorney general to move against said entry taker and his securities for judgment; and it shall be the duty of said court, to render judgment against said entry taker and his securities, for the true amount of money due, after allowing said entry taker and securities to shew any credits which he is entitled to, if any there should be, over and above such as are allowed by said commissioners on the aforesaid settlements; and when said money is collected, the clerk of the court into whose hands it may be paid, shall pay the same over to the bank agent of his county, to be appropriated and accounted for as the law directs.

SEC. 3. *Be it enacted, That it shall hereafter be the duty of said commissioners appointed to settle with county officers, to make settlements annually with the said entry takers, and report the same to the circuit courts of their respective counties, at the first court in each year; and in case it should appear from said settlement, that the said entry takers have failed to pay over any money which they are bound by law to account for and pay over, they shall be proceeded against by motion in the same manner as pointed out in the second section of this act.*

SEC. 4. *Be it enacted, That the attorney general, for his services in making a motion and prosecuting the same under this act, against any entry taker, shall be entitled to a tax fee of ten dollars, in all cases where judgment is rendered against the entry taker and his securities; and the commissioners who are required to make such examinations and settlements, shall be entitled to five dollars each, in all such cases; and in all cases where no motions made or judgments obtained, said commissioners shall be allowed two dollars and fifty cents each, to be paid out of the county treasury, unless in cases where said entry takers shall be found to be in arrears, and shall have paid the money over without motion, and in that case, if said entry taker should fail to pay to said commissioners two dollars and fifty cents each, the circuit court on motion, shall, render a judgment against him and his securities for the same: Provid-*

Manuel of proceeding to collect from the entry taker by process of law.

Commissioners to settle annually with entry takers and report.

Fees to Attorney and Commissioner.

How to be paid.

Entry takers to make settlement with the county courts.

Remedy in case of failure or refusal.

ed, however, judgment shall not be rendered against said securities, without notice first being served on them five days before the court, at which the same is rendered.

*Proceedings when entry taker has failed to give bond & security.*  
**SEC. 5.** *Be it enacted,* That if any entry taker has proceeded to the duties of his office, and received any money or moneys, without giving bond and security as the law requires, it shall be the duty of the solicitor general for the district and county which includes said entry, to commence an action in the name of the state, for money had and received, against said entry taker for the money in his hands, and which he has not paid over, which action shall be commenced in the circuit court, for which said attorney general shall receive the sum of ten dollars, as compensation for his services.

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives,*  
**JOEL WALKER,**  
*Speaker of the Senate.*

November 9, 1829.

### CHAPTER VIII.

*AN ACT to authorize the holding of a supreme court at Jonesboro' in the county of Washington.*

*Duties included & time when held.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be a term of the supreme court of errors and appeals annually held at Jonesboro' in the county of Washington, to which all appeals from the several courts held in the counties of Carter, Sullivan, Hawkins, Greene and Washington, shall be taken under the same rules, regulations and restrictions, as now provided for by law, for appeals to the supreme courts of this state, and that the terms of said court shall be held on the third Monday in June, annually, commencing with the third Monday of June, 1830.

*Clerk to be appointed.*  
**SEC. 2.** *Be it enacted,* That it shall be the duty of the Judges of the said supreme court of errors and appeals, to hold the terms of said court as provided for by this act, and appoint a clerk of said court who shall be governed by the same rules, and receive the same compensation that the other clerks

of the supreme court do, or may by law be, authorized to receive.

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives,*  
**JOEL WALKER,**  
*Speaker of the Senate.*

November 12, 1829.

### CHAPTER IX.

*AN ACT to establish a Quorum Court in Smith County.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the Justices of the Peace in and for Smith County, be, and they are hereby authorized and required, at the first county court after the first day of January next, and at the first term of the county court after the first day of January, in each and every year thereafter, to elect three of their own body to hold the county courts in said county, and, in case of the death, resignation or absence of any one or more of said Quorum, the member or members present, as the case may be, are hereby authorized and required to nominate and appoint some one, or more of their own body, not to exceed three in all, to assist in holding said county courts during the absence or inability of those originally chosen.

*Justices to select three of their own body to hold courts.*

*Vacancies provided for.*

**SEC. 2.** *Be it enacted,* That the justices of the quorum court to be appointed as directed in the first section of this act, shall receive one dollar and fifty cents per day, for each and every day which each of them may serve during each term of said court.

*Compensation to justices.*

**SEC. 3.** *Be it enacted,* That it shall be the duty of the clerk of Smith county court, to give to each member of the quorum court at the end of the term of certificate, each court, a certificate in which shall be specified, the number of days which each member may have served during the term of said court.

**SEC. 4.** *Be it enacted,* That the justices of the Peace for Smith County, be authorized and empowered at the first court after the first day of January in each and every year, to lay a sufficient tax for the payment of said quorum court, and that the

*County tax laid for payment of Quorum Justices.*



county trustee pay the same as now required by law, for the payment of other claims against the county, and that the sheriff of said county be authorized and directed to receive the same in payment of taxes due and owing in said county of Smith, and that the same be good in the settlement of the sheriff with the county trustee.

*Tag on suits, to  
refund to coun-  
ty trustees.*

SEC. 5. *Be it enacted*, That all suits which may be instituted in Smith county court, from and after the first day of January next, shall be taxed one dollar for each and every suit instituted in said county, for the purpose of refunding the money which is directed by the second section of this act, to be paid to the justices holding the quorum court in said county, and that the clerk of Smith county court, pay over to the county trustee for Smith county, on or before the first county court in said county in each and every year, the amount of moneys collected for the previous year as directed to be taxed on suits by this act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 1, 1829.

## CHAPTER X.

*AN ACT supplementary to the act passed at this session of the General Assembly, entitled "an act to provide for building a public Jail and Penitentiary House in this state."*

*Builder of the  
penitentiary  
in proceeding  
to commence  
and carry on  
the building.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioners who shall be appointed by virtue of the above mentioned act, are hereby required to procure from other states the best and most approved plans of building for a public Jail and Penitentiary House, and to erect the one for this state of brick or stone, and on the most approved plan, making it proof against fire, and sufficiently large to contain at least two hundred convicts—said plan shall be approved by the Governor and a majority of said commissioners, before the commissioners proceed to erect said building; and when approved by him and a majority of said commissioners, they

shall then proceed under the direction of the Executive to superintend the work required to be done in this act, and the one to which this is a supplement, and to do all other things necessary to carry said act of the Legislature into effect.

SEC. 2. *Be it enacted*, That the commissioners to be elected under the provisions of the act to which this is a supplement, shall receive three dollars per day for their services, when necessarily engaged in the discharge of the duties required of them by the provisions of the aforesaid act.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 5, 1829.

## CHAPTER XI.

*AN ACT to amend an act entitled "an act requiring certain duties to be performed by the Trustees of the different county Academies" passed the 11th of December, 1827.*

*Manner of  
proceeding a-  
gainst delin-  
quent trustees.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, that whenever the trustees of any of the county academies in this state shall fail or refuse to settle with the commissioners appointed for that purpose in the manner pointed out by the act to which this is an amendment, it shall be the duty of the attorney prosecuting in said county, to commence suit against said trustees by bill or otherwise at his discretion, and proceed to collect all moneys in their hands, which said academy would be entitled to, and pay the same over to the clerk of the county court, taking his receipt for the same, who shall retain the said moneys until another board of trustees shall be appointed and authorized by the court to receive the same.

SEC. 2. *Be it enacted*, That the attorney general shall be entitled to receive as a compensation for his services out of the money collected by him, the sum of five dollars, and a tax fee of twenty-five dollars; and if he should fail or refuse to proceed according

*Pay & duties  
of Attorney  
General.*



to the first section of this act, it shall be considered as a misdemeanor in office.

Delinquent  
trustees to be  
dismissed.

SEC. 3. *Be it enacted*, That every board of trustees, or so many thereof, as fail to settle according to the provisions of the law which this is an amendment, shall be dismissed from office by said court as trustee, and shall not be capable of holding any office in any literary institution in this state for the term of five years.

Suits how  
brought and  
expense how  
paid.

SEC. 4. *Be it enacted*, That all suits so commenced against any trustee or board of trustees, shall be in the name of the Governor of the state for the time being, for the use of the academy in the county where situated, and the attorney general shall not be required to give security for the prosecution of said suit, but all expense necessarily accruing in the prosecution of said suit shall be paid out of the treasury of the state: Provided such suit should be determined in favour of said trustees.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 10, 1829.

## CHAPTER XII.

*AN ACT* regulating the manner of obtaining orders of sale upon executions issued by Justices of the Peace and levied upon lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when an execution issued by a Justice of the Peace shall be levied on real estate pursuant to the provisions of the laws now in force and use in this state, it shall be the duty of the constable or other officer making such levy to return such execution with the proper endorsements thereon to the office of the Justice of the Peace who issued the same, whose duty it shall be to make return of said execution, together with the judgment upon which it was issued, and all the papers in said cause, to the next court of Pleas and Quarter sessions or circuit court of the county of which he is Justice, and the court, to which said return shall be made,

shall proceed as heretofore to condemn said real estate.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 10, 1829.

## CHAPTER XIII.

*AN ACT* to confirm and make valid the registration of certain deeds.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the registration of all deeds and other instruments in the register's office of Franklin county, which were properly proven or acknowledged, and admitted to registration, made by John Keeton, or by any person acting as the deputy of John Keeton, register of Franklin county, are hereby confirmed and rendered valid to all intents and purposes in the same manner as though such deeds and instruments had been registered by a legally authorized register.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 13, 1829.

## CHAPTER XIV.

*AN ACT* concerning Bills of Exchange.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any bill of exchange, hereafter to be drawn or endorsed within this state, upon any person or persons, or body corporate, of, or in any other state, territory or place, shall be returned unpaid with a legal protest, the person or persons to whom the same, shall, or may be payable, shall be entitled to recover and receive, of, and from the drawer or drawers or the endor-

Rate of da-  
mages and in-  
terest upon all  
protested bills  
of exchange.

or endorers of such bill of exchange, the damages hereinafter specified, over and above the principal sum for which such bill of exchange shall have been drawn, and the charges of protest, together with lawful interest on the amount of such principal sum, damages and charges of protest from the time at which notice of such protest shall have been given, and the payment of said principal sum and damages, and charges of protest demanded; that is to say, if such bill shall have been drawn upon any person or persons, or body corporate, of, or in any of these United States or the territories thereof, three per cent upon such principal sum: if upon any person or persons, or body corporate, of, or in any other state or place in North America, bordering upon the Gulf of Mexico, or of, or in any of the West India Islands, fifteen per cent upon such principal sum: if upon any person or persons, or body corporate, of, or in any other part of the world, twenty per cent upon such principal sum.

Damages in lieu of interest to time of notice.

What shall be prima facie evidence of notice to drawers and endorers, &c.

Sec. 2. And be it further enacted, That the damages, which, by this act are to be recovered upon any bill of exchange, shall be in lieu of interest and all other charges, except the charges of protest, to the time when notice of the protest and demand of payment shall have been given and made as aforesaid.

Sec. 3. And be it further enacted, That whenever a suit shall be brought against the drawer or endorser of a bill of exchange, and such bill shall have been duly protested for non-acceptance or non-payment, and the notary making such protest shall have certified, either in, or on his protest, that he has given notice of demand of payment and refusal, or the dishonor of such bill to the endorers, drawer or others concerned, such protest shall be prima facie evidence of the fact of such notice; and if the notary be dead at the trial of such suit, and such certificate be not made, in, or on the protest, but if an entry to that effect be made in his record book, containing a record of his protests on such entries, then such book, or sworn copy thereof, shall in like manner be prima facie evidence of the fact of notice to all persons so stated to have received notice.

Repealing all other acts.

Sec. 4. And be it further enacted, That the act of 1741, c. 16, entitled "an act for ascertaining the damage upon protested bills of exchange," and all

and every other act or acts heretofore made, so far as relates to any matter or thing whatsoever, within the purview of this act, is, and are hereby repealed and made void to all intents and purposes as if the same had never been made.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

November 14, 1829.

## CHAPTER XV.

AN ACT for the relief of the securities therein named.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall and may be lawful for any person or persons, that now are, or hereafter may become a security or securities for any register, ranger, constable or trustee of any county in this state, whenever he or they, shall, from the conduct of said register, ranger, constable or trustee, be induced to think him or themselves in danger of sustaining a loss by reason of the failure or misconduct of said register, ranger, constable or trustee, to give ten days notice to said register, ranger, constable or trustee, that he or they or any one of them will apply to the next county court in the county where the office is held, to require said register, ranger, constable or trustee to give other security, and if he shall fail or refuse to do so, it shall be considered as a surrender of his office, and the said court shall proceed to appoint another in his stead, and if the said register, ranger, constable or trustee shall give other security to be adjudged sufficient by the court, then the former security shall be discharged from all responsibility for any failure of said register, ranger, constable or trustee, for, or by reason of any act or acts to be done by him after the date of his or their discharge: Provided, that nothing herein contained shall be so construed as to discharge said security or securities from any responsibility for any act or acts of said register, ranger, constable or trustee before the release or discharge of said security or securities.

How the securities of any register, ranger, constable, or trustee may be discharged from all further responsibility.

Sec. 2. Be it enacted, That in all cases where any

B2

Remedy of securities for guardians.

person or persons heretofore, or hereafter, may become bound as the security or securities of any guardian in this state, and shall conceive him or themselves in danger of becoming liable by reason of the failure or misconduct of such guardian, it shall be lawful for such security or securities to give said guardian ten days notice, that he or they will apply to the next county court of the county in which the office is held, to require said guardian to give other sufficient counter security, and it shall be the duty of the court to compel such guardian to give other sufficient counter security, to be approved of by said court or to deliver up the estate of the minor or minors as the case may be, in his hands, to such other guardian or guardians as the court may appoint.

Costs how provided for.

Sec. 3. Be it enacted, That it shall be the duty of the court before which any register, ranger, constable, trustee or guardian shall be notified to appear, as provided in this act, to enter up judgment against such ranger, register, constable, trustee or guardian, if he shall be removed or ruled to counter security, for the costs that may accrue upon such proceedings; but if the register, ranger, constable, trustee or guardian shall not by said court be removed, or ruled to counter security, it shall be the duty of the court to enter up judgment for the costs against the security or securities giving notice as aforesaid.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

November 16, 1829.

## CHAPTER XVI.

AN ACT to amend an act entitled "an act to prevent abuses in granting writs of certiorari and supersedeas," passed November 29, 1827.

Supersedeas and injunction for no more than shown to be erroneous; execution for balance.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That from and after the first day of January next, no certiorari, supersedeas or injunction, shall be granted in any case in this state, unless the party praying the same, shall, in addition to the usual causes now pointed out by law, set forth

and shew the error in the rendition of such judgment in making the proper calculation, the amount of the mistake, and in what it consisted; and then he shall be entitled to a certiorari and supersedeas or injunction, as the case may be, for no more than the amount thus shewn and pointed out, and execution shall and may be issued for the balance of said judgment as in other cases.

Sec. 2. Be it enacted, That all writs of certiorari and supersedeas hereafter granted to revise the judgment of any Justice of the Peace in this state, shall be made returnable to either the county or circuit court, at the election of the party obtaining the same.

Where the writ is returnable.

Sec. 3. Be it enacted, That in all causes which shall hereafter be commenced before any of the Justices of the Peace in this state, and shall be brought into the county or circuit court by certiorari, it shall be the duty of the court to which the same may be taken, on motion, at the return or any subsequent term while said cause may be depending, to require of the original plaintiff in said cause to give security for the costs of suits.

Security for costs, how required when required.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

November 16, 1829.

## CHAPTER XVII.

AN ACT to repeal so much of an act entitled "an act to revise and amend the Militia Laws of this State," as authorizes and requires county drills, passed December 24, 1825.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That so much of the above recited act as authorizes and requires county drills, be, and the same is hereby repealed.

Repealing clause.

Sec. 2. Be it enacted, That hereafter, where any officer, non-commissioned officer, musician or private, shall fail to attend any regimental drill, regimental, battalion or company muster, and it shall be made to appear to the satisfaction of said commanding officer of such

Abandonment from muster, when not to be noted.



drill muster, regimental, battalion or company muster, as the case may be, on the day of said muster, that the absentees are prevented from attending by indisposition of himself or family, or on account of his necessary absence out of the county, then, or in either such case of such absence, it shall not be the duty of said commandant to report them as absentees, and require their attendance at court martial to render their excuse.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 21, 1829.

### CHAPTER XVIII.

*AN ACT to repeal an act passed at Nashville on the thirteenth of December 1827, for the relief of the citizens south of French Broad and Holston.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the above recited act, be, and the same is hereby repealed to all intents and purposes, as though the same had never been passed.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

November 21, 1829.

### CHAPTER XIX.

*AN ACT to extend the time of surveying entries south and west of the Congressional reservation line.*

Two years  
longer allowed  
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the surveyors south and west of the Congressional reservation line, shall have the further time of two years to survey and return the plats and certificates upon all entries south and west of the Congressional reservation line, any law to the contrary notwithstanding.*

SEC. 2. *Be it enacted, That it shall be the duty of the principal surveyor of each district to survey or cause to be surveyed, all the entries made in his district on which warrants have been appropriated, on or before the first Monday in September 1831, and record the plats and certificates in his book, as required by law, whether any application is made to him by the owner or not for that purpose: Provided, that nothing in this act, shall be so construed as to authorize any enterer upon an occupant or occupants improvement, having his entry surveyed until he shall have complied with the laws now in force, requiring such enterer to pay the occupant for his improvement, but upon his producing to the surveyor the receipt of such occupant of payment for his improvement, such enterer may have his entry surveyed as provided for in this act.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 8, 1829.

### CHAPTER XX.

*AN ACT to authorize Fentress county, and other counties to have a Quorum court.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Justices of the Peace for the county of Fentress, may at their first court after the first day of January next, elect by ballot three Justices of said court, whose duty it shall be to hold the court of Pleas and Quarter sessions for said county, in the same manner, under the same rules, and entitled to the same fees as the Quorum court in White county is by law entitled to and governed by.*

SEC. 2. *Be it enacted, That the county courts of the counties of Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson, shall have power, a majority of the acting Justices being present, and agreeing thereto, at their first or any other term in each and every year, to elect three of their own body, to hold the county courts in said counties for the*

Surveyors to be made on all entries & when.

Justices to elect three of their own body and when.

Certain other counties to have like power of comparison to the Justices of the Quorum.

term of one year, and shall receive each, for their services, one dollar and fifty cents for each and every day they may serve as a Quorum Court: Provided however, that nothing in this act shall prevent the other Justices in said counties from setting and holding courts as heretofore.

Suits at law  
to be taxed.

Sec. 3. *Be it enacted*, That the courts in said counties may levy a tax of one dollar on each suit at law in said courts, to be taxed and collected as other costs, and if the same should be insufficient to pay said Quorum Justices, then said county courts are hereby authorized to lay a tax on the taxable property in said counties sufficient to meet the expenses of said Quorum court.

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JOEL WALKER,

*Speaker of the Senate.*

November 10, 1829.

## CHAPTER XXI.

*AN ACT to repeal part of an act passed November 10, 1817, entitled "an act more effectually to suppress the vice of gaming."*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That that part of the above recited act which imposes a disability or disqualification for office, with the exception of Judge, Justice of the Peace, Attorney General, Clerks, Sheriffs and Constables, be, and the same is hereby repealed.

Witnesses  
how examined  
as to time and  
place.

Sec. 2. *Be it enacted*, That the second section of the act of 1824, chap. 5, shall be so construed that the grand jury shall confine their examination of witnesses summoned before them, to the time and place or either, and that the witness shall not be bound to give testimony against any person unless the gaming be at the time or place specified in the enquiry of the grand jury.

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JOEL WALKER,

*Speaker of the Senate.*

December 2, 1829.

## CHAPTER XXII.

*AN ACT for the relief of the Occupants south and west of the Congressional reservation line, and for other purposes.*

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Secretary as commissioner of land claims to receive and file for adjudication until the first day of July 1830, all certificates of interference, original military warrants not heretofore adjudicated, all claims north of the Kentucky line, all claims for grants lying south of French Broad and Holston founded on good and valid warrants and which cannot hold lands in that section of country, and not heretofore provided for, and all claims south of Walker's line, and north of latitude thirty six degrees and thirty minutes, and all Registers' certificates not heretofore adjudicated, and to issue warrants and certificates to the proper owner or owners thereof, and in adjudicating the same, to be subject to the same rules and regulations in ascertaining their validity as prescribed by an act passed in the year 1825, entitled "an act providing for the adjudication of certain land claims."

Commissioner's office to be opened—what claims to be adjudicated.

Sec. 2. *Be it enacted*, That all persons, who before, and at the passage of this act, were bona fide resident occupants, upon vacant and unappropriated land, south and west of the Congressional line, may have any quantity of said vacant land so as to include his, her, or their improvement, not more than two hundred acres, nor less than twenty five, unless confined by lines of land already appropriated, or prior occupant claims, to be surveyed in an oblong or square, not to be more than twice as long as broad, except when he, she or they may be confined by lines of land already appropriated, or in the possession of some resident occupant, which survey so made, such occupant may have spread on the general plan of the district where the land lies, and it is hereby made the duty of the different surveyors, to receive such survey, and lay down the same on the general plan of his district: *Provided*, that no person who is the owner of two hundred acres of land in this state, shall have the right of preference as an occupant, and provided, also, that no person shall be

Occupants at the passage of the act, may have their claims surveyed and entered on the general plan.



entitled to more than one occupancy and preference, either for himself, or as assignee of any other person.

**Sec. 3. Be it enacted,** That each occupant, as well as those now provided for, as those provided for by former acts, are hereby permitted to enter the same by warrants or certificates, in preference, and to the exclusion of all other persons whatsoever, and on the production of a good and valid warrant or certificate, at any time to the surveyor of the district in which the land lies, said occupant is authorised to make in said office, an entry including his improvement and occupancy, of any quantity of land not exceeding two hundred acres, and all the parts of the acts of 1819, 1820, 1825, and 1827, which relate to the manner of proving occupant claims, and to the manner of making out and surveying occupant entries, and for preventing conflicts between the several occupants shall be held to apply to the occupants herein provided for.

**Sec. 4. Be it enacted,** That it shall be lawful for the occupants hereby provided for, to make their entries jointly or severally, on a warrant of any size, provided that the whole of said warrant so intended to be divided for the benefit of said occupants shall be appropriated in the same surveyor's district.

**Sec. 5. Be it enacted,** That the several occupants heretofore provided for, shall be authorised to enter their respective claims by virtue of any twenty five acre certificate or certificates not heretofore appropriated.

**Sec. 6. Be it enacted,** That from and after the first day of January 1831, the owner or owners of any warrants or certificates, as well those which may be issued under the present act, as those issued under former acts, and not heretofore satisfied, he, she or they, may enter and obtain grants for such quantity of land as such warrant or certificate may specify—provided the same shall be entered on vacant land, and provided also, that in making his entry, said warrant holder does not interfere with the claim or right of any occupant or occupants, hereby or heretofore provided for, and any entry made upon an occupancy without his, her or their consent in writing, is hereby declared void and of no effect.

**Sec. 7. Be it enacted,** That if any entry shall be made on any occupant claim, not laid down on the

May enter a  
any quantity of  
land not ex-  
ceeding 200  
acres.

May make  
their entries  
jointly or se-  
verally.

Any 25 acre  
certificate not  
before appro-  
priated may  
enter.

Offices opened  
on first Jan'y  
1831 for gene-  
ral entries.

general plan of the district in which the entry shall be made, and the surveyor knowing of said occupant right before surveying the said entry, shall proceed to survey the same, without the consent of said occupant in writing; the said surveyor shall forfeit and pay to the said occupant, whose right shall be thus trespassed on, the sum of one thousand dollars, to be recovered by such occupant by an action of debt in any Court having cognisance thereof, and if any occupant improvement shall be included in said entry, it shall be null and void so far as it interferes with said occupant claim, and if any grant shall issue thereon it shall be void, and if the surveyor shall include any occupant improvement in his survey, it shall be held and taken that he had notice of the same.

**Sec. 8. Be it enacted,** That where any occupant under the provisions of this act may have saved any part of his occupant claim less than by this act he is entitled to save, it shall not operate so as to defeat the right of said occupant to the balance of his, her, or their claim, but the right to the balance of said occupant claim shall be, and remain as if no entry had been made thereon, and the said occupant shall be protected in the possession thereof in the same manner and under the same rules and regulations, as he, she or they, are now protected by law.

**Sec. 9. Be it enacted,** That the original division lines made and agreed upon by the occupants, shall be binding upon them and their assignees.

**Sec. 10. Be it enacted,** That where any of the occupants heretofore provided for, may have surveyed and laid down their occupancies upon the general plan of the district, and where any of the occupants provided for by this act, may survey and lay down their occupancies upon the general plan of the district, the same shall be fully sufficient to enable him, her or them, to obtain a grant when the same may be entered under the provisions of this act, without an additional survey, unless the occupant shall think proper to alter the lines of the same, so as to make it fit a warrant of less size than the survey.

**Sec. 11. Be it enacted,** That where any person may have settled on any vacant and unappropriated land, on or before the passage of this act, and may have designated his occupant claim according to the provisions of this act, it shall not be lawful for any person

Duty of sur-  
veyor—occu-  
pant claims  
protected.

Where occu-  
pant has saved  
less than he  
was entitled to

Of division  
lines.

Occupants  
further protec-  
ted.

Additional  
survey—where  
necessary.

or persons to settle on the same, and should any other person or persons settle on the same, the first occupant or claimant may turn him out of possession by forcible entry and detainer, or forcible detainer, before any two Justices of the Peace where the land lies.

Offices forever closed on 1st August 1831.

SEC. 12. *Be it enacted*, That from and after the first day of August one thousand eight hundred and thirty one, the several offices south and west of the Congressional reservation line shall be forever closed, and all persons failing to present their claims, and make their entries thereon, on or before the said first day of August eighteen hundred and thirty one, shall be forever thereafter barred.

When occupant entitled to adjoining vacant land.

SEC. 13. *Be it enacted*, When any person owning a less quantity of granted land than one hundred and sixty acres, shall have laid down on any of the general plans south and west of the Congressional reservation line according to the provisions of the act of 1825, any vacant land adjoining his granted or entered land, he shall be entitled to all the privileges of an actual resident occupant.

What other persons entitled to the benefit of this act

SEC. 14. *Be it enacted*, That all persons who are by law entitled to any reservation which has been or may hereafter be spread on the general plan in any of the surveyors' offices, south and west of the Congressional reservation line, for the purpose of building mills, or for the promotion of other public improvements, shall be entitled to all the benefits of this act.

Where entry interferes with occupant claim

SEC. 15. *Be it enacted*, That where it shall so happen that any person has heretofore entered any good and valid land warrant, south and west of the Congressional reservation line, and the same or any part thereof includes any occupant claim, or part of any one, the owner or owners of said land warrant or certificate, shall be, and they are hereby authorised to remove said entry, and enter the said warrant on any vacant and unappropriated land south and west of the Congressional reservation line, provided the said entry does not include any part of any occupant claim—provided also, that before any person shall be authorised to remove his warrant, he or they shall prove by respectable testimony in writing, that the said entry did interfere with some occupant claim.

SEC. 16. *Be it enacted*, That where any occupant

may have surveyed his occupancy according to law, or shall hereafter survey the same, he may have the same laid down on the general plan of the district, and said survey shall be fully sufficient to enable him, her, or them to get a grant when the same shall be entered under this act, without the expense of an additional survey, unless the occupant shall think proper to alter the lines thereof to make it fit a warrant of less size than the survey.

What necessary to obtain a grant.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

December 30, 1829.

## CHAPTER XXIII.

*AN ACT to reform and amend the Penal Laws of the State of Tennessee.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all offences hereafter enumerated, are hereby declared to be felonies, and shall be punished by imprisonment at hard labour in the Jail and Penitentiary House established in this State, as hereinafter prescribed, except the crime of murder in the first degree, and accessaries before the fact to such crime, which shall be punished with death as heretofore.

Crimes, how punished.

SEC. 2. If any person of sound memory and discretion, unlawfully kill any reasonable creature in being, and under the peace of the state with malice aforethought, either express or implied, such person shall be deemed guilty of murder.

Of murder.

SEC. 3. All murder which shall be perpetrated by means of poison or by lying in wait or by any other kind of wilful, deliberate, malicious, and premeditated killing, or which shall be committed in the perpetration of or attempt to perpetrate any arson, rape, robbery, burglary or larceny shall be deemed murder in the first degree, and all other kinds of murder shall be deemed murder in the second degree, and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, ascertain in their verdict,

First and second degree.

whether it be murder of the first or second degree, but if such person shall confess his guilt, the Court shall proceed by the empannelling of a jury and examination of testimony, to find and determine the degree of the crime, and to give sentence accordingly.

Punishment of  
the first.

Sec. 4. Every person convicted of the crime of murder in the first degree, or as accessary before the fact to such crime, shall suffer death by hanging by the neck.

Punishment of  
the second.

Sec. 5. Every person convicted of the crime of murder in the second degree shall be sentenced to undergo imprisonment in the public Jail and Penitentiary house established in this State, for a period not less than ten nor more than twenty-one years.

Manslaughter  
what.

Sec. 6. Manslaughter is the unlawful killing of another, without malice either express or implied, which may be either voluntary upon a sudden heat or involuntary, but in the commission of some unlawful act.

Voluntary—  
punishment of

Sec. 7. Whoever shall be convicted of the crime of voluntary manslaughter, shall undergo confinement in the said Jail and Penitentiary house for a period not less than two nor more than ten years.

Involuntary—  
punishment of

Sec. 8. Whoever shall be convicted of involuntary manslaughter shall undergo confinement in said Jail and Penitentiary house for a period not less than one nor more than five years.

Arson, what.

Sec. 9. Any person who shall wilfully and maliciously burn the house or out-house of another, shall be deemed guilty of arson.

Punishment of

Sec. 10. Every person convicted of arson shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than twenty-one years.

When commit-  
ted in city.

Sec. 11. Every person who shall wilfully and maliciously burn, or set fire to, any house or building in a town or city, or procure said offence to be committed, shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than twenty-one years.

Further des-  
cription of Ar-  
son.

Sec. 12. Every person who shall wilfully, unlawfully and maliciously, burn or set fire to any house, barn, stable or other valuable building, or any building containing valuable property therein, or any stack of grain, fodder, straw or hay, or any valuable bridge, boat or water-craft, or who shall procure any of said offences to be committed, shall un-

dergo confinement in said Jail and Penitentiary house for a period not less than two nor more than twenty-one years.

Rape, what.

Sec. 13. Rape is the unlawful carnal knowledge of a woman, forcibly and against her will. Carnal knowledge is accomplished by the commencement of a sexual connexion; proof of the circumstance which usually terminates it, is not required.

Punishment of

Sec. 14. Whoever shall commit the crime of Rape shall undergo confinement in said Jail and Penitentiary house for a period not less than ten nor more than twenty-one years.

Abuse of fe-  
male child.

Sec. 15. If any person shall unlawfully and carnally know and abuse any female child under the age of ten years, he shall undergo confinement in said Jail and Penitentiary house for a period not less than ten nor more than twenty-one years.

Of Bigamy.

Sec. 16. No person being married shall marry another person, the former husband or wife being alive.

Punishment of

Whoever shall be guilty of said offence shall undergo confinement in said Jail and Penitentiary house for a period not less than two nor more than twenty-one years.

*Proviso*—No person shall be deemed guilty, under this section, whose husband or wife shall be continually remaining beyond the limits of the United States for the space of five years together; or whose husband or wife shall absent him or herself the one from the other, for the space of five years together, the one of them not knowing the other to be living within that time.

What shall  
be evidence of  
marriage.

In all trials under this section a certified copy of the marriage license, from the Clerk out of whose office the same issued, accompanied by the certificate of solemnization of the Minister of the Gospel, Justice of the Peace or other person, who solemnized the rites of matrimony, also copied and certified, shall be sufficient proof of either the first or second marriage in any prosecution under this section; and in the absence of such certified copy, the testimony of any bystander who witnessed the marriage ceremony shall be received in proof of such marriage, and the public acknowledgments and conduct of the party charged shall be competent evidence on such trial as to both or either of said marriages.

Sec. 17. Whoever shall commit either of the in-



Sodomy and famous crimes against nature called sodomy and buggery shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than fifteen years.

Sec. 18. No man shall marry or have carnal knowledge of his mother, his father's sister, his mother's sister, his sister, his daughter, the daughter of his brother or sister, the daughter of his son or daughter, his father's wife, his son's wife, his wife's daughter, the daughter of his wife's son or daughter.

No woman shall marry or have sexual intercourse with her father, her father's brother, her mother's brother, her brother, her son, the son of her brother or sister, the son of her son or daughter, her mother's husband, her daughter's husband, her husband's son, the son of her husband's son or daughter.

Whoever shall commit any offence mentioned in this section shall be deemed guilty of Incest, and shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than twenty-one years.

Sec. 19. Burglary is the breaking and entering into a mansion house by night with intent to commit a felony.

Every person convicted of burglary shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than fifteen years.

Sec. 20. Robbery is the felonious and forcible taking from the person of another, goods or money of any value, by violence or putting the person in fear.

Every person who shall be convicted of the crime of Robbery shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than fifteen years.

Sec. 21. Whoever shall be guilty of stealing any free person of color or selling any free person for a slave, knowing the person sold to be free, shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than fifteen years.

Sec. 22. Whoever shall steal any slave, the property of another with, or without the consent of such slave, shall undergo confinement in said Jail and Penitentiary house for a period not less than five nor more than fifteen years.

Sec. 23. Larceny is the felonious taking and carrying away the personal goods of another.

Whoever shall feloniously take or steal any horse, mare, gelding, filly, foal, mule, or ass, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than ten years.

Sec. 24. Whoever shall fraudulently receive or buy any horse, mare, gelding, filly, foal, mule or ass that shall be feloniously taken or stolen from another, knowing the same to be stolen, with intent to deprive the true owner thereof, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than ten years.

Sec. 25. Larceny is either Grand or Petit.—Grand Larceny is the felonious taking and carrying away the personal goods of another, over the value of ten dollars.

Petit Larceny is the felonious taking and carrying away the personal goods of another not exceeding ten dollars in value.

Whoever shall be guilty of Grand Larceny shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than ten years.

Whoever shall be guilty of Petit Larceny shall undergo confinement in said Jail and Penitentiary house for a period not less than one nor more than five years.

Nothing in this section shall be construed to effect the provisions of the twenty-third section of this act.

Sec. 26. Every person who shall fraudulently receive or buy any goods over the value of ten dollars that shall have been feloniously taken or stolen from another, knowing the same to be stolen, with intent to deprive the true owner thereof, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than ten years.

Every person who shall fraudulently receive or buy any goods not exceeding ten dollars in value that shall have been feloniously taken or stolen from another, knowing the same to be stolen, with intent to deprive the true owner thereof, shall undergo confinement in said Jail and Penitentiary



house for a period not less than one nor more than five years.

\* The word "goods" in this and the preceding section of this act include money as well as all other personal property.

Nothing in this section shall be construed to affect the provisions of the twenty-fourth section of this act.

In all cases of Petit Larceny, and in all prosecutions for receiving stolen goods under the value of ten dollars, where the jury may find the defendant guilty, the court may on the recommendation of the jury discharge the party from the penalties imposed by this act, and substitute, if they think proper, fine and imprisonment for such period of time as the court may direct.

Where fine & imprisonment may be substituted.

Of stealing Bills of Exchange, &c.

SEC. 27. Whoever shall feloniously steal or take by robbery any bill of exchange or any note or other valuable paper writing, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

Of receiving the same.

SEC. 28. Whoever shall fraudulently receive any such bill of exchange, note, or other valuable paper writing, knowing the same to be stolen, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

Value of notes, bills, &c.

SEC. 29. If the bill, note, or other valuable paper writing mentioned in the two preceding sections of this act purport to be of value, it shall be deemed valuable within the meaning of said sections until the contrary be shown.

Of breaking into house by day.

SEC. 30. Whoever shall break and enter into a mansion house by day with intent to commit a felony, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than ten years.

Every person indicted for burglary may be convicted under this section, and persons indicted under this section, or for burglary where another felony may be included in such charge, may be convicted for such felony.

Of Counterfeiting.

SEC. 31. No person shall fraudulently forge, or begin to forge, or assist, or be concerned in forging or beginning to forge the counterfeit resemblance, or imitation of any bank bill, or any note, check or draft or instrument which circulates as currency of

any corporation, company or person that really exists or that may exist.

No person shall fraudulently make or begin to make the counterfeit resemblance or imitation of any bank bill, or any note, check or draft, or other instrument purporting to be the bill, note, check, draft or instrument of any corporation, company, or person, though no such corporation, company or person exist.

No person shall fraudulently buy, pay, or tender in payment, pass or offer to pass, or assist, or be concerned in fraudulently buying, paying or tendering in payment, or in passing or offering to pass the counterfeit resemblance or imitation of any bank bill, or any note, or check, or draft, or instrument which circulates as currency of any corporation, company, or person, that really exists, or may exist whether such bill, note, check, draft, or instrument be complete and filled up, or otherwise.

No person shall fraudulently buy, pay, or tender in payment, pass or offer to pass, or assist or be concerned in fraudulently buying, paying or tendering in payment or in passing or offering to pass the counterfeit resemblance or imitation of any bank bill or any note or check or instrument purporting to be of any corporation, company or person, though no such corporation, company or person exist.

Of receiving or passing counterfeit money.

Whoever shall commit any of the offences mentioned in this section shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

Punishment of

SEC. 32. No person shall fraudulently keep in possession or conceal the counterfeit resemblance or imitation of any Bank Bill, or any note, check, or draft, or any instrument which circulates as currency of any corporation, company or person, that exists or may exist, whether such bill, note, check, draft, or instrument be complete and filled up, or otherwise.

Of keeping base notes in possession.

Whoever shall be guilty of any of the offences mentioned in this section shall undergo confinement in said jail and penitentiary house for period not less than three nor more than fifteen years.

SEC. 33. No person shall fraudulently keep in possession or conceal any fictitious instrument purporting to be a Bank Bill or note, or draft, or check, of any corporation company or person whether the

Of keeping spurious notes in possession.

same be complete and filled up or not, though no such corporation, company or person exist.

Whoever shall be guilty of any of the offences mentioned in this section, shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

*Of altering or erasing bills, &c.*  
**SEC. 34.** No person shall fraudulently alter or erase, any genuine bill, note, draft, check or instrument that circulates as currency of any corporation, company or person.

No person shall fraudulently keep in possession or conceal any such Bill, note, draft, check or instrument that shall be so altered or erased.

*Of passing off the same.*  
 No person shall fraudulently buy, pay, or tender in payment, pass or offer to pass, or assist or be concerned in fraudulently buying, paying or tendering in payment, or in passing or offering to pass any such bill, note, draft, check or instrument.

Whoever shall be guilty of any of the offences mentioned in this section shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

*Subject continued.*  
**SEC. 35.** No person shall fraudulently fill up or complete, or begin to fill up or complete, or assist or be concerned in filling up or completing the counterfeit resemblance or imitation of any Bank bill, or any note, check or draft, or any instrument that circulates as currency of any corporation, company or person, that exists or may exist.

No person shall fraudulently fill up or complete or begin to fill up or complete, or assist or be concerned in fraudulently filling up or completing any fictitious instrument purporting to be a bank bill or note, check or draft, on any corporation, company or person, though no such corporation, company or person exist.

*Penalty.*  
 Whoever shall be guilty of any of the offences mentioned in this section shall undergo confinement in said Jail and Penitentiary House for a period not less than three, nor more than fifteen years.

*Of making instruments for counterfeiting*  
**SEC. 36.** No person shall fraudulently make or prepare, or begin to make or prepare, or assist, or be concerned in fraudulently making or preparing any plate or other instrument whereby to stamp or otherwise make the counterfeit resemblance or imitation of any note, bill, check or draft of any cor-

poration, company or person that exists or may exist.

No person shall fraudulently make or prepare, or begin to make or prepare, or assist, or be concerned in fraudulently making or preparing any plate or other instrument, whereby to stamp or otherwise make any fictitious bank bill, note, check or draft, purporting to be of any corporation, company or person, though no such corporation, company or person exist.

*Of concealing the same.*  
 No person shall fraudulently keep in possession, or conceal, or assist, or be concerned in fraudulently concealing any such plate or instrument, whereby to stamp or otherwise make the counterfeit resemblance or imitation of any note, bill, check, or draft of any corporation, company or person that exists or may exist, whether such plate or instrument be complete or not.

*Of keeping the same in possession.*  
 No person shall fraudulently keep in possession or conceal, or assist, or be concerned in fraudulently concealing any such plate or instrument, whereby to stamp or otherwise make any fictitious bank bill, note, draft, or check, purporting to be of any corporation, company or person, though no such corporation, company or person exist; whether such plate or instrument be complete or not.

Whoever shall be guilty of any of the offences mentioned in this section, shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

*Of making paper that is used for Bank notes*  
**SEC. 37.** No person shall fraudulently make or prepare, or begin to make or prepare, or assist or be concerned in making or preparing any paper of that description which is used for bank bills, or notes, or other paper currency.

No person shall fraudulently make, mend or prepare, or assist or be concerned in making, mending or preparing the paper moulds or other necessary machines or instruments commonly used in the process of making or preparing paper of that kind which is used for bank bills, or notes, or other paper currency.

*Of keeping it in possession.*  
 No person shall fraudulently keep in possession or conceal any such paper, paper moulds, or other necessary machines or instruments.

*Penalty.*  
 Whoever shall be guilty of any of the offences mentioned in this section, shall undergo confinement

in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

Corporation,  
Company, per-  
son-definition  
of

SEC. 38. The words *corporation, company or person*, where they occur together in the preceding sections of this act, include the United States, and the several States and Territories, and all the several branches of the government of either of them; all public and private bodies, politic and corporate; all partnerships as well as individuals.

Of preparing  
machines for  
counterfeiting  
coin.

SEC. 39. No person shall fraudulently make, mend, prepare, or use, or assist or be concerned in making, mending, preparing or using any machine or instrument intended for the forging counterfeit or adulterating any coin which may be current in this State, either by law or usage.

No person shall fraudulently keep in possession or conceal, or assist in concealing any such machine or instrument.

No person shall fraudulently make, or begin to make prepare or complete, or begin to prepare or complete, any base or adulterated coin, in imitation of any coin which may be current in this State either by law or usage.

Passing coun-  
terfeit coin.

No person shall fraudulently pass, or offer to pass or assist in passing or offering to pass any such base or adulterated coin.

No person shall fraudulently keep in possession or conceal, or assist, or be concerned in concealing any such base or adulterated coin.

Of counterfeit-  
ing coin.

No person shall fraudulently make or prepare, or begin to make or prepare, or assist, or be concerned in making or preparing any piece or pieces of base or adulterated metal, intended to be converted into the counterfeit resemblance of any coin which may be current in this state, either by law or usage.

No person shall fraudulently keep in possession or conceal, or assist, or be concerned in concealing any such pieces of base or adulterated metal.

Penalty.

Whoever shall be guilty of any of the offences mentioned in this section shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

Forgery, what.

SEC. 40. Forgery is the fraudulent making or alteration of a writing to the prejudice of another's right.

The word "another's" in the preceding clause, in-

cludes every thing that is included in the expression corporation, company or person, as defined in the thirty-eighth section of this act.

Whoever shall be guilty of any forgery, other than that herein before enumerated, shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years.

SEC. 41. Whoever shall fraudulently pass or transfer, or offer to pass or transfer any forged paper, knowing it to be forged, with intent to defraud another, shall undergo confinement in said Jail and Penitentiary House for a period not less than three nor more than fifteen years;—and in all prosecutions for forgery and counterfeiting, the party upon whom the instrument or paper-writing is, or shall have been forged or counterfeited, shall be a competent witness.

Of passing  
forged paper.  
Evidence to be  
received.

SEC. 42. When a lawful oath or affirmation is administered in some judicial proceeding to a person who swears or affirms wilfully, absolutely and falsely in a matter material to the issue or point in question, such person shall be deemed guilty of perjury.

Perjury, what.

Whoever shall be guilty of perjury shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

Punishment of

SEC. 43. Every person who shall unlawfully and corruptly suborn, or procure any person to commit perjury shall be deemed guilty of subornation of perjury, and shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

Subornation of  
perjury.

SEC. 44. When a Judge, Justice of the Peace, or other person concerned in the administration of justice, shall unlawfully and corruptly take any undue reward by way of bribe to influence his behaviour in office, he shall be deemed guilty of bribery and shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than twenty-one years.

Of Bribery.

SEC. 45. Whoever shall corruptly give any bribe to any Judge, Justice of the Peace, juror or other person concerned in the administration of Justice, or procure any or either of them to take gain or profit by way of bribe to influence the decision or ver-

Of bribing.



dict to be made or rendered by such officer shall be deemed guilty of embracery, and shall undergo confinement in said Jail and Penitentiary house for a period not less than two nor more than ten years.

**Sec. 46.** Whoever shall unlawfully, knowingly, wilfully and corruptly destroy the corner tree of another's land, shall undergo confinement in said Jail and Penitentiary house for a period not less than two, nor more than five years.

**Sec. 47.** Every person who shall corruptly destroy or conceal the last will and testament of any decedent, or any codicil thereto, with intent to prevent the probate thereof, or to defraud any devisee or legatee under such will or codicil, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

**Sec. 48.** No clerk, lawyer or other person, shall corruptly steal, take away, withdraw, or avoid, any record or parcel of the same, writ, return, panel, process, or warrant of attorney, with intent to injure another.

Whoever shall commit any of the offences mentioned in this section, whereby any judgment shall be reversed, or party injured, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

**Sec. 49.** Whoever shall corruptly steal, take away, withdraw or avoid, with intent to injure another, any book or part thereof, or paper belonging to any of the public offices of this State, whereby any person is or shall be injured, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

**Sec. 50.** Whoever shall falsely and deceitfully obtain, or get into possession any money, goods, chattles, notes or bank bills, by color and means of any false token or counterfeit letter, made in another's name, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than fifteen years.

**Sec. 51.** The word "another's" in the preceding section, shall have the same extent of signification, that it has in the thirty-eighth section of this act.

**Sec. 52.** Whoever shall feloniously, wilfully and with malice aforethought, assault any person with intent to commit murder in the first degree, or shall administer or attempt to give any poison or potion for that purpose, though death shall not ensue, shall undergo confinement in said Jail and Penitentiary house for a period not less than three nor more than twenty-one years.

**Sec. 53.** Any person who shall be guilty of committing an assault and battery upon a female with intent forcibly and against her will, to have unlawful carnal knowledge of such female, every such person, his counsellors, aiders and abettors shall on conviction, be sentenced to undergo imprisonment at hard labor in the Penitentiary for a period not less than two nor more than ten years.

**Sec. 54.** Whoever shall assault another with intent feloniously and wilfully to commit a robbery, shall undergo confinement in said Jail and Penitentiary house for a period not less than two nor more than six years.

**Sec. 55.** No person shall unlawfully and maliciously cut off the tongue, or disable the tongue of another, by clipping, biting or wounding.

No person shall unlawfully and maliciously put out an eye, slit, cut off or bite off the nose, ear or lip of another, or any part of either of them, whereby any person shall be maimed or disfigured.

No person shall unlawfully and maliciously cut off or disable the hand, arm, leg or foot of another, or any part of either of them, whereby the person so injured, shall lose the proper use of any of those members.

No person shall unlawfully and maliciously shoot or stab another.

No person shall unlawfully and maliciously, by cutting or otherwise, cut off or disable the organs of generation of another, or any part thereof.

Whoever shall commit any of the offences mentioned in this section, shall undergo confinement in said Jail and Penitentiary house for a period not less than two nor more than ten years.

**Proviso.**—If any of said offences shall be done in self defence, or without malice aforethought, the person charged shall be excused from the operations of this section.

**Sec. 56.** If any person within this State shall

Of fighting, fight a duel, or shall deliberately and maliciously challenge by word or writing, any other person to fight with sword, pistol or other deadly weapon, or shall deliberately and maliciously invite another verbally or by writing to meet him in the State or elsewhere, with a view or intent to challenge or fight, or if any person so challenged shall deliberately and maliciously accept the said challenge; in either case, such person so deliberately and maliciously giving or receiving, or sending any such challenge, and being convicted thereof, shall be sentenced to imprisonment at hard labor in the Penitentiary for a term not less than three nor more than ten years.

*Provided* always, that no person who shall be verbally challenged, shall be a competent witness to prove the fact of such verbal challenge against any person who may be indicted for the same.

Sec. 57. If any person shall willingly, knowingly, deliberately, and maliciously carry and deliver any written challenge, or shall verbally, deliberately and maliciously deliver any message purporting to be a challenge, or shall deliberately and maliciously consent to be a second in any such intended duel, even if such person so offending, and being convicted thereof, shall be sentenced to imprisonment at hard labor in the Penitentiary for a term not less than three nor more than ten years.

Sec. 58. If any person or persons shall in any newspaper or handbill, written or printed, publish or proclaim any other person or persons as a coward or cowardly, or use any other opprobrious language to or towards, or use any other opprobrious language in writing or printing, for not accepting a challenge, or fighting a duel, such person or persons so offending shall on conviction be sentenced to imprisonment at hard labor in the Penitentiary for the term of two years.

Sec. 59. The publisher or printer of any newspaper, handbill or other publication, shall in all prosecutions under the last mentioned sections, be summoned as a witness, and be accepted by the court as a good witness against the writer or writers of such publication or handbill, and if the said printer or publisher or publisher or publishers shall summon or printers or publisher, shall refuse to give up the writer's name the court shall consider him or them, as

the author or authors thereof, and proceed to punish him or them accordingly.

Sec. 60. Whoever shall by force or menaces of bodily harm, or by other unlawful means, set any one at liberty who is in custody after a lawful arrest either before or after conviction, for any offence mentioned in this act, knowing or being informed that the offender is lawfully arrested as aforesaid, shall undergo confinement in said jail and Penitentiary house for a period not less than two nor more than ten years.

Sec. 61. If any officer or other person having another in custody upon a lawful arrest or conviction, for any of the offences mentioned in this act, shall voluntarily, corruptly, and of purpose let such person so arrested or convicted escape, he shall undergo confinement in said jail and Penitentiary house for a period not less than two nor more than ten years.

Sec. 62. All persons being present aiding and abetting, or ready and concealing to aid and abet in any of the foregoing offences, shall be deemed principal offenders therein, and indicted and punished as such.

Sec. 63. All accessories before the fact to any of the foregoing offences, where the offence admits of accessories before the fact, shall be punished as their principals are punished.

Sec. 64. All accessories after the fact, shall be punished as their principals, except accessories after the fact to the crime of murder in the first degree, who shall be punished as persons convicted of murder in the second degree are punished.

*Provided*, That persons standing to the accused in the relation of parent, child, brother, sister, husband or wife, shall not be deemed accessories after the fact, unless for retaining officers and others by force or menaces in the legal discharge of their duty.

Sec. 65. If any person or persons shall be guilty of dealing at the game commonly called *faro*, or exhibiting the game commonly called *blackball*, or exhibiting with cards the *grandmother's trick*, for money or other valuable thing, any such person or persons so offending, on conviction thereof, shall undergo confinement in said jail and Penitentiary house, for a period not less than two nor more than five years. *Provided* that persons playing with any such *faros*

Of a double release from the custody of the law.

Where all persons are released the custody of the law.

Of aiding and abetting in such offences.

Accessories after the fact.

Repealed by the law.

Dealing for money at the game.

Penalty limited.

dealer, or person exhibiting the game commonly called *thimble*, or the *grandmother's trick* may be prosecuted by indictment or presentment, and on conviction shall be subject to the same punishment as persons guilty of other gaming, are by the laws now in force subject to.

Of conspiracy and the punishment thereof.

Sec. 66. If any two or more persons shall falsely and maliciously conspire together to indict or prosecute an innocent person of any felony, knowing such person to be innocent, and such innocent person shall be falsely and maliciously indicted or prosecuted in pursuance of such conspiracy, every such offender on conviction thereof, shall undergo confinement in said Jail and Penitentiary House for a period not less than two nor more than ten years.

Of principals & accessories to offences not mentioned in this act.

Sec. 67. Whoever shall be convicted either as principal or accessory of any felony or other offence, not otherwise provided for by this act, which is now punishable by death or stripes, shall undergo confinement in said Jail and Penitentiary House for a period not less than two, nor more than ten years.

Explanation of some of the foregoing passages.

Sec. 68. In describing any of the foregoing offences where the singular number is used as applicable to the offender, if more than one person is concerned as principal therein, they shall all be considered as included; and where an offence has been described as committed against one, if the same has been committed against more than one, they shall all be considered as included; and where in describing the thing that is done, the singular number is used, the plural is understood to be included, if the offence includes more things than one, and *vice versa*.

This act not to apply to slaves

Sec. 69. Every slave is excepted out of the provisions of this act; and if any slave shall commit any of the offences herein enumerated, he shall be tried and punished according to the laws heretofore enacted.

What shall be evidence of a corporation.

Sec. 70. On all trials for offences before enumerated, where the existence of a corporation may be necessary to be established, a copy of the charter of such corporation, legally authenticated, or a book purporting to be the public statute book of the United States, or of any of the several states, in which such charter may be printed, shall be *prima facie* evidence of the existence of such corporation.

Sec. 71. Every person convicted of any of the

foregoing offences, shall, in addition to the other penalties hereby imposed, be disqualified from holding any office under this state. Disqualifications wrought by this act.

Every person convicted of any of the offences mentioned in the ninth, eleventh, twelfth, thirteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-ninth, fortieth, forty-first, forty-second, forty-third and forty-fourth sections of this act, shall, in addition to the other penalties hereby imposed, be rendered infamous, and be incapable of being examined as a witness. What offences are famous.

Sec. 72. All indictments for offences enumerated in this act, which are offences at common law, shall be good, if the offences be described or charged according to the common law, or according to this statute, and the party charged, on conviction, shall receive the punishment prescribed by this act. Of indictments under this act.

Sec. 73. In all prosecutions for offences under this act where the fraudulent possession or concealment of the thing constitutes the offence, it shall be sufficient to allege in the indictment, that the party charged, fraudulently possessed or concealed such thing, without charging or proving that any particular person, corporation or company was intended to be defrauded. Of framing an indictment under this act.

Sec. 74. In all indictments for offences enumerated in the thirty-ninth section of this act; except the offences of passing or offering to pass counterfeit coin; in all indictments for making fictitious instruments or buying the same; making or preparing plates, to be used in making counterfeit or fictitious instruments, making or preparing bank paper, and in all other indictments for offences under this act, where from the nature of the offence, a fraud upon the public was intended, but no particular person was intended to be defrauded, it shall be sufficient to charge the offence in the words of the act, without averring or proving that any individual was intended to be defrauded. How to charge certain offences mentioned in this act.

Sec. 75. In all cases of felonious homicide under this act, the party charged, shall be entitled to thirty-five peremptory challenges as heretofore, and for Peremptory challenges—how many allowed.



all other offences, the party charged shall be entitled to twenty-four peremptory challenges.

**Sec. 76.** The jury before whom any offender may be tried, shall decide upon, and in their verdict ascertain the time within the respective periods prescribed, during which such offender shall undergo confinement in the Jail and Penitentiary House aforesaid, according to the directions of this act, and the court shall pass sentence according to the verdict and law of the land.

**Sec. 77.** Where an indictment is preferred containing different counts, alleging in one or more, that a corporation exists, and in others, that a corporation does not exist, such averments, while the indictment is before the grand jury, shall be considered immaterial, and they are authorized to find a true bill on every count where the evidence otherwise supports the indictment.

Where there are different charges contained in separate counts in the same indictment, and the jury return a general verdict of guilty, they shall ascertain the period of imprisonment in the same manner as though but one charge was contained in the indictment, and the court shall pass sentence accordingly.

**Sec. 78.** In all cases before enumerated where compensation or damages may be adjudged to a party who complains of injury according to the provisions of the succeeding section of this act, such party shall be a competent witness on the trial of the offender: Provided, that the court may before such person is sworn, require him to enter a release of his claim to compensation or damages depending on the event of the cause, and the court shall further have a discretionary power after such cause is tried, and during the same term to cancel such release on motion of the party grieved.

**Sec. 79.** In all cases where property shall be stolen and the felon shall be convicted, the jury before whom the trial is had, shall in their verdict ascertain whether the property stolen is restored, or forthcoming to be restored to the owner, and if it is not restored or forthcoming, then they shall ascertain its value, and the court in their judgment shall direct restitution to be made, if it can be done, or if restitution cannot be made, then the owner shall

Jury to ascertain the time of imprisonment.

Of conflicting averments in an indictment.

Where different charges are contained in separate counts.

In what case a party to whom damages have been awarded may give evidence.

Execution to issue against estate of prisoner for property stolen.

have execution against the estate of the prisoner for the value thereof as ascertained by the jury.

In all cases where property may be destroyed, or a person has been defrauded by any of the offences before enumerated, the jury shall in their verdict ascertain the damages sustained by such offence, and the court shall thereupon give judgment in favour of the party injured, against the party committing such offence for the damages as found by the jury.

The court shall also give judgment against the party convicted for the charges and costs of the prosecution.

**Sec. 80.** All trials for offences enumerated in this act, or other crimes which shall be made punishable by confinement in the Penitentiary House aforesaid, shall be cognizable only in the Circuit Courts of this State, and shall be had as heretofore reserving the right of appeal.

**Sec. 81.** After every conviction and sentence for every offence made punishable by confinement in the Jail and Penitentiary House aforesaid, the clerk shall issue execution of *fiat facias* on the judgment which shall be rendered in favour of any party who may be entitled to damages under the preceding sections of this act, and for charges of prosecution in favour of the State.

Immediately after the return day of such executions, the clerk shall certify and transmit to the agent or superintendent of the said Jail and Penitentiary House, copies thereof with the Sheriff's return; and for every failure to perform this duty, the clerk shall be liable to an action at the instance of the party grieved, and to indictment in the Circuit Court for a misdemeanor in office; and it shall be the duty of the solicitor to see that the clerk performs this duty.

**Sec. 82.** All laws coming within the purview of this act, shall on the operation thereof be hereby repealed; and this act shall commence and be in force from and after the time the Governor shall signify by his proclamation that said Jail and Penitentiary House shall be in a state and condition for the reception of convicts.

All offences committed before this act goes into operation shall be punished according to the laws now in force.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

December 9, 1829.

Jury to award damages where property has been destroyed.

Offences mentioned in this act cognizable only in the circuit court.

Clerk to issue *fiat facias* for damages awarded.

To send a copy thereof & sheriff's return to the keeper of the Penitentiary.

Repealing clause.

## CHAPTER XXIV.

*AN ACT to amend an act entitled an act to regulate proceedings in civil cases and for other purposes, passed November 27th, 1823.*

*Jurisdiction of Justices extended to actions of tort in certain cases.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee, That hereafter any two Justices of the Peace shall have jurisdiction in all cases of damages, whether the same arose from matter of contract or any kind of tort, or wrong done, whatever, except actions of slander, where the damages claimed by the plaintiff do not exceed fifty dollars: Provided, that either party shall have the right to an appeal from the judgment of the Justices to the county or circuit court.*

*Repealing clause.*  
**SEC. 2.** *Be it enacted, That so much of the before recited act as comes within the perview and meaning of this act, is hereby repealed.*

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JOEL WALKER,**  
*Speaker of the Senate.*

December 14, 1829.

## CHAPTER XXV.

*AN ACT to authorize any of the County Courts in this state to organize a quorum for their county if they think proper, and to prescribe the time of holding the Circuit and County Courts in Maury county.*

*Quorum courts—how established.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee, That any of the county courts of this state, may if they think proper, at their first court in each and every year elect of their own body, three fit and suitable persons to hold said courts during the said year, who shall have the same powers and privileges and emoluments as are prescribed for the quorum courts in Rutherford county.*

*Maury circuit court, time of holding changed.*  
**SEC. 2.** *Be it enacted, That the circuit courts for Maury county shall commence on the third Monday in April and October.*  
**SEC. 3.** *Be it enacted, That the county courts of*

Maury, shall commence on the second Monday in March, June, September and December.

*Maury county court, time of holding changed.*  
 In appeals from said county court to the circuit court, the transcript of the record shall be filed with the clerk of the circuit court five days before court—when there is not fifteen days between the setting of the county and circuit court. All process and proceedings of either of said courts, and all recognizances returnable or answerable at the next terms respectively, as heretofore existing shall be deemed returnable or answerable at the next terms respectively, as hereby established; Provided, that when money has been collected by the sheriff, he shall pay the same into the clerk's office for the party interested, as if this law had not been passed.

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JOEL WALKER,**  
*Speaker of the Senate.*

December 16, 1829.

## CHAPTER XXVI.

*AN ACT to amend an act passed 22d November, 1825, entitled "an act for the relief of the Mechanics of this State."*

*Mechanics in towns, to have lien on the lot where house is built.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee, That hereafter when any Mechanic or Mechanics, shall build or construct, or in part build or construct or furnish the materials, or part of the materials in the buildings, or construction of any house within any town in this state, such Mechanic or Mechanics, shall have and retain a lien upon the lot of ground on which said house stands, together with the buildings thereon, in proportion to the amount of work and labour done, or materials furnished as aforesaid—And if the owner of said lot and house or houses, shall convey or in any wise dispose of the same, such conveyance or disposition shall be subject to the lien hereby created, which shall remain for the length of time mentioned in the act to which this is an amendment.*

**SEC. 2.** *Be it enacted, That the provisions of this act shall extend to all Mechanics who may build or*

Operation of  
the act extend-  
ed to David-  
son county.

construct or in part, build or construct, or furnish the materials or part of the materials of any house in Davidson county, together with one acre of ground including said house: Provided, nevertheless, said person or persons who may build or construct, or in part build or construct, or furnish the materials or part of the materials aforesaid, shall commence an action for such work and labor, or for such materials so furnished within six months after the furnishing of said materials, or the furnishing of said work and labour, and shall prosecute said suit with ordinary diligence to judgment.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

December 1, 1829.

## CHAPTER XXVII.

*AN ACT to alter the time of holding the Chancery court in Greenville, in the county of Greene.*

When to be  
held.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of Chancery directed by law to be held for the district composed of the counties of Carter, Washington, Greene, Jefferson, Cooke and Sevier, in the town of Greenville, in the county of Greene, shall hereafter be commenced and holden on the second Mondays of May and November, to which time all process made returnable to said court shall be returned.

Chancery  
court at King-  
ston.

SEC. 2. *Be it enacted*, That the Chancery court at Kingston shall hereafter be held on the fourth Monday of November and May in each year.

Chancery  
Court at Mc-  
Minnville.

SEC. 3. *Be it enacted*, That the Chancery court at McMinville, at the next term shall commence and be holden the second Monday in February next, and that the said court thereafter shall continue to be held as now directed by law.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

December 19, 1829.

## CHAPTER XXVIII.

*AN ACT more effectually to prohibit county officers from speculating in county claims.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January next, no attorney general, deputy clerk, clerk, sheriff, collector, constable, coroner or county trustee, shall purchase, trade for, or otherwise speculate in county claims, either directly or indirectly, by him, themselves, or his or their agent or agents, and if any such officer, above named, shall in any wise violate the true latent and meaning of this act, either by him, them, his or their agents, for his or their use, such officer as above mentioned shall be liable to indictment or presentment in any of the county or circuit courts of any county wherein said offence may be committed, and upon conviction thereof, shall be liable to a fine not exceeding fifty dollars nor less than ten dollars, and it is hereby made the duty of the Judges of the circuit courts and Attorney Generals of this State, to give this act in charge to their several grand juries.

What officers  
come within  
the meaning of  
this act.

SEC. 2. *Be it enacted*, That if any clerk, sheriff, deputy sheriff, collector, constable, coroner, or county trustee, shall be convicted under the provisions of this act, it shall be deemed a misdemeanor in office for which he shall be removed by the court before whom said conviction shall take place.

Violation of  
this act a mis-  
demeanor in of-  
fice.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

December 7, 1829.

## CHAPTER XXIX.

*AN ACT more effectually to provide for Emancipating Slaves.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whereas any person shall by his last will and testament, have directed any slave or slaves to be set free, it shall be the duty of the



Executor or Administrator, with the will annexed to petition the county court accordingly, and if the Executor or Administrator shall fail or refuse to do so, it shall be lawful for such slave or slaves to file a bill in Equity by their next friend, and upon its being made satisfactory to appear to the court, that said slave or slaves ought of right to be set free, it shall be so ordered by the court, who shall thereupon require bond with good security, to indemnify the county under the existing laws upon that subject, and the chancellor upon the filing of any such bill, shall make such interlocutory orders as may be deemed necessary to secure the rights of the respective parties.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 7, 1829.

### CHAPTER XXX.

*AN ACT to encourage the navigation of the rivers in the Western District.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall and may be lawful for any person or persons ascending the rivers in the Western district, in any boat or other craft, to vend and sell any groceries they may have on board without paying a tax therefor.

Groceries may  
be retail'd from  
boats.

**SEC. 2.** *Be it enacted,* That the privilege hereby extended, shall be restricted to the months of April, May, June, October and November and them only, that said person or persons shall retail as aforesaid as they pass up said river from their boats, and in no other manner: Provided, nevertheless, that nothing herein contained, shall be so construed to authorize said persons to sell spirits by a less quantity than the gallon.

Operation of  
the act restric-  
ed.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 23, 1829.

### CHAPTER XXXI.

*AN ACT to prohibit certain Trespasses.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That no person or persons shall hereafter presume to turn any cattle, hogs, horses, sheep or other beasts into any island in the Tennessee river in this state, owned by another under pain of paying all damages that said cattle, hogs, horses, sheep or other beasts may do to the person or persons so owning such island, to be recovered by the person injured before any jurisdiction having cognizance thereof.

Stock not to be  
turned on is-  
lands in the  
Tennessee ri-  
ver.

**SEC. 2.** *Be it enacted,* That this act shall take effect and be in force from and after the first day of January next: Provided that nothing in this act shall extend to islands in the Tennessee river, south and west of the congressional reservation line.

When the act  
is to take effect.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 27, 1829.

### CHAPTER XXXII.

*AN ACT for the benefit of the securities of deputy surveyors.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, it shall be lawful for any person or persons that now are, or hereafter may become a security or securities for any deputy surveyor in this state, whenever he or they shall from the conduct of such deputy surveyor, be induced to think themselves in danger of sustaining a loss by reason of the failure or misconduct of said deputy surveyor, to give twenty days notice to the said deputy surveyor, requiring him to give other security, and if such deputy shall fail to give other good and sufficient security to be approved of by the principal surveyor of the county or district where he may be the deputy, it shall be considered

a surrender of his office, and the security or securities discharged from further liability.

EPHRAIM H. POSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 27, 1829.

### CHAPTER XXXIII.

#### *AN ACT regulating costs in civil cases.*

*Causes—how to be stricken from docket.*  
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any writ has been, or shall hereafter be issued in any civil action by any of the clerks of the circuit or county courts in this state, and the parties litigant shall compromise the suit before the return day of said writ, and make the same known to said clerk in writing, said cause shall be stricken from the docket upon the payment of such fees as shall have previously accrued to said clerk and to the sheriff into whose hands said writ may have been put.

*Court to rule parties obtaining original writs, &c.*  
SEC. 2. *Be it enacted,* That in all civil causes which shall hereafter be brought into any of the circuit or county courts in this state by original writ appeal or certiorari, it shall be the duty of such court at any time pending such suit upon sufficient cause shown by affidavit of the party, his agent or attorney against whom such original writ, appeal or certiorari may have been obtained, to rule the party having obtained such original writ, appeal or certiorari to justify his security or to give other good and sufficient security for the prosecution of his said suit by original writ, appeal or certiorari.

*Chancery court to rule parties.*  
SEC. 3. *Be it enacted,* That in all causes which shall hereafter be brought into any of the circuit courts or district chancery courts in this state by original bill or by bill of injunction, it shall be the duty of such court upon sufficient cause shown by affidavit of the party, his agent or attorney against whom said bill may have been filed to rule the party, having filed said bill to justify his securities or to give other good and sufficient security for the prosecution of his said bill with effect.

SEC. 4. *Be it enacted,* That when any of the courts in this state shall grant a continuance in any civil cause upon the payment of the cost or any part thereof, that may have accrued, it shall be the duty of the court granting such continuance to render judgment and order execution for such costs. *Extension to cases for costs in cases of continuance.*

SEC. 5. *Be it enacted,* That when any appeal in any civil action shall hereafter be prayed, and obtained from the judgment of any justice of the peace in this state, returnable to any of the circuit or county courts, if the plaintiff and defendant in said suit shall compromise the same, before said justice shall return the papers to the court to which said appeal may be taken and shall notify said justice thereof in writing, signed by both plaintiff and defendant, it shall be lawful for such justice and he is hereby authorized and required to issue an execution upon such judgment in favor of the party obtaining the same, without being bound to make return of said appeal to the court to which the same may have been taken. *Appeal from Justice's verdict—how to be regulated.*

EPHRAIM H. POSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 26, 1829.

### CHAPTER XXXIV.

*AN ACT to explain an act passed at Nashville, December 3d, 1827, to provide the manner in which costs in criminal cases shall be paid.*

WHEREAS doubts are entertained, whether the provisions of the above recited act extends to criminal cases pending and undetermined in the circuit courts at the time of the passage of said act, for remedy whereof:

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That costs which have or may accrue on suits of a criminal nature, pending in the circuit courts at the time of the passage of said act, shall be paid in the same manner as costs are paid

in criminal cases originating since the passage of the above recited act.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 28, 1829.

### CHAPTER XXXV.

*AN ACT to amend and enlarge an act passed in the year 1827, entitled "an act for the relief of the heirs of persons dying intestate."*

WHEREAS it would tend greatly to the convenience of all tenants in common to be included within the provisions of said act, therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any real estate, shall, or may be held by any two or more tenants in common, or as tenants in coparcenary, and the same shall be so situated, that partition thereof, cannot be made in the mode pointed out by law, or where such estate may be of a description, that it would be manifestly for the advantage of said tenants in common, that the same be sold, it shall and may be lawful for any such tenant or tenants in common to file his or their bill in the circuit or chancery court of the county or district where such estate may be situated, where the same proceedings may be had and decree made as in said act points out in cases of the heirs of persons dying intestate.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 28, 1829.

### CHAPTER XXXVI.

*AN ACT to amend the statutes of descents and distributions.*

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

*State of Tennessee,* That when any person shall have any right, title, or interest, in and to any estate of inheritance of lands, or other real estate, in fee simple, and such person shall die intestate, said lands shall descend as heretofore; and the goods and chatties of the persons so dying intestate, shall be administered, and distributed as heretofore, other than to such son or daughter, as shall have been advanced in goods or chatties in the life time of his or her parents, a portion more than equal in value, to the share which shall by distribution, be allotted to the other children of the intestate, in which case no further distribution of the goods and chatties of the estate shall be made to such advanced child; and the overplus advanced to him or her, shall be brought into contribution, on partition of the lands descended from said ancestor and so much abated from the share of the child who has been advanced, as will make said share of lands added to the overplus advanced in goods and chatties equal in value to the shares partitioned to the other heirs: Provided, any child of the intestate, should have died during the lifetime of the parent the lineal descendants shall represent such deceased child as by the statutes of descents, and distributions is provided.

Real estate of persons dying intestate to be equally distributed among heirs.

When a child has been advanced.

Provido

SEC. 2. *Be it enacted,* That all courts having jurisdiction to partition real estates, and order distributions amongst heirs and distributees, shall have full power and authority to cause accounts to be taken, and valuations of lands to be made, so as to carry into effect the provisions of this act.

Court to cause accounts to be taken & lands to be valued.

**EPHRAIM H. FOSTER,**

*Speaker of the House of Representatives.*

**JOEL WALKER,**

*Speaker of the Senate.*

December 28, 1829.

### CHAPTER XXXVII.

*AN ACT to revise and amend the stray laws of this state.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the several county courts in this state at any time when



*County court to elect Ranger.* a vacancy shall happen, to elect one Ranger who shall enter into bond with approved security, in the sum of five hundred dollars, payable to the chairman of the county court and his successors in office, conditioned for the faithful performance of the duties of his office, and the paying over all moneys by him collected by virtue of his office to the trustee of his county.

*Manner of taking up strays.* SEC. 2. *Be it enacted,* That every freeholder who shall take up any stray horse, cow, hog or sheep, shall within ten days thereafter, (the owner being to him unknown) have the same viewed and appraised by two freeholders, unconnected with the party taking up such stray or strays by consanguinity or affinity, who shall give a particular description of the natural and artificial marks, brands, age and color, and place of residence of the taker up, and also the value thereof, and make oath to the same before some justice of the peace in said county; which valuation and description shall be returned to the taker up of said stray, who shall make oath before said justice that the same was taken up on his plantation, and that the marks and brands have not been altered or defaced; which affidavit shall be entered upon the probate of said valuers; and it shall be the duty of said taker up to deliver the same to the ranger of his county within fifteen days after such appraisement made, under the penalty of the appraised value of such stray so taken up.

*Persons taking up strays to enter into bond and security.* SEC. 3. *Be it enacted,* That every householder in this state, may enter any stray horse, cow, hog or sheep by entering into bond and security in double the amount of the appraised value of such stray, payable to the chairman of the county court and his successors in office, conditioned for the reasonable care, and safe keeping of such stray, and the paying over of the one half of the appraised value of such stray to the county trustee; which bond shall be taken by the ranger, and deposited in the clerk's office in said county, and shall be sued upon in the same manner as in similar cases; and the taker up shall be governed by the same rules, regulations and restrictions as freeholders are.

*Strays not to be removed out of the county held or disposed of.* SEC. 4. *Be it enacted,* That every person taking up any stray, shall not either directly or indirectly remove any such stray out of the county where the same was so taken up, or sell or dispose of the same

in any manner whatsoever within twelve months, under the penalty of the full amount of the appraised value.

SEC. 5. *Be it enacted,* That if any person taking up any stray, shall be about to remove himself out of the county before the expiration of twelve months, or before he has settled with the trustee to the amount of one half of the appraised value, then the trustee of such county upon his own knowledge or otherwise, is hereby required to institute suit against such person by warrant, to cause him to appear before some justice of the peace for said county, to give bond and security payable to such trustee for the use of the county, to the amount of the one half of the appraised value of such stray; and in case of failure therein, such person shall forfeit the full amount of the appraised value.

SEC. 6. *Be it enacted,* That it shall be the duty of the rangers in each county in this state to record in a book to be by them kept for that purpose, the valuation and description of each and every stray which may be entered in his office; and it shall be the duty of such ranger to put up an advertisement at the court house in his county on the first day of each term of the county court, in which he shall particularly describe the strays entered upon his book, and which are not proven by the owner.

SEC. 7. *Be it enacted,* That it shall be the duty of each ranger in this state to publish the same in some Gazette giving a particular description of each horse entered in his book, together with the appraised value thereof, and the persons name and place of residence, within three weeks after such entry is made: Provided, that the printer of such Gazette will receive the sum of one dollar as full compensation for publishing the same once a week for three weeks successively; which the person taking up such stray, shall deposit with the ranger at the time of making such entry, and should the owner prove his property, the money so deposited, shall be refunded to the taker up: Provided, that if the owner shall apply to the taker up before publication, the money deposited shall be refunded by said ranger; and each ranger failing to comply with the provisions of this act, shall forfeit to the owner of any horse so taken up, all such damages as may accrue on account of such failure.

Trustee to take bond and security in case of removal.

Ranger to keep book for entering description of strays, &c.

Ranger to advertise once a week for three weeks.

**Sec. 8. Be it enacted,** That at the expiration of twelve months, each person taking up any horse, cow or sheep as a stray, and not proved by the owner, shall account for, and pay into the hands of the county trustee the one half of the appraised value of all strays; and in case any person shall take up any stray according to the true intent and meaning of this act, shall fail to account with the trustee for the same, the persons so failing shall forfeit and pay the full amount of the appraised value of all such strays so taken up, to be recovered before any Justice of the Peace; and it shall be the duty of the county trustees to commence suits against all delinquents for the same, who shall be entitled to receive five per cent commissions, and all moneys so recovered, and the balance the said trustee shall account for as other county moneys.

**Sec. 9. Be it enacted,** That any person taking up any hog or hogs, shall not be compelled to keep such stray more than six months from the date of the appraisal, but shall be liable at the end of six months to the payment of such moneys as by law he is required to pay.

**Sec. 10. Be it enacted,** That it shall not be lawful for any person to take up any stray cattle from the first day of May, to the first day of November in each and every year.

**Sec. 11. Be it enacted,** That it shall not be lawful for any person who may have taken up any stray, to make use of them, before they shall have them appraised; every person so offending shall forfeit and pay the sum of twenty dollars to the use of the county to be recovered in an action of debt; and be further liable to an action on the case at the suit of the party aggrieved: Provided, nothing herein contained shall be so construed as to prevent any person to use the same for the purpose of having them valued, or take them to the owner.

**Sec. 12. Be it enacted,** That the property of every stray horse, cow or sheep, shall twelve months after such appraisal unless proven by the owner thereof shall be deemed vested in the taker up: Provided, that it shall and may be lawful when the former owner of any such stray at any time within twelve months after such appraisal to prove his property by his own oath or otherwise, to demand

and receive the same, the claimant first paying the ranger's, and all other fees.

**Sec. 13. Be it enacted,** That when the taker up of any stray shall have been at any expense in keeping the same, it shall be lawful for him to retain the same until the owner shall pay all such expenses, which may be ascertained in the following manner:

Owner to pay all expenses.

The taker up shall obtain from a justice of the peace a warrant empowering three freeholders to be named by said justice, whose duty it shall be to attend and ascertain as near as can be what sum the taker up should receive from said owner; which sum so agreed upon by said freeholders shall be the sum the taker up shall be entitled to receive from said former owner.

**Sec. 14. Be it enacted,** That it shall and may be lawful for any former owner of any stray (after the expiration of twelve months) to prove his property by one or more disinterested witnesses before some justice of the peace for said county, and to demand and receive from the county trustee one half of the appraised value of such stray he may so prove, without interest after deducting twelve and one half per cent for receiving and paying over the same.

Former owner by proving property may receive half the appraisal.

**Sec. 15. Be it enacted,** That it shall be lawful for any person hereafter to search the Ranger's books for any information he may desire on account of any stray which heretofore has, or hereafter may stray from the owner, the person requesting such search first paying twelve and one half cents therefor to the Ranger.

12 cents allow for search of stray books

**Sec. 16. Be it enacted,** That after the appraisal of any stray horse, cow, hog or sheep, and entry thereof being made with the Ranger as aforesaid, should die or escape within twelve months after such appraisal, the person taking up such stray shall not be chargeable for the same unless such death or escape be occasioned by ill usage, negligence or abuse.

Taker up not to be liable for accidents or escapes.

**Sec. 17. Be it enacted,** That it shall be the duty of the Rangers every six months, to make out a list of all the strays entered upon his book, distinguishing those proven away from those that are not in which he shall recite the kind of stray, the name of the taker up, and the appraised value, together with the probates of those proven away, and return one copy of the same to the county commissioners;

Ranger to make out list for county commissioners and county trustee

Strays not proved away in 12 months, half the appraisal to be paid to county trustee

Hogs not to be kept more than six months

Time of taking up cattle

Strays not to be used before being appraised

12 months allowed for stray to belong to taker up

and one copy to the county trustee; the first return to be made by the first day of February in each year.

Rangers to prosecute for all violations.

Sec. 18. *Be it enacted*, That it shall be the duty of the rangers to prosecute all violations of the stray laws in this state, and shall not be liable out of their own property to the payment of cost but on settlement of his account, shall be allowed all such costs that he may be liable to, in consequence of prosecuting said offences.

Trustees to have credit for all sums they may be unable to collect.

Sec. 19. *Be it enacted*, That the several trustees shall be entitled to a credit for all monies due and owing on account of strays, that he may be unable to collect upon his making satisfactory proof to the county commissioners, that he has made use of due diligence in endeavouring to collect the same; and also a credit for any money that he may have paid the former owner of any stray, on his producing the probate of such stray with a receipt for the money paid.

Taker up to return probate in 15 days.

Sec. 20. *Be it enacted*, That in all cases where any stray shall be proven away from the taker up, it shall be his duty to return such probate to the Ranger in fifteen days thereafter, and it shall be the duty of said Ranger to return the same to the county trustee, at the same time he returns the list of strays.

Justice of the Peace to enter judgment for penalties, forfeitures, &c.

Sec. 21. *Be it enacted*, That a justice of the peace shall and may take and have jurisdiction of, and enter judgment for any and all penalties, forfeitures and fines incurred under the stray laws of this state, and for the recovery of any sum of money due under said laws; Provided such penalty, fine, forfeiture or sum due, does not exceed the sum of one hundred dollars.

Amount to be recovered, in cases of violation.

Sec. 22. *Be it enacted*, That in all suits hereafter instituted by the Rangers for a violation or abuse of the stray laws, when such suit shall be instituted on account of cattle, hogs or sheep, the said Ranger shall not recover more than double the value of such cattle, hogs or sheep; Provided that no person shall post any stray sheep without first advertising the same at the most public place in his neighbourhood five days previous thereto.

Sec. 23. *Be it enacted*, That if any Ranger or county trustee, shall refuse or neglect to comply with the provisions of this act, it shall be viewed as

a misdemeanor in office for which he may be indicted in the circuit or county court of his county, and on conviction, may be fined at the discretion of the court, in any sum not exceeding fifty dollars, and moreover be removed from office.

Former laws repealed.

Sec. 24. *Be it enacted*, That all laws on the subject of strays heretofore passed, be, and the same are hereby repealed.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 28, 1829.

## CHAPTER XXXVIII.

*AN ACT* prescribing the mode of conveying criminals to the public Jail and Penitentiary house established in this State, and for their government therein.

Duty of the court on sentencing offenders to the Penitentiary.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever any person shall be sentenced to undergo confinement in the said Jail and Penitentiary house, it shall be the duty of the court before whom such conviction shall be, during the same term to make and cause to be transmitted to the Agent of said Penitentiary, a short report of the circumstances attending the offence committed by such convict, particularly such as tend to aggravate or extenuate the same; and also to report what character the convict sustained upon the trial, and whether the court hath reason to believe that at any time before, he or she had been convicted of any felony or other infamous offence; which reports the said agent shall carefully file and preserve.

Duty of Sheriffs in conveying criminals to the Penitentiary.

Sec. 2. Every person convicted in any court of this State, of any crime or offence punishable by imprisonment in the Jail and Penitentiary house, shall as soon as possible, after conviction, be safely removed and conveyed by the sheriff of the county in which the conviction shall have taken place to the said Jail and Penitentiary house, and therein be kept during the term of his or her confinement in the manner, and on the terms prescribed by law; and



every sheriff who shall neglect to remove, and safely deliver at the Jail aforesaid, such convict, shall forfeit all claims to compensation for such removal: and shall moreover be liable to be proceeded against for a misdemeanor in office.

Sheriffs to be empowered to impress men, horses, &c. to aid in the conveyance of criminals.

SEC. 3. Whenever any person or persons shall be sentenced to undergo confinement as aforesaid, it shall be lawful for the Judge or Clerk of the court, by warrant under his hand and seal to empower the sheriff charged with the conveyance of such prisoner or prisoners in all counties and places through which he shall pass with him or them, to impress upon the best terms he can, such, and so many men, not exceeding two for each convict, (except in cases hereinafter provided for,) and so many horses and water crafts as shall be necessary for the safe conveyance of the said prisoner or prisoners to the said Jail and Penitentiary house, which warrant the said sheriff is hereby required to execute, and to his commands, in virtue thereof, all persons are to pay due obedience.—Whenever, in the opinion of the said Judge, the safe conveyance of any convict will require a stronger guard than is above allowed, he may direct the additional number to be impressed.

Authorized to summon additional guard if necessary.

SEC. 4. If by any attempt to rescue a convict on the way to the Penitentiary, or by any other unforeseen danger, it may become essentially necessary for the safe conveyance of such convict to summon a stronger guard than the sheriff conducting the prisoner, may have been authorized to summon, it shall be lawful for such sheriff to summon such additional guard as shall be essentially necessary for that purpose, and the said additional guard shall be paid as other guards, on the oath of the sheriff, that he or they were essentially necessary, and the officer making the payment, being satisfied of the truth thereof.

Sheriff and guard privileged from arrest, except in certain cases.

SEC. 5. The sheriff and guard attending any prisoner or prisoners, by virtue of a warrant issued under the provisions of this act, shall be privileged from arrest, in all cases except treason, felony, and breaches of the peace during the time that they are employed in conveying such prisoner or prisoners to the Penitentiary house, and in returning therefrom, allowing one day for every twenty miles from their place of abode.

SEC. 6. The officers for the government and ma-

nagement of said Penitentiary, shall be as follows, viz: five Inspectors, three of whom shall constitute a board; one Agent, who shall also be the principal Keeper, and shall reside in the prison, and have sufficient apartments for the accommodation of himself and his family therein; and shall receive a salary of one thousand dollars per annum, together with necessary fuel and stationary; one clerk for the prison, who shall receive a salary of five hundred dollars per annum; one Physician or surgeon, who shall receive a salary to be agreed on between the Inspectors and Physician, not exceeding three hundred dollars per annum; one deputy keeper, who shall receive a salary of five hundred dollars per annum, and so many assistant keepers or turnkeys as shall be found necessary, who shall each receive a salary of two hundred dollars per annum; of whom as many as shall be necessary, shall be mechanics conversant with the trades at which the prisoners under their charge respectively may be employed; and such assistant keepers, so employed, shall receive an additional salary of fifty dollars each yearly. The Clerk, Physician, Deputy Keeper, and Assistant Keepers herein provided for, shall not be appointed until the board of visitors shall deem them to be necessary.

Officers of the Penitentiary—their duties & salaries.

SEC. 7. The Governor and Secretary of State, for the time being, shall be members ex-officio of the board of Inspectors, and the Governor when present, shall preside as Chairman; the other three Inspectors shall be appointed once in two years by joint ballot of the General Assembly, and shall hold their offices until a new appointment be made; and the Governor shall have authority to call the said Inspectors together at any time when circumstances render it necessary; and the duties of said Inspectors shall be discharged without compensation.

Inspectors—who and how appointed.

SEC. 8. The Agent, Physician or Surgeon, and Clerk of said prison, shall be appointed by the Inspectors of said prison, and shall hold their offices respectively, during the pleasure of the said Inspectors.

Agent and Physician, how appointed.

SEC. 9. The Agent of said prison shall appoint the deputy keeper and the turnkeys of said prison, who shall hold their respective offices at the pleasure of said Agent.

Agent to appoint Deputy Keeper and Turnkeys.

SEC. 10. The said Inspectors and all other persons

Privileges of holding appointments or offices in said Penitentiary, shall be exempted, during their continuance in office from serving on juries, and from militia duty, and from working on the public roads.

Inspector not to be appointed Agent-Officers not to be concerned in contracts for the Penitentiary.

Sec. 11. No person acting as an Inspector of said Penitentiary, shall be competent to receive the appointment of Agent or any other appointment therein; nor shall the Inspectors or Agent, or any other officer or person employed in said Penitentiary, be directly or indirectly concerned in any contract, purchase or sale, for, or on account of said prison.

Powers and duties of Inspectors.

Sec. 12. The Inspectors shall have a room appropriated to their use in the building, where a majority of them shall meet monthly, and as much oftener as they may deem expedient, and shall have the general superintendence and control of the Penitentiary, and may require stated reports in writing from the Agent, Physician or Clerk, upon the condition of the establishment; and the said Inspectors shall have full power to make rules and regulations for the internal police and government of said prison; Provided such rules and regulations, be not inconsistent with the rules and regulations hereinafter provided, or with any other provisions of this act, or of any other law of this state.

Inspectors to report to Legislature.

Sec. 13. The Inspectors of the Penitentiary, shall at some time during the first week of each stated session of the legislature, transmit to the legislature a report exhibiting a complete and comprehensive view of the transactions of said prison during the preceding two years, of the number of convicts confined in the prison, of the different branches of business in which they are employed, and the number employed in each branch, and the profit or loss arising from each.

When convict may be removed from Penitentiary.

Sec. 14. The Inspectors of the Penitentiary may remove the convicts in said prison to such place or places of security in this state as they may judge fit, if in their opinion, the approach of any hostile force, the prevalence of any epidemic, infectious or contagious disorder, or other urgent occasion, shall render it expedient and proper.

Agent to execute a bond before entering on his duties.

Sec. 15. The Agent of the Penitentiary, shall, previous to entering upon the duties of his office, execute a bond to the Governor of the State, with sufficient sureties in the penal sum of twenty thousand

dollars, conditioned for the faithful performance of the duties of his office according to law.

Power of the Agent in transacting business.

Sec. 16. The business and dealings of the prison shall be transacted, by, and in the name of the Agent thereof, and each Agent and his successor in office, shall, by the name of Agent, be capable of suing and being sued in all matters concerning or arising out of the business and dealings of the prison; and it shall be the duty of the Agent to collect and enforce the payment of all debts due to the institution as soon and with as little expense as possible.

Duty of the Agent in regard to the management of the property of prisoners.

Sec. 17. It shall and may be lawful for the Agent to take charge of any property in the possession of any of the prisoners, at the time of their entering the prison; and on the application of any prisoner confined in the Penitentiary, the said Agent is hereby empowered to collect, sue for and receive any goods, chattles, or money, due or belonging to such prisoner, and to keep a correct account thereof, and to pay the amount to such prisoner when released, or to his or her legal representatives, first deducting therefrom the expense which has been incurred in his transportation to the prison, and keeping there, over the value of his work; and also such expenses as may have been incurred on his account by the county in which his conviction was had, to be paid by the Agent to the trustee of such county, and if no demand should be made upon such Agent by any representative of such convict within twelve months after his discharge or decease in the prison, then such Agent shall pay the amount into the treasury of the State.

Agent to keep an account of moneys received and disbursed, and make report to the Legislature.

Sec. 18. It shall be the duty of said Agent to keep a correct account of all moneys received and disbursed by him on account of the Penitentiary, and to furnish to the Inspectors at their monthly meeting a regular statement thereof, and the said Agent, shall in the first week of each stated session of the legislature, render to the legislature a full and true account of all moneys received and paid by him on account of the prison, which shall be certified by the Inspectors to have been duly vouched; and also an inventory of the goods, raw materials and property of the State on hand, exhibiting a complete detail of the transactions of the prison for the last two years; to all which accounts there shall be an attestation on oath by the Agent or Clerk of the prison,

that the said accounts are correct and true in every respect to the best of their knowledge and belief.

SEC. 19. It shall be the duty of said Agent in the first week of each stated session of the legislature, to make a report to the Speaker of the Senate, and to the Speaker of the House of Representatives, of the names of all convicts pardoned, discharged or dead, during the preceding two years, stating particularly the crimes for which they were convicted, the date of their conviction, and of their pardon, discharge or death, the period of time for which they were sentenced, the counties in which they were convicted, their age, sex, and color, the character borne by the convict in prison, and in the case of death, the particular disease of which the convict is supposed to have died.

SEC. 20. All monies received by the Agent of the prison, on account of the prison, shall be, by him deposited in some Bank, to be approved by the Inspectors of the prison to the credit of such Agent; and all accounts for the purchases and supplies for the use of said prison, and all other expenditures in relation thereto, shall be approved by at least one Inspector, before the same shall be allowed; and all checks for the payment thereof, shall be countersigned by an Inspector, and contain the name of the person for whose account they were drawn, before the same shall be paid at the Bank; and it shall be the duty of the Clerk of the prison carefully to preserve such accounts, and to enter them at large in books to be provided for that purpose, and whenever any supplies for the prison, shall be purchased, it shall be the duty of the Agent to take bills therefor at the time of such purchase, and the clerk shall compare such bills with the articles delivered at the prison, and if he find them correct, shall enter them in books to be provided for that purpose.

SEC. 21. It shall and may be lawful for said Agent under the direction of said Inspectors, to purchase such raw materials as he may deem necessary to be manufactured and used by the convicts in the said prison, to be paid for by the said Agent out of any money in his hands appropriated to the prison.

SEC. 22. It shall be the duty of the Agent to attend both day and night at the prison, except when performing some duty connected with his office, and to exercise a general superintendence, care and con-

To report all convicts pardoned, discharged or dead, &c. at each session of the Legislature.

His duty in relation to moneys received, expenditures made, and the transaction of pecuniary affairs.

To purchase raw materials for manufacture.

General duties of Agent.

(trou) over the subordinate officers of the prison, and the prisoners confined therein.

SEC. 23. It shall be the duty of the Physician of said Penitentiary, to keep a register of all the sick convicts placed under his charge, stating the disease with which they may be afflicted, and the date of their entering and leaving the hospital, and the cause of the disease, when the same can be ascertained; and also a register of all deceased convicts, stating the names, ages and place of birth, and such register shall always remain at the prison and be open to inspection.

SEC. 24. It shall be the duty of the Agent, by all proper means, to cause all the expenses of the prison to be defrayed as far as is practicable by the labor of the prisoners; and for all deficiencies, the Inspectors of the prison, or a majority of them, are hereby authorized to draw upon the treasurer of West Tennessee, at such times, and for such amount, as may be required by the necessities of the institution; Provided, that the sums that may be drawn in any one year (except the first) shall not exceed five thousand dollars; and the sum drawn for the first year shall not exceed ten thousand dollars.

SEC. 25. The following shall be the fundamental rules and regulations for the government of the Penitentiary, which shall in no wise be altered, repealed or evaded by any rule or practice of the Inspectors, or the officers, viz:

RULE 1st. The male and female convicts, shall at all times, and on all occasions, be kept separate and apart from each other.

2nd. Each male convict shall be lodged at night in an apartment separate from all others, except in case of sickness, when in the opinion of the Physician it may be expedient to remove him to the hospital.

3rd. The male convicts shall labor together in workshops during the day, at such employments as shall be best suited to their age, strength, and capacity; and the Inspectors of the prison are hereby authorized to require the employment at all times, of a sufficient number of persons as assistant keepers to prevent any communication between the prisoners while at work.

4th. The convicts shall receive no letters or intelligence from or concerning their friends, or any information on any subject out of the prison; nor

Duties of the Physician.

Agent to draw on the Treasurer.

Rules for the government of the Penitentiary.

Males and females to be kept separate.

How to be lodged at night

How to labor during the day

How far convicts may hold communication with friends



be permitted to write letters themselves. No relation or friend shall be allowed to speak to a convict, except in some extraordinary case, where the condition of his property or family imperiously requires it, and then only in the presence of the Agent; but any information concerning the convicts will be furnished to their friends on personal application, or by letter (post paid) directed to the agent.

Refractory convicts how punished.

5th. If any prisoner shall neglect or refuse to perform the labour assigned to him, or shall wilfully injure any of the materials, instruments or tools entrusted to him, or shall engage in conversation with any other convict either by words, gesture or signs, or shall in any other manner violate or infringe any regulation of the Penitentiary, he shall be punished by solitary confinement upon a diet of bread and water, for a period not exceeding thirty days for each offence, at the discretion of the Agent; and the agent, deputy keeper or either of the assistant keepers shall have power to commit the offender to solitude, immediately upon the commission of the offence; Provided, that when a convict shall have been thus committed to solitude by a deputy or assistant keeper, the fact shall be forthwith reported to the agent who may direct the offender to be detained in solitude for the above period.

6th. It shall be the duty of the agent to make a written report once in each week to the inspectors of the name of each person committed to solitude as aforesaid, with a statement of the nature of his offence, the date of his commitment and the period for which committed, which reports shall be filed and recorded by the clerk of the prison.

7th. If it shall appear to the inspectors or a majority of them, that the punishment of solitary confinement so reported to them was properly inflicted, they are hereby required to certify the same on the record, containing the name of the convict, and then and in every such case, there shall be added to the original term of imprisonment of such convict, five days for every day so passed in solitude; which time such convict shall be compelled to remain in the Penitentiary, unless pardoned by the Governor.

Where convicts offer violence.

8th. In cases where personal violence is offered by a convict or convicts to any officer, or to another convict, or where an attempt is made to escape, or to do injury to the building, the said officers shall

use all necessary means to defend themselves, and to secure the persons of such offenders.

9th. Each convict shall be provided with a Bible, to be furnished to him, and he shall be permitted to peruse in his cell at such times as he shall not be required to perform prison labor.

Each convict to be furnished with a Bible.

10th. No spirituous or fermented liquor shall be introduced into the prison, except such as the agent may use in his own family, or as may be required for the hospital department; and every deputy or assistant keeper, who shall suffer any spirituous or fermented liquor to be used by, or to be given to any convict, shall forthwith be dismissed from office, and forfeit all wages due to him, and be liable to a penalty of one hundred dollars, to be recovered as debts to the like amount are recovered, and to enure to the use of the prison.

Spirituous Liquors not to be introduced into the prison.

11th. No convict shall in any case, or under any pretence whatever, speak to another convict unless by the express permission, and in the presence of the agent.

Convicts not to speak to each other.

12th. No assistant keeper shall say any thing in respect to the police of the prison, in the presence of a convict, unless it is in the way of directing him in his duty, or admonishing him for his delinquency, neither shall he hold common place conversations with convicts, or allow them to speak to him on any subject, except on necessary business.

Nor converse with Assistant Keepers.

13th. It shall be the duty of the agent upon the receipt of any convict, to take his or her height and cause the same to be entered into a book, in which he shall also note when such convict was received, his or her name, age, complexion, coloured hair and eyes, the county in which convicted, the nature of the crime, period of confinement, and the place of his or her nativity.

Duty of Agent on the arrival of a convict.

14th. Every prisoner shall be carefully searched and deprived of any instrument by which he or she may effect his or her escape, before he or she is received into the Penitentiary.

To cause the name to be searched.

15th. The particular employment of each prisoner shall be such as the keeper may consider best adapted to his or her age, sex and state of health, having due regard to that employment which is most profitable.

Employment of convicts.

16th. The agent shall take care that the prisoners wash themselves every morning and before

meals, and put on clean linen at least once a week, when all the males shall have their beards close shaved, and that their apartments be swept every morning, and fumigated during the summer and fall seasons, once a week or oftener, with tar or vinegar.

17th. The agent shall cause all the rooms and cells to be numbered, and divided into as many wards as there may be assistant keepers, allotting to each ward as nearly as may be, an equal number of rooms and cells, and of the said wards to such assistant whose duty it shall be under the direction of the agent to examine every evening, the doors, windows, beds and rooms of the prisoners belonging to his ward, to search and lock them up before dark, and not to permit the convicts to carry into their cells any instrument that may assist them in escaping; and also to extinguish carefully all the fire in the work shops.

18th. It shall be the duty of the agent carefully to inspect the moral conduct of the prisoners; to furnish them with such moral and religious books as shall be recommended by the inspectors, to procure the performance of divine service on Sunday as often as is practicable; and to enjoin upon the subordinate officers and upon the convicts, a strict attention to all the rules of the institution.

19th. The agent shall from time to time under the direction of the inspectors, distribute among the prisoners, such cheap books as are calculated to improve the mind, and meliorate the heart; and the acting inspectors shall report to the executive, such of the convicts as may distinguish themselves for their industry and good morals, and who by an exemplary line of conduct, may have evinced a total reformation.

20th. It shall be the duty of the deputy and assistant keepers to continue at all times in the Penitentiary at night, and to keep watch in such manner as the agent may direct.

21st. The diet of the prisoners shall in quality and quantity be such as shall be directed by the board of inspectors, and the provisions shall be sound and wholesome, and served at the ringing of a bell, at the sound of which all the prisoners shall assemble, except the sick who shall be furnished agreeably to the directions of the attending physician.

22d. Each convict shall receive at his or her dis-

Of rebellion in the Penitentiary and its punishment.

SEC. 31. If any person or persons convicted of any offence, and confined therefor in the Penitentiary, shall openly rebel with intent to kill the keeper or any other officer of said Penitentiary, or with intent by open violence to escape therefrom, he, she, or they, so offending shall on conviction be punished by confinement for life; and if any two or more persons thus confined, shall conspire together, for the purpose of committing such offence, and shall not have carried their said intention into execution, such persons shall be deemed guilty of a high misdemeanor and upon conviction thereof, shall be sentenced to undergo a further confinement in the said Penitentiary for a term not less than four, nor more than ten years, to commence at the expiration of the terms of time respectively for which said persons were under sentence of confinement, when such offence was committed, if such term be not expired when judgment is pronounced.

SEC. 32. To bring the persons charged with any of the said offences before the circuit court of Davidson county for trial, the judge shall issue his warrant under his hand and seal to the agent of said Penitentiary directing him to bring such person or persons before the said court, as well as any other person or persons confined therein, who may be witnesses either for or against the prisoner, which warrant the said agent shall obey; and the court shall proceed with the trial in the usual way.

SEC. 33. Where any convict in the Penitentiary is a competent witness in any civil cause depending in any court of this state, and his testimony is required, the same shall be taken by commission, and read at the trial of such civil cause, and in no civil case shall such convict be removed from the Penitentiary to give personal attendance at court; but before such commission issues, the party or his or her agent or attorney, requiring such commission shall file an affidavit with the record of the proceedings, that the convict to be examined is a material witness in the cause.

SEC. 34. In order to prevent the introduction of contagious disorders, every person who shall be sentenced to hard labor in the Penitentiary, shall be washed, cleansed, and kept entirely apart from the other prisoners, until it shall be certified by the at-

charge a sum not exceeding ten dollars, at the discretion of inspectors, to enable him or her to reach his or her place of residence.

The provisions of this section may be altered or modified on the recommendation of the agent and by the unanimous opinion of the board of inspectors.

SEC. 26. Such of the foregoing rules, and any others which may be adopted by the board of inspectors, with which it may be necessary that the convicts should be acquainted in order that they may conform themselves thereto, shall be printed with a type sufficiently large, and put up against the wall in the work shops, and one in each cell, so that each convict may be well acquainted with the rules of the prison, and of the penalties provided for a violation of them; and the said rules shall be read and explained by the agent to each new convict on his admission into the Penitentiary.

SEC. 27. No person except the inspectors and officers of the prison, the judges of the several courts, grand jurors, ministers of the gospel, members of the General Assembly, or persons producing a written license signed by two of said inspectors, shall be permitted to enter within the walls of the Penitentiary.

SEC. 28. Any person convicted in this state, and sentenced to the Penitentiary under the authority of the United States, shall be received into the Penitentiary in such manner, and under such conditions as may be directed by the board of inspectors.

SEC. 29. If any offender sentenced to hard labor shall escape, he or she shall be indicted for an escape, and on conviction thereof, shall suffer such additional confinement and hard labor as the court in which such offender shall be convicted, shall direct.

SEC. 30. The trial of prisoners escaping from the Penitentiary, shall be had for such escape before the circuit court of Davidson county; and prisoners so escaping shall remain in the Penitentiary, and be treated as other convicts after their apprehension, until such trial shall take place; upon which trials the copies of the records transmitted to the keeper of the Penitentiary relative to the former trial of such prisoners, shall be produced and filed of record in said circuit court, and considered as evidence of former conviction.

tending physician, that he or she is fit to be received among the other prisoners.

SEC. 35. It shall be the duty of the agent to cause the clothes of the prisoners when received into the Penitentiary to be washed and carefully put away, putting a ticket with their names on each, to be returned to them on their discharge; or if it should be the wish of any of the prisoners, that their clothing should be sold, he shall dispose of them to the best advantage, and retain the money arising from such sale to be returned to such prisoners on their discharge.

SEC. 36. All convicts shall be clothed during the term of their confinement in comfortable garments of coarse and cheap materials, uniform in color and make, with some peculiarities by which they may be distinguished from the citizens of the state; the quantity of said clothing to be determined by the board of inspectors.

SEC. 37. The agent of said Penitentiary, the deputy keeper, the turnkeys, and all other officers of the prison shall give bond and security for the faithful performance of their respective duties, as may be required by the board of inspectors, and before they enter upon their several duties shall take and subscribe the following oath: to wit, "I do most solemnly swear (or affirm) that I will faithfully and diligently execute all the duties required of me as in the Penitentiary; and will carry into execution the laws and regulations passed and prescribed for the government of said institution, so far as concerns my said office; and I also most solemnly swear (or affirm) that I will on no occasion, ill treat or abuse any convict under my care, beyond the punishment ordered by law, or the rules and regulations of the institution.—So help me God."

SEC. 38. This act shall go into effect, whenever the Governor shall by his proclamation signify that the Penitentiary provided by law to be established, is in a proper condition for the reception of convicts.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 28, 1829.



## CHAPTER XXXIX.

*AN ACT to repeal the law allowing the President of the Bank tax fees on judgments confessed, &c.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That no tax fee shall be allowed to the President of the Bank of the State of Tennessee, or any Attorney, where judgment is rendered in favor of the Bank against any person or persons whatsoever.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 31, 1829.

## CHAPTER XL.

WHEREAS it is represented to this General Assembly, that the purchasers of land in the Hiwassee country, are wholly unable to pay the amount due, and owing the state within the time limited by law, and whereas a large portion of said purchasers have paid the state by the provisions of special acts passed for their benefit in Nashville Bank paper, on which said paper a discount of 37½ per cent was allowed; Therefore to the end that equal justice may be done to the purchasers of land in said district, and all further legislation on that subject prevented.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That any purchaser or purchasers of land in the district of country, "lying between the rivers Hiwassee and Tennessee, and north of little Tennessee river," under the provisions of an act for disposing of said lands, passed at Murfreesborough November 5th 1819, shall on paying to the treasurer of East Tennessee, by the first day of November 1830 in par money, be entitled to and receive a discount of thirty seven and a half per cent on the amount owing on account of such purchase, and the purchaser or purchasers their assignee or assignees on such payment being made as aforesaid,*

Purchaser of  
land between  
Hiwassee and  
Tennessee, in  
what case entit-  
led to discount

shall be entitled to a grant for the land so purchased, and the residue of the debt and interest shall be and hereby is remitted; Provided, however, that on failure to make payment as above provided, nothing in this act contained shall be so construed, as in any wise to affect the provisions of an act passed at Murfreesborough, November 15th 1819, entitled "an act to dispose of the lands lying between the rivers Hiwassee and Tennessee, and north of little Tennessee river."

*Provided, however, the benefits of this act shall not be extended nor be construed to extend in the discount hereby allowed, to more than six hundred and forty acres of land, in right of any purchaser or the assignee of any purchaser, at the land sales in 1820, and any assignment of certificates made after the passage of this act, shall be deemed and taken to be made with a view of evading this prohibition, and shall not authorize the assignee to receive the discount in this act allowed.*

Proviso.

SEC. 2. *Be it enacted, That before any person shall be entitled to the benefits secured by the provisions of this act, such person shall make it satisfactorily appear to the treasurer of East Tennessee, that he, she or they, were residents of the Hiwassee district on or before the 21st of September 1829, and if such person or persons are not purchasers of the state, such person or persons shall make satisfactory proof to the said treasurer, that he, she or they, were on the said 21st day of September 1829, bona fide claimants under a purchaser or purchasers, and liable and bound by the terms of his, her or their contract to the state for the original purchase money.*

Required to be  
residents pre-  
vious to 21st of  
Sept. 1829, to  
be entitled to  
the benefits of  
this act.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 30, 1829.

## CHAPTER XLI.

*AN ACT for the benefit of sheriff and clerks.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee. That in all cases where any she-*



riff or clerk within this state, shall have paid money, or become liable to pay money for the default or misconduct of their deputy or deputies, it shall and may be lawful for said sheriff or clerk to recover judgment by motion against such deputy or deputies and his or their securities, for all such damages and costs, that he or they may have sustained or be liable to pay, in the court of the county, or circuit court, where such sheriff or clerk may reside, upon satisfactory proof made to such court of the defaults or misconduct of said deputy or deputies, by giving him or them ten days notice of the time of making said motion.

Sec. 2. *Be it enacted*, That if any deputy sheriff or deputy clerk, shall have received or collected, any money by virtue of execution or otherwise, and fail or refuse to pay over said money to the person or persons, his or their agent or attorney entitled to said money, he, she or they, shall have judgment by motion against such deputy clerk or sheriff and their securities, in the county or circuit court of the county where such deputy clerk or sheriff resides, giving him ten days notice of the time of making said motion.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

## CHAPTER XLII.

*AN ACT for the relief of the assignees of Occupants south and west of the Congressional reservation line.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the assignees of all Occupant claims south and west of the Congressional reservation line, to have such bond, obligation or assignment as they may have taken from the Occupant for conveying the same, proven by at least one of the subscribing witnesses thereto, before any Justice of the Peace of the county where the Occupant claim lies, who shall certify the same, which bond, obligation or assignment, so

Sheriff to recover judgment against deputy

Deputy Clerks or deputy Sheriffs how to be proceeded against on failure to pay over money.

Assignees of occupant claims, duty of.

proven, the owner of the same shall file in the office of the surveyor in which the Occupant claim is entered.

SEC. 2. *Be it enacted*, That the different surveyors south and west of the Congressional reservation line, are hereby directed to make an assignment on the plat and certificate of any Occupant survey made in their respective offices, to the rightful assignee or assignees thereof, and the bond or assignment proven and filed as directed by the first section of this act, shall be sufficient evidence to authorize the surveyor to make assignment aforesaid.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

## CHAPTER XLIII.

*AN ACT to regulate the recovery of escheats.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall hereafter be the duty of the Attorney General in this state, where there may be escheated property in the hands of any person in his district, or where the same may be converted into debts or money, or where the same may consist of money alone, or where the same may in any wise have escheated to the State of Tennessee under the laws now in force, to commence a suit either in law or equity, as he may think best, in the name of the State, in any court in his district, for the recovery of the same.

SEC. 2. *Be it enacted*, That where any suit shall be commenced as above, the state shall not be required to give security for costs, and that no suit in law or equity shall be abated or quashed for want of form.

SEC. 3. *Be it enacted*, That any person having escheated property or funds in his hands, shall have ninety days from the commencement of the suit against him, her or them, to pay the same into the clerks office or to the state, in which case the court shall order the costs of suit to be paid out of said

Surveyors to make assignment on plat and certificate.

Duty of Attorney General in cases of escheated property &c.

State not to give security for costs.

Time allowed for paying over escheated property, &c.

fund so paid over, and the party paying the same shall not be liable for any costs whatever.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

#### CHAPTER XLIV.

*AN ACT to amend the laws now in force regulating process in Equity, and for other purposes.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the Judges of the circuit courts be and they are hereby authorized and required, an application being made to them for that purpose, and on a proper case being made out, to grant writs of ne exeat, injunctions, attachments in chancery and all other extraordinary process to issue out of the chancery courts and in the same manner, as the chancellors in this state now have such powers, and said Judges shall also have concurrent jurisdiction to grant such process issuable out of, and returnable to any courts in this state, in which such bill may properly be filed.*

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

#### CHAPTER XLV.

*AN ACT for the benefit of Jurors in certain cases, and for other purposes.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That in all criminal causes which are now pending and undetermined in any of the circuit courts of this state, where a jury may have heretofore been confined more than one day, and where said cause is still undetermined, and in all*

causes of a criminal nature where any jury may hereafter be confined more than one day by the court, and where the jury are not allowed by law to disperse before returning their verdict, it shall be the duty of the court to make a reasonable allowance to any person boarding and finding said jury, with the necessary means of support during the time of their confinement, and tax the same in the bill of cost, to be paid as other cost in said suit.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

#### CHAPTER XLVI.

*AN ACT to alter the times of holding the different terms of the Supreme Court of the State of Tennessee.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That hereafter the different terms of the supreme court of this state, shall be holden at the several places provided for by law, at the following times, to wit: at the court house in the town of Nashville, on the third Monday in January; at the court house in the town of Sparta, on the first Monday of September; at the court house in the town of Knoxville, on the second Monday in July; and at the court house in the town of Jonesboro, on the third Monday of June, in each and every year, and that all process returnable to the next ensuing terms of said courts, shall be returnable at the several times herein specified for holding said courts.*

SEC. 2. *Be it enacted, That all appeals taken from either of the circuit courts of Bledsoe and Marion counties, shall be returned to the supreme court of Bledsoe or Marion to be returned to supreme court at Sparta.*

SEC. 3. *Be it enacted, That it shall be the duty of the Judges of the supreme court, to hold the same at the different places specified in the first section*

Judges to hold of this act, until they determine all the causes in the courts un-said court, or it becomes necessary for said Judges all the causes to adjourn for the purpose of holding some other court.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 31, 1820.

## CHAPTER XLVII.

*AN ACT to settle a controversy between the Colleges and Academies and the citizens south of French Broad and Holston, and west of Big Pigeon rivers.*

Preamble.

WHEREAS a controversy has existed for many years between the colleges and academies in this state and the citizens residing south of French Broad and Holston and west of Big Pigeon rivers, in regard to large sums of money claimed by said colleges and academies, to be due and owing from said citizens.

Preamble.

And whereas the subject matter of said controversy has frequently been brought before the legislature of this state, to the great detriment of other business; and also, has been productive of much expense and perplexity in the examination thereof. And for the purpose of producing harmony and quiet between a respectable portion of the citizens of this state, and the literary institutions therein.

And for the purpose of avoiding all future legislation respecting said subject.

*Be it enacted by the General Assembly of the State of Tennessee,* That the Governor of this state is hereby authorized (as soon as may be) to locate or cause to be located in one entire tract, either in an oblong or square, one half of one township of land in that tract of country lying and being within the chartered limits of this state, and south of Hiwassee river, and to which the Indian title has not been extinguished; and when said tract shall be so located, the proper

Governor to cause half of a Township of land in the Cherokee country for Colleges, to be taken in lieu of all debts due them.

officers shall make out a grant for said land to the trustees of the—colleges in East Tennessee, and to the trustees of the University at Nashville and their successors in office, which said land, shall be disposed of for the benefit of said colleges, in any way said trustees may think proper; Provided always, that before said land shall be located, or granted, by the Governor and officers aforesaid, the trustees of the aforesaid institutions, in their legal capacity, shall make, sign, seal and deliver unto the Secretary of State, such a deed in writing as will forever acquit, discharge and release the citizens residing south of French Broad and Holston, and west of Big Pigeon rivers, from all judgments, debts, dues, demands, claims, rents, issues, profits or suits of any kind, character or description whatsoever, either in law or equity, and also all rights that they may have acquired by, through or under the sale of any of the lands in said section of country, and which may have been bid off, either directly or indirectly for their benefit by the treasurer of East Tennessee, which said deed, when so filed with the secretary, shall be by him recorded in his books, and then sent to the register of Blount county, to be registered in his office, and when so registered and recorded, it shall be deemed good and valid.

Sec. 2. *Be it enacted,* That the Governor aforesaid, is hereby authorized in the manner pointed out in the first section of this act, to locate and cause to be granted, the half of one township of land, laid off in an oblong or square, to the trustees of the county academies in this state and their successors in office, which location shall be in the section of country aforesaid, and in one entire tract, and when said grant shall be issued, the said trustees may dispose of the same in any manner they may think best calculated to promote the interest of said institutions; Provided, nevertheless, that before any county academies in this state shall be entitled to any benefit under this act, they shall in their corporate capacity, by a legal mode, sign, seal and deliver a similar instrument of writing to the Secretary of State as is described in the first section of this act for the trustees of the colleges and University are required, in order that the aforesaid citizens residing south of French Broad and Holston and west of Big Pigeon, may be fully and perfectly released and dis-

The same quantity for the Academies, on the same conditions.



charged from said academies; and provided also, that if all the county academies aforesaid, shall not sign, seal and deliver, said instrument in the manner pointed out, as many of said academies as shall think proper to execute the before mentioned release or acquittance, shall immediately be entitled to a rateable proportion of said tract, and may ask a division thereof, and get their separate part whenever the Governor aforesaid, shall think proper to divide it; and provided, furthermore, that said instruments, when executed by such of the academies as may think proper to do so, shall be recorded and registered in the manner required by the first section of this act.

Title conveyed.

*Sec. 3. Be it enacted,* That nothing in this act contained, shall be so construed as to authorize the trustees of the colleges and academies of this state to ask for or receive any other or better title to the land hereby intended to be conveyed than the state of Tennessee herself possesses; Provided, that nothing in this act contained, shall be so construed as to compel the trustees of the colleges and academies in this state to refund any money or other profits which they may have received from the sales of the lands, south of French Broad and Holston and west of Big Pigeon rivers.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 31, 1829.

## CHAPTER XLVIII.

*AN ACT to change the time of holding Madison Circuit court.*

Madison circuit court—when to be holden.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* The terms of the circuit court for Madison county, shall hereafter commence on the second Monday in January and July, and shall continue until the business shall be disposed of, or until the term of some other court may require the attendance of the Judge of said court.

*Sec. 2. Be it enacted,* That the counties of Mari-

on and Bledsoe, be annexed to the district of the supreme court held at Sparta, and that all appeals taken to the supreme court from any court in either of those counties, be taken returnable to said supreme court at Sparta. Marion and Bledsoe to be annexed to the Supreme court at Sparta.

*Sec. 3. Be it enacted,* That the first section of this act shall be in force from the first day of March next. When act to take effect.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 31, 1829.

## CHAPTER XLIX.

*AN ACT providing for the entry of the unappropriated Islands in the Tennessee river, in the counties of Roane and Rhea.*

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any person residing in the counties of Roane or Rhea, to enter in the entry taker's office after the first day of January next, any vacant and unappropriated island in Tennessee river, with the entry taker of the county wherein such island may lie, and the entry taker's office of each county, shall be and remain open for the entry of such vacant and unappropriated island or islands until the first day of April following, during which period the said island shall be subject to entry, by any person at the rate of five dollars per acre. From and after the second day of April, said islands may be entered at three dollars per acre, until the first day of June following. From and after the second day of June, said islands may be entered at two dollars per acre, until the first day of September following. And from and after the second day of September, said islands shall be subject to entry at one dollar per acre; and provided, however, that the improver of any of said islands, previous to the passage of this act, shall be entitled to a preference of entry, except on the first day of April, June and September, on which three days the said offices shall be opened at ten o'clock A. M. and remain open until four o'clock P. M. for

Entry taker's office to be opened—at what rate lands may be entered—how long of time to remain open.

receiving general entries at the several prices herein provided. If more than one person, as general enterer, shall file with the entry taker a location for any of said islands, such entry taker shall determine by lottery, who is entitled to the entry.

Duty of Entry  
Taker.

SEC. 2. *Be it enacted*, That said entry taker shall account for, and pay over the entry money for said islands in the same manner, and the money arising therefrom, shall be appropriated to the same purpose, and it shall be the duty of the county surveyor to survey the same in the manner now pointed out by law, for paying over and appropriating the moneys now arising from the entry of lands, and for surveying the same north and east of the Congressional reservation line, and north of little Tennessee river.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

December 30, 1829.

## CHAPTER L.

*AN ACT to authorize debtors to confess judgment.*

Of confessing  
judgment

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January 1830, it shall and may be lawful for any person or persons, who may be indebted to any other person or persons by bond, note, covenant, bill or an account liquidated and reduced to writing, at the request of a creditor, to go into any court having jurisdiction of the amount, and confess judgment for the same, and the clerk of said court shall enter judgment accordingly, and no more cost shall be taxed than the clerk's fee for entering the judgment and issuing the execution, if it shall be necessary to issue one; Provided, nevertheless, that nothing herein contained shall be so construed as to give validity to any fraudulent judgment so confessed.

SEC. 2. *Be it enacted*, That judgment may in like manner be confessed before any justice of the peace, before whom the parties may appear for that purpose, on sums of which he has jurisdiction.

May be done  
before Justice  
of the Peace.

*Sec. 3. Be it enacted*, That the said note, covenant, bill, or liquidated account shall be filed and each shall constitute a part of the record of said court, and no appeal shall be allowed from such judgment, of judgment, any law to the contrary notwithstanding.

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JOEL WALKER,

*Speaker of the Senate.*

January 1, 1830.

## CHAPTER LI.

*AN ACT to explain and amend an act entitled "an act to regulate certain proceedings on executions and for other purposes," passed at Nashville, November 27 1827.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where a delivery bond has been taken by any sheriff, constable, or coroner, for the delivery of property under execution agreeably to the provisions of the law so recited act, and the defendant or defendants in such execution, shall fail to deliver the property agreeably to the conditions of such bond, it shall be the duty of said officer in whose name the execution is, to return such delivery bond, to the officer where it issued, and it shall be the duty of the court or justice of the Peace as the case may be, to enter an judgment on the bond so returned, against the original defendant or defendants therein and the sureties or securities to said delivery bond, on which an execution shall have and a second delivery bond shall not be taken.

EPHRAIM H. FOSTER,

*Speaker of the House of Representatives.*

JOEL WALKER,

*Speaker of the Senate.*

January 1, 1830.

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## CHAPTER LII.

*AN ACT* to lay off the 10th and 11th Judicial Circuits in the State of Tennessee, and to establish a Chancery court at Bolivar.

Tenth circuit, of what counties composed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the counties of Wayne, Hardin, M'Nairy, Hardeman, Fayette and Shelby, shall compose and constitute the tenth judicial circuit in this state, and a judge shall be elected by joint ballot of both branches of this legislature, to preside in said circuit, who shall possess all the powers, privileges, capacities, and shall receive the same profits and emoluments that other circuit judges, have, enjoy, and possess.

To compose a Chancery district also.

SEC. 2. *Be it enacted*, That said circuit shall also constitute a Chancery district, which said Chancery court shall hold its sittings at the court-house in Bolivar, on the first Mondays of May and November, and a clerk and master in chancery shall be appointed for said court, under the same rules and regulations, and with the same profits and emoluments as other clerks and masters of the district chancery court have and possess.

SEC. 3. *Be it enacted*, That the counties of Henderson and Perry, be, and the same are hereby attached to the eighth judicial circuit, and shall compose a part thereof.

SEC. 4. *Be it enacted*, That a new judicial circuit, be, and the same is hereby established, composed of the counties of Warren, Franklin, Bedford, Rutherford and Wilson, to be denominated the eleventh judicial circuit.

Judge to be appointed.

SEC. 5. *Be it enacted*, That a circuit judge be appointed to hold the circuit courts in said circuit, with all the powers, rights and privileges of other circuit judges in this state, who shall receive the same salary of other circuit judges in this state.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 2, 1830.

## CHAPTER LIII.

*AN ACT* to organize companies for clearing out the obstructions in the rivers in the Western District.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the several county courts in the Western District, a quorum for county business being present, shall have the power to appoint overseers and hands under him and lay off the bounds to clear out the obstructions in the rivers in the Western District, and said hands so laid off for that purpose, shall not be bound to work on any public road or do any militia duty, during the term they shall be so attached to the river companies.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 4, 1830.

## CHAPTER LIV.

*AN ACT* for the benefit of common schools.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all sales of land for taxes which may be in pursuance of the laws of this state, from and after the last day of October next; if no person or persons will bid the amount of tax, costs and charges, for any tract or tracts of land which may be advertised for the non-payment of taxes and public dues, it shall be the duty of the sheriff or collector as the case may be, to cry the same off to the trustees for common schools; and if the same shall not be redeemed in the time and manner prescribed by law, he shall make a deed to the trustees of common schools, who shall have all the rights, interest and benefits that other purchasers at tax sales could have in the title.

Lands to be bid off for the use of common schools.

SEC. 2. *Be it enacted*, That in the event of said lands being bid off to the trustees, and if the same shall not be redeemed as prescribed by law, the services rendered by the clerk, sheriffs and printers shall be deemed and taken to be ex-officio, and in no event shall any charge arise to the county or state for

No fees allowed when not redeemed.



the same; Provided nothing herein contained shall be so construed as to prevent said officers from receiving their fees, where lands sold to said trustees shall be redeemed in the time prescribed by law.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 4, 1830.

### CHAPTER LV.

*AN ACT to extend the right of peremptory challenge of Jurors to criminal offences under the grade of Petit larceny.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That hereafter in the trial of all indictments for criminal offences under the grade of petit larceny, where no peremptory challenges of jurors are allowed by the existing laws, the state and the defendant shall each be entitled to challenge peremptorily five jurors.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 24, 1829.

### CHAPTER LVI.

*AN ACT for the relief of Sheriffs, Coroners and Constables.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That when any officer, by virtue of an execution levies on any perishable property, which he is bound by law to keep in possession till the day of sale, shall be allowed in the bill of costs the following rates; for each head of horses, mules or jacks, per day twelve and one half cents; for each*

head of cattle, three cents; for each head of hogs or sheep, one cent.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 31, 1829.

### CHAPTER LVII.

*AN ACT for the relief of Executors or Administrators.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That all rightful executors and administrators, to be qualified as such after the first day of April next, shall have six months from the date of his qualification as such, to ascertain the situation of any deceased estate, and to arrange and settle the same, without being liable to suit and costs.* Suit not to be brought ag't at for six months

SEC. 2. *Be it enacted, That any executor or administrator qualifying as such after the first day of April next, shall not be liable to answer any suit or summons, which suit shall be commenced within six months after his qualification as such, but all such suits commenced as aforesaid, may be abated and dismissed at the costs of the plaintiff.* Executors not to be sued in that time.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 31, 1829.

### CHAPTER LVIII.

*AN ACT to authorize copies from certain books to be read as evidence in this state.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the certificate and authentication of the Secretary of State, to all copies from the offices of the surveyor of the first district, and from the record of grants from North Carolina, referred to in an act passed at Knoxville, the 14th of*

November 1811, and in an act passed at Murfreesborough, on the 10th day of July 1820, shall be taken and received as evidence in all courts of record and elsewhere in this state, and that said secretary of state, be authorized to receive the same compensation for said services as were heretofore allowed by law.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

December 31, 1829.

### CHAPTER LIX.

*AN ACT to alter the times of holding the courts in the counties therein named.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the circuit courts for the county of Fentress, shall hereafter, be held at the court house in Jamestown on the second Monday in March and September, and the circuit courts for Overton county, at the court house in Monroe, on the third Monday in March and September in each year.*

SEC. 2. *Be it enacted, That all process shall be returned according to the time of holding said courts as pointed out by this act, and that no process, writ or return, shall be abated by reason of any thing herein contained.*

SEC. 3. *Be it enacted, That the chancery court at Franklin in Williamson county for the fourth circuit, shall hereafter commence and hold its terms upon the first Mondays of May and November, and that all process returnable to the April term 1830, of said court as by law now directed, be returned to the May term, 1830, of said court.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 4, 1830.

### CHAPTER LX.

*AN ACT to prescribe certain duties to the Judges of the court of appeals.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That in all and every case determined in the supreme court of errors and appeals, in which the judgment of the circuit court or inferior court is reversed, and the cause remanded for new trial, it shall be and is hereby made the duty of the judges of the said supreme court to file in writing, with the clerk of said court, the reasons of reversal, and the points of law in the judgment of the inferior court in which the error existed, which said reasons and causes of reversal and opinion of the court shall in all cases be copied by the clerk, and certified to the circuit or inferior court as part of the record of the judgment of reversal.*

SEC. 2. *Be it enacted, That in all and every case determined in the supreme court of errors and appeals, it shall be the duty of said court to give their opinion in writing, and file the same with the clerk of the court, who shall deposit the same with the record in the cause and keep the same on file in his office.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 1, 1830.

### CHAPTER LXI.

*AN ACT to provide for the widows and minor heirs of certain purchasers of land in the Hiwassee district.*

WHEREAS sundry persons in Hiwassee district purchased lands in said district at the sales in 1820, who have since departed this life, leaving families upon the lands thus purchased; which lands were unpaid for at the time of the death of the original purchasers, and whereas, the policy of all well regulated governments has been, to protect the widow and the orphan, and shield them from injury,

Preamble.

where the same could be done without interfering with the rights of others, therefore:

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any purchaser of land in the Hiwassee district, at the sales in 1820, may have departed this life without having paid to the state the balance of the purchase money, on any quarter section or partial quarter section of land purchased at the sales aforesaid; it shall and may be lawful for the widow or minor heirs of such deceased purchaser, by their guardian or any other person for them, to pay the balance of purchase money on any quarter section or fractional quarter as aforesaid, in four equal annual instalments, commencing on the first day of January, 1830, without interest accruing thereon, and with a remission of all interest heretofore accrued upon any such purchase as aforesaid.

SEC. 2. *Be it enacted*, That all grants issued for any tract of land, as provided for in this act, shall be to the widow and heirs, and in equal shares to the widow and heirs of any deceased purchaser or purchasers, and upon the death of any such widow as aforesaid, the lands thus acquired by the widow and to her heirs; Provided, however, nothing in this act contained, shall be so construed as to authorize the widow and heirs of any such purchaser as aforesaid, to obtain title to, and pay for, by instalments, more than one quarter or fractional quarter section of land, as authorized by the provisions of this act;— Provided, however, nothing in this act contained, shall be so construed as to prevent said widows and minor heirs from being allowed on the whole amount by them or either of them owing the same discount, if paid agreeably to the provisions of this act, as is now allowed all other purchasers of land in said district.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 1, 1830.

## CHAPTER LXII.

*AN ACT to tax Clock Peddlers.*

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

Allowed four years to pay any balance of debt remaining due to the state.

Provisions of the act limited to a quarter section of land.

*State of Tennessee*, That every person or persons, who may wish to peddle in the article of Clocks, shall apply to the clerk of each county court where in he may wish to sell the same, whose duty it shall be to issue to said applicant, a license authorizing him to sell said article for the term of twelve months; Provided, said applicant shall pay to said clerk the sum of twenty-five dollars tax, and the sum of seventy-five cents fees of office.

SEC. 2. *Be it enacted*, That if any person or persons, shall refuse or neglect to comply with the provisions of this act, he shall forfeit, and pay the sum of one hundred dollars, and it shall be the duty of said clerks to institute suits by warrant before a justice of the peace in an action of debt in behalf of the state, for the penalty prescribed in this act.

SEC. 3. *Be it enacted*, That it shall be the duty of said clerks to account for, and pay over all monies by them collected, by virtue of this act, in the same manner that they are required by law to pay over, and account for the state tax, and shall be liable in the same manner.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 5, 1830.

## CHAPTER LXIII.

*AN ACT to reinstate certain persons in their rights and privileges.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all citizens of this state, who are disqualified from holding office in consequence of conviction under any of the laws of this state to prevent gaming, be, and they are hereby restored to all the rights and privileges, which they respectively enjoyed previous to their several convictions.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 5, 1830.

To pay \$25 to county clerk for license.

Penalty of refusal or neglect.

Clerks to account for and pay over all moneys.



## CHAPTER LXIV.

*AN ACT to amend an act entitled "an act to authorize the treasurer to receive certain moneys," passed Nov. 26th, 1827.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any original owner or any legal assignee or assignees of a part or parcel of any quarter section, or fraction of land, sold at the Hiwassee land sales in 1820, shall have paid the state for the same according to the provisions of the act, this act is intended to amend, and said assignee or assignees, shall produce to the register of East Tennessee, the receipt of the treasurer of East Tennessee, for the payment of the full amount due the state for said part or parcel of said quarter section or lot of land, it shall be the duty of said register to issue a grant or grants, as the case may be, to said assignee or assignees for such part or parcel of any quarter section or fraction of land, to which he or they may be entitled by assignment as aforesaid: Provided, that said assignee or original owner shall not be entitled to such grant, unless he shall have paid for the land under the act this is intended to amend, before the first day of January 1830, and obtained the treasurer's receipt therefor, and provided further, that such assignment shall have been made before the 26th November, 1827.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 5, 1830.

## CHAPTER LXV.

*AN ACT to amend the charter of the Bank of the State of Tennessee.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the President and Directors of the Bank of the State of Tennessee, are hereby required as soon as practicable, to make an apportionment of the loans upon the capital of said

Bank, in the several counties of this state, according to the enumeration of free white population, which shall be taken by and under the authority of the law of the United States in 1830. Loans to be apportioned equally among the counties.

SEC. 2. *Be it enacted,* That the Cashier of the Bank of the State of Tennessee, be hereafter elected by joint ballot of both houses of the General Assembly, to hold his office for two years, and until a successor shall be elected, whose compensation, shall be fifteen hundred dollars per year, with the use of the private rooms in the Banking house. Cashier to be elected by the Legislature.

SEC. 3. *Be it enacted,* That in case of death or resignation of the Cashier, or in case he shall not discharge the duties of the office to the satisfaction of the board of directors, it shall be in the power of the directors to appoint a new Cashier to hold his office until the next stated session of the General Assembly. May be removed—and in case of vacancy elected by Directors.

SEC. 4. *Be it enacted,* That the Cashier shall give his bond with good security payable to the Government or and his successors in office, conditioned for the faithful performance of his duty. Cashier to give bond.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 6, 1830.

## CHAPTER LXVI.

*AN ACT amending the law on joint and several, or joint or several contracts.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where judgments or decrees have been, or may hereafter be obtained, against two or more persons in another state, and suit on said judgments or decrees are brought in this state, the suit may be brought against all, or either, or any number of the defendants in the original judgment or decree, in the same manner and under the same rules and regulations, that suits now are brought against obligors or promissors on joint and several, or joint or several contracts or obligations.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 5, 1830.

## CHAPTER LXVII.

*AN ACT to make distribution of the Academy fund amongst the Academies of this state.*

*SEC. 1. Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the president and directors of the Bank of the State of Tennessee at Nashville, to apportion the academy fund among the county academies, in the different counties in West Tennessee, and shall pay over to the trustees of said institutions such portion of such fund as each may be entitled to, and in like manner the president and directors of the Branch Bank at Knoxville, shall apportion said fund between the academies in East Tennessee, and pay over to the trustees thereof, such sums as each may be found entitled to.

*SEC. 2. Be it enacted,* That it shall be the duty of said president and directors, to deduct such sums as may have been paid to any of said academies heretofore, and only pay over such balances as shall appear due to each.

*SEC. 3. Be it enacted,* That in said apportionment the bank and branch, shall pursue the directions of the acts of 1825, 1826 and 1827, directing the manner of apportioning the interest, as also the principal of said academy fund among the several counties in this state.

*SEC. 4. Be it enacted,* That the trustees of any county academy, before they shall be entitled to draw any money under the provisions of this act, shall enter into bond with good security in the penalty of fifteen hundred dollars, to the chairman of the county court, which bond shall be approved by the court, and shall be filed in the office of said county court, conditioned that said trustees shall faithfully, and honestly apply said academy money, or the interest thereof, to the use of the academy, in some judicious manner, and to no other use, a copy of which said bond, certified by the clerk of said county court, shall be filed with the bank at the time application shall be made for payment, which bond so filed shall be liable to be sued upon in the name of the chairman aforesaid, for the use of the academy, upon the application of any person to the county court, and upon the county court making an order directing a suit.

*SEC. 5. Be it enacted,* That any obligor to any bond given under the provisions of this act, may, upon giving notice to the other obligors of five days before any county court, have himself released from his liability on his bond, by requiring new bond to be given, or suit to be commenced thereon, and a full settlement to be made by collection of the amount due, or otherwise as the court may and shall direct.

*SEC. 6. Be it enacted,* That the trustees of any academy shall have power to loan any of the monies in their hands, and take bond to the president of their board, or any one of them, they shall so designate, and shall have power to sue for the same, to and for the use of the academy; Provided that said trustees shall not loan for a longer time than twelve months, without requiring a renewal of the note.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 5, 1830.

## CHAPTER LXVIII.

*AN ACT giving the further time of two years to the owners of Iron works to procure the issuance of grants for their condemned lands.*

*SEC. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the further time of two years be allowed for the issuance of grants for lands condemned for the use of Iron works in this state, to such persons as have had or may hereafter have lands condemned under the provisions of the statutes for the encouragement of the building of Iron works, any law, usage or custom to the contrary notwithstanding.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 6, 1830.

## CHAPTER LXIX.

*AN ACT to provide for certain children.*

Portions of vacant land to be allowed to children in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for any man in this state, whose wife has had or may have three or more children at one birth, to lay down on any one of the general plans in either of the surveyors offices south and west of the Congressional reservation line, any quantity of land not exceeding two hundred acres for each one of his children, so that the same does not interfere with the occupant claim of any occupant.

Duty of Surveyor.

SEC. 2. *Be it enacted,* That it shall be the duty of the surveyors south and west of the Congressional reservation line to represent on their general plans, any quantity of vacant land, not exceeding two hundred acres, for each child as provided for in the first section of this act, whenever proof is made to him that the individual applying comes within the provisions of this act without any fee or charge for the same.

Land to be considered as an occupant claim.

SEC. 3. *Be it enacted,* That any land laid down on any of the general plans of the surveyors offices, as provided for by this act, the same shall stand and be considered as an occupant claim, and no person shall be authorized to lay any land warrant on the same or any part thereof, without the consent of the father of said child or children.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 7, 1830.

## CHAPTER LXX.

*AN ACT to prevent appeals in cases of roads operating as supersedeas.*

Appeals not to operate as supersedeas, unless specially directed by the circuit court in this state, to any superior court, in

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That appeals hereafter taken from the order, decree or judgment of any county or circuit court in this state, to any superior court, in

any controversy relating to roads and ferries, shall only operate as a writ of error on such judgment, order or decree, and shall not operate as supersedeas. But such county or circuit court, wherever an appeals may be taken to the judgment thereof, may at the term at which such appeals is taken, order, appoint, and direct their overseers to proceed to open any road or ferry in the same manner as by law, they could or might legally do, had no such appeal been taken; Provided, that in all cases the county shall be liable to pay to the party agrieved or injured by opening any such road or ferry, all damages he or they may have sustained in the event such order, judgment or decree of the county or circuit court is reversed by any superior court; and provided, also, such court shall have power, and it shall be their duty, upon good cause shewn to suspend the opening of any road until the final determination of such appeal, and until any assessment of damage under the laws of this state ascertained or paid as required by the laws now in force.

SEC. 2. *Be it enacted,* That third section of an act passed at the present session of the General Assembly entitled an act to authorize the county court of Franklin county to condemn two acres of land for a boat-yard, be and the same is hereby repealed.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
JOEL WALKER,  
*Speaker of the Senate.*

January 7, 1830.

## CHAPTER LXXI.

*AN ACT to provide for the holding of the Supreme, Chancery and Circuit courts of this state, and for other purposes.*

Duty of Sheriffs under this act.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the respective sheriffs of the counties where terms of the Supreme, Chancery and Circuit courts are holden, to cause the court house to be kept in order, for the accommodation of the courts, and to furnish water and fire when necessary; the expenses for doing



which shall be a county charge, and on the account of expenses being proven by the sheriff to the county court the same shall be allowed and paid out of the county treasury.

*Cashier of the Bank of the State—what bond to give.*  
**SEC. 2.** *Be it enacted,* That the cashier of the Bank of the State of Tennessee shall give his obligation with good security payable to the Governor and his successors for the faithful performance of his duty as cashier with such other covenants as the Governor shall deem requisite.

*Repealing clause.*  
**SEC. 3.** *Be it enacted,* That the fourth section of an act entitled an act to amend the charter of the Bank of the State of Tennessee, passed 6th January 1830 be repealed.

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives,*  
**JOEL WALKER,**  
*Speaker of the Senate.*

January 8, 1830.

## CHAPTER LXXH.

*A. V. ACT to appropriate one half of the state taxes to county purposes.*

*Half of the state tax for 2 years to go to the counties.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the public or state tax for the next two years, shall be and remain as heretofore; but the different sheriffs and collectors throughout the state, are hereby required to pay over one half of the state taxes arising from lands, town lots, free white polls and slaves, for the years one thousand eight hundred and thirty and one thousand eight and thirty one, to the trustees of their respective counties, whose receipts shall be good vouchers with the treasurers of this state, and should any sheriff or collector fail to pay over to the trustees and present receipts to the treasurers at the times required by law for settling and paying over state taxes, it shall be the duty of the treasurers to take judgment as heretofore directed, and the said one half, when collected by said treasurers, shall be paid over to the trustees of the proper counties, and all moneys so paid over, shall constitute a fund for the

payment of all debts and demands against such counties respectively.

**SEC. 2.** *Be it enacted,* That nothing in this act shall be so construed as to entitle or authorize any of the treasurers in this state to commissions on the one half of the state tax herein directed to be paid over to the county trustees respectively, for the use of the respective counties. *Treasurers not to have commissions on this half.*

**EPHRAIM H. FOSTER,**  
*Speaker of the House of Representatives.*  
**JOEL WALKER,**  
*Speaker of the Senate.*

January 8, 1830.

## CHAPTER LXXIII.

*A. V. ACT to prevent the sale of Lottery tickets not authorized by the state.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons or corporate body, shall in future vend or sell any ticket or tickets in any lottery, the drawing of which is not authorized by the laws of this state, or of the United States, whether the same be authorized by the laws of any other state or not, or whether it is a mere private lottery in either case the person or persons or body corporate so offending, shall be liable to presentment or indictment, for each and every selling or vending in the circuit court of the county where said ticket or tickets were sold, and upon conviction thereof, shall be fined in a sum not less than one hundred, nor more than five hundred dollars, and shall pay the costs of said prosecution. *Violation of this act an indictable offence.*

**SEC. 2.** *Be it enacted,* By the authority aforesaid, that no conviction or judgment for selling any one ticket or tickets, shall be a bar to any prosecution or prosecutions against the same offender, for any sale or sales of tickets previous to or subsequent to the time when said ticket or tickets were sold, and for selling of which he was convicted. *Conviction on one offence not a bar to conviction on previous offences.*

**SEC. 3.** *Be it further enacted,* By the authority aforesaid, that it shall be the duty of the attorney for the state, when he is informed of any offence having been committed within the perview and meaning of

this act to prefer an indictment against the person or persons so offending, upon which indictment no prosecutor shall be required.

Tax fee of Attorney General.  
**SEC. 4.** *Be it further enacted,* By the authority aforesaid, that upon each and every conviction, the attorney for the state shall be entitled to a tax fee of ten dollars, which shall be taxed in the bill of costs.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JOEL WALKER,  
*Speaker of the Senate.*

January 4, 1830.

#### CHAPTER LXXIV.

*AN ACT to punish negroes and others for selling spirituous liquors to negroes.*

Negroes not to sell liquors without permission.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That any negro slave who shall be guilty of selling any spirituous liquors, without permission of his master or mistress to any person, shall be liable to receive lashes not less than five nor more than ten, for every offence.

Nor to keep any in possession away from house.  
**SEC. 2.** *Be it enacted,* That any slave or slaves who shall be found or detected with having and possessing any spirituous liquors in any bottle or other vessel, at any other place than their own house, which liquor is claimed and owned by such slave or some other slave, shall be liable to be punished with not less than three nor more than ten lashes.

Offences under this act where cognizable.  
**SEC. 3.** *Be it enacted,* That offences under the provisions of this act, shall be cognizable before any justice of the peace, who shall have power to enforce the same.

Liquors not to be sold to slaves without owners permission.  
**SEC. 4.** *Be it enacted,* That any merchant, tavern-keeper, distiller or other person, who shall sell to any negro slave, any spirituous liquors without a permit in writing from the master or mistress of such negro slave, shall be guilty of a misdemeanor and shall be indictable in the county or circuit court.

and upon conviction shall be fined in a sum not less than five nor more than fifty dollars.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JOEL WALKER,  
*Speaker of the Senate.*

January 9, 1830.

#### CHAPTER LXXV.

*AN ACT to establish a board of Internal Improvement, and set apart one hundred and fifty thousand dollars to be appropriated to the improvement of the navigable rivers, and other objects of Internal Improvement in this State.*

Commissioners to be elected their style and authority.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be elected by joint ballot of the present Legislature, six commissioners, two east of Cumberland mountain, two west of said mountain, and two west of the Tennessee river, and that they be and are hereby appointed and constituted a board of Internal Improvement for this state, to be denominated the President and Directors of the board of Internal Improvement, and shall have perpetual succession, and a common seal, and shall be capable of suing and being sued, pleading, and being impleaded, and possess and enjoy all the rights of a corporation, subject to the entire controul and disposition of the General Assembly.

Appropriation of 150,000 dollars made.  
**SEC. 2.** *Be it enacted,* That the sum of one hundred and fifty thousand dollars of the unappropriated funds derived from the sale of the lands in the Hiwassee district, be, and the same is hereby set apart as a fund for Internal Improvement, and to be appropriated in the following manner, to wit: sixty thousand dollars of said fund to be appropriated in that part of the state lying east of Cumberland mountain, denominated and known as East Tennessee; sixty thousand dollars in that part of the state lying west of Cumberland mountain, and east of the Tennessee river, denominated and known as middle Tennessee; and thirty thousand dollars in the part lying west of the Tennessee river, and denominated and known as

the Western District, in such manner as shall or may be hereafter provided by the legislature.

Governor to be President of the Board.  
**SEC. 3.** *Be it enacted,* That the Governor of the State, for the time being, shall be ex-officio president of the board of Internal Improvement, that the directors, a majority of whom shall constitute a board to transact business, shall have power to fill vacancies during the recess of the General Assembly, and in the absence of the Governor to elect a president pro-tempore from their own body; and said board shall have power to appoint a secretary, whose duty it shall be to keep a faithful record of the proceedings of said board, who shall be allowed the same compensation for his services as a member of said board.

Salaries of the commissioners.  
**SEC. 4.** *Be it enacted,* That the board of directors for Internal Improvement, shall meet at — on the — day of — next, and thereafter at least once in each and every year, at such time and place as may be agreed on by the majority of said board, and in future shall be elected once in two years, by joint ballot of both houses of the General Assembly, and receive the sum of two dollars per day, for their services while attending the session of said board, and two dollars for every twenty-five miles travelling to and from the same.

Board to appoint an Engineer.  
**SEC. 5.** *Be it enacted,* That said board shall have power to appoint a civil and topographical engineer, who shall superintend all public works of Internal Improvement, which the General Assembly may from time to time direct, and make surveys and estimates of such rivers, ground for canals and roads as may be required of him or them, by the orders of said board, or the General Assembly, make the estimates of the cost or expense of the same, and submit it to the examination of said board at their meetings.

Governor may convene the board.  
**SEC. 6.** *Be it enacted,* That the Governor for the time being, shall have power to convene the said board by proclamation or notice in the public newspapers, at any time when in his opinion the public interest in relation to the progress of Internal Improvement may require their convention.

Board to enact and establish bye-laws.  
**SEC. 7.** *Be it enacted,* That the board of Internal Improvement, shall have power to enact and establish such bye-laws, rules and regulations for their government and proceedings, and the regulations of their officers, agents or others in their employ as to

them may seem proper, from time to time, provided they are not inconsistent with the constitution and laws of this state.

To keep a record of their proceedings.  
**SEC. 8.** *Be it enacted,* That said board shall keep a full record of all their proceedings which shall at all times be subject to the inspection of the Governor, any member of the board, or of the General Assembly; and shall make a report to the General Assembly during the first week of every session thereof, shewing the state of the funds, that have or may be appropriated for Internal Improvement, the surveys, plans and estimates that have been made, and the expense or cost of each, that may have been recommended to their examination by the General Assembly, together with such other information as may be in their power to communicate in relation to the objects contemplated.

EPHRAIM H. FOSTER,  
*Speaker of the House of Representatives.*  
 JOEL WALKER,  
*Speaker of the Senate.*

January 2, 1830.

#### CHAPTER LXXVI.

*AN ACT to compel owners of mills west of the Tennessee river to cut down and remove the standing or decaying timber in their mill ponds.*

Timber in mill ponds to be removed or destroyed.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That all persons, who shall hereafter erect dams across any stream or water course west of the Tennessee river in this state, for the purpose of propelling mills or factories of any description, shall within one year after erecting such dam, cut down and remove or otherwise destroy all timber subject to decay in consequence of being flooded by the waters of such mill pond.

Penalty of violating this law.  
**SEC. 2.** *Be it enacted,* That if any person fail or refuse to comply with the provision of this act, they shall be deemed guilty of creating a public nuisance, and on conviction thereof, shall be fined not less than one dollar nor more than fifty dollars, and the court before whom the same is tried, shall forth-

with order the same to be abated as other public nuisances.

Act not to extend to Humphreys & Perry.  
 SEC. 3. *Be it enacted*, That the provisions of this act shall not extend to the counties of Humphreys and Perry.

EPHRAIM H. FOSTER,  
 Speaker of the House of Representatives.  
 JOEL WALKER,  
 Speaker of the Senate.

January 7, 1830.

### CHAPTER LXXVII.

*AN ACT* to authorize a Grand Jury to be empannelled in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter at any special term of the circuit courts to be holden in any of the counties in this state, it shall and may be lawful for the Judge presiding if he deems it necessary to order the empannelling a grand jury, who shall have the same power and be governed by the same laws other grand juries are.

EPHRAIM H. FOSTER,  
 Speaker of the House of Representatives.  
 JOEL WALKER,  
 Speaker of the Senate.

January 6, 1830.

### CHAPTER LXXVIII.

*AN ACT* to encourage and protect paper manufactories.

Operatives in, excused from militia duty.  
 SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That persons actually engaged as owners or workmen in any paper mill in this state, shall be excused from attending at all company and battalion musters.

May be excused from working on roads.  
 SEC. 2. *Be it enacted*, That the owner or owners of any paper mill in this state, shall have all the persons engaged in the work of their paper mill, excused from working on roads; Provided such owner

or owners of paper mills will furnish two hands or pay the overseer of the road one dollar, for each day that such owners may be regularly summoned by the overseer to work on the road.

EPHRAIM H. FOSTER,  
 Speaker of the House of Representatives.  
 JOEL WALKER,  
 Speaker of the Senate.

January 7, 1830.

### CHAPTER LXXIX.

*AN ACT* to authorize the transfer of Chancery causes from the circuit courts to the district chancery courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when any chancery causes may be pending before any of the circuit courts of this state, it shall and may be lawful for the parties to transfer the same to the district chancery court, to which said circuit court may be attached, which cause when so transferred, shall be heard and determined in said district chancery court in the same way as if it had been originally commenced in said court. Causes may be transferred from Circuit to Chancery c'ts.

SEC. 2. *Be it enacted*, That in all cases now pending or which may hereafter be pending in any of the chancery courts of this state, and which have been or shall be continued for two terms by reason of the chancellor being incompetent to try the same, it shall and may be lawful for the court in which said cause is pending on motion of either of the parties litigant to transfer the same to the supreme court, who shall try and dispose thereof, under the same rules and regulations as the court of chancery might have done; Provided, however, that it shall be the duty of the supreme court, when any cause shall be transferred as aforesaid, to examine the same *de novo*, and revise any decisions, interlocutory decrees or orders, that may have been made in said cause in as full and ample a manner as if the same had been taken up by appeal. And also from Chancery to Supreme court in certain cases.

SEC. 3. *Be it enacted*, That all causes now docketed in the court of appeals at Knoxville, which originated in the counties of Hawkins, Greene, Wash- Supreme court at Jonesboro'.



ington, Sullivan and Carter, shall be transferred to the court of appeals at Jonesboro, for trial.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 7, 1830.

## CHAPTER LXXX.

*AN ACT to incorporate a Medical society in the State of Tennessee.*

Preamble.

As health is universally acknowledged to be essentially necessary to the happiness and prosperity of society, and its preservation and recovery are essentially connected with an intimate acquaintance with the animal economy, and the properties and effects of Medicines, and as institutions formed on liberal principles, cherished by an intelligent community, and patronized by law, are eminently calculated to encourage the propagation and dissemination of such knowledge—therefore,

Physicians to be appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be appointed by a resolution of this General Assembly, a sufficient number of learned and intelligent practising Physicians in this state, who, when so appointed, are hereby constituted and formed into a body politic and corporate, by the name of the "Medical society in the State of Tennessee," and they and such other persons as said board may hereafter elect, in the manner prescribed by this act, and their successors, shall continue to be a body politic and corporate until the year 1860.

Members of the Society to elect President &c.

Sec. 2. *Be it enacted,* That the members of the society may from time to time elect a President, Vice President and Secretary, and such other officers as they may think necessary and convenient, and the members of said society shall have power to determine the respective duties of the several officers, the length of time they shall hold their respective offices, also to authorize their President or some other person, to administer such oaths to those offi-

cers as the society shall think proper, not repugnant to the laws of this state, or the United States, and shall have a common seal, and power to alter and renew the same at their pleasure.

Sec. 3. *Be it enacted,* That the members of said society may sue and be sued in all actions, real, personal, or mixed, and prosecute and defend the same to final judgment and execution, by the name and style of the "Medical society of Tennessee." May sue and be sued.

Sec. 4. *Be it enacted,* That the said society may elect under such regulations as it may adopt, such persons as may be thought worthy practitioners of Medicine and Surgery, to be members thereof, and such person or persons so elected, shall be entitled to all the privileges and immunities of said society, provided that he or they shall within one year from the time of his election, sign the bye laws and regulations of said society, or otherwise in writing signify his or their assent thereto, and shall have power to expel any of its members for misconduct. May elect members.

Sec. 5. *Be it enacted,* That said society shall have power and authority to enact laws and regulations for the government of the same, as are not repugnant to the constitution, and laws of this state, or of the United States, and to annex reasonable fines and penalties not exceeding fifty dollars, to be sued for and recovered by said society, for their use and benefit, in any court of law in this state, and also to fix the times and places of the meetings of said society, which shall be at least once in each year, and may also determine the number of members necessary to constitute a quorum to transact business. May enact laws for regulation of society.

Sec. 6. *Be it enacted,* That the first meeting of said society, shall be held in the town of Nashville in this state, on the first Monday in May 1830. First meeting when & where held.

Sec. 7. *Be it enacted,* That the "Medical society of Tennessee," so soon as they may meet, and organize themselves, shall proceed to elect seven persons, who reside in west Tennessee, not more than two of whom reside in the same county, who shall constitute a board of "Censors for middle Tennessee," and also in the like manner, elect a board of "Censors for East Tennessee and the Western District." To elect boards of censors.

Sec. 8. *Be it enacted,* That the persons thus elected to constitute said boards of Censors, shall hold their appointment for the term of one year from the Duty and authority of censors.

time of their election, and until others shall have been elected to supply their places—they shall meet at such times and places as they may agree upon, at least twice in each year, and when so convened, they shall proceed under such regulations as shall be adopted by the society, to examine any person or persons who may present themselves for such examination, touching their skill in the practice of Medicine and Surgery; and if on such examination, the board of Censors shall deem such candidate, sufficiently skilled in the science and practice of Medicine and Surgery, they shall grant to such candidate a license to practice the same in the state of Tennessee.

Qualifications  
of candidates  
for examina-  
tion.

Censors not to  
refuse to exam-  
ine candidates

Sec. 9. *Be it enacted*, That no qualification shall be deemed necessary to entitle a candidate to examination, except he shall be twenty-one years of age, and of good moral character.

Sec. 10. *Be it enacted*, That if either of the boards of Censors shall obstinately refuse to examine any candidate having the above qualifications, each member who shall be present at the time of such refusal, and shall concur therein, shall be fined in a sum not exceeding five hundred dollars, to be sued for and recovered by such person or persons so refused, in any court of law in this state, for his own use and benefit.

Persons to pay  
for license to  
practice.

Sec. 11. *Be it enacted*, That each person who shall be examined by either board of Censors, shall pay for a license, the sum of ten dollars to be applied for the use and benefit of said society.

Society em-  
powered to le-  
vy contribu-  
tions.

Sec. 12. *Be it enacted*, That the Medical Society of Tennessee, shall have power at any regular meeting to levy such contributions on its members as shall be thought necessary to effect any of the purposes of its establishment, and shall have power and authority to collect the same in any court of law in this state.

A censor may  
grant temporary  
license.

Sec. 13. *Be it enacted*, That any one of the Censors appointed under the provisions of this act, shall have power and authority to grant a temporary license to any person or persons to practice Medicine or Surgery, until a regular meeting of said board of Censors, after which time the said temporary license shall be void.

Society sub-  
ject to the Le-  
gislatore.

Sec. 14. *Be it enacted*, That said corporation shall at all times be subject to such rules, regulations and

restrictions, as may be thought necessary, and imposed by the General Assembly of this state.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 9, 1830.

## CHAPTER LXXXI.

*AN ACT* requiring all the books and papers belonging to the offices of the second and third surveyors districts in this state to be deposited with the Secretary of State and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all the books and papers belonging to the offices of the second and third surveyor's districts established under the act of 1806, be, and the same are hereby required to be deposited in the office of the Secretary of State, who is hereby authorized and required to give certified copies thereof in the same manner as the surveyors of those districts were authorized to give copies,—And it shall be the duty of those persons having custody of those books and papers to deliver them upon being required so to do—and on their refusing to do so, they shall be liable to a penalty of five hundred dollars, to be recovered by suit in the name of the state of Tennessee for each refusal.

Books and pa-  
pers to be de-  
posited with  
the Secretary;  
his duty.

Sec. 2. *Be it enacted*, That the surveyors of the different counties are hereby authorized to survey all entries which may be made by virtue of any warrants in the bounds of said districts, and which have not been heretofore surveyed and granted; and the Secretary of State is authorized to receive and record the plats and certificates of survey in his office in the same manner as said surveyors were authorized to receive them, which shall be a sufficient authority to the register to issue the grant.

Surveyors of  
the counties to  
survey all en-  
tries in those  
districts.

Sec. 3. *Be it enacted*, That the Secretary of State is empowered to do all acts in relation to said offices, and papers and books, which the surveyors had the power formerly to exercise, except the duties here- in confided to the county surveyors; Provided, that

Power and au-  
thority of the  
Secretary of  
State.

nothing in this act contained shall be so construed as to compel the surveyor of the second district to give up his books and papers without his consent.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 7, 1830.

### CHAPTER LXXXII.

*AN ACT to revive the 12th chapter of the acts of 1825.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the twelfth chapter of the acts of 1825, be, and the same is hereby revived, and shall continue in full force and effect, for the term of two years from and after the passage hereof.*

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 9, 1830.

### CHAPTER LXXXIII.

*AN ACT to define the compensation and duties of the public printers in this state.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the public printer to cause to be printed and bound, an extra copy of all acts of a general nature passed at the present session of the Legislature, for each of the clerks of each of the courts of this state, and also an extra copy of said public acts for each of the members of this General Assembly, and forward the same by mail within the shortest practicable time after the rise of the present session of the General Assembly.*

Duty of Public Printer.

SEC. 2. *Be it enacted, That it shall be the duty of the public printer or printers to publish in his or their newspaper or newspapers, as soon as practica-*

*ble after their passage, all the acts of a general nature, passed by the General Assembly during the term, for which said printer may have been elected.*

SEC. 3. *Be it enacted, That no extra compensation shall be allowed the public printer for furnishing the extra copies of the public acts aforesaid, and for publishing the same in his or their newspapers.*

No extra compensation.

SEC. 4. *Be it enacted, That the compensation to be allowed the public printer, shall be four cents for every sixteen pages, with marginal notes as heretofore, and pages of the same size as heretofore.*

Compensation

SEC. 5. *Be it enacted, That the acts of the General Assembly, shall be printed in the form heretofore prescribed and with marginal notes.*

Acts how to be printed.

SEC. 6. *Be it enacted, That the carrier who shall distribute the acts of Congress as provided by an act of the present session, shall be allowed such compensation therefor, as shall be previously agreed to by the Governor, and the same shall not exceed the rate of pay allowed by the printers to said carrier for distributing the acts and journals of this General Assembly.*

To distribute acts of congress

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 7, 1830.

### CHAPTER LXXXIV.

*AN ACT for the benefit of the locators in the Western District.*

*Be it enacted by the General Assembly of the State of Tennessee, That hereafter, it shall be lawful, where any person has had any land warrant or warrants placed into his or their hands to locate south and west of the Congressional reservation line, to file a bill against the owner or owners of said warrant or warrants in any court having jurisdiction thereof, and on proof by said locator or locators, that he or they located the said warrant, had the same surveyed and granted, the court before whom said cause shall be tried on such proof, shall decree that his locative interest in said tract of land shall be laid off*

Locators may file a bill against owners of warrants located by them, for partition.



according to the contract, and if no particular contract was made, then on proof that the locator had located the said warrant, had the same surveyed and granted according to the custom of locators, also shewing by respectable testimony what was the customary part allowed to locators at the time said warrant was located, the court shall without further proof, decree to said locator his locative interest in said land.

Parol contracts for locating land warrants, valid.

Sec. 2. *Be it enacted*, That all parol contracts for locating any land warrant or warrants shall be as good and effectual as if the same had been reduced to writing.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 9, 1830.

## CHAPTER LXXXV.

*AN ACT to authorize the entering and obtaining grants for any quantity of land under five thousand acres and for other purposes.*

Quantity of land that may be entered.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for any person or persons to enter and obtain grants for any quantity of land not exceeding five thousand acres, north and east of the Congressional reservation line, and north of the Tennessee river.

Fees of Entry Taker.

Sec. 2. *Be it enacted*, That all laws and parts of laws requiring the enterer to pay to the entry taker one cent per acre, be and the same are hereby repealed and that it shall not be lawful for the said entry taker to demand or receive more than twenty five cents for making an entry and delivering a copy as now required by law; Provided the same shall not interfere with any occupant claim.

Duty of county Surveyors.

Sec. 3. *Be it enacted*; That it shall be the duty of each of the county surveyors to note down in a bound book by them kept, at what time each and every copy of entry comes to their hands.

Act extends to the Hiwassee district.

Sec. 4. *Be it enacted*, That any person or persons wishing to appropriate any vacant land in the

Hiwassee district, which have not been surveyed and sectioned under the provisions of an act entitled "an act to dispose of the lands lying between the rivers Hiwassee and Tennessee, and north of little Tennessee river," passed November the 15th 1819, shall be and he or they are hereby authorized to first make his or their entry in the entry taker's office of the Hiwassee district, for any quantity of land not exceeding five thousand acres, and shall afterwards proceed to procure the same to be surveyed and obtain grants therefor, in the same way that lands are entered, surveyed and granted north and east of the Congressional reservation line.

Sec. 5. *Be it enacted*, That nothing contained in this act, shall be so construed as to authorize the entry of any lands originally surveyed and laid down on the map of said district as an entire reservation, or part of a reservation by the treaties of 1817, and 1819, the whole or any part of which may have from any cause, reverted back and become the property of the state, and which may be vacant or unappropriated at the time this act goes into effect, or of any of the islands in the Tennessee river, and within the Hiwassee district, and provided further, that nothing in the first section of this act contained shall be so construed as to authorize the entry of any of the lands contained within the bounds of what is called Sims' grant in Hawkins county.

Not to extend to reservations—its operation limited.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 9, 1830.

## CHAPTER LXXXVI.

*AN ACT to provide for the cases therein mentioned.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all such judgements as were recovered on the law side of the late supreme court, which was holden at Rogersville, and which have not been satisfied, shall be proceeded upon by the chancery court at said place, under whose care the books and records of the causes aforesaid now are

and the said chancery court at Rogersville, shall be and is hereby vested with all the power, authority, and jurisdiction, over said causes that the supreme court had, and exercised to issue scire facias to revive judgments which have laid dormant, issue execution and do all other acts necessary to carry into effect said judgments, anything in any former law or usage to the contrary notwithstanding.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 9, 1830.

#### CHAPTER LXXXVII.

*AN ACT concerning the surveying and correction of entries made under the acts of 1823 and 1825, authorizing the entering of land at 12½ cents, and one cent per acre.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That where an entry has been heretofore made or may hereafter be made in any county in this state, under the law of 1823 and 1825, authorizing land to be entered at 12½ cents, and one cent per acre, north and east of the Congressional reservation line, and north of the Tennessee river, the beginning corner of which is in one county and a part of the entry in another, that it shall and may be lawful for the surveyor of the county where such beginning corner is situated, to proceed and survey such entry agreeable to the calls; provided such entry and survey shall not interfere with any other prior legal claim.*

SEC. 2. *Be it enacted, That it shall be the duty of the several entry takers in this state, north and east of the Congressional reservation line, and north of the Tennessee river, to correct any mistakes that may have accrued or may hereafter accrue, in the calls or names of entries made in his office under the laws of 1823 and 1825, upon the affidavit of the enterer or surveyor of the county in which the entry may have been made, where the making such cor-*

Duty of county Surveyor where an entry extends beyond the county.

Entry-Taker to correct any mistakes that have occurred.

rection in said entry, will not interfere with the rights or prior legal claims of any other persons.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 9, 1830.

#### CHAPTER LXXXVIII.

*AN ACT explanatory of an act entitled "an act to provide a method to help and speed poor persons in obtaining their rights," passed October 26th, 1821.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That no action of malicious prosecution, false imprisonment, action for slanderous words, whether written or otherwise, shall be prosecuted under the provisions of the act which this is intended to amend, and in all cases hereafter where any suit may be depending in any of the courts of this state, under the provisions of the said act, where the same shall be decided against the party prosecuting under the provisions of said act, it shall be the duty of the court, to render judgment for the cost as in other cases, provided that no execution shall issue against the said party, whereby his body shall be arrested, but that a fieri facias only shall and may issue to collect the same as in other cases.*

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 9, 1830.

#### CHAPTER LXXXIX.

*AN ACT to provide for the issuing of grants to the Enturers of land in the Hiwassee district.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the enterers and the assignees of the enterers of land in the Hiwassee dis-*

strict, shall within nine months from and after the passing of this act, file their entries with the register of said district for the purpose of having grants issued thereon, and the said register, shall, within fifteen months after the expiration of the time aforesaid, issue grants upon all entries filed with him as aforesaid in the manner now prescribed by law.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 9, 1830.

### CHAPTER XC.

*AN ACT directing the manner of advertising sales on executions issued by Justices of the Peace.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the third section of an act of the General Assembly of 1827, chapter thirty-five, be, and the same is hereby repealed; and hereafter it shall be the duty of all officers levying executions issued on judgments rendered by Justices of the Peace, to advertise the sale as now directed by law, at one public place in the captains' company where the defendant resides, and at two public places in the captains' company where the sale is to be made.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 9, 1830.

### CHAPTER XCI.

*AN ACT to authorize the Judges of the circuit courts in this state to grant injunctions in all cases on bills to be filed in the several courts of chancery.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter the Judges of the circuit courts in this state, shall have full power and

Circuit Judges  
may grant in-  
junctions.

authority to grant injunctions, attachments in chancery, writs of re-exeat, all other extraordinary equity process in all cases on bills to be filed in the several courts of chancery in this state, in the same manner, and under the same rules and regulations as the chancellors in and for the state have power to grant injunctions.

SEC. 2. *Be it enacted,* That any of the Judges of the supreme courts of errors and appeals of this state, or any of the circuit judges of this state may have power and are authorized to administer the oath or onths of qualification, authorized by the constitution or laws of the state to be taken by circuit judges.

Judges of the  
Supreme and  
Circuit Courts  
may administer  
oaths.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

### CHAPTER XCII.

*AN ACT for the benefit of the academies in this state.*

WHEREAS by an act of the General Assembly of the state of Tennessee, chapter 39, of the acts of 1825, the University of Nashville, and the East Tennessee college, received on account of the sale of the North Carolina University land warrants, about the sum of ——— dollars, one half of said sum of money was by said act of 1825, to be paid to the academies in this state, out of the first monies collected for the use of said University, and East Tennessee college—Therefore,

Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the treasurer of East Tennessee, to pay over to the president and directors of the bank of the State of Tennessee at Nashville, all monies which he may collect for the use of said University and East Tennessee college, until he shall have paid over the sum to which the academies are entitled agreeable to the provision of the act of 1825, with interest thereon, from the time of receiving the same and the re-

Duty of the  
Treasurer of E  
Tennessee.



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

*Duty of the President and directors of the Bank of the State.*  
**Sec. 2.** *Be it enacted,* That it shall be the duty of the president and directors of said bank to pay over the money so received, to the academies in this state in equal proportions.

**EPHRAIM H. FOSTER,**  
 Speaker of the House of Representatives.  
**JOEL WALKER,**  
 Speaker of the Senate.

January 13, 1830.

### CHAPTER XCIII.

*AN ACT to amend the act of 1806, chapter 17.*

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the provisions of the aforesaid act, shall extend as well to non-residents owning lands in this state, as to non-residents who do not own lands in this state—and the aforesaid act and each and every clause thereof, which is entitled an act to prevent citizens of other states from driving stock on the lands of the citizens of this state, are hereby extended to non-residents owning lands in this state, in the same manner, and to the same extent as therein provided, against non-residents who are not land holders in this state.

Speaker of the House of Representatives.  
**JOEL WALKER,**  
 Speaker of the Senate.

January 12, 1830.

### CHAPTER XCIV.

*AN ACT to compensate the commissioners of school lands for certain services.*

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the county courts of the several counties in this state, where any school lands may be situated, to make

such allowance to the commissioners which may have been appointed under the acts of Assembly heretofore in force, for the leasing and renting out such school lands, as to said court may seem reasonable, first requiring said commissioners to render an account on oath of the services, by him or them rendered; and such allowance so made by the court as aforesaid, shall be paid by the state treasurer out of the monies by him received for the rents of said school land, and the production of a certified copy of the order of court allowing the same; Provided said allowance be made out of the proceeds of the school lands in each respective county.

**EPHRAIM H. FOSTER,**  
 Speaker of the House of Representatives.  
**JOEL WALKER,**  
 Speaker of the Senate.

January 13, 1830.

### CHAPTER XCV.

*AN ACT to repeal the second section of an act passed December 14th, 1827, entitled "an act to suppress private banking."*

**Sec. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of an act passed December 14th, 1827, entitled "an act to suppress private banking," be, and the same is hereby repealed. Repealing clause.

**Sec. 2.** *Be it enacted,* That where there is any banking company and association now in operation, not chartered by the laws of this state, said banking company or association, shall have the term of five years from and after the first day of next January to wind up their concerns; but upon the following conditions, namely: such banking company or association, shall pay by way of tax to the state, the sum of five hundred dollars each, and every year, commencing from the first day of January 1830, and shall be paid to, and accounted for by either of the treasurers of this state; Provided, that nothing in this act shall be so construed as to release any tax heretofore paid under the provisions of said second section. Private Banks allowed five years to wind up—in pay a tax of \$500.

SEC. 3. *Be it enacted*, That a special court, be, and the same is hereby organized, to consist of Jacob Peck, one of the Judges of the supreme court; Nathan Green, one of the Chancellors of this state, and Wm. E. Kennedy, one of the Judges of the circuit courts of this state, with the powers, and for the purposes hereinafter mentioned—any two of said judges shall constitute a Quorum to do business; said court shall be a court of record, with all the powers, rights and privileges of other courts of record in this state, and shall have power to make and issue process, or order the same to be done by their clerk, and to do all other things properly appertaining to their appointments, necessary to be done for the purposes of effecting the objects hereinafter mentioned; said court shall appoint its own clerk and sergeant at arms. The sergeant at arms shall execute the process and carry into effect the orders of said court, and shall be authorized to command the power of the state for that purpose.

The term of said court shall commence on the second Monday in April next; may be held any where in the town of Nashville; shall sit on its own adjournments; and shall continue until the business herein required to be done, shall be completed.—Said court shall have power and jurisdiction, on complaint being made by the Bank of the State of Tennessee, the President, or any of the Directors thereof, in their behalf, that any person or persons are in default, or indebted to said Bank for any breaches of trust, or money they have received, and failed to account for, or for any other cause, to direct process to be issued to bring such person or persons immediately before them—to examine them on interrogatories touching said complaint—to require the production of all books and papers in relation thereto; to examine all witnesses that may be produced on either side; to keep a record of all the testimony, or material parts of it, or such facts as are proven, and deemed material to be recorded, and to take, or cause to be taken, an account of all demands, that may be proven or established on either side.

Said court shall further have power and jurisdiction, on complaint being made on behalf of said bank to issue a summons or other process, to the securities of all such persons as may be alleged to be in default, forthwith to appear before them, and to de-

Special court to investigate the affairs of Bank of the State—its power—how constituted.

When to hold term—power, jurisdiction & duty.

Jurisdiction further defined

send themselves against the complaint and charges that are, or may be preferred against their principal and securities. If such summons or other process cannot be served on the person, or the parties, or any of them cannot be found, a copy of such summons, or process, left at their usual place of residence, shall be considered a sufficient service thereof.—If, on a full and fair investigation of all matters herein required to be done, it shall be ascertained that any person or persons against whom complaint may be made, are in default, or indebted to said Bank, they shall forthwith pronounce such judgment or decree, as may seem right according to the real truth and facts of the case or cases (without regard to the form or substance of the complaint,) against the person or persons so in default, and their securities, if any there be.

All orders, judgments, or decrees of said court, shall be carried into effect by process of execution, attachment, or such other process as said court may direct, returnable at such time, place, and manner as may be required.

The sergeant at arms shall have power to execute the process of said court all over the state, and the sheriff of any county, is hereby required to execute any process that may be directed to him in such county; and all sheriffs and their deputies in the county where said court is held, shall obey the mandates thereof.

The provisions of this section shall not extend to any complaints, except such as are made on behalf of said bank, nor shall said court be authorized to pronounce a judgment or decree against any person or persons, except such as by overchecking, or otherwise have improperly received the money, bills, notes or other valuable papers, belonging to or on deposit in said bank, or such person or persons, officers of said institution as may have been guilty of breaches of trust, or other fraud, or made an improper use of the money belonging to, or on deposit in said bank, and such others as may be connected with them, and the securities of such as may be liable.

The jurisdiction of said court shall be supreme within its sphere of action, and from its decisions, judgments, or decrees there shall be no appeal.

Power of Sergeant at arms; duty of Sheriff.

Restricting provisions.

Jurisdiction supreme within its sphere of action.

Said court shall allow its other officers such compensation, or their services, as shall be deemed reasonable, to be paid out of any funds, in the bank of the State of Tennessee not otherwise appropriated.

The Judges of said court shall each be allowed the sum of five dollars per day, in addition to their annual salary, for the present year, to be paid by treasurer of West Tennessee.

All the costs of conducting the suit or suits, that may be brought under this act, shall be adjudged and regulated according to the laws regulating costs in equity; and the principles governing courts of chancery, shall be those by which said court shall be governed.

All debts and liabilities which have been incurred to said bank, and for which any judgment or decree may be pronounced under this act, shall operate as a lien upon the real estate of the person or persons who may be thus held liable, from the passage of this act in the same manner as judgments operate as a lien upon real estate, which lien shall continue until such judgment or decree shall be paid or satisfied.

The Governor is hereby authorized to employ counsel to commence and prosecute the suits that may be brought under this act, who shall be paid out of any unappropriated funds in said bank.

Should any judgment or decree be obtained in favour said bank the directory thereof, with the sanction of the executive is authorized to collect or secure the payment thereof in such manner as may best comport with the interest of the state; and they are further authorized in like manner to secure the payment of any debt or demand to said bank, before any judgment or decree may be obtained if in their opinion the interest of the state require it.

Depositions may be taken in any case which may arise under this act, in such manner as the court may direct.

Should any of the aforesaid judges vacate their offices, by death, resignation, removal or otherwise, the persons appointed to fill such vacancy, shall be the constituent member of said court, in lieu of the person whose office is thus vacated.

In all matters not herein provided, for said court shall determine its own rules of proceeding.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

## CHAPTER XCVI.

*AN ACT to provide for the hearing and deciding of special causes in the supreme court.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Judges of the supreme court, or a majority of them, within forty days before the setting of the supreme court, at each place where the same is or may be holden, to certify to the Governor all causes upon the docket, which are to be heard and determined, which two of the Judges of said court are disqualified by law, to hear and determine, and also all causes pending in said court, where two of the Judges thereof are competent to hear and determine the same, but upon a previous hearing have disagreed in opinion by reason of which, the causes remains undecided—*which certificate being received by the Governor, it shall be his duty to appoint and commission as heretofore has been practiced, two special Judges in each of the cases certified, whose duty it shall be to appear on the first day of the term, at which they are commissioned to attend, be qualified, take their seats and proceed to aid in hearing and deciding all the causes in said commission set forth; which causes shall be first heard at the commencement of the term; Provided, that one special Judge, with the qualified Judge, or two disagreeing Judges, shall form a competent court.

SEC. 2. *Be it enacted, That when all the Judges of the supreme court are disqualified by law to hear and determine any cause, it shall be the duty of the Governor upon the fact being certified as aforesaid, to appoint and commission three special Judges, to hear and determine the same.*

SEC. 3. *Be it enacted, That this act, shall ex-*



To what causes not extend after being pending in the supreme court of this state.

Sec. 4. *Be it enacted*, That the foregoing sections shall be confined exclusively to the causes in chancery on said docket, or that may arise on said chancery docket in the supreme court. And for the trial of the causes in law, which are now and may be on said docket.

Sec. 5. *Be it enacted*, That in all cases where it may become necessary, for the Governor to appoint special Judges under the provisions of this act, that he shall appoint to said office, such lawyers as have not been concerned as counsel in said cause, or in any cause involving the same questions or principles, and such as he shall consider learned in the law, and free from all improper bias or prejudice, or at his discretion to appoint such of the circuit Judges of this state, as shall be free from the before-mentioned objections.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

#### CHAPTER XCVII.

*AN ACT to authorize the treasurers of East and West Tennessee to adjudicate certain claims.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of West Tennessee, be, and he is hereby authorized to pay all expenses that have been incurred in relation to the school lands in West Tennessee, in asserting or defending the titles thereto; Provided, that the same be paid out of the rents of said lands.

Sec. 2. *Be it enacted*, That the treasurer of East Tennessee, be, and he is hereby authorized to pay out of the fund in his hands, arising from the rents of school lands in East Tennessee, all just claims and expenses that have been incurred in relation to the school lands in East Tennessee.

Sec. 3. *Be it enacted*, That it shall be the duty of the register of West Tennessee, to issue a grant to

James Brown for one hundred ten and one half acres of land, entered in the tenth surveyors district, by No. 849, founded on a certificate of interference, being part of entry No. 67, taken by grant No. 49, to the said amount of 110+ acres.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

#### CHAPTER XCVIII.

*AN ACT for the relief of certain improvers of land in the Hiwassee district.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sum of six thousand dollars, out of the monies hereafter to be paid by the purchasers of the Hiwassee lands, be, and the same is hereby appropriated to the purposes hereinafter mentioned—and in full satisfaction and discharge of all claims hereafter mentioned, or any other claim of a like kind; upon which condition the said appropriation is alone made—That is to say—When any person or persons may have settled upon any piece of land included within any quarter or fractional quarter section in the Hiwassee district, as surveyed by the surveyor general of the said district, previous to the land sales in 1820, and may have made improvements thereon; it shall and may be lawful for such person or persons, within one year from the passage of this act, to adduce proof before the Judge of the 7th judicial circuit, who is hereby authorized and empowered to hear the same, at such time, at such place, and in such manner as he may think proper, within the period aforesaid—of the value of the labor bestowed by any such person or persons, upon any such quarter or fractional quarter section of land improved as aforesaid, in said district, previous to the sales aforesaid—and after the first day of January, 1831—and such Judge, upon the examination of such proof as may be adduced, shall determine upon validity of the claim; and if adjudged valid, shall retain it in his own possession and file the same

Register W. T. to issue grant to Jas Brown.

Allowed 6000 dolls. for their improvements to be appropriated according to the improvements made; persons entitled to the benefit of this act—duty of the Judge of the 7th Judicial circuit.

Duty of the Treasurer of W. Tennessee

Duty of the Treasurer of E. Tennessee.

away until the expiration of one year from the passage of this act—and if it is then ascertained, that the sum hereby appropriated, exceeds the amount of the claims so adjudged valid as aforesaid, such judge shall then issue to each claimant, a certificate for the full value of his improvements, so proved and adjudged valid. But, if the sum hereby appropriated, is less than the amount of the claims so adjudged valid as aforesaid, he shall issue a certificate to each claimant for an amount in proportion as the whole value of the claims bear to the sum hereby appropriated. Which certificate shall be given by such judge to the claimants, and his receipt taken therefor, in full satisfaction and discharge of all claims he may have against the state for improvements under this act. Which receipt shall be taken in a bound book and delivered by such judge to the treasurer of East Tennessee.

Sec. 2. *Be it enacted*, That all claimants under this act who intends to avail themselves of the benefits of its provisions, shall make the same known to the said judge by petition in writing, within six months after the passage of this act, and if no claimant prefers his petition within that term, he shall be forever barred from preferring his claim thereafter—and after such petition is so preferred, the judge aforesaid, shall fix upon such term for the adjudication thereof, so that he shall be enabled to adjudicate all the claims preferred, one month at least before the expiration of one year from the passage of this act as aforesaid—at the end of which year the certificates shall issue as aforesaid.

Sec. 3. *Be it enacted*, That the certificates thus issued, shall be received by the treasurer of East Tennessee, in payment of lands in the Hiwassee district, either from the holders of such certificates, or their legal assignees; and such certificate of claims against the state, shall be satisfied in payment of the lands aforesaid, and in no other manner whatsoever.

Sec. 4. *Be it enacted*, That the petitions presented under the authority of this act, shall be docketed by the said judge and left open for public inspection in the clerk's office of the circuit court of M'Minn county; and said judge, shall determine and adjudicate upon said petitions at stated periods; of which said clerk shall give due notice by advertisement—and to prevent frauds and impositions being pre-

Claimants to  
make applicati  
on in 6 months

Duty of the  
Treasurer of  
Tennessee.

Petitions to be  
docketed—du-  
ty and author-  
ity of the judge  
in adjudicating  
claims.

tised under this act, upon suggestion that any petition is groundless or fraudulent, it shall be the duty of the judge to direct the clerk of said court to issue subpoenas for such witness to testify thereto, as the party suggesting the fraud or imposition may specify—who shall be bound to attend under the penalties now prescribed by law, to be recovered in the name of, and for the use of the state—and if upon such examination, such claim is adjudged groundless or fraudulent; the said judge is hereby empowered to render judgment against such petitioner for all costs in that behalf expended, and the clerk aforesaid shall issue execution accordingly.

Sec. 5. *Be it enacted*, That if after adjudication, any person shall suggest by affidavit, that any claim or claims that have been adjudged valid, which in fact are invalid; it shall be the duty of said clerk to issue a summons to the party whose claim is thus contested, to appear at a given day and controvert the fact, and such claim shall be re-adjudicated and determined upon—after which it shall not be lawful for any such claim to be again contested, whether adjudicated valid or invalid.

Sec. 6. *Be it enacted*, That it shall be the duty of the clerk of the circuit court of M'Minn county aforesaid, to attend the judge each day he may be engaged in the adjudication of the said claim, and do and perform all services which may be required of him by the said judge, who shall receive therefor, such compensation as may be allowed him by the said judge, to be paid out of the funds hereby appropriated, for which a certificate may issue, to be discharged in the same manner as other certificates issued under this act.

Sec. 7. *Be it enacted*, That the benefits of this act shall not extend to any person or persons, in whose favor any special act of Assembly may have heretofore passed, for labour or improvements done and performed in said district.

Sec. 8. *Be it enacted*, That in valuing the labor or improvements done on any quarter or fractional quarter section of land according to the provisions of this act, no improvements made by the Cherokee Indians, shall be estimated or taken into such valuation.

Sec. 9. *Be it enacted*, That in all cases when the original improver of the land or provided for by this

Where claims  
adjudged valid  
are contested.

Duty of the  
Clerk of the  
circuit court of  
M'Minn.

Limitation of  
the act.

Indian im-  
provements ex-  
cepted.

act, may have received full compensation from the purchaser of such land for their labor and improvements so done upon such land—such improver shall not have and receive the benefits of the provisions of this act; Provided, nevertheless, that each and every petitioner under this act, shall, when he files his or their petition, make oath before the judge, that the petition is filed for him, her or themselves, or the widow of the improver, for improvement made bonafide by him or them, or by their ancestors, as the case may be, and it shall not be lawful to assign the right of recovery from the improver or his heirs to any other person whatsoever.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

## CHAPTER XCIX.

*AN ACT to authorize the county courts in this state to lay taxes for the purpose of building Jails or Court Houses.*

Preamble.

WHEREAS the number of special laws passed upon this subject is expensive and troublesome, for the prevention of which,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That each and every county court in this state, (a majority of the acting justices of the peace for said county being present,) shall have full power to lay any tax from time to time, that they may think proper, to build any court house or jail or to repair the same, any law to the contrary notwithstanding.

SEC. 2. *Be it enacted,* That it shall be the duty of the sheriff of Lincoln county, and he is hereby required to do so, under the provisions of an act of this General Assembly, appropriating one half of the state tax to county purposes, to pay to Edmund Daniel jailor of Davidson county, the one half of the claim said Daniel has on Lincoln county, agreeably to a decree of the supreme court, for keeping

County courts may lay tax to build jails and court-houses.

Sheriff of Lincoln county to pay Edmund Daniel a certain claim.

Duncan Bond in Davidson county jail on a charge of murder, out of the state tax, he may collect from said county for the year 1830, and pay the other half of said claim out of said state tax, he may collect for the year 1831, provided said claim is certified by the proper officers according to law and his receipt shall be a good voucher in his settlement with the county trustee or treasury, as the case may be, and provided the said Daniel cannot collect said claim or any part thereof from the treasury of West Tennessee.

EPARAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

## CHAPTER C.

*AN ACT to relieve the counties of this state from the payment of costs in certain cases.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That in all state prosecutions either in the county or circuit court, for offences under the grade of petit larceny, when the defendant may be acquitted, the cost of the same shall not be paid out of the county treasury where the prosecution originated, nor shall it be lawful for the county court to allow any claim for costs in such cases, except the fees of jailors, and for the attendance of witnesses in behalf of the state, and sheriffs fees for summoning witnesses in behalf of the prosecution.

SEC. 2. *Be it enacted,* That the different officers in this state, whose duty it shall be to perform services in such cases, shall do the same without fee or reward, unless the same shall be ordered by the court to be paid by the prosecutor.

SEC. 3. *Be it enacted,* That no prosecutor in any state case whatever for misdemeanor, shall be entitled to any compensation for his services as prosecutor, or for his attendance as a witness in behalf of the state.

SEC. 4. *Be it enacted,* That in case any grand jury in this state, shall return any bill of indictment en-

Costs where defendants in state prosecutions are acquitted.

Officers in such cases not allowed fees.

Prosecutors not to have compensation for attending as witnesses.

Attorney General no fee for ignor'd bills.



dorsed by their foreman not a true bill, no cost or tax fee shall be allowed to the attorney general for the same as heretofore taxed.

*This fee where  
county pays  
a cent.*

Sec. 5. *Be it enacted*, That in no case of misdemeanor, where the county pays the costs, shall the attorney general's tax fee be more than two dollars and fifty cents.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

## CHAPTER CL.

*AN ACT for the benefit of the public funds and for other purposes.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any of the treasurers of the State of Tennessee, or the president, cashier or clerk, or any other officer of any bank or other corporation in the said state, in which said bank or other corporation, the said state may have an interest heretofore, may have been or shall hereafter be guilty of any neglect, default, misprison, misfeasance or malfeasance in office, whereby any such treasurer, president, cashier, clerk or other officer as aforesaid, and his securities or either of them, may be liable to be sued upon any bond or other obligation, which may have been executed for the due and lawful discharge of the duties of his office, it shall be and is hereby made lawful for the attorney prosecuting in behalf of the state, in the county where such neglect, default, misprison, misfeasance or malfeasance in office may happen, on motion before the circuit court of the said county, to have and take a judgment and award of execution against said treasurer, president, cashier, clerk or other officer as aforesaid, and his securities, for any breach of any such bond or other obligation, as effectually as now may be done by a regular suit at law.

*Judgment may  
be had on mo-  
tion against  
public defen-  
dants.*

*What shall be  
sufficient no-  
tice to defend-  
ants.*

Sec. 2. *And be it further enacted*, That in the proceeding to be had upon any such motion as aforesaid, the said court may proceed to hear and determine

the same, without any declaration or the formality of regular pleadings according to the very right of the case, and a copy of said motion being left at the dwelling house of the defendants, or their last usual place of residence, or place of staying or doing business, one day previous to the day of making of the said motion, shall be considered sufficient service of the notice of said motion, and all such motions shall be in the name of the state of Tennessee against any treasurer as aforesaid, and in other cases as aforesaid, shall be in the name of the state of Tennessee, and in the name of the bank or corporation as the case may be, and shall be signed by the said attorney as aforesaid.

Sec. 3. *And be it further enacted*, That if any such treasurer, president, cashier, clerk or other officer as aforesaid, or any surveyor general, or register of the State of Tennessee, shall have the care, custody or possession of any book or books, account or accounts, voucher or vouchers, or other document or documents relating to, or in any wise appertinent or belonging to his said office, and shall obstinately, wilfully, contemptuously or corruptly fail or refuse to deliver any such book or books, account or accounts, voucher or vouchers, or other document or documents as aforesaid, to the General Assembly of the State of Tennessee, upon the application of either or both houses of said General Assembly by resolution or otherwise, any such treasurer, president, cashier, clerk or other officer as aforesaid, register or surveyor general so offending, shall be deemed guilty of felony, and shall be sentenced to a confinement in the Jail and Penitentiary for the space not less than five years, nor more than ten years.

*Illegal deten-  
tion of public  
books and re-  
cords a felony.*

Sec. 4. *And be it further enacted*, That if any person or persons, shall wilfully and obstinately or corruptly destroy, hide, conceal, deface, obliterate or convey away from this state any book, account, voucher or document, as is spoken of in the third section of this act, he or they so offending, shall incur the penalty therein prescribed.

*Destroying  
or erasing the  
same—felony.*

Sec. 5. *Be it further enacted*, That this act shall be remedially construed, and that no prosecution shall be required upon any bill of indictment founded upon this act; this act shall continue in force until the act entitled an act to reform and amend the penal laws of this state, passed at this session of the

*When set to  
take effect.*

Legislature, shall go into operation after which the offences herein enumerated shall be punished as therein prescribed.

**EPHRAIM H. FOSTER,**

Speaker of the House of Representatives.

**JOEL WALKER,**

Speaker of the Senate.

January 13, 1830.

## CHAPTER CII.

*AN ACT to regulate the county courts of Dyer and Obion.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the justices of the court of pleas and quarter sessions of Lincoln county, nine or majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein, at their first court in each and every year, on the first day of the term, shall select by ballot three of their own body to hold the said courts for that year, and have the same powers, and be under the same rules, regulations and restrictions as the court of Rutherford county now are by an act passed the eleventh of November eighteen hundred and twenty three.

Quorum of  
Lincoln c'ty

SEC. 2. *Be it enacted,* That the justices of the court of pleas and quarter sessions of Giles county, nine or majority of the justices of said county being present, if they shall think it expedient, a majority of the justices present concurring therein, at their first court in each and every year, on the first day of the term, shall elect by ballot, three of their own body to hold the said courts for that year, and have the same powers and be under the same rules, regulations and restrictions as the courts of Rutherford county are.

Giles county.

SEC. 3. *Be it enacted,* That the county courts of the county of Dyer, shall hereafter be holden on the third Mondays in the months June, September and December: and that the county courts for the county of Obion, shall be holden on the fourth Mondays of the aforesaid months, and all process and proceedings returnable in said courts at a different term

Dyer and Obion county c'ts when holden.

shall then be returnable as good and sufficient as if said courts had not been changed.

SEC. 4. *Be it enacted,* That hereafter the county court of Williamson county, shall and may continue its session three weeks, if the business of said court shall require the same.

Session of Williamson county court extended.

**EPHRAIM H. FOSTER,**

Speaker of the House of Representatives.

**JOEL WALKER,**

Speaker of the Senate.

January 13, 1830.

## CHAPTER CIII.

*AN ACT to repeal and amend the second section of an act passed December 5, 1825, entitled an act to repeal some of the rules lately made, and published by the supreme court of errors and appeals, regulating the practice in the courts of equity and court of appeals.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the second section of the above recited act, shall not be so construed as to prevent the chancellors of this state, from making and publishing such rules of practice, as they may deem beneficial and proper, to regulate the practice in the courts of chancery in this state; Provided, that such rules be consistent with the constitution and laws of this state; and provided, that the rules of practice which may be adopted, be sanctioned by both of the chancellors.

Construction of said section.

SEC. 2. *Be it enacted,* That the circuit or supreme court, shall not in future dismiss any writ of error or appeal in the nature of a writ of error for want of an assignment of errors, or upon any rule of court, without examining and deciding the same upon its merits, but such courts may place any such writ at the foot of the docket for any irregularity.

Appeals and writs of error not to be dismissed for the want of assignment of errors

SEC. 3. *Be it enacted,* That hereafter the chancery courts, shall be held at the court house in the town of Carthage, on the second Mondays in January and July annually, and all process issued and returnable to the next term of said court shall be returned on the second Monday in January 1830.

Chancery c't. at Carthage when held.

SEC. 4. *Be it enacted,* That the supreme court

Supreme court at Reynoldsburg. at Reynoldsburg. shall hereafter be held on the third Monday in December, in each and every year, and this section shall take effect after the next term of said court.

Judges of Supreme and circuit courts may administer oaths of office. SEC. 5. *Be it enacted*, That any acting Judge of the supreme or circuit court, shall have power to administer all the oaths required by law, to be taken by the circuit Judges, to any persons who are now, or may hereafter be appointed Judges of any of the circuits in this state, and the same shall be as effectual as if taken before a presiding justice of some county, within their circuit.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 13, 1830.

#### CHAPTER CIV.

*AN ACT* to alter the time of holding the court of chancery at Franklin, and also that of holding the circuit court of Davidson county, and other courts in this state.

Preamble.

WHEREAS it is represented to this General Assembly, that much inconvenience results from the interference of the sessions of some of the courts in the 4th judicial circuit, and which can be in a great measure remedied by an alteration of the time of holding the chancery court at Franklin, and the circuit court of Davidson—Therefore,

Chancery c't. at Franklin & Davidson Circuit Court—when holden. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the said court of chancery held at Franklin, shall hereafter hold its sessions, on the first Mondays in May and November, in each and every year, instead of the third Mondays in April and October as heretofore, and that the said circuit court of Davidson county, shall hereafter hold its sessions, on the fourth Mondays in May and November, in each and every year, instead of the second Mondays in May and November as heretofore.

SEC. 2. *Be it enacted*, That all process issuing

from either of said courts, shall hereafter be returnable to the times respectively prescribed by this act for holding courts. Process how returnable.

SEC. 3. *Be it enacted*, That it shall hereafter be the duty of all the courts of this state, to hold their sessions in the court houses of the counties respectively, unless it may so happen, that in any county there is no court house, or some other court may be setting therein, in which case the court or courts, appointed to be held in such county, shall have authority to hold their sessions in any other house of the town, which is the seat of justice for such county, that can be conveniently procured for that purpose. Courts to be held in court-houses.

SEC. 4. *Be it enacted*, That the chancery court at M'Minnville, be hereafter held on the fourth Mondays of June and December in each year, and this section go into effect after the first day of June next. Chancery c't. at M'Minnville.

SEC. 5. *Be it enacted*, That the supreme court for the 8th, 9th and 10th circuits, shall be holden at the town of Jackson, in the county of Madison, on the first Monday in March next, and afterwards it shall be holden on the last Monday in December at said place, and said courts shall continue until all the business is done, or until the business of some other court requires the attendance of the Judges, and all process &c. shall be as good to all intents and purposes as if no change had taken place either in time or place. Supreme court for the 8th, 9th and 10th circuits.

SEC. 6. *Be it enacted*, That hereafter the district chancery court, shall be holden at Bolivar, on the second Mondays in March and September for the tenth district, and said court shall be holden for the 8th circuit or district on the third Mondays in March and September in Jackson, and it shall be holden on the fourth Mondays in March and September for the 9th district, in the town of Paris, and so much of the act passed at the present session of the General Assembly, as requires the district chancery court, to set at Bolivar, on the first Monday of May, be and the same is hereby repealed. Chancery c'ts at Bolivar, Jackson and Paris.

SEC. 7. *Be it enacted*, That the supreme court at Jackson, shall proceed to appoint a clerk, and take bond and security as in other cases, and all the cases on the docket at Reynoldsburg, which come up from the aforesaid eighth, ninth and tenth circuits, shall be transmitted by the clerk of said court to

Supreme court at Jackson—its jurisdiction



Jackson, by the said first Monday in March to said court accordingly, and shall be there heard and determined according to law.

SEC. 8. *Be it enacted*, That it shall be lawful for the appellant or appellants from any of the courts of Wayne, Hardin and Perry counties, to take an appeal to the supreme court at Huntingdon, Reynoldsburgh or Nashville at the election of the appellant.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

#### CHAPTER CV.

*AN ACT supplemental to an act passed at the present General Assembly to establish a board of internal improvement for the state, and appropriate one hundred and fifty thousand dollars of the proceeds of the sales of the Hiwassee lands to internal improvement.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That said board of internal improvement shall hold their first meeting on the first Monday in May next; Provided they shall not be convened sooner by the Governor.—And said board is hereby vested with full power and authority to draw from the bank of the State, such sum or sums as may be necessary to defray the necessary expenses of the meeting of said board, and also the expenses of as many Engineers as they may think proper to employ.

When to hold first meeting—expenses how paid.

Subscription books to be opened—duty of justices of the peace; subscriptions how collected.

SEC. 2. *Be it enacted*, That it shall be the duty of said board of internal improvement, or board of managers, as the case may be, whenever they are ready to go to work, to advertise such circumstance in one or more of the newspapers in the district of country where such work is to be done; and it shall be the duty of each justice of the peace in said district, immediately after having knowledge of such advertisement, to open subscription papers for their respective companies, to raise an additional sum for the improvement of the navigation of said rivers, to be applied in said district, except the subscriber

should direct his subscription to be applied to some particular object, and shall be duty of the justices of the peace after receiving the subscriptions of their companies, to make a calculation of the amount subscribed, and report the same to said commissioners as soon as practicable; and it shall be the duty of said commissioners whenever they may find it necessary to use said money, to publish the same in all the newspapers of said district, and the justices of the peace on receiving information that said money is wanting, shall give fifteen days notice at six of the most public places in his company, for the subscriber to come forward and pay up their subscriptions, and if any of said subscribers should fail to pay up their subscriptions at such time and place, it shall be the duty of said justice immediately to issue a warrant and proceed to collect the same as if said subscription were notes of hand, and it shall be the duty of the justices of the peace as soon as they collect any money by virtue of this act, to pay the same over to the clerk of the court of his county, where it shall be subject at all times to the order of said board of internal improvement, to be applied to objects of internal improvement in said district.

SEC. 3. *Be it enacted*, That the county court of Gibson may appoint three discreet commissioners of navigation for said county, who after giving bond and security to the chairman of said court in the sum of five thousand dollars for the faithful performance of their duties and a proper application of the monies, they may proceed to draw out of the hands of the treasurer, or which hereafter comes to his hands, of navigation, all the tax in his hands not appropriated to previous contracts for navigation, and shall apply said monies for the purpose of navigation in said county, in such a way as they may think right.

County court of Gibson to appoint Commissioners their duty.

SEC. 4. *Be it enacted*, That if said treasurer shall fail or refuse to pay to said commissioners said sum or sums of money as may be in his hands, they are hereby authorized to take judgment on motion against said treasurer in Gibson county court, giving fifteen days notice thereof.

Authorized to take judgment against Treasurer, in case of his refusal to pay over certain moneys.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

## CHAPTER CVI.

*AN ACT to provide for surveying entries north and east of the Congressional reservation line, and north of Tennessee river, founded on warrants.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county surveyors in the several counties north and east of the Congressional reservation line, and north of Tennessee, are hereby authorized, and it shall be their duty to survey all entries founded on warrants, and return plats and certificates to the register of the land office of the district to which they belong, and the register shall thereupon issue grants under the same rules, regulations and restrictions as tho' the said surveyors had been made by the surveyors of the district in which such entry was made.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

January 13, 1830.

## CHAPTER CVII.

*AN ACT to establish a system of common schools and to appropriate the school funds of this state.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the funds appropriated by an act of the General Assembly, passed the 12th day of December 1827, be vested and managed as hereinafter directed.

SEC. 2. *Be it enacted,* That it shall be the duty of the several county courts in this state, two thirds of the acting justices being present, at their first or second term of said court, after the first day of January 1830, and in each and every year thereafter, to appoint one commissioner in each captain's company, in each county in this state, and it shall be the duty of the commissioners thus appointed, to meet at their respective regimental muster grounds on the third Saturday in April next, for the purpose of dividing said regiment into school districts of convenient size,

Appropriation of funds.

County efforts to appoint school commissioners—duty of the latter—school districts to be laid off and trustees elected.

taking down the heads of families, or householders in each district upon separate sheets of paper, a list of which shall be given to a justice of the peace living within the bounds of each district, or should there be none in such district, to some other living convenient, whose duty it shall be after giving ten days notice in writing at three of the most public places in said district, to open and hold an election for five trustees, for whom all persons entitled to vote for members to the General Assembly, shall be eligible to vote, who shall hold their appointment twelve months or until others are elected in their place, and shall take and subscribe the following oath, (to wit:) I do solemnly swear, that I will faithfully, diligently and honestly discharge the duties imposed on me by the laws of this state as a trustee for the school district for which I have been elected, to the best of my judgment and ability.

SEC. 3. *Be it enacted,* That it shall be the duty of said trustees, after they have been elected and sworn, to organize themselves into a board, by choosing from among themselves a chairman, clerk and treasurer, and it shall be the duty of the chairman of the several districts in each county, to meet at the court house on the first Saturday in June, in each and every year for the purpose of choosing not less than five nor more than seven discreet and intelligent citizens for common school commissioners for said county.

Duty of Trustees.

SEC. 4. *Be it enacted,* That the common school commissioners, in each and every county, shall take the following oath or affirmation, before the chairman of the county court or some acting justice of the peace, to wit: I do solemnly swear that I will faithfully, honestly, diligently and impartially perform all and every of the duties required of me by the laws of this state, as a common school commissioner, to the best of my skill and ability.

Oath of the commissioners.

SEC. 5. *Be it enacted,* That the county common school commissioners, shall have control of all the monies, books, specialties and papers, now in the bank agencies in their respective counties, as well as all other common school money that may be directed by law to be appropriated to that purpose in the county, and said commissioners shall so soon as they have qualified as directed in this act, appoint a clerk who shall also act as treasurer, and of whom they shall re-

Commissioners to have control of all the funds—to appoint a clerk; duty and oath.

quire bond and security payable to said commissioners and their successors in office, in an amount double the sum appropriated to the county, and who shall have the possession of all the monies, books and papers belonging to said board of commissioners for the county, and shall receive fifty dollars for his services; and shall take the following oath, that is to say, I do solemnly swear, that I will keep a faithful record of all the proceedings of the board of commissioners for my county, and at each stated meeting of said board, I will lay before them a full, fair and honest statement of all notes, monies, specialties or papers belonging to the common school fund for my county; and that I will honestly and faithfully pay over any of said monies whether of principal or interest, as directed by the board; and in all things, I will faithfully and honestly discharge my duty as clerk to said board as required by law, to the best of my skill and abilities.

To elect a chairman—his power and authority.

SEC. 6. *Be it enacted*, That said board of common school commissioners, so soon as they have organized their board as before required, shall of their body elect a chairman in whose name all notes, bonds, and powers of attorney, shall be taken and made payable in the same manner, as they now are taken and made payable, to the president of the bank of the State of Tennessee, and the said chairman, shall have the same power, and the same duty, is hereby required of him in confessing judgment on any note, for any debt due, that the president of the bank of the state has, possesses or is required of him, under the charter of said bank.

Bank Agents to pay over all moneys, notes &c. to Comm.

SEC. 7. *Be it enacted*, That so soon as the board of common school commissioners in any county, shall have organized as required and directed, and certify the same to the president and directors of the bank of the state, it shall be the duty of the said president and directors, immediately to certify to such board of commissioners, the amount their county agent is chargeable with, as also an order to such bank agent to deliver and pay over to said commissioners, all books, papers, notes and monies in his hands as agent, whether the same is principle or interest, and said commissioners shall by their clerk aforesaid, receipt to such agent therefor, which receipt shall be a good voucher to such county bank agent, in his settlement with the bank, and any a-

gent who shall fail or refuse to make settlement or payment as herein required, it shall be the duty of the bank directors immediately to remove such agent and bring suit, or use any other means to compel a compliance with the true intent and meaning of this act.

SEC. 8. *Be it enacted*, That the common school commissioners, shall meet semi-annually and direct and superintend the collections of the interest and calls, to the renewing of the notes, bonds and powers of attorney, and to releasing the calls and other monies to be loaned, under the same rules and in the same manner as the bank agents, under the charter of the bank have heretofore done.

Commissioners to meet semi-annually.

SEC. 9. *Be it enacted*, That the interest arising on the monies hereby appropriated, the tax on the twelve and a half cents land and one cent lands, and any other tax fines or contributions directed by law to be paid to said commissioners, arising in the county, shall and is hereby considered a fund for annual distributions amongst the school districts as herein directed in said county.

Annual fund of distribution.

SEC. 10. *Be it enacted*, That the common school commissioners, shall apportion and divide the annual school fund raised as aforesaid, for distribution to the several school districts, which are entitled to a share by complying with the requisitions of this act, in proportion to the number of children in each school district, between the ages of five and fifteen years, including both sexes.

To be divided among the several districts.

SEC. 11. *Be it enacted*, That any school district laid off as directed by this act, before it shall be entitled to any part or portion of the annual fund for distribution, shall by some evidence satisfactory to the common school commissioners, show such commissioners that said district has provided a comfortable school house, and the trustees of said school district shall also give bond to said commissioners, in the name of the chairman, conditioned that such sum so raised by the district as also the amount of the annual school fund they may receive, shall be faithfully and honestly applied to the support of a free school in said district, and it shall be the duty of each trustee in every district, to open and keep a subscription paper and solicit and receive donations which shall be appropriated to the support of the school of the district.

Duties to be discharged by the districts before receiving their proportion.



Sec. 12. *Be it enacted*, That common school commissioners upon application, and by consent of a majority of the trustees, of any two or more school districts interested therein and adjoining, may alter the lines of such districts by striking any one or more families from one and annexing them to the other, or may lay off and make an entire new district, should the wishes good or convenience of the neighbourhoods or adjoining districts require it, the said commissioners shall have power to settle or decide any matter of controversy arising in districts or between districts, upon an appeal to them, and between the trustees and teacher, trustees and scholars or between districts, for any other cause not enumerated herein relating to matters concerning the common schools.

How districts  
may be altered

Sec. 13. *Be it enacted*, That the trustees of each school district, for the purpose of carrying into effect the intention of this act, shall be hereby considered and constituted a body politic and corporate, and shall have power to sue and be sued, hold and receive property by purchase, donation or devise, to sell and convey any property or estate in perpetual succession for the use and to the interest of such school district, but for no other purpose.

Power and authority of the  
Trustees.

Sec. 14. *Be it enacted*, That the trustees of each district shall have the full and sole power to employ teachers, judge of their qualifications, capacity and character, and a majority agreeing, they shall have power to dismiss their teachers for neglect of duty, want of qualifications, tyranny or any other cause which may be deemed sufficient, and said trustees shall have power, two thirds agreeing thereto, to expel any one of their board for any immoral, irregular or improper conduct, and supply his place by appointing another, who shall have and exercise all the powers and privileges of other trustees until the next annual election.

To employ  
Teachers and  
dismiss them  
when necessary.

Sec. 15. *Be it enacted*, That the common school commissioners, shall number the school district in each county, and divide said district into five equal parts, or as nearly so as practicable, and assign to each one of their own body one of said divisions, who shall visit each school in said division at least once in each year, and examine into the situation and condition of said schools, and the progress the scholars are making, and the branches taught.

Duty of Comm  
in dividing the  
districts.

Sec. 16. *Be it enacted*, That it shall be the duty of the trustees of each school district, to report to the common school commissioners once in each year, the situation of the school under their direction; which report shall specify the salary or wages paid the teacher; the number of months the school is kept up; the number of scholars taught; in what branch of education instructed, and the average price given for tuition each month per scholar.

Trustees to re-  
port annually  
to commission-  
ers.

Sec. 17. *Be it enacted*, That it shall be the duty of the common school commissioners, to report annually before the 1st day of September, in each year to the secretary of state, the amount of the principal of the school fund in their county, the amount of profits from interest, taxes, fines and every other source that has come into their hands, the disbursement made, and how made, the number of schools kept up, and of scholars in each, the whole number in the county, the length of time each school is kept up, the amount paid each teacher, the branch taught, and the number of scholars taught in each branch of education, the average price of tuition throughout the county, what districts have failed to organize a school, and if any one district has excelled all others, it shall be their duty to report the names of the trustees, and in what such school has excelled. The commissioners shall also make a condensed report of the schools in their county, and also make any and such suggestions to the General Assembly, of alteration and amendment in the common school system, as experience and observation may suggest, which report shall be made to every session of the General Assembly.

Commission-  
ers to report  
annually to le-  
gislatore.

Sec. 18. *Be it enacted*, That the entry takers in each county, shall, on or before the first day of April next, furnish to the clerk of the county court, a list of all entries made in the county, at twelve and one half cents, and one cent per acre, in whose name entered, and of the number of entry and acres; and said clerk upon application of the common school commissioners shall furnish to such commissioners, a copy of such list, as also an estimate of tax on each tract.

Duty of entry  
takers.

Sec. 19. *Be it enacted*, That the common school commissioners, shall be entitled to receive through their clerk from all clerks, collectors or other officers, or persons, any moneys raised by any means

Commission-  
ers to receive  
all moneys.

whatever, which by law is directed to be paid for the support of schools, and any officer or person, collecting or receiving the same, is hereby directed to pay the same as directed in this section.

**Sec. 20.** *Be it enacted,* That as soon as the census is taken, by and under the authority of the laws of the United States, the president and directors of the bank of the State of Tennessee, shall estimate what proportion of money each county is entitled to, upon a basis of free white population, when compared with the whole amount of the money in said agencies, as well as the available funds in the bank, which was by the act of 1837, vested in common schools, and said president and directors shall cause the same to be equalized and apportioned according to said basis, and if there should not be a sufficient sum of available funds in the bank, which has been vested in common schools, to equalize the apportionments to the respective counties as aforesaid; then, it shall be the duty of the president and directors to call in from those counties, which have more than their proportion and add it to those which have not their proportion, until the equalization takes place.

**Sec. 21.** *Be it enacted,* That the clerk of each board of trustees shall keep a book, in which he shall record all monies received, whether by tax, donation or contribution, and if by donation, the name of the donor, all which he shall annually and specifically report to the common school commissioners.

**Sec. 22.** *Be it enacted,* That the president and directors aforesaid, shall apportion the amount due to the counties of Davidson and Knox, according to the basis aforesaid, out of the amount of monies loaned in said counties.

**Sec. 23.** *Be it enacted,* That the common school commissioners in each county, may expend the sum not exceeding twenty dollars annually of the annual school fund in the purchase of school books and writing paper, which they shall distribute to the several districts, according to the supposed necessities of the districts, and which shall be given by the trustees to those children whose parents are unable to purchase books for them.

**Sec. 24.** *Be it enacted,* That it shall be the duty of the trustees of the several school districts, so far as practicable to induce all children within the dis-

trict, under the age of fifteen years to be sent to school, and no distinction shall be made between rich and poor, but said school shall be open and free to all, that said trustees shall have full power, to guard the morals, manners and habits of the scholars, and shall have power, and it is hereby made their duty, to suspend or expel any scholar when in their opinion the good of the school requires it.

**Sec. 25.** *And be it enacted,* That it shall be the duty of the trustees of such district, as do not keep up a school during the whole year, to arrange the school in such way, that it will be in operation at the most leisure season of the year, and at such time as will be most convenient for the children of the neighborhood to go to school.

**Sec. 26.** *Be it enacted,* That the provisions of this act which requires the bank agents in the several counties to hand over the money and notes of the bank of the State of Tennessee, be suspended until the meeting of the next general Assembly, and the same provisions may be repeated, if believed to be advisable by said Legislature.

**Sec. 27.** *Be it enacted,* That the bank agents in the several counties in this state, shall pay over the interest on all bank monies or notes to the common school commissioners in the several districts in this state, as soon as the school commissioners be organized, who shall pay out the same and manage it as directed by this act.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

January 14, 1830.

# INDEX

## TO THE PUBLIC ACTS OF 1829--30.

	PAGE.
ABUSE of Female child—c 23, s 15,	29
Punishment for, ib.	
Absentees—from militia musters, not to be noted in certain cases, c 17, s 2,	19-20
Academies—county—trustees of to be prosecuted on their refusal to settle with commissioners, c 11, s 1,	13
fund to be apportioned among, c 67, s 1,	96
trustees of to give bond and security for proper application of funds, ib s 3,	
moneys of may be loaned out by trustees, ib s 6,	97
in this state may receive half a township of land in Cherokee country in lieu of their claims on the citizens south of French Broad and Holston, c 47, s 2,	81
Academy Fund—to be equally apportioned among the different counties, c 67, s 1,	96
at what rate to be apportioned, ib s 3,	
not to be drawn without trustees giving bond and security, ib s 4,	
to be paid over by treasurer of E. T. to bank of the state at Nashville, c 92, s 1,	119
to be distributed in proportion, ib s 2,	120
Accessaries—before the fact, c 23, s 63,	41
after the fact, ib s 64,	
to certain crimes, punished, ib s 67,	42
Act of Assembly—12th chapter of 1825 revived, c 82, s 1,	112
Actions—may be joint or several, when brought in this state, on judgments obtained in another state, c 66, s 1,	95
for malicious prosecution, shall not be prosecuted under the provisions of a certain act, c 88, s 1,	117
Administrators—to pay to guardians &c. who reside in other states, c 6, s 1,	7



- not liable to suit in six months after qualification.  
c 57, s 1, 80  
need not answer the same if commenced, ib s 2.
- Advertisement of strays—to be made at the court house  
the 1st day of each term of county court, c 37, s 6 51  
to be made in newspaper 3 times weekly, and to  
contain particular description, ib s 7,  
compensation for, ib.  
money for, to be deposited by the taker up, with  
the ranger, ib.
- Agents of the Bank, to pay over the interest of all bank  
moneys to common school commissioners, c 107, s 18, 145
- Anderson county, may have quorum courts, c 20, s 2, 21-22  
compensation to quorum justices, ib. 22  
suits at law may be taxed to defray expenses of  
ib s 3, 22  
county tax may be laid to defray expenses of, ib.
- Appels—from courts of Carter, Sullivan, Hawkins,  
Greene and Washington counties, to be taken to  
supreme court at Jonesboro', c 8, s 1, 10  
may be taken from judgment of justices in actions  
for damages, c 24, s 1, 46  
from *Maury county court*—transcript of record to  
be filed in 5 days in certain cases, c 25, s 3, 47  
party obtaining—to justify security, or give other,  
on cause shewn by adverse party, c 33, s 2, 52  
may not be returned by justices where suits have  
been compromised, c 33, s 5 53  
from circuit court of Marion and Blédsœ, return-  
able to supreme court at Sparta, c 46, s 2, 79  
(see c 48, s 2, p 82.) 85  
not allowed from judgments confessed, c 50, s 3, 98  
in cases of roads and ferries not to operate as a  
supersedeas, c 70, s 1,  
duty of county courts in such cases, ib. 135  
in nature of writs of error, to be decided on their  
merits, c 103, s 2, 138
- Appellants—from courts of Wayne, Hardin and Perry,  
privileges of, c 104, s 8, 50
- Appraisement of strays, to be by two freeholders, uncon-  
nected with the taker up, on oath, c 37, s 2, 6  
Appropriation—for building Penitentiary, c 5, s 6, 6-7  
to be drawn by warrant from Governor, ib s 7,
- Arson—when murder is committed in perpetration of,  
c 23, s 3, 27  
defined, ib s 9, 28  
punishment of, ib s 10,

- when committed in city, ib s 11,  
other descriptions of, ib s 12,
- Assaults—costs in civil actions founded on, not to exceed 3  
damages in certain cases, c 1, s 1, 39  
with attempt to murder, c 23, s 52,  
punishment of, ib. 39  
with attempt to commit rape, ib s 53,  
punishment of, ib.  
with attempt to commit robbery, ib s 54,
- Assignees—of purchasers of land in Hiwassee District  
must have been bona fide claimants, previous to  
21st September 1829, to entitle them to discount,  
c 40, s 2, 75  
of occupants south and west of Congressional line,  
may have their assignments proven and filed, c 42,  
s 1, 76  
entitled to the plat and certificate of occupant  
surveys, ib. 77  
of fractions of Hiwassee land, entitled to grant on  
shewing a receipt for payment of the same, c 64,  
s 1, 94  
of enterers of land in Hiwassee, to file entries with  
register within nine months, c 89, s 1, 117-118
- Attachments—in chancery, may be granted by circuit  
judges, c 44, s 1, 78
- Attorney General—duty of in prosecuting delinquent en-  
try takers, c 7, s 1, 2, 3, 4, 5, 8-9-10  
fees of for prosecuting entry takers, ib s 4, 5, 9-10  
to prosecute trustees of county academies in cer-  
tain cases, c 11, s 1, 13  
made guilty of a misdemeanor on failure to prose-  
cute, ib s 2, 13-14  
fees for prosecuting trustees, ib. 13  
no security required of for prosecuting trustees,  
ib s 4, 14  
disqualified for office by gaming, c 21, s 1, 22  
not to speculate in county claims, c 28, s 1, 49  
subject to indictment for so doing, ib.  
to be fined, ib.  
duty of enjoined, ib. 77  
to commence suits for all escheats c 43, s 1,  
to prosecute for all illegal sales of lottery tickets,  
c 73, s 3, 101  
his tax fee in such case, ib s 4, 102  
not entitled to tax fee where grand jury returns  
"not a true bill" c 100, s 4, 131  
fee of in cases of misdemeanors, ib s 5, 132

BANK of the State—\$25,00 of the funds of appropriated for a Penitentiary, c 5, s 6,	6
President of, not allowed tax fees on judgments confessed, c 39, s 1,	74
to distribute academy monies in proportion, c 92, s 2,	120
President and Directors of, to equalize the loans among the counties of this state, c 65, s 1,	94
to apportion the academy fund, c 67, s 1,	96
to deduct all sums heretofore paid, ib. s 2,	
to follow the directions of the acts of 1825-6-7, ib. s 3,	
Cashier of, to be elected by the legislature, c 65 s 2,	95
his compensation, ib.	
may be removed by President and Directors, ib. s 3	
to give bond, ib. s 4	
what sort of a bond to give, c 71, s 2,	100
special court appointed to try certain causes of c 95, s 3,	122
powers, duty and jurisdiction of, ib.	
[see court special]	
Private—tax of, c 95, s 2,	121
Battalion—masters of—absentees from not to be noted in certain cases, c 17, s 2,	19-20
Bigamy—defined, c 23, s 16,	29
punishment of, ib.	
Bill—in Chancery—party filing, to justify security, or give other, on cause shewn by adverse party c 33, s 3	52
Bills of Exchange—protested—act concerning, c 14	15
damages on, when drawn on any person in the U. States, ib. s 1	15-16
when drawn on any person in any other place in N. America, bordering on the gulph of Mexico, or in the W. I. Islands, ib.	16
when drawn on any person in any other part of the world, ib.	
to be in lieu of interest and all other charges except cost of protest, ib. s 2	
previous act for ascertaining damage on, repealed—ib. s 4,	
Bledsoe county—appeals from circuit court of, returnable to supreme court at Sparta, c 46, s 2,	79
(see c 48, s 2, p 82.)	
Board of Internal Improvement—how constituted c 75 s 1,	103

powers of, ib. s 3,	104
salaries of, ib. s 4,	
to appoint engineer, ib. s 5	
may be convened by Governor, ib. s 6,	
may establish bye-laws, ib. s 7,	
to keep a record of their proceedings, and report the same to the legislature, ib. s 8,	105
when to hold their first meeting, c 105, s 1,	138
may draw on the treasurer, ib.	
duties of, in opening books of subscription, ib. s 2,	
Bolivar—Chancery court, to be holden at c 52, s 2,	86
when held, c 104, s 6,	137
Books—Public—penalty for detaining, c 101, s 3,	133
for destroying, or erasing out of, ib. s 4	
Bribery—defined, c 23 s 44	37
punishment of, ib.	
ib. s 45,	37-38
Brown John—entitled to a certain grant, c 97, s 3	127
Buggery—punishment of, c 23, s 17,	29-30
Burglary—when murder is committed in perpetration of, c 23, s 3	27
defined, ib. s 19,	30
punishment of, ib.	
CARROLL COUNTY—may have Quorum court, c 20 s 2,	21-22
compensation to Quorum Justices, ib.	
suits at law may be taxed to defray expenses of ib. s 3,	
county tax may be levied to defray expenses of, ib.	
Carter county—appeals from courts of, to be taken to supreme court at Jonesboro, c 8, s 1,	10
Carthage—Chancery court, when holden at, c 103, s 3,	135
Cashier—of the bank of the state, how elected, c 65, s 2	95
vacancy by death of, to be filled by directors, ib. s 3,	
may be removed by directors, ib.	
to give bond, ib. s 4,	
to give bond with security for the faithful performance of his duty, c 7, s 2,	100
Cattle—not to trespass on islands in Tennessee river c 31, s 1,	51
Censors—boards of, to be elected by Medical Society, c 80, s 7,	109
to hold appointment for one year, ib. s 8,	109-110
to meet semi-annually, ib.	110
to examine candidates for practice, ib.	
to grant license, ib.	

fine for refusing to examine candidates, ib. s 10.	
may grant temporary license, ib. s 13.	
Certificates—of interference may be adjudicated before July 1st, 1830, c 22 s 1	23
entries may be made on by occupants in preference, ib. s 3,	24
for 25 acres, not before appropriated, may be entered, ib. s 5,	
general entries may be made on, after January 1st 1831, ib. s 6,	
entries on forever barred after August 1st 1831, ib. s 12,	26
Certiorari—writs of, to issue only for the amount shewn to be in error, c 16, s 1,	18
made returnable to either county or circuit court—ib. s 2,	19
party obtaining, to justify security or give other, at any time pending the suit, on cause shewn, c 33, s 2,	52
Chancellors—may make rules of practice, c 103, s 1,	135
Chancery court—time of holding in Greenville, c 27, s 1,	48
in Kingston, ib. s 2,	
in M'Minnville, ib. s 3,	90
in Franklin, c 59, s 3,	107
transfer of causes from to supreme court, c 79, s 2,	
at Rogersville, to proceed on unsatisfied judgments from supreme court at that place, c 86, s 1, 115-116	
powers of prescribed, ib.	
Chancery district—composed of the 10th judicial circuit c 52, s 2,	86
court of, to be held at Bolivar, ib.	112
Chapter—12th of 1825, revived, c 82, s 1,	
Challenges—thirty-five allowed in cases of felonious homicide, c 23, s 75,	43-44
twenty-four for other offences, ib.	
five peremptory, allowed in all criminal offences under the grade of Petit Larceny, c 55, s 1,	88
Children—three, or more, born at one birth, to have 200 acres of land in the Western District, c 69, s 1,	98
surveyors to lay it down on the general plan, ib. s 2,	
land to be considered an occupant claim, ib. s 3.	86
Circuit—10th judicial, established, c 52, s 1,	
to constitute a chancery district, ib. s 2,	
8th judicial, Henderson and Perry attached thereto, ib. s 3,	
11th judicial established, ib. s 4,	
Judges of, to be appointed, ib. s 5.	

Circuit Courts—of Monroe county when held, c 3	4
duties of in prosecuting delinquent entry takers, c 7, s 1, 2, 3, 4 and 5,	8-9-10
executions levied on real estate made returnable to, c 12, s 1,	14
writs of supersedeas &c. may be made returnable to, c 16, s 2,	19
to have sole cognizance of all offences punishable by confinement in Penitentiary, c 23, s 80,	45
of Davidson county, to have jurisdiction of all indictable offences committed by convicts in Penitentiary, c 38, s 30, 31,	71-72
of Bledsoe and Marion, appeals from returnable to the supreme court at Sparta, c 46, s 2,	79
(see c 48, s 2, p 82.)	
of Madison county, when held, c 48, s 1,	82
of Fentress and Overton counties, when and where holden, c 59, s 1,	90
special, grand juries may be empanelled at, c 77, s 1,	106
causes may be transferred from to chancery court, c 79, s 1,	107
to decide writs of error, and appeals in nature of writs of error upon their merits, c 103, s 2,	135
of Davidson, when to be holden, c 104, s 1,	136
Clerks of—to furnish copies of certain executions to superintendent of Penitentiary, c 23, s 81,	46
may be indicted for failure of duty, ib.	
Judges of—may grant writs of <i>ne exeat</i> , injunction &c. and have concurrent jurisdiction to issue such process, c 44, s 1,	78
may grant injunctions and other extraordinary equity process on bills to be filed in courts of chancery, c 91, s 1,	118-119
Civil Actions—plaintiffs in, not to recover more costs than damages, in cases founded on assaults &c. c 1, s 1,	3
Clerks, of county and circuit courts—duty of respecting ferriages and tolls of jurors, c 4, s 1,	5
deputy—may be proceeded against on motion by principal for default, c 41, s 1,	76
liable to judgment on motion by any person for money by them collected and retained, ib.	
of circuit courts—to pay over monies collected from entry taker to the bank agent, c 7, s 2,	9
to furnish copies of certain executions to superintendent of Penitentiary, c 23, s 81,	45

may be indicted for failure of duty, ib.	
to be appointed for the supreme court at Jonesborough, c 8, s 2,	10
compensation of, ib.	10-11
of Smith county court—duty of, c 9, s 3-5,	11-12
disqualified for office by gaming, c 21, s 1,	22
shall not speculate in county claims, c 28, s 1,	49
penalty for so doing, ib.	
may have judgment on motion against deputies and their securities for default of the former c 41, s 2	76
to license clock peddlers, c 62, s 1,	93
to bring suit against delinquents, ib. s 2,	
to account for all moneys thus collected, ib. s 3,	91
of supreme court, to file all opinions, c 60, s 2,	93
Clock peddlers—to pay \$25 for license, c 62, s 1,	
penalty for refusing to pay the same, ib. s 2,	
Coins—respecting the counterfeiting or adulterating of, c 23 s 39,	36
College—East Tennessee, may accept one fourth of a township of land in the Cherokee country in lieu of claims on citizens south of French Broad and Holston, c 47, s 1,	81
Collectors—shall not speculate in county claims, c 28, s 1,	49
penalty for so doing, ib.	
of the state tax, to pay over one half to county trustee, c 72, s 1,	100
Common schools—lands at tax sales to be bid off for the use of in certain cases, c 54, s 1,	87
fund for use of, how managed, c 107, s 1,	140
commissioners of to be appointed, ib. s 2	
trustees to be elected, ib.	
duty of, ib. s 3,	141
commissioners to take oath, ib. s 4,	
to control funds and appoint a clerk, ib.	
to elect a chairman, his power and duty, ib. s 6,	142
to receive funds from bank agents, ib. s 7,	
to meet semi-annually, ib. s 8,	143
to apportion the funds, ib. s 10,	
may alter the school districts, ib. s 12,	144
power and authority of the trustees, ib. s 13,	
to employ teachers, ib. s 14,	
division of the districts, ib. s 15,	
trustees to report to commissioners, ib. s 16,	145
commissioners to report to Legislature, ib. s 17,	
commissions to receive all moneys, ib. s 19,	
President of the bank to apportion the fund ib. s 20	146
clerk to keep a record of proceedings, ib.	

counties of Davidson and Knox, ib. s 22,	
commissioners to purchase books and papers, ib. s 23	147
further duty of commissioners, ib. s 24	
trustees to arrange schools at the most convenient seasons, ib. s 25,	
suspension of the 7th section of this act, ib. s 26,	
bank agents to pay over interest of money in their hands, ib. s 27,	
Commissioners—appointed by county courts, to examine books &c. of entry takers, north and east of Congressional reservation line, c 7, s 1,	8
duty of in case of refusal to produce books, ib.	
to settle with entry taker annually and report to circuit court, ib. s 3,	9
compensation for services, ib. s 4,	
to settle with trustees for county academies c 11, s 1	13
of Penitentiary, to be elected by General Assembly, c 5, s 3,	6
to select site within two miles of Nashville, and take deed to Governor, ib. s 2	5
vacancies of, how filled, ib. s 2,	6
to take oath, ib. s 4,	
compensation to, ib. s 5, and c 10, s 2,	13
to procure the most approved plan of building from other states, c 10, s 1,	12
majority of to approve plan, ib.	
to superintend the erection of the building, ib	13
of school lands, their compensation, c 94 s 1	120
of navigation for Gibson county, how appointed c 105, s 3,	139
duty of, ib.	
of common schools, to be appointed, c 107, s 2	140
to take oath, ib. s 4,	141
to have control over funds & to appoint a clerk ib.	
to elect a chairman, his power and duty, ib. s 6,	142
to receive funds from bank agents, ib. s 7,	
to meet semi-annually, ib. s 8,	143
to apportion funds, ib. s 10,	
may alter school districts, ib. s 12,	144
to report to Legislature, ib. s 17,	145
to receive all monies, ib. s 19,	
to purchase books and papers, ib. s 23,	146
further duty of, ib. s 24,	147
of land claims, to file certain claims for adjudication till July first 1830, c 22, s 1,	23
to issue warrants and certificates, ib.	
Company masters—absentees from, not to be noted in	



- certain cases, c 17, s 2,  
 Compensation—to jurors for ferriages, c 4, s 1,  
 to commissioners of Penitentiary, c 5, s 5,  
 and c 10, s 2,  
 to commissioners for settling with entry taker c 7, s 4  
 to clerk of supreme court at Jonesboro', c 2, s 2, 10-11  
 to justices of quorum court of Smith county c 9, s 2 11  
 of Fentress county, c 20, s 2 22  
 of Carroll county, ib.  
 of Gibson county, ib.  
 of Dyer county, ib.  
 of Knox county, ib.  
 of Anderson county, ib.  
 of Obion county, ib.  
 of Henderson county, ib.  
 of judges and officers of special court connected  
 with the bank of the state, c 95, s 3 124  
 to attorney general, for prosecuting entry takers,  
 c 7, s 45, 9-10  
 for prosecuting trustees of county academics c 11 s 3 13  
 to the cashier of the bank of the state, c 65, s 2 95  
 to public printer, c 83, s 4, 113  
 not allowed for extra copies of public laws, ib. s 3  
 for distributing acts of Congress, ib. s 6,  
 to commissioners of school lands, c 94, s 1, 120  
 Congressional reservation line—further time given to  
 make surveys, &c. on certain entries north and  
 east of c 2, s 1,  
 two years longer allowed for surveying plats and  
 certificates on entries south and west of, c 19 s 1,  
 preference of entry allowed to occupants south  
 and west of, c 22, s 2,  
 Conspiracy—to prosecute, punishment, c 23, s 66,  
 Constables—to return executions levied on real estate to  
 the office of the justice who issued it, c 12, s 1,  
 may be ruled to give counter security, c 15, s 1,  
 how securities of may obtain release, ib.  
 disqualified for office by gaming, c 21, s 1,  
 not to speculate on county claims, c 28, s 1,  
 penalty for so doing, ib.  
 to have an allowance for keeping live stock levi-  
 ed on, c 56, s 1,  
 Contribution—goods and chattels advanced by ancestor  
 to any child, to be brought into on partition of the  
 real estate, c 36, s 1,  
 Convicts—see article "Penitentiary,"  
 Coroner—not to speculate in county claims, c 28, s 1,

- penalty for so doing, ib.  
 to have an allowance for keeping live stock levied  
 on, c 56, s 1, 88  
 Corporation—what shall be evidence of, c 23, s 70, 42  
 Costs—not to exceed damages in certain cases, c 1, s 1, 3  
 to be entered against securities in certain cases,  
 c 15, s 3, 18  
 security for, required of plaintiff in certain cases,  
 c 16, s 13, 19  
 to be paid by register, ranger, constable, trustee,  
 or guardian, when removed or ruled to counter  
 security, c 15, s 3, 18  
 execution to issue for on continuance of suit, c 33, s 4 53  
 of suits in criminal cases, how paid, c 34, s 1, 53-54  
 state not to give security for, in suits for the reco-  
 very of escheats, c 43, s 2, 77  
 on judgments confessed before suits brought to be  
 confined to clerk's fees, c 50, s 1, 84  
 in cases under the grade of petit larceny where  
 defendant is acquitted, c 100, s 1, 131  
 fees of officers in such cases, ib. s 2,  
 prosecutors, in cases of misdemeanors, not enti-  
 tled to compensation, ib. s 3,  
 where grand jury returns "not a true bill" ib. s 4  
 attorney general's fee in misdemeanors where  
 county pays the cost, ib. s 5, 132  
 Counterfeiting—defined, c 23, s 31, 32-33  
 punishment of, ib. 34-35  
 instruments for, not to be made, ib. s 36,  
 not to be kept in possession, ib.  
 punishment for making or keeping, ib.  
 paper for, or instruments for making it, not to be  
 made or kept, ib. s 37, 35-36  
 Coin—law concerning, ib. s 39, 36  
 punishment for, ib.  
 Counterfeit—Notes, bills, &c. not to be kept in posses-  
 sion, c 23, s 32-33, 33-34  
 punishment for, ib.  
 letters or false tokens, punishment for using, c 23, s 50 38  
 Counties—chargeable with ferriages or tolls incurred  
 by jurors legally summoned, c 4, s 1, 45  
 of Monroe, time of holding circuit court of c 3 4  
 of Carter,  
 Hawkins,  
 Sullivan,  
 Greene,  
 Washington, } appeals from courts of to be taken  
 to supreme court at Jonesboro',  
 c 8, s 1, 10

Franklin—registration of certain deeds and instruments ib. made valid, c 13, s 1,	15
of Fentress, Carroll, Gibson, Dyer, Knox, Anderson, Obion, Henderson, } May have quorum courts, c 20, s 2,	21
compensation to quorum justices, ib.	22
suits of law may be taxed to defray expenses of, ib. s 3,	
tax may be levied to defray expenses of, ib.	
of Maury,—time of holding circuit courts in, changed, c 25, s 2,	46
Time of holding county courts in, changed c 25, s 3,	46-47
of Davidson, circuit court of, to have jurisdiction of all indictable offences committed by convicts in Penitentiary, c 38, s 30-31,	71-72
time of holding circuit court, c 104 s 1,	136
of Bledsoe, } appeals from circuit court of, return- Marion, } able to supreme court at Sparta c 46	49
s 2,	
annexed to district of supreme court at Sparta c 48, s 2,	82
of Madison, circuit of, when holden, c 48, s 1,	82
of Roane, } Islands in Tennessee River in, may be Rhea, } entered, c 49, s 1,	83
entry takers in, to open offices for entry of, Jan. 1st 1830, i. b.	
surveyors in, duty of, ib. s 2,	
of Perry, } attached to the 8th judicial cir- Henderson, } cuit, c 52, s 2,	86
of Fentress, } circuit courts of, when and where Overton, } holden, c 59, s 1	90
where supreme, chancery and circuit courts are holden, to furnish fire and water, c 71 s 1,	99
of Lincoln, may have quorum court, c 102, s 1	134
of Giles, may have quorum court, ib. s 2,	
of Dyer, } time of holding county court, c 102 s 3 Obion, }	134
of Williamson, session of county court of, ex- tended, c 102, s 4	135
of Wayne, } privileges of appellants from courts Hardin, } of, c 104, s 8.	138
Perry, }	

County claims—county officers shall not speculate on, c 28, s 1,	49
penalty affixed, ib.	
County court—executions levied on real estate made returnable to, c 12, s 1,	14
writs of supersedeas, &c. may be made returnable to, c 16, s 2,	19
of Fentress, Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson counties, may elect three Justices to hold quorum court, c 20, s 1-2,	21-22
may establish quorum courts in any county in the state, c 25, s 1,	46
to elect rangers when vacancies occur, c 37, s 1,	56
to make allowance to school commissioners, c 19, s 1,	120
may lay tax to build jails and court houses, c 9, s 1,	130
of Lincoln, may establish quorum court, c 102, s 1,	134
duty of, in controversies about roads and ferries, c 70, s 1,	99
of Giles, may establish quorum court, ib. s 2,	
of Dyer—when to be holden, ib. s 3,	
of Obion—when to be holden, ib.	
of Williamson—session extended, ib. s 4,	135
of Maury county—time of holding changed, c 25, s 3,	46-47
transcript of record of, to be filed in certain time in certain cases, c 25, s 3,	47
of Gibson—to appoint commissioners of navigation, c 105, s 3,	139
duty of commissioners, ib.	
of treasurer, ib. s 4.	
of Western District—may appoint overseers and hands to clear out the rivers, c 52, s 1,	87
County Drill—law authorizing and requiring them repealed, c 17, s 1,	19
County Surveyors—in 2nd and 3rd surveyor's district, to survey entries, c 81, s 2,	111
duty of, c 85, s 3,	114
duties of where certain entries extend to two counties, c 87, s 1,	116
north and east of Cong. res. line, duty of, c 106, s 1	140
County Trustee—may be ruled to give counter security, c 15, s 1,	17
how security of may obtain release, ib.	
shall not speculate on county claims, c 28, s 1,	49
penalty for so doing, ib.	
to institute suit against takers up of strays who are about to leave the county, c 37, s 5,	57

to receive one half the appraisement of all strays after the expiration of 12 months, provided the same be not proven away within that time, ib s 8, to commence suits against all delinquents for the same, ib.	58
to have credit for all sums due on account of strays that cannot be collected, ib s 19,	60
Court—shall render judgment against ranger, register, constable, trustee or guardian for costs when removed or ruled to counter security, c 15, s 3,	18
duty of with regard to slaves directed to be set free by last will of owner, c 29, s 1,	49-50
having jurisdiction to partition real estates, vested with power to carry the provisions of the act of 1829, c 30, into effect, § 36, s 2,	55
duty of in sentencing convicts to the Penitentiary, c 38, s 1,	61
to allow jurors confined more than one day on criminal causes their necessary expenses, c 45,	79
to decree partition of lands to locators, c 84, s 1,	114
to be holden in court houses, c 104, s 3,	137
houses—taxes for building may be laid by county court, c 99, s 1,	130
courts of this state to hold in, c 104, s 3,	137
of chancery—time of holding in Greenville, c 27, s 1,	48
time of holding in Kingston, ib s 2,	86
time of holding in M'Minville, ib s 3,	90
to be holden at Bolivar, c 52, s 2,	135
at Franklin, when holden, c 59, s 3,	136
at Carthage, when holden, c 103, s 3,	137
at Franklin, when holden, c 104, s 1,	4
at M'Minville, when holden, c 104, s 4,	8-9-10
at Bolivar, ib s 6,	107
at Jackson, ib.	11
at Paris, ib.	135
circuit—of Monroe, when held, c 3,	19
duties of in prosecutions against delinquent entry takers, c 7, s 1-2-3-4-5,	45
transfer of causes from, to chancery court, c 79, s 1,	
executions levied on real estate made returnable to, c 12, s 1,	
to decide writs of error and appeals in the nature of writs of error upon their merits, c 103, s 2,	
writs of supersedeas may be made returnable to, c 16, s 2,	
to have sole cognizance of all offences punishable by confinement in Penitentiary, c 23, s 80,	

time of holding in Maury county changed, c 25, s 2,	46
of Bledsoe and Marion, appeals from, returnable to the supreme court at Sparta, c 46, s 2,	79
(see chap. 48, s 2, p 82.)	
of Madison county, when holden, c 48, s 1,	82
of Fentress county, when and where holden, c 59, s 1,	90
of Overton county, when and where holden, ib.	
all process to be returned accordingly, ib s 2,	
of Davidson county, to have jurisdiction of all indictable offences committed by convicts in the Penitentiary, c 38, s 30-31,	71-72
when to be holden, c 104, s 1,	136
clerks of—to furnish copies of certain executions to superintendant of Penitentiary, c 23, s 81,	45
may be indicted for failure of duty, ib.	
judges of, may grant writs of <i>ne exeat in juncione</i> &c. and have concurrent jurisdiction to issue such process, c 44, s 1,	78
may grant injunctions and other extraordinary equity process on bills to be filed in courts of chancery, c 91, s 1,	118-119
county—executions levied on real estate made returnable to, c 12, s 1,	14
writs of supersedeas &c. may be made returnable to, c 16, s 2,	19
may establish quorum courts in any county in this state, c 25, s 1,	46
to elect rangers when vacancies happen, c 27, s 1,	56
to make allowance to school commissioners, c 94, s 1,	120
may lay tax to build jails and court houses, c 99, s 1,	130
of Lincoln—may establish a quorum, c 102, s 1,	134
of Giles—may establish a quorum, ib s 2,	
of Dyer—when to be holden, ib s 3,	
of Obion—when to be holden, ib.	
of Williamson—session extended, ib s 4,	135
of Gibson—to appoint commissioners of navigation, c 105, s 3,	139
duty of commissioners, ib.	
of treasurer, ib s 4,	
of the Western District—may appoint overseers and hands to clear out the rivers, c 53, s 1,	87
of Fentress, Carroll, Gibson, Dyer, Knox, Anderson, Obion and Henderson counties, may elect three justices to hold quorum court, c 20, s 1-2,	21-22
quorum—established in Smith county, c 9,	11



established in Fentress county, c 20, s 1,	21
Carroll, Gibson, Dyer, Knox, Anderson, O-	
bion and Henderson, ib s 1-2,	21-22
may be established in any county in this state,	46
c 25, s 1,	134
established in Lincoln, c 102, s 1,	
established in Giles, ib s 2,	
<i>martial</i> —need not be attended by absentees from	
militia musters in certain cases, c 17, s 2,	20
<i>special</i> —for the trial of certain cases connected	
with the bank of the state, c 95, s 3,	122
judges of, their powers, ib.	
when and where held, ib.	
jurisdiction of, ib.	123
to regulate its own process, ib	
power of the sergeant at arms, ib.	
to what cases the act extends, ib.	
to have supreme jurisdiction, ib.	
compensation of officers of, ib.	124
of the judges, ib.	
costs of suit in, ib.	
present debts to the bank a lien &c. ib.	
Governor to employ counsel, ib.	
of taking depositions, ib.	
vacancies in, how filled, ib.	
<i>supreme</i> —of errors and appeals, a term of to be	10
held annually at Jonesborough, c 8, s 1,	
time of holding, ib.	79
when to be holden at Nashville, c 46, s 1,	
at Sparta, ib.	
at Knoxville, ib.	
at Jonesborough, ib.	
at Sparta to have jurisdiction over all appeals	
from the circuit courts of Marion and Bledsoe, ib s 2,	
to be furnished with wood and water at expense	99
of the county where held, c 71, s 1,	107
at Jonesborough, transfer of causes to, c 79, s 3,	
at Rogersville, unsatisfied judgments from, to be	115-116
proceeded on by chancery court, c 86, s 1,	
judges of, to file their reasons for reversal of judg-	91
ment, c 60, s 1,	
opinions of to be in writing, ib s 2,	125
to certify special causes, c 96, s 1,	
Governor to appoint special judges, ib.	126
where all judges of are disqualified, ib s 2,	126
to what causes act extends, ib s 3,	
eligibility to office of special judge, ib.	

to decide writs of error and appeals in nature of	
writs of error upon their merits, c 103, s 2,	135
at Jackson, c 104, s 5,	137
its jurisdiction, ib s 7,	
Crimes—how punished, c 23, s 1,	27
DAMAGES—not to be exceeded by costs in certain	
cases, c 1, s 3,	3
on protested bills of exchange specified, c 14, s 1,	16
to be in lieu of interest and all other charges ex-	
cept charges of protest, ib s 2,	
previous act for ascertaining what on protested	
bills of exchange repealed, ib s 4,	
to be ascertained by jury where property has been	
destroyed, c 23, s 79,	45
two justices of the peace to have jurisdiction in all	
cases of, except slander, where claim is not over	
50 dollars, c 24, s 1,	46
Daniel Edmund—relief extended to, c 99, s 2,	130
Davidson county—circuit court of, to have jurisdiction	
of all indictable offences committed by convicts	
in the Penitentiary, c 38, s 30,	71-72
circuit court of, when held, c 104, s 1,	136
Debtors—may confess judgment in any court having ju-	
risdiction thereof, c 50, s 1,	84
to pay no costs in such cases but the clerk's fee, ib.	
may confess judgment before justice of the peace,	
ib. s 2,	
may not appeal from such judgments, ib.	
Deeds—certain, registered in Franklin county made va-	
lid, c, 13, s 1,	15
Defendants—in all offences under the grade of Petit	
Larceny may have five peremptory challenges,	
c 55, s 1,	88
Delivery Bonds—judgments to be entered in, on failure	
to produce the property, c 51, s 1,	85
no new ones to be taken in such cases, ib.	
Deputy—clerk—not to speculate in county claims, c 28, s 1,	49
may be indicted, ib.	
penalty for so doing, ib.	
surveyors—how securities of may release them-	
selves, c 32, s 1,	51
may be required to give other security, ib.	
Descents—statutes of, amended, c 36, s 1,	54
Disqualifications—from holding office, by virtue of any	
gaming law, abolished, c 63, s 1,	93
Distribution—of intestates' estates, provisions for mak-	
ing it more equal, c 36, s 1,	56

- District—*Western*—rivers of, persons ascending in certain seasons, may sell groceries without paying tax, c 30, s 1-2, 50  
 county courts of may appoint overseers and hands to clear out the rivers, c 53, s 1, 87  
*chancery*—to be composed of the 10th judicial circuit, c 51, s 2, 86  
*2nd and 3rd surveyors*—books and papers to be deposited with secretary of state, c 81, s 1, 111  
 county surveyors in to survey entries, ib. s 2,  
 duties of surveyors of to be performed by secretary of state, ib. s 3,  
*of Hiwassee*—lands may be entered in, c 85, s 4, 114-115  
 reservations in, not to be entered, ib. s 5, 115  
 enterers of land in, to file entries with register within nine months, c 89, s 1, 117-118  
 improvers of land in, relieved, c 98, s 1, 127  
 to lay claims before the judge of the 7th judicial circuit, ib.  
 Drills—county, law authorizing and requiring them repealed, c 17, s 1, 19  
 Duelling—law concerning, c 23, s 56-57-58-59, 39-40  
 punishment, ib.  
 of posting for refusing to fight, ib. s 58,  
 of carrying a challenge, ib. s 57,  
 of accepting a challenge, ib. s 56,  
 of acting as second, ib. s 57,  
 in what cases of, the publisher is liable, ib. s 59,  
 Dyer county—may have quorum court, c 20, s 2, 21-22  
 compensation to quorum justices, ib. 22  
 suits at law may be taxed to defray expenses, ib. s 3,  
 county tax may be levied to defray expenses, of, ib.  
 county court of, when holden, c 102, s 3, 134  
 EAST TENNESSEE—treasurer of to pay over academy moneys to bank of the state at Nashville, c 92, s 1, 119  
 Endorsers—of protested bills of exchange, what shall be prima facie evidence of notice to in suits, c 14, s 2, 16  
 Entries—further time allowed to make surveys on, and obtain grants, c 2, s 1, 34  
 two years longer allowed to survey plats, S. and W. Cong. Res. line, c 19, s 1, 20  
 to be surveyed previous to first Monday in September 1831, c 19, s 2, 21  
 preference of, allowed to occupants south and west of the Cong. Res. line, for 200 acres or less, c 22, s 3, 24

- may be made jointly or severally, ib. s 4,  
 may be made on 25 acre certificates, ib. s 5,  
 general office opened for on January first 1831, ib. s 6-7,  
 not to be made on certain occupant claims, ib. s 7, 24-25  
 to be null and void in certain cases, ib.  
 to be barred after first August 1831, ib. s 12, 26  
 may be removed in certain cases, ib. s 15,  
 grants may be obtained on without an additional survey, ib. s 16, 26-27  
 duties of surveyors where entries extend to two counties, c 87, s 1, 116  
 mistakes on those made in 1823 and 1825, north and east of Cong. Res. line, to be corrected, ib. s 2,  
 in Hiwassee, to be filed within nine months, c 89, s 1, 117-118  
 grants to issue on, within fifteen months, ib.  
 Enterers of land—in Hiwassee district, to file entries with register within 9 months, c 89, s 1, 117-118  
 Entry Takers—north and east of Cong. Res. line, to make settlement with county commissioners, c 7, s 1, 8  
 to be indicted and fined on failure or refusal, ib.  
 mode of proceeding against, ib. s 2, 9  
 to settle with commissioners annually, ib. s 3,  
 securities of, judgment not to be rendered against without notice, ib. s 4, 9-10  
 proceedings against where no bond and security have been taken, ib. s 5, 10  
 of Roane and Rhea counties to open offices on the first January 1830, for the entry of the islands in the Tennessee river, c 49, s 1, 88  
 directions for managing the same, ib.  
 to account for and pay over the money, ib. s 2,  
 not to take more than 75 cents [printed 25 cents in the act by mistake] for making an entry, c 85, s 2, 114  
 to correct mistakes in entries made in 1823 and 1825, c 87, s 2, 116  
 to furnish clerks with lists of all entries made at 124 cents and one cent per acre, c 107, s 18, 145  
 Error—writs of, to be decided upon their merits, c 103, s 2, 135  
 Escape—from Penitentiary, an indictable offence, c 38, s 29, 71  
 to be tried before Davidson circuit court, ib. s 30,  
 punishment of, ib. s 29,  
 Escheats—recovery of regulated, c 43, s 1, 77  
 state not to give security for costs in suits com-

- menced for, *ib* s 2,  
time allowed for persons holding to pay over the  
same, *ib* s 3, 42
- Evidence—of corporation, c 23, s 70, 42  
of convicts in Penitentiary, how to be obtained, 72  
c 38, s 33,  
in all the courts of this state, certified copies from  
the secretary of state, of certain records, c 58 s 1, 89  
Exchange—protested bills of, act concerning, c 14, 15  
damages on specified, *ib* s 1, 15-16  
damages on, to be in lieu of interest and all oth-  
er charges except charges of protest, *ib* s 2,  
Executions—when levied on real estate, to be returned  
to next county or circuit court, c 12, s 1, 14  
to issue against the property of felons in certain  
cases, c 23, s 79, 44-45  
of fieri facias to issue in favour of any party enti-  
tled to damages under the penal law, *ib* s 81, 45  
copies thereof to be furnished to superintendant  
of Penitentiary, *ib*.  
to issue for costs on continuance of suits, c 33, s 4, 53  
may be issued by justices in cases of appeals  
where suits have been compromised without mak-  
ing return of appeal, *ib* s 5,  
not to issue against the body in certain cases,  
c 88, s 1, 117  
sales on those issued by justice of the peace to be  
advertised, c 90, s 1, 118
- Executors—to pay to guardians &c, who reside in other  
states, c 6, s 1, 7  
of wills directing the emancipation of slaves, du-  
ty prescribed, c 29, s 1, 49-50  
allowed six months to arrange the affairs of the  
estate without being liable to suit, c 57, s 1, 89  
not liable to answer suit commenced within six  
months after qualification, *ib* s 2,
- FALSE IMPRISONMENT**—costs in civil actions found-  
ed on, not to exceed damages in certain cases,  
c 1, s 1, 3  
actions of, not to be prosecuted under the provi-  
sions of a certain act, c 88, s 1, 117
- Faro—punishment for dealing, c 23, s 65, 41  
playing, *ib*, 42
- Fees—of commissioners for settling with entry taker,  
c 7, s 4, 9  
of clerk of supreme court at Jonesborough, c 8,  
s 2, 10-11

- of quorum justices, c 20, s 2, 22  
of clerks, sheriffs and printers to be deemed ex-of-  
ficio where lands are bid off at tax sales for the use  
of common schools; c 54, s 2, 87  
to be allowed where lands are redeemed, *ib*.  
of attorney general—for prosecuting entry takers,  
c 7, s 45, 9-10  
for prosecuting trustees of county academies,  
c 11, s 2, 13  
for prosecuting lottery ticket venders, c 73, s 4, 102  
in cases of misdemeanor, c 100, s 5, 132
- Felonies—what offences constitute, and how punished,  
c 23, s 1, 27
- Fentress county—may have quorum court, c 20, s 1, 21  
suits at law may be taxed to defray expenses of,  
*ib* s 3,  
circuit court of, when and where holden, c 59, s 1, 90
- Ferriages—of jurors—chargeable to the county, c 4, s 1, 4-5
- Times—against entry takers for refusing to settle with  
county commissioners, c 7, s 1, 7  
of officers for speculating on county claims c 28, s 1, 49  
of medical censors for refusing to examine candi-  
dates, c 80, s 10, 110
- Forfeitures—of surveyors for surveying entries interfer-  
ing with occupant claims, c 22, s 7, 24-25
- Forgery—defined, c 23, s 40, 36-37  
punishment of, *ib*, 37  
papers not to be transferred, *ib* s 41,  
punishment for transferring, *ib*.
- Franklin—chancery court at, when holden, c 59, s 3, 90  
chancery court at, when holden, c 104, s 1, 136
- Franklin county—registration of certain deeds and in-  
struments in, made valid, c 13, s 1, 15
- French Broad and Holston—act for the relief of the  
citizens south of, passed thirteenth day of Decem-  
ber 1827, repeal, c 18, s 1, 20  
office opened to adjudicate all claims for grants  
south of, c 22, s 1, 23  
citizens residing south of, released from all debts  
due the colleges and academies, provided certain  
terms be accepted by the latter, c 47, s 1-2, 80-81-82
- Funds—public—summary process provided for the pre-  
servation of, c 101, s 1, 132
- GAMING**—a certain act to suppress, repealed, c 21, s 1, 22  
disqualifies certain officers, *ib*:  
witnesses not bound to give testimony on, in cer-  
tain cases, *ib* s 2,



at Faro and other games, to be punished, c 23, s 65	41-42
rights and privileges lost in consequences of, restored, c 63, s 1,	93
Gibson county—may have quorum court, c 20, s 2,	21
compensation to quorum justices, ib.	
suits at law may be taxed to defray expenses of, ib. s 3,	
county tax may be levied to defray expenses of, ib.	
county court of, to appoint commissioners of navigation, c 105, s 3,	139
duty of commissioners, ib.	
of treasurer, ib. s 4,	
Giles county—quorum court in, c 102, s 2,	134
Governor—to receive title to lot for Penitentiary c 5, s 2,	5
to stipulate compensation to commissioners of Penitentiary, ib. s 5,	6
appropriation for Penitentiary to be drawn on warrant of, ib. s 7,	6-7
to take bond for faithful application of the money, ib.	7
to issue proclamation when the Penitentiary house is in a state for the reception of convicts, c 23, s 82	45
ex-officio, member and chairman of the board of Penitentiary inspectors, c 38, s 7,	63
to cause to be located, in the Cherokee country half a township of land for the colleges, and the same for the academies in this state c 47, s 12,	80-81
ex-officio, president of the board of internal improvement, c 75, s 3,	104
may convene the board, ib. s 6,	
to employ counsel in behalf of the bank of the state, c 95, s 3,	124
to appoint special judges of the supreme court, c 96, s 1,	125
Grand Juries—to be charged respecting speculations on county claims, c 28, s 1,	40
may be empanelled at special circuit court, c 77, s 1,	106
Grandmother's trick—punishment for exhibiting, c 23, s 65,	41
for playing, ib.	
Grants—further time given for obtaining on certain entries, c 2, s 1,	3-4
claims for, lying south of French Broad and Holston, may be adjudicated, c 22, s 1,	23
may be obtained on general entries after first Jan. 1831, ib. s 6,	24
shall be null and void in certain cases, c 22, s 7,	25

how obtained by occupants, ib. s 10,	
may be obtained in certain cases by occupants without additional survey, ib. s 16,	26-27
for lands condemned for the use of Iron works, further time allowed for obtaining, c 68, s 1,	97
may be obtained north and east of Congressional reservation line, c 85, s 1,	114
to issue on entries filed in Hiwassee within fifteen months, c 89, s 1	117-118
Sim's, in Hawkins county, reserved from entry, c 85, s 5,	115
Greene county—appeals from courts of, to be taken to supreme court at Jonesboro, c 8, s 1,	10
Greenville—time of holding chancery court at, c 27, s 1,	48
Groceries—tax for selling not to be paid by persons ascending the rivers of the Western District at certain seasons, c 30, s 1-2,	50
Guardians—who reside out of the state, may obtain estates from administrators, c 6, s 1,	7
may be ruled to give counter security, c 15, s 2,	17-18
how securities of may obtain release, ib.	
HARDIN COUNTY—privileges of appellants from courts of, c 104, s 8,	138
Hawkins county—appeals from courts of, to be taken to supreme court at Jonesborough, c 8, s 1,	10
Sims' grant in, reserved from entry, c 85, s 5,	115
Heirs—minor—of purchasers of land in Hiwassee, relief extended to, c 61, s 1,	92
Henderson county—may have quorum court, c 20, s 2,	21
compensation to quorum justices, ib.	22
suits at law may be taxed to defray expenses of, ib. s 3,	
county tax may be levied to defray expenses of, ib. attached to 8th judicial circuit, c 52, s 2,	86
Hiwassee—purchasers of land in district of, allowed 37½ per cent discount, c 40, s 1,	74
condition required to entitle them to discount, ib. discount not to extend to more than 640 acres, ib. none but residents or bona fide claimants, previous to 21st September 1829, entitled to the benefits of the act, ib. s 2.	75
widows and minors of purchasers of land in, relief extended to, c 61, s 1,	92
act limited to quarter section of land or less, ib. s 2,	
assignees of fractions of land in, entitled to grants on shewing receipts for payment of the same, c 64, s 1,	94

lands may be entered in, c 85, s 4,	114-115
reservation in, not to be extended, ib.	
entries in, to be filed within 9 months, c 89, s 1,	117-118
grants to issue on within fifteen months, ib.	
improvers of land in, relieved, c 98, s 1,	127
to lay claims before the judge of the 7th judicial circuit, ib.	
to make application within 6 months, ib s 2	128
to receive certificates of the value of improvements, ib.	
such certificates to be received in payment for lands, ib s 3,	
petitions to be docketed, ib s 4,	
of claims contested after being adjudged valid, ib s 5,	129
duty of the clerk of the circuit court of M'Minn county, ib s 6,	
operation of the act limited, ib s 7,	
Indian improvements excepted, ib s 8,	
of those who have sold for full consideration, ib s 9,	130
Hogs—not to trespass on islands in Tennessee river, c 31, s 1,	51
Homicide— <i>felonious</i> —number of challenges allowed on trial for, c 23, s 75,	43
House Breaking—punishment of, c 23, s 30,	32
Horses—not to trespass on islands in Tennessee river, c 31, s 1,	51
Horse Stealing—punishment of, c 23, s 23,	31
IMPROVERS—of land in the Hiwassee district, appropriation for the benefit of, c 98, s 1,	127
to adduce proof before the judge of the 7th judicial circuit, ib.	
to make application within 6 months, ib s 2,	128
certificates of to be received by the treasurer of East Tennessee, ib.	
who are entitled to the benefit of the act, ib s 7,	129
where they have sold for full consideration, ib s 9,	130
Imprisonment—false—costs in civil actions founded on, not to exceed damages in certain cases, c 1, s 1,	3
actions of, not to be prosecuted under the provisions of a certain act, c 88, s 1,	117
Incest—defined, c 22, s 18,	30
punishment of, ib.	
Indictments—to be charged according to common law, c 23, s 72,	43

how framed, and how to charge in certain cases, ib s 73,	74
conflicting averments are immaterial in certain cases, ib s 77,	44
officers made liable to, for speculating on county claims, c 28, s 1,	49
for offences under petit larceny, 5 peremptory challenges allowed the defendant and the state, c 55, s 1,	88
Injunction— <i>writs of</i> —to issue only for the amount shown to be in error, c 16, s 1,	18
shall be made returnable either to county or circuit court, ib s 2,	19
party obtaining, to justify security, or give other on cause shown by adverse party, c 33, s 3,	52
may be granted by circuit judges, c 44, s 1,	78
may be issued by circuit judges, c 91, s 1,	118-119
Inspectors—of Penitentiary—to be five in number, c 38, s 6,	63
three to constitute a board, ib.	
Governor and Secretary of state to be members ex-officio, ib s 7,	
the other three to be appointed biennially by legislature, ib.	
Governor to be chairman of the board, ib.	
exempted from certain duties, ib s 10,	
not competent to be agent, ib s 11,	64
not to be concerned in contracts relating to the prison, ib.	
general powers and duties of, ib s 12,	
to report to the legislature, ib s 13,	
may remove convicts from prison in certain cases, ib s 14,	
duty of in relation to the monied transactions of the prison, ib s 20,	
to examine the cases of punishment inflicted by keeper on convicts, ib s 25, rule 7,	68
Internal Improvement—board of established, c 75, s 1,	103
appropriation made for, ib s 2,	
Governor to be president ex-officio, ib s 3,	104
his power and duty as such, ib.	
compensation and mode of election of, ib s 4,	
to appoint an engineer, ib s 5,	
may be convened by Governor, ib s 6,	
may enact bye-laws, ib s 7,	
to keep a record of their proceedings and report to General Assembly, ib s 8,	105
Iron Works—two years more allowed to obtain grants for lands condemned for the use of, c 68, s 1,	97

Islands—in Tennessee river, stock not to trespass on, c 31, s 1,	51
office opened for the entry of in the counties of Roane and Rhea, c 40, s 1,	83
improvers of, how far entitled to preference, ib.	
JACKSON—supreme court at, when holden, c 104, s 5,	137
jurisdiction of, ib s 7,	
chancery court at, when holden, ib s 6,	
Jails—taxes for building may be levied by county court, c 30, s 1,	130
Joint or several actions—may be brought on judgments obtained in other states, c 66, s 1,	95
Judges—disqualified for office by gaming, c 21, s 1,	22
sentencing convicts to Penitentiary, to authorize sheriff to impress a guard, c 28, s 2,	62
of circuit courts—duty of with regard to speculating on county claims, c 38, s 1,	49
may grant writs of ne-exeat, injunctions &c. c 44, s 1,	78
to have concurrent jurisdiction to grant such process, ib.	
may grant injunctions and other extraordinary equity process on bills to be filed in court of chancery, c 91, s 1,	118-119
may administer oaths of qualification to circuit judges, ib s 2,	119
may administer certain oaths, c 103, s 5,	136
of special circuit courts—may order grand jury to be empannelled, c 77, s 1,	106
of supreme court—duty of, in the reversal of judgments from courts below, c 80, s 1,	91
to give their opinions in writing and cause the same to be filed, ib. s 2,	
authorized to administer oaths of qualification to circuit judges, c 91, s 2,	119
may administer certain oaths, c 103, s 5,	136
special—of supreme court—to be appointed by the Governor, c 96, s 1,	125
Judgments—may be confessed at any time, on any bill, bond, &c. in any court having jurisdiction thereof, c 50, s 1, 2,	84
to be entered up against defendant and securities on delivery bonds on failure to produce the property, c 51, s 1,	85
actions on, when obtained in other states on joint or several actions, c 66, s 1,	95
obtained in supreme court at Rogersville, to be	

proceeded upon by chancery court at that place, c 86, s 1,	115
Juries—to be charged respecting speculations in county claims, c 28, s 1,	49
Jurors—shall be allowed their ferriages and tolls, c 4, s 1,	4-5
when confined more than one day in criminal cases, entitled to means of support, to be taxed with the bill of costs, c 45, s 1,	79
Justices of the Peace—to return executions, levied on real estate, to next county or circuit court, c 12, s 1,	14
disqualified for office by gaming, c 21, s 1,	22
two, to have jurisdiction in causes for damages, except slander, in certain cases, c 21, s 1,	46
appeal may be taken from judgment of ib.	
not to make return of appeals, where suits have been compromised, c 33, s 5,	53
to have jurisdiction of fines, penalties, &c. under the stray laws, provided the same do not exceed fifty dollars, c 37, s 21,	60
to enter up judgments on delivery bonds against defendants and securities on failure to produce the property, c 51, s 1,	85
sales on executions issued by, to be advertised, c 90, s 1,	118
duty of in opening books of subscription for purposes of Internal Improvement, c 105, s 2,	138
of Smith county, authorized to appoint three justices of quorum, c 9, s 1,	11
authorized to lay tax for payment of quorum court ib. s 4,	12
KEETON JOHN—certain official acts of made valid, c 13, s 1,	15
Kentucky line—office opened for adjudicating all claims north of, c 22, s 1,	22
Knox county—may have quorum courts, c 20, s 2,	21-23
suits at law may be taxed to defray expenses of, ib. s 3,	
county tax may be levied to defray expenses of, ib.	
Kingston—time of holding chancery court at, c 21, s 2,	48
LANDS—when divided among heirs of intestates, goods and chattels advanced to children, to be brought into contribution, c 30, s 1,	55
sold for taxes, to be bid off in certain cases for the use of common schools, c 54, s 1,	87
to be no charge to the county or state, ib. s 2,	
Land claims—commissioners of, to file certain claims for	



adjudication till July first 1830, c 22, s 1,	23
to issue warrants and certificates to owners of, ib.	
Larceny—when murder is committed in perpetration of,	27
c 23, s 3,	31
defined, ib. 23-25,	
punishment of, ib. s 23-24-25-26,	
License—may be granted to practitioners of Medicine	110
and Surgery, c 80, s 8,	
price of obtaining, ib. s 11,	
temporary, may be granted, ib. s 13,	
Lincoln county—quorum court in, c 102, s 1,	134
Locators of warrants—in Western District, may obtain	
decree for partition, c 84, s 1,	113
Lotteries—Private—prohibited, c 73, s 1,	101
Lottery tickets—not to be sold, when not authorized by	
this state or United States, c 73, s 1,	101
penalty for selling, ib.	
conviction for one offence not a bar to prosecu-	
tion for previous or subsequent offences, ib. s 2,	
duty of attorney general, ib. s 3,	
his tax fee, ib. s 4,	102
MADISON COUNTY—circuit court of, when holden,	82
c 48, s 1,	39
Maiming—punishment for, c 23, s 55,	
Malicious Prosecutions—costs, in civil actions founded	
on, not to exceed damage in certain cases, c 1, s 1,	3
actions of, not to be prosecuted under the provi-	
sions of a certain act, c 88, s 1,	117
Manslaughter—defined, c 23, s 6,	28
voluntary, punishment of, ib. s 7,	
involuntary, punishment of, ib. s 8,	
Manufactories—paper—operatives in, excused from cer-	
tain duties, c 78, s 1,	106
Marion county—appeals from circuit court of returnable	
to Sparta, c 46, s 2,	79
(see chap 48, s 2)	82
Maury county—time of holding circuit court in changed,	
c 25, s 2,	46
time of holding county courts in, changed, ib. s 3,	46-47
in appeals from county court of, transcript of re-	
cord to be filed within five days in certain cases, ib.	47
Mechanics—to have lien on town lot on which they may	
build a house, or furnish materials for building	47
on, c 26, s 1,	
lien to extend to one acre in Davidson county,	47-48
ib. s 2,	

to commence suit for labour done within six	48
months, ib.	
Medical society—in the State of Tennessee, incorporat-	108
ed, c 80, s 1,	
members of to elect a president, ib. s 2,	109
power and duty of, ib. s 5,	
first meeting of, where to be held, ib. s 6,	
shall elect censors, ib. s 7,	
qualifications of candidates for membership, ib. s 9,	110
may levy and collect contributions, ib. s 12,	
to be subject to rules and restrictions of General	
Assembly, ib. s 14,	110-111
M'Minnville—time of holding chancery court at, c 27, s 3,	48
chancery court at, when holden, c 104, s 4,	127
Military warrants—original—office open for adjudication	
of, c 22, s 1,	23
occupant entries may be made on, c 22, s 3,	24
may be divided, c 22, s 4,	24
general entries may be made on after January	
first 1831, ib. s 6,	
entries on, forever barred after first August 1831,	
ib. s 12,	26
entries on may be removed in certain cases, ib. s 15,	
Militia—law—so much of repealed as authorizes and re-	
quires county drills, c 17, s 1,	19
Mill dams—in Western District, decayed timber to be	
removed from, c 76, s 1,	105
penalty for violating this act, ib. s 2,	
Minors—who reside out of the state, mode for settling	
with administrators, c 6, s 1,	7
Misdemeanor—in attorney general, for failing to proce-	
cute in certain cases, c 11, s 2,	13
speculation in county claims by officers, made	
such, c 28, s 2,	49
Monroe county—time of holding circuit court of, c 3,	4
Murder—defined, c 23, s 2,	27-28
first and second degrees of defined, ib. s 3,	28
punishment for first degree of, ib. s 4,	
punishment for second degree of, ib. s 5,	
Musters—regimental and others, absentees from not to	
be noted in certain cases, c 17, s 2,	19-20
NASHVILLE—University of—may accept one fourth of a	
towship of land in the Cherokee county in lieu	
of all demands against the citizens south of French	
Broad and Holston, c 47, s 1,	80

Ne-Exeat—writ of, may be granted by circuit judges, c 44, s 1,	78
Non-Residents—act of 1816, c 17, extended to, c 93, s 1,	120
Notice—ten days required on motions against deputy sheriffs and clerks and their securities, c 41, s 1-2,	75
OA TH—to be taken by officers of the Penitentiary, c 38, s 37,	73
Obion County—may have quorum court, c 20, s 2,	21
compensation to quorum justice, ib.	22
suits at law may be taxed to defray expenses of, ib s 3,	
county tax may be levied to defray expenses of, ib.	
county court of—when holden, c 102, s 3,	134
Occupants—resident south and west of Cong. Res. line,	23
may have claims surveyed, c 22, s 2,	
may have survey spread on general plan, ib.	
not to have right of preference in certain cases, ib.	23-24
may make entries in preference, ib s 3,	24
may make entries jointly or severally, ib s 4,	
may make entries on 25 acre certificates, ib s 5,	
claims of, not to be interfered with, ib s 6,	
may obtain grant on entry in certain cases without additional survey, ib s 10,	25
entitled to adjoining vacant land in certain cases, ib s 13,	26
interfering entries heretofore made on claims of may be removed, ib s 15,	
grant may issue to, on entry in certain cases, ib s 16,	26-27
claims—assignees may prove their title and file it in surveyor's office, c 42, s 1,	76
may receive plats and certificates thereof, ib s 2,	77
Officers—public—of monied institutions, summary process against, c 101, s 1,	132
notice to be given, ib s 2,	133
where they detain books and papers, ib s 3,	
or destroy, erase or conceal the same, ib s 4,	
how long act to remain in force, ib s 5,	
Overton County—circuit court of, when and where holden, c 59, s 1,	90
PAPER MANUFACTORIES—operatives in, excused from mustering, c 78, s 1,	106
owners of, may excuse their hands from working on roads, ib s 2,	137
Paris—chancery court, when holden at, c 104, s 6,	
Partition—of land among the heirs an intestate, goods and chattles advanced to children, to be brought	

into contribution, c 36, s 1,	55
Peddlers Clock—to pay 25 dollars for license, c 62, s 1,	93
penalty for neglecting to pay the same, ib s 2,	
Penitentiary—erection and location of, provided for, c 3, s 1,	5
to be established within two miles of Nashville, ib s 2,	
site of to be designated by commissioners, ib.	6
money appropriated for, c 5, s 6,	6
commissioners of—to be elected by General Assembly, c 5, s 3,	5
to select site within 2 miles of Nashville, and take deed to Governor, c 5, s 2,	6
vacancies of, how filled, c 5, s 2,	6
to take oath, c 5 s 4,	6
compensation to, c 5, s 5,	6
appropriation for, c 5, s 6,	12
to be proof against fire, c 10, s 1,	
crimes defined that are punished by confinement in, c 23, s 1,	27
circuit courts to have cognisance of all offences punishable by confinement in, ib s 80,	45
Governor to give notice when ready to receive convicts, ib s 82,	
keeper of, to file and preserve reports made to him by courts sentencing convicts, c 38, s 1,	61
to reside in prison, ib s 6,	63
to be appointed by inspectors, ib s 8,	
to appoint deputy keeper and turnkeys, ib s 9,	
exempted from certain services, ib s 10,	64
not to be concerned in contracts relating to the prison, ib s 11,	
to give bond for the faithful discharge of his duty, ib s 15,	
may sue and be sued as agent of the prison, ib s 16,	65
to collect all debts due the institution, ib.	
to take charge of the property of the prison, ib s 17,	63
subordinate officers of, ib s 6,	
deputy keeper and salary, ib s 6,	
assistants, and salary, ib.	
to be appointed by agent, ib s 8,	
not to be concerned in any contracts relating to the prison, ib s 11,	64
privileges of, ib s 10,	
physician, duty of, ib s 23,	67
duty of assistant keepers, ib. rule 20,	
visitors allowed, ib s 27,	71
act establishing, to take effect from Governor's	

proclamation, ib s 38,	73
convicts in—to be conveyed as soon as practicable	62
after conviction to Penitentiary, c 38, s 2,	64
may be removed in certain cases, c 38, s 14,	65
property of to be taken in charge by the keeper,	67-68-69-70
c 38, s 17,	37
rules for the government of, c 38, s 25,	
Perjury—defined, c 23, s 42,	
punishment of, ib.	
subornation of, ib s 43,	
punishment of, ib.	
Perry County—attached to 8th judicial circuit, c 52, s 2,	86
privileges of appellants from courts of, c 104, s 8,	138
Preference of entry—allowed to occupants, south and	24
west of Cong. Res. line, c 22, s 3,	23
of survey—allowed to occupants, ib s 2,	
Printer—Public—to print and bind extra copies of public	112
acts, c 38, s 1,	112-113
to publish general laws in newspaper, ib s 2,	
no extra compensation allowed for above duties, ib s 3	113
compensation of, ib s 4,	121
Private Banks—tax paid by, c 96, s 2,	
Process—for bringing convicts in Penitentiary before	72
court, c 38, s 32,	
extraordinary—out of chancery courts, may be	
granted by circuit judges, c 44, s 1,	78
summary—against public officers, c 101, s 1,	132
Prosecutions—malicious—costs, in civil actions founded	3
on, not to exceed damages in certain cases, c 1, s 1,	
Prosecutors, in cases of misdemeanors, not allowed com-	131
penensation, c 100, s 3,	
Public Funds—summary process provided for the pre-	132
servation of, c 101, s 1,	
Public Officers—summary process against in certain	132
cases, c 101, s 1,	
Purchasers of Hiwassee lands—entitled to discount of	74
37½ per cent on paying up by November first	75
1830, c 40, s 1,	
entitled to grant for land so purchased, ib.	
assignment from, after the passage of this act,	
void, ib.	
must be residents or bona fide claimants previous	
to 21st September 1829, ib s 2,	
RANGERS—may be ruled to give counter security,	17
c 15, s 1,	
how securities of may obtain release, ib.	
to enter into bond of 500 dollars for faithful dis-	

charge of duty, c 37, s 1,	56
to keep a record book, and enter a description of	57
all strays, ib s 6,	
to advertise all strays entered, at the court house	
on the first day of each county court, ib.	
to advertise the same in some newspaper, ib s 7,	
to refund the money deposited with him for ad-	
vertising where the owner applies before publica-	
tion, ib.	
may receive 12½ cents for searching his books, ib s 15,	50
to deliver to county commissioners and to county	
trustee, each a list of all strays, and attendant cir-	
cumstances, ib s 17,	
to make return of such strays as are proved away,	60
ib s 20,	
in suits for violation of stray laws relating to hogs,	
cattle and sheep, may not recover more than dou-	
ble their value, ib s 22,	
penalty for refusing to comply with the provisions	
of this act, ib s 23,	
Rape—when murder is committed in perpetration of, c 23, s 3	27
defined, ib s 13,	29
punishment of, ib s 14,	
Real Estate—held by two or more tenants in common,	
may be sold in certain cases, c 35, s 1,	54
Records—public—punishment for stealing, c 23, s 48,	38
Regimental Masters—absentees from not to be noted in	
certain cases, c 17, s 2,	19-20
Register of Franklin county—certain records of made	
valid, c 13, s 1,	15
how securities of may obtain release in certain	
cases, c 15, s 1,	17
may be ruled to give counter security, ib.	
of E. Tennessee to issue grants to assignees of	
fractions of land in Hiwassee, on their shewing a	
receipt for payment of the same, c 64, s 1,	61
in Hiwassee, entries to be filed in office of, with-	
in 9 months, c 89, s 1,	117-118
to issue grants thereon within 15 months, ib.	
of W. Tennessee to issue grant to John Brown,	
c 97, s 3,	127
Release—forcible—from custody, c 23, s 60,	41
punishment of, ib.	
of permitting, ib s 61,	
punishment for, ib.	
Repeals—an act for ascertaining the damage on protest-	
ed bills of exchange, c 14, s 4,	64



so much of the militia law, passed December 24, 1825, as authorizes and requires county drills, c 17, s 1,	19
an act passed 13th December, 1827, for the relief of the citizens south of French Broad and Holston c 18, s 1,	20
part of an act, passed 10th November, 1817, more effectually to suppress the vice of gaming, c 21, s 1, all laws coming within the purview of an act to amend and reform the penal laws of this state, c 23, s 82,	22
part of an act to regulate proceedings in civil cases, and for other purposes, passed November 27, 1823, c 24, s 2,	46
all laws on the subject of strays heretofore passed, c 37, s 24,	46
the law allowing tax fees to the president of the bank of the state on judgments confessed, c 39, s 1,	61
the third section of an act passed at the present session, authorizing the county court of Franklin county to condemn two acres of land for a boat yard, c 70, s 2,	74
the fourth section of an act to amend the charter of the bank of the state, passed 6th January 1830, c 71, s 3	99
all laws requiring enterers of land to pay one cent per acre to entry takers, c 85, s 2,	100
of section three, c 35 of 1827, c 90, s 1,	114
the second section of an act passed December 14, 1827, entitled an act to suppress private banking, c 95, s 1,	118
Reynoldsburg—supreme court, when holden at, c 103, s 4,	121
Revived Laws—chapter 12 of 1825, c 82, s 1,	136
Rhea county—lands of in Tennessee river, provisions for entering, c 19, s 1,	112
Roads—and ferries—appeals in cases of, not to operate as a supersedens, c 70, s 1,	83
duty of county courts in such cases, ib.	99
Roane county—lands of in Tennessee river, provisions for entering, c 49, s 1,	83
Robbery—when murder is committed in perpetration of c 23, s 3,	27
defined, ib. s 20,	30
punishment of, ib. s 20-27,	30-32
Rogersville—unsatisfied judgments from supreme court at, to be proceeded on by chancery court at, c 86 s 1,	115-116

SALES—under executions issued by justices of the peace, how advertised, c 90, s 1,	118
Schools—common—lands of tax sales, to be bid off for the use of, in certain cases, c 54, s 1,	67
[See common schools.]	
lands, commissioners of, their compensation, c 54, s 1,	120
Securities—act for the relief of, c 15,	17
may be released by giving ten days notice in certain cases, ib. s 1,	
of guardians, may be released in certain cases by giving notice, ib. s 2,	17-18
of deputy surveyors, how to release themselves from liability, c 32, s 1,	51
must give twenty days notice, ib.	
of deputy sheriffs and clerks, may be proceeded against on motion of principals, in cases of default, c 41, s 1,	76
or by any person whose money has been collected and retained, ib. s 2,	
Security—required to be given by plaintiffs for costs in certain cases, c 16, s 3,	19
party obtaining writ, appeal or certiorari, to justify or give other on cause shown, c 33, s 2,	52
on original bill, or bill of injunction, must be justified or other given, on cause shown by adverse party, ib. s 3,	
Sheriffs—disqualified for office by gaming, c 21, s 1,	22
to convey convicts to Penitentiary, c 38, s 2,	61
to impress man, horse, &c. to aid in conveying convicts, c 38, s 3,	62
may summon additional guard when necessary, ib. s 4,	
privileges of in conveying convicts, ib. s 3,	
may have judgment on motion against their deputies and securities for default of the former c 41, s 1,	70
must give ten days notice, ib.	
to bid off lands sold for taxes in certain cases for the use of common schools, c 54, s 1,	87
to have no fee where the same are not redeemed ib. s 2,	
to make a deed to trustees of common schools, ib. s 1	
to have an allowance for keeping live stock levied on, c 56, s 1,	88
duty of, in counties where terms of the supreme, chancery and circuit courts are held, c 71, s 1,	90
to keep the court houses in order, ib.	
to pay over one half of the state tax on lands &c.	

for the next two years, to the county trustees, c 72, s 1,	100
of Lincoln county—to pay Edmund Daniel a certain claim, c 99, s 2,	130
deputy—may be proceeded against on motion by principal, for default, c 41, s 1,	76
liable to judgment on motion of any person for money by them collected and retained, ib.	
Sims' Grant—in Hawkins county, reserved from entry, c 85, s 5,	115
Smith County—quorum court established in, c 9,	11
Slaves—respecting those directed to be set free by last will of masters of, c 29, s 1,	49-50
may file bill in equity, ib.	
to give bond and security, ib.	
Slaves—negroes—to sell no spirituous liquors without permission, c 74, s 1,	102
to keep none in possession, except at home, ib s 2,	
offences under this act, where cognizable, ib s 3,	105
not permitted to purchase spirits without permission, ib s 4,	
Society—medical—in the State of Tennessee, incorporated, c 80, s 1,	108
[see <i>Medical Society</i> .]	
Sodomy—punishment of, c 23, s 17,	29-30
Spirits—not to be sold by slaves, c 73, s 1,	102
nor to be kept in possession by them, ib s 2,	
nor to be sold to them, ib s 4,	103
offences under this act, where cognizable, ib s 3	102
Stock—not to trespass on islands in Tennessee river, c 31, s 1,	51
Stray Laws—revised and amended, c 37,	55
Stray Hogs—taker up shall not be compelled to keep more than six months, but shall be liable at the end of that time for the money required by law, c 37, s 9,	58
Stray Cattle—may not be taken up between the first day of May and the first day of November, c 37, s 10,	58
Strays—rules to be observed in taking up c 37,	57-58-59-60
Sullivan County—appeals from courts of, to be taken to supreme court at Jonesborough, c 8, s 1,	10
Supersedeas—writs of to issue only for amount shewn to be in error, c 16, s 1,	18
shall be made returnable to either the county or circuit court, ib s 2,	19
Surveyors—south and west of Cong. Res. line, have two years longer to survey plats and certificates on	

entries, c 12, s 1,	20
duties of prescribed, ib s 2,	21
not to survey entries interfering with occupant rights, c 32, s 7,	24-25
forfeitures against, for interfering with occupant rights, ib.	
duty of prescribed with respect to occupant claims, ib s 2,	23
to make assignment of occupant surveys made in their offices, to the rightful owners thereof, c 42, s 2,	77
of Roane and Rhea counties, to survey entries on islands in the Tennessee river, c 43, s 2,	83
county—in 2d and 3d districts, to survey entries, c 81, s 2,	111
duties of where certain entries extend to two counties, c 87, s 1,	116
north and east of Cong. Res. line, duty of, c 108, s 1,	140
deputy—how securities of may obtain release, c 32, s 1,	51
may be required to give other security, ib.	
Surveys—may be made on certain entries for a further time, c 2, s 1,	3-4
two years longer allowed, to make on plats and certificates on entries, south and west of Cong. Res. line, c 12, s 1,	20
may be made of occupant claims south end west of Cong. Res. line, c 42, s 2,	23
to be of not more than 200 nor less than 25 acres, ib.	
to be oblong or square, ib.	
may be spread on the general plan of the district, ib.	
of entries in general office, not to interfere with occupant claims, ib s 7,	24-25
Supreme Court—of errors and appeals, term of to be held annually in Jonesboro, c 8, s 1,	10
when held, ib.	
at Nashville, when held, c 46, s 1,	79
at Sparta, ib.	
at Knoxville, ib.	
at Jonesborough, ib.	
appeals from circuit courts and Madison and Marion returnable to, at Sparta, ib s 2,	
judges of to hold courts at the places specified, ib s 3,	
transfer of cases to, from chancery court, c 79, s 2,	107
at Jonesboro, transfer of cases to, ib s 3,	
at Rogersville, and listed judgments from, to be proceeded on by chancery court, c 86, s 1,	115-116
judges of, to certify certain cases to the Govern-	

or, c 96, s 1,	125
special judges of, to be appointed by the Governor, ib.	
where all the judges are disqualified, c 96, s 2,	125
who are to be appointed special judges, ib. s 5,	126
at Reynoldsburg, when holden, c 103, s 4,	136
<b>TAX</b> —authorized in Smith county to pay quorum court,	11-12
c 9, s 4,	12
on suits in Smith county authorized, c 9, s 5,	
for selling groceries not to be paid by persons ascending the rivers of Western District in certain cases, c 30, 1-2,	50
state on lands, town lots, free white polls, and slaves, one half of given to the counties for the next two years, c 72, s 1,	100
on private banks, c 95, s 2,	121
for building jails and court houses, may be laid by county court, c 99, s 1,	130
<b>Tax Fee</b> —to attorney general, for prosecuting delinquent entry taker, c 7, s 4,	9
for prosecuting trustees of county academies, c 11, s 2,	13
for prosecuting for selling lottery tickets, c 73, s 4,	102
not allowed to the president of the bank of the state on judgments confessed, c 39, s 1,	74
<b>Tax Sales</b> —lands sold at, to be bid off for the use of common schools in certain cases, c 54, s 1,	87
<b>Tenants</b> —in coparcenary, may have real estate sold in certain cases, c 35, s 1,	54
<b>Tennessee river</b> —islands of, stock not to trespass on, c 31, s 1,	51
in Roane and Rhea counties, provisions for entering, c 49, s 1,	43-48
<b>Thimble</b> —punishment for exhibiting, c 23, s 65,	41
playing, ib.	41
<b>Tolls</b> —of jurors chargeable to the county, c 4, s 1,	4-5
<b>Treasurers</b> —to take judgment against all sheriffs who fail to pay over to the county trustees, one half of the state tax on lands, town lots, &c. c 71, s 1,	100
not entitled to commissions on the said half, c 72, s 2,	101
of East Tennessee to pay over academy monies to bank of the state at Nashville, c 92, s 1,	119
of West Tennessee to pay certain expenses on account of the school lands, c 97, s 1,	126
of East Tennessee to perform the same duties, ib. s 2,	139
of navigation for Gibson county duty of, c 105, s 4,	
<b>Trustees</b> —of county academies, to be prosecuted on refusal to settle with commissioners, c 11, s 1,	13
to be dismissed from office, and disqualified, ib. s 3,	14

suits against to be brought in name of the Governor, ib. s 4,	
to give bond with security for the faithful application of the funds, c 67, s 4,	106
empowered to loan the funds, ib. s 6,	97
county, may be ruled to give counter security, c 15, s 1,	17
how securities of may be released, ib.	
shall not speculate on county claims, c 28, s 1,	49
penalty for so doing, ib.	
of common schools, to be elected, c 107, s 2,	140
duty of, ib. s 3,	
<b>UNIVERSITY OF NASHVILLE</b> —may accept one fourth of a township of land in the Cherokee country in lieu of all demands against the citizens south of French Broad and Holston, c 47, s 1,	90
<b>VICE PRESIDENT</b> —of Medical Society election provided for, c 80, s 2,	108
<b>WALKER'S LANE</b> —office opened to adjudicate all claims south of, c 22, s 1,	23
<b>Warrants</b> —original military, office opened for adjudication of, ib.	
locators of in Western District, may obtain decree for partition, c 84, s 1,	113
<b>Washington county</b> —appeals from courts of, to be taken to supreme court at Jonesboro', c 8, s 1,	10
<b>Wayne county</b> —privileges of appellants from courts of, c 114, s 8,	138
<b>Western District</b> —persons ascending rivers in certain seasons may sell groceries without paying tax, c 30, s 1-2,	50
<b>Widows</b> —of purchasers of lands in the Hiwassee district relief extended to, c 61, s 1,	92
<b>Williamson county court</b> —session of extended, c 102, s 4,	135
<b>Wills</b> —punishment for concealing or destroying, c 83, s 47,	39
last, respecting slaves directed to be set free by, c 29, s 1,	49-50
<b>Witnesses</b> —not bound to give testimony in certain cases concerning gaming, c 21, s 2,	22
<b>Writs</b> —of superedeas, &c. to issue only for the amount shown to be in error, c 16, s 1,	18
shall be made returnable to county or circuit courts, ib. s 2,	19
party suing may be ruled to justify security on, or give other, on sufficient cause shown, c 35, s 2,	52
of ne-exeat—may be issued by circuit judges on certain bills, c 91, s 1,	118-119
of error to be decided upon merits, c 103, s 2,	135



# 5 **CONTENTS** OF THE **PRIVATE ACTS OF 1829-30.**

	Page.
An act to divorce John M'Kee from his wife Eliza.	3
An act for the relief of John Stone.	do
An act for the relief of Edmund Williams executor of the last will and testament of Furmenas Williams dec'd.	4
An act to make two regiments by a division of the 6th regiment.	5
An act for the relief of Martha Smith Greene.	6
An act giving Randolph Ross and George Gordon a turnpike road.	do
An act to authorize a separate battalion muster in the fourth regiment of Tennessee militia.	8
An act to continue a loan to Elijah Embree.	do
An act for the relief of James S. Sheppard.	9
An act farther to amend the several acts incorporating the town of Nashville.	do
An act to incorporate the town of Denmark in the county of Madison.	11
An act to establish turnpike bridges in the Western District.	12
An act for the relief of John Alford.	15
An act to grant a preference of entry for twenty-five acres of land for the purpose of building a mill.	do
An act to establish the town of Canyville in the county of Wilson.	16
An act to incorporate the Harpeth Female Academy in the eastern part of Williamsen county.	17
An act to incorporate the Harpeth male academy in the eastern part of Williamsen county.	18
An act to incorporate a female academy at Knoxville.	19
An act to authorize Peter J. Davis, William Reynolds and Stephen Huff to open a turnpike road.	20

An act to authorize the county court of Franklin county to condemn two acres of land for a boatyard.	22
An act to lay off and constitute a new captain's company in the county of Lincoln.	23
An act to authorize Thomas Alexander to build a fish trap.	do
An act to authorize Silas Williams of Claiborne county to build a fish trap and dam in Powell's river.	24
An act to prolong the operations of an act passed December 8, 1826, entitled "an act for the encouragement of Moses Fisk."	do
An act to make legitimate the official acts of Benjamin C. White former surveyor of Morgan county.	25
An act for the benefit of John Nolen and others.	do
An act for the relief of Nancy Adams, widow of Peter Adams, dec'd.	26
An act for the relief of Sylvanus Hinds.	do
An act to authorize Robert Cozby and John W. Hill and others, to open a turnpike road.	27
An act for the relief of the Elkton Guards and Gallatin Spies.	28
An act for the relief of Stewart county.	29
An act for the relief of Richard Hyton.	30
An act to authorize Elijah Foster and Robert L. Brown to raise any sum by lottery not exceeding five thousand dollars, for the construction and improvement of the road leading from the mouth of Sandy to Paris.	do
An act to repeal an act declaring Beech river navigable, passed September 20th, 1823.	32
An act for the relief of the heirs of Robert White dec'd.	do
An act authorizing James Dorin and William Gibson to open a turnpike road.	33
An act for the relief of Nancy Harlin.	35
An act for the relief of Jesse M. Hannah.	36
An act for the relief of Henry Matlock and others.	37
An act appointing an additional commissioner to the turnpike road therein named.	38
An act to provide for the regulation of a volunteer rifle company commanded by captain James McPherson of Roane county.	39
An act to incorporate the trustees of the Manual Labour academy in Maury county.	40
An act for the relief of Joseph H. Talbott.	41
An act to authorize the county court of Fayette county, to lay a tax to complete the building of a court house in the town of Sommerville.	42
An act to authorize the making out certain certificates	

of surveys made by John Farris dec'd, late surveyor of Roane county.	43
An act for the benefit of the executors of William Tait.	do
An act to exonerate all persons living on the top of Chamberland mountain in White county from attending justices.	44
An act to annex the counties of Blount and Marion to the supreme court at Sparta.	45
An act to extend the town of Sparta in White county and other purposes.	do
An act to establish the regimental musters in the county of Overton.	46
An act for the benefit of Francis McGavock and others.	47
An act for the relief of Betty Smith.	48
An act to exempt the proprietors of Beattie's turnpike road from paying a tax therefor.	49
An act to authorize the securities of George Hulme late sheriff of Williamson county to collect taxes in certain cases.	do
An act to amend the laws in relation to Rittenhouse academy in the county of Roane.	50
An act to exempt certain persons from militia duty.	do
An act appointing trustees for Duffield academy and other academies.	51
An act to provide for leasing the house attached to the jail of Claiborne county.	52
An act for the relief of William Reed and Pollard Wisdom.	do
An act to establish a male and female academy at the town of Lagrange, in the county of Fayette.	53
An act to extend the turnpike road granted William Reynolds.	54
An act to amend an act entitled "an act to provide for the better regulation of the town of Kingston, in Roane county," passed the 17th day of August, 1822.	55
An act to provide for holding regimental musters in the 115th regiment of T. M.	57
An act to establish a hospital in the town of Memphis.	do
An act for the benefit of Shadrach Price.	58
An act for the relief of Joseph Dyer.	59
An act to enlarge the town of Brownville in the county of Haywood.	do
An act for the benefit of Samuel Wilson of Monroe county.	60
An act for the relief of the persons therein named.	61
An act for the benefit of John Brock and others.	62
An act for the relief of the legal representatives of John Wilkinson deceased.	do
An act for the benefit of Caleb Brock.	63
An act for the benefit of Uriah Davis.	64

An act for the benefit of Richard Brown, John Brown and William Isam.	do
An act for the relief of George Cook.	do
An act to amend the laws incorporating the towns of Paris and Huntington.	65
An act for the benefit of Joseph Coc.	66
An act for the benefit of John E. Holden.	do
An act for the relief of the heirs of Joseph Tucker dec'd.	67
An act for the benefit of George Reed.	68
An act for the benefit of Jacob Johnson and William Cagle.	69
An act for the relief of Martin Lawler and Robert Davis	70
An act for the relief of the persons therein named.	do
An act for the relief of John White.	71
An act for the relief of Wilson Sanderlin and others.	do
An act for the relief of Martha M. Williams.	72
An act to amend the laws now in force incorporating the town of Jackson, in the county of Madison.	do
An act for the relief of Jane Scott, Sarah Ann Townsend, Elizabeth Card and Sarah Griggs.	74
An act to secure the free navigation of Mill creek in Davidson county from Goodlett's mill to the mouth of said creek.	75
An act for the benefit of Joseph Peterson clerk of the circuit court of Campbell county and for other purposes.	do
An act for the relief of William Weaver.	77
An act to appoint notaries public for the county of Shelby.	do
An act to enlarge the corporation laws of Memphis.	do
An act to compel the citizens of towns and corporations in the county of Sullivan to work on roads the same as other citizens of said county.	78
An act for the relief of the Brownsville volunteer company.	do
An act to establish the road leading from Col. Benjamin Hollinsworth's to Jasper, and to provide the means of keeping the said road in repair.	79
An act to incorporate the town of Lagrange and for other purposes.	do
An act to provide for the better regulation of the town of Statesville in the county of Wilson.	80
An act authorizing a grant to issue to Bailey Rains.	do
An act for the relief of Sarah L. Johnson.	81
An act for the relief of John D. Davidson and others.	82
An act for the benefit of Mary Manchester.	83
An act for the benefit of Samuel P. Ash of Haywood county in this state.	do
An act to lay off a company in the county of Claiborne	

north of the Cumberland mountain.	84
An act for the benefit of Prudence Pugh of Hickman county and others.	85
An act to alter grant 25553, and others.	do
An act to authorize William Mothershead to build a mill	86
An act for the relief of Elijah Roberson of Sevier county.	87
An act to incorporate Trenton Academy in the county of Gibson.	do
An act to authorize the county court of M'Nairy county to lay a tax to complete the building of a court house in the town of Purdy.	88
An act for the benefit of the sheriff and ranger of the counties of Lawrence and Wayne.	89
An act to authorize the Mayor and Aldermen of the corporation of the town of Dresden, to sell and convey any alleys in said town.	do
An act to authorize the county court of Davidson county to prolong their sessions.	do
An act for the relief of Sally Mapes of Rhea county.	90
An act for the relief of Thomas M'Clure.	do
An act for the relief of William Quarles.	91
An act to validate the proceedings of the county court of Smith county, emancipating David a man of colour, Nancy his wife and five children.	do
An act for the relief of Ira Townsend.	92
An act for the relief of Nancy Allison, widow and relict of Uriah Allison, deceased late of Roane county, and for the benefit of the heirs and representatives of said decedent.	93
An act to repeal an act entitled an act for the benefit of George Brown of the county of Greene, passed in the year 1827.	94
An act authorizing the establishment of an artillery company in the county of Maury.	do
An act to appoint a commissioner on the turnpike road leading through Morgan county.	96
An act for the relief of Elizabeth Freeman.	do
An act for the benefit of Sarah Varnoy.	97
An act for the relief of Mary Sick of Claiborne county.	98
An act for the benefit of Christopher Nations.	do
An act for the relief of Jesse Ragin.	99
An act appointing additional trustees for Madison academy in the county of Grainger and other academies.	do
An act to designate the place of comparing the votes for the counties therein mentioned.	100
An act to revive an act for the relief and benefit of certain persons therein named.	do



An act to amend the laws incorporating the town of Athens.	101
An act to appoint a commissioner for the turnpike road therein named.	102
An act to extend the corporation of the town of Brownsville and for other purposes.	103
An act to exempt the proprietors of Ragsdale turnpike road from paying a part of the tax therefor.	104
An act for the relief of Spencer Beavers sheriff of McMinn county.	do
An act to authorize Allen McDonald to open a turnpike road.	105
An act for the relief of Blackman Coleman of Haywood county.	107
An act directing the duty of the sheriffs of the counties of Roane and Morgan in comparing the votes for representatives to the General Assembly.	do
An act to distribute the surplus pamphlet acts of Congress now in the Secretary's office.	108
An act for the benefit of Laura Manly.	109
An act to alter the lines between Bledsoe and Hamilton counties.	do
An act to alter the time of holding the musters in the 34th regiment of militia of Tennessee.	110
An act authorizing the drawing of a lottery for the benefit of the heirs of Colonel Robert Henry Dyer, dec'd.	111
An act for the relief of Polly D. Allen.	114
An act for the relief of Henry Lady, John Cocke, Thomas Whiteside, Jacob Cliece and John Lowry.	do
An act to lay off a battalion in the thirty-third regiment of the militia.	115
An act to establish a battalion to be composed of the Grassy Cove and Cumberland Mountain companies.	do
An act to repeal so much of the law passed at the present General Assembly as proposes to pay the commissioners to be elected to superintend the building of the Penitentiary.	116
An act to dispose of the books and papers of the surveyor's office of the 4th district.	do
An act to authorize the opening the navigation of the Caney Fork of Cumberland river.	117
An act for the benefit of the Buffalo Iron Works in the county of Lawrence.	119
An act for the benefit of Eliza Nightingale.	120
An act to repeal an act passed November 17th 1827, for the benefit of Mary Evans.	121
An act granting a resurvey of Overton county.	do

An act to divide the second regiment and to constitute the ——— regiment in Sullivan county.	123
An act to authorize a lottery for the benefit of Samuel Houston academy in Marion county.	124
An act to authorize a lottery for the benefit of the Harpeth male and female academies.	125
An act to authorize a lottery for the benefit of the Seimerville academy, and for the clearing out the obstructions in Wolf river.	126
An act providing for the entry of certain unappropriated land in Rhea county.	127
An act for the relief of the person employed to print Haywood and Cobbs' digest of the laws of the State of Tennessee.	128
An act to appoint additional trustees to the Jackson academy in the county of Madison.	129
An act to alter the times of holding battalion musters in the 1st and 2d battalions of the 94th regiment of Tennessee militia.	do
An act for the relief of Thomas McAladin.	130
An act for the relief of John McCracken.	do
An act to compel the commissioners of the town of Lawrenceburg to close their business and to appropriate the monies in their hands to county purposes.	131
An act to refund to the county of Marion certain monies wrongfully paid.	133
An act for the relief of Edward Mitchell and Andrew M'Bath.	do
An act to amend an act passed 14th October 1824, entitled an act for the benefit of the Bean's Station turnpike road.	134
An act to provide a permanent office for the public papers of the state.	135
An act to allow Robert M. Anderson compensation for services rendered as the attorney for the state in certain suits in which he was employed by the treasurer of West Tennessee.	136
An act for the relief of the Jackson Centinels.	do
An act to compensate the officers and witnesses on behalf of the state on the trial of Judge Joshua Haskell before the court of impeachment.	137
An act making an appropriation to assist the people of Carter county to complete the stage road leading from Elizabethtown to North Carolina; and meeting the road made by the state of North Carolina.	138
An act to repeal an act authorizing the holding a precinct election at the house of James Askins in the county	

of Rutherford.	140
An act to establish the seat of justice in Hamilton county	141
An act for the relief of Captain P. Gordon of Maury county.	142
An act to promote Education.	143
An act to authorize Daniel D. Foute of Maryville, Blount county to open a turnpike road.	144
An act for the benefit of Samuel Hale of M'Minn county	145
An act for the relief of John Bullock.	do
An act for the benefit of William W. Bomar.	146
An act to authorize the treasurer to pay the sums therein mentioned.	147
An act for the benefit of the clerk of the circuit court and register of Overton county.	do
An act supplementary to an act entitled an act to authorize Peter J. Davis, William Reynolds and Stephen Huff to open a turnpike road.	148
An act to appoint a trustee for Dover Academy.	do
An act for the benefit of Henry S. Wilson.	do
An act for the relief of Julius C. N. Robertson.	149
An act for the better regulation of the first regiment of volunteers.	150
An act to authorize, the county court of Henry county to appoint commissioners to examine into the situation of the public buildings of said county, and for other purposes.	do
An act to authorize all arrearages of taxes due the corporation of town of Murfreesboro' to be collected.	151
An act to direct the printing of the act establishing the town of Jasper.	do
An act for the relief of Robert Marshall late sheriff of Henderson county.	152
An act to amend an act entitled "an act to legitimate Eliza Gay," passed December 8th 1826.	do
An act to amend an act entitled "an act to compel the sheriff of Henry county to do certain duties therein named."	153
An act fixing the time of holding the regimental musters in the 104 regiment.	154
An act for the benefit of Burges Mathes.	do
An act for relief of David Brodie.	155
An act for the relief of John and James O'Brien.	do
An act for the relief of John P. Taylor of Giles county.	156
An act to repeal so much of the first section of an act entitled an act to provide for the better regulation of the town of Alexandria, in the county of Smith, as appoints Joshua M. Coffee, Thomas Whaley, Isaac Moore and Willis W. Allman commissioners for said town.	do

An act to restore Alexander McNichols to legal privileges.	157
An act for the benefit of Edmund Browder.	do
An act authorizing certain lands to be leased.	158
An act to amend an act passed December 11th, 1827, chapter 188.	do
An act to incorporate a company called the Franklin turnpike company and for other purposes.	159
An act to change the name of the academy in Bledsoe county.	166
An act to incorporate the inhabitants of the town of Tazewell.	do
An act to authorize a tax to be laid in the county of Hawkins to build a court house.	168
An act granting a turnpike road to Joseph B. Woodard and Samuel Cathey.	170
An act to provide for selling the old, and erecting a new jail in Lincoln county.	171
An act for the relief of Benjamin Gains.	172
An act to divorce Jeremiah Jack of Greene county from his wife Catharine Jack.	173
An act to authorize a survey of the counties of Sullivan, Hawkins, Washington and Greene.	do
An act for the relief of Abraham S. Davidson of Gibson county and others.	174
An act to regulate the town of M'Minnville in the county of Warren.	175
An act to relieve those persons in White county, who lately had their lands sold for the taxes, and bought by the sheriff.	do
An act for the relief of Thomas Moore and others.	176
An act to change the name and make legitimate the persons therein named.	177
An act supplementary to an act passed July 29th, 1820, entitled "an act altering a part of the turnpike road in the county of Greene and for other purposes."	178
An act for the benefit of Thomas H. Perkins.	179
An act for the relief of Elisha Kirklen.	180
An act to establish a town on the lands of William Henderson and others; in Giles county, and other purposes.	181
An act for the relief of Robert Armstrong.	do
An act giving the circuit court of Davidson county now in session, jurisdiction in a certain case.	182
An act to authorize the sale of the stray pen in the town of Lebanon.	183
An act supplementary to an act passed December 9th, 1826, entitled an act for the relief C. F. M. Gudream.	184

An act to allow Hugh L. White compensation for his services as the attorney for the state in certain cases.	do
An act to empower the county court of Bledsoe to erect a house for the accommodation of the poor	185
An act for the relief of certain citizens of Smith county	186
An act for the benefit of Richard Nelson of White county	187
An act to incorporate a company for opening a turnpike road from the Nashville bridge to the top of the ridge at or near Shannon's on the Russellville and Clarksville roads.	188
An act to incorporate the Gallatin turnpike company.	195
An act to compensate the officers and witnesses on behalf of the state, on the trial of Judge Nathaniel W. Williams before the court of impeachment.	200
An act to authorize the county court of Obion to lay a tax in said county to complete the public buildings.	202
An act to incorporate the inhabitants of the town of Washington and Pikeville.	do
An act for the relief of John Love.	203
An act for the benefit of a uniform company in Smith county, known by the name of the Alexandria Whigs.	204
An act authorizing James McKissick and others to convey to the heirs of James McChristain, three lots in the town of Shelbyville.	do
An act authorizing the 24th regiment to hold a precinct election at Cabbin Row for regimental officers.	205
An act for the relief of Christopher Strong and others.	do
An act to amend the law in relation to the Cumberland turnpike road.	207
An act for the benefit of William Briggs of Hickman county	208
An act to dispose of certain lands in Hawkins county, commonly called Simms' big survey.	do
An act to repeal an act entitled "an act supplemental to an act to authorize the county court of Davidson to prolong its sessions."	212
An act to appoint certain persons to settle with the commissioners of the county seat of Monroe county and for other purposes.	213
An act supplementary to an act passed at the present session, entitled "an act to extend the turnpike road granted to William Reynolds."	215
An act directing the surveyors south and west of the Congressional line to do certain acts, and for other purposes.	do
An act to alter the names of the illegitimate children of Jacob Haun.	216
An act for the benefit of George Blaze of Wilson county.	217
An act for the benefit of Francis Shaw.	

An act to authorize John Brown to keep up and open a turnpike road.	218
An act to authorize the circuit court of the county of Giles, Lincoln, Rutherford and Bledsoe, to divorce the persons therein named.	219
An act concerning the collectors of the public tax in Bedford and Greene counties.	221
An act to incorporate the Clarksville and Russellville turnpike road company.	222
An act to incorporate a company for opening a turnpike road from Nashville to Murfreesboro'.	223
An act to repeal an act passed at the present session of General Assembly, entitled an act for the benefit of John E. Holden.	232
An act to provide for running and establishing a part of the dividing line between the counties of White and Jackson.	233
An act for the benefit of Margaret Thomas of Davidson county and others.	234
An act for the benefit of Martin Adams and David Hazle	do
An act to establish a turnpike road from the forks of the Murfreesboro' and Lebanon road at Harris' to Stones river at the Clover Bottom, on said Lebanon road.	235
An act to exempt certain persons from militia duty.	236
An act for the relief of Rachel Meyers.	237
An act declaring Sequachy river navigable.	do
An act to regulate the county courts of Bledsoe and Marion counties.	238
An act appointing additional trustees to Bolivar, Brownsville and Lagrange academies.	239
An act for the benefit of a volunteer militia company to be denominated the Rutherford Patriots and for other purposes.	240
An act for the relief of Robert Elder and Nathaniel Brittain.	241
An act to establish a precinct election in Claiborne county	do
An act to authorize Robert Jetton to open and establish a toll bridge and turnpike road across Sandy river and bottom.	242
An act for the benefit of Mary Ford.	244
An act for the benefit of Blackmore H. Mayo.	245
An act for the benefit of Jacob Brown.	do
An act to amend the act of 1827, incorporating the bridge on Red river and other purposes.	246
An act for the benefit of Isaac L. Moody.	249
An act for the relief of the securities of John Purris, do.	



ceased, late agent of the Bank of the State of Tennessee, for Roane county.	do	250
An act for the benefit of John Dougherty.	do	251
An act concerning a section of school land in the county of Rhea.	do	252
An act for the benefit of the heirs of James Allen sen'r, deceased.	do	253
An act providing for the sale of a certain section of land therein named.	do	259
An act establishing the Hatchie turnpike.	do	260
An act to amend the first section of an act entitled "an act for the relief of Jeremiah Lillard and others," passed 12th December 1827.	do	261
An act to declare the middle fork of the Forked Deer river navigable and for other purposes.	do	262
An act to authorize Nicholas T. Perkins of Williamson county to sell or dispose of a certain tract of land belonging to the heirs of Charles Perkins, deceased.	do	263
An act to divorce Rosanna Smith from her husband Uly. ses G. Smith and others.	do	264
An act for the relief of Robert Gamble.	do	265
An act prescribing the times of holding regimental musters in Bedford county and for other purposes.	do	266
An act appointing commissioners to superintend the building a jail in the county of Stewart.	do	267
An act to establish a public ferry on the Nolichucky river.	do	268
An act to fix the time of holding regimental musters.	do	269
An act for the relief of Meriman Jones of Hardeman county.	do	270
An act for the benefit of Greenwood Paine and others.	do	271
An act for the relief of certain persons therein named.	do	272
An act for the relief of John Chapman of Tipton county.	do	273
An act explanatory of an act entitled "an act for the relief of Jesse Mayfield of M'Minn county."	do	274
An act for the relief of the widow and legal heirs and representatives of Charles Gamble, deceased.	do	275
An act for the benefit of the infantry company to be designated the Rutherford Rangers, and to amend a part of the charter of the bank of the State of Tennessee.	do	276
An act to change the name of the county seat in Monroe	do	277
An act to prescribe the manner of holding elections to elect members of the General Assembly, members of Congress, and electors, to elect the President and Vice President of the United States in the county of Knox.	do	278
An act for the relief of Elbert Williams of Wilson county.	do	279
An act for the relief of the purchasers, the legal representatives and the assignees of the purchasers of the lands lying within the bounds of the reserve claimed and sued for	do	280

by Mouse Paine in the Hiwassee District.	275
An act to incorporate the Williamsport library company.	276
An act authorizing the county courts of Greene and Washington to appoint commissioners to superintend the clearing out fish traps and dams in Nolichucky river.	277
An act to keep in repair the ford road in Hawkins and Sullivan counties.	278
An act to divorce Sarah Brewington from her husband James Brewington.	do
An act to amend an act entitled an act to establish academies in the several counties in this state, and the amendments and other acts relating to the same.	279
An act to establish the seat of justice of Marion county.	281
An act to provide for the payment of the members, clerks and door keepers of the present General Assembly, and to defray the necessary contingent expenses thereof.	283

## CAPTIONS OF THE RESOLUTIONS.

A resolution referring warrant No. 2795, to the commissioner for adjudication.	287
Resolution referring grant No. 17667, to the commissioner for adjudication.	do
A resolution providing for the adjudication of grant No. 1326.	288
Resolution referring entry No. 12180, to the commissioner for adjudication.	do
A resolution for the benefit of Polly Potts.	289
A resolution directing the treasurer of West Tennessee to pay Robert E. C. Dougherty twenty-five dollars.	do
A resolution respecting the Harpeth Shoals in Cumberland river.	do
A resolution directory to the surveyor of the 13th district.	290
A resolution authorizing a land warrant to issue to James Douglass.	291
A resolution referring warrant No. 1964, for 400 acres granted to George Bean, and grant No. — for 1000 acres in the name of John Sevier, to the commissioner for adjudication.	do
Resolution requiring the register of West Tennessee to issue a grant to William Woods for 640 acres.	292
To the Senate and House of Representatives of the United States in Congress assembled.	do
A resolution relating to the devise of Mason Lee, late of the state of South Carolina.	295
Resolution relative to the bank of the State of Tennessee	296
Resolution referring grants No. 273, 1819 and No. 854, to the commissioner of land claims for adjudication.	do
Resolution requiring the register of West Tennessee to issue a grant to the heirs of Henry Rhodes upon certain conditions.	297

## XV

A resolution directing the commissioner to issue a certificate to John Cowan.	do
Resolution directing the register of east and west Tennessee to issue certificate warrants on certain conditions.	298
A resolution relative to the United States Bank.	do
A resolution directory to the clerks of the circuit courts in this state.	299
Resolutions relative to state turnpike road.	do
Resolution requiring the commissioner to re-adjudicate certificate warrant No. 4649, for 100 acres.	300
Resolution referring grant No. 1421, to the commissioner for adjudication.	do
A resolution appointing James A. Whiteside to superintend the printing Haywood and Cobbs' revision of the laws of the State of Tennessee.	301
A resolution referring certain subjects to the judges of the supreme court for their decision.	do
A resolution directory to the register of West Tennessee	302
A resolution to provide for the relief of Abraham M'Gee.	do
A resolution appointing Samuel G. Smith and William B. Carter to examine the agents and entry takers offices.	303
A resolution directory to surveyor of the 8th district, to alter entry No. 1331, in the name of John Johnson.	do
Resolution directory to the treasurer of East Tennessee.	do
A resolution directing the Secretary of state to issue a certificate to the heirs of Patrick Murphey on military warrant No. 370.	304
A resolution directing the attorney general of the 7th district to dismiss certain suits therein named.	do
Convention entered into between the states of Kentucky and Tennessee, on the 2d February 1820.	305

## **PRIVATE ACTS**

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**PASSED IN THE YEAR 1829.**



# PRIVATE ACTS

OF THE

## STATE OF TENNESSEE.

PASSED AT THE STATED SESSION, WHICH WAS BEGUN AND HELD AT NASHVILLE, DAVIDSON COUNTY, ON MONDAY THE TWENTY-FIRST DAY OF SEPTEMBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-NINE.

WILLIAM HALL, Governor; DANIEL GRAHAM, Secretary of State; JOEL WALKER, Speaker of the Senate; EPHRAIM H. FOSTER Speaker of the House of Representatives.

### CHAPTER I.

*AN ACT to divorce John M'Kee from his wife Eliza.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony heretofore entered into and now existing between John M'Kee of Greene county, and Eliza M'Kee of the state of Pennsylvania, be and the same are hereby dissolved.*

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

October 9, 1829.

### CHAPTER II.

*AN ACT for the relief of John Stone.*

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That John Stone of Bedford county, is hereby authorized to hawk and peddle throughout this state without obtaining license or paying tax therefor, any law to the contrary notwithstanding.*

John Stone  
authorized to  
hawk and ped-  
dle.

*Swath to be taken by him.*  
**SEC. 2.** *Be it enacted,* That previous to the said John Stone's exercising the privileges extended to him by this act, he shall take and subscribe the following oath, before either the county or circuit court of Bedford county, or some justice of the peace for Bedford county, to wit: I John Stone, do solemnly swear that the object I have in view in retailing goods is for my own benefit and not for the purpose of benefiting any other person under my name, so help me God.

**EPHRAIM H. FOSTER,**  
 Speaker of the House of Representatives.  
**JOEL WALKER,**  
 Speaker of the Senate.

October 1, 1829.

### CHAPTER III.

*AN ACT for the relief of Edmund Williams executor of the last will and testament of Parmenas Williams deceased.*

*May resign the office of Executor.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the county court of Maury county, upon petition filed by Edmund Williams, to order and decree that the resignation of said Edmund as executor of the last will and testament of the said Parmenas Williams be received; and to proceed to the appointment of an administrator de bonis non, with the will annexed, to whom the property in the hands of the said Edmund as executor, shall be delivered over; and upon giving bond and security, the administrator so appointed shall have full power to administer upon the estate of said Parmenas Williams, and perform the trusts of said will to the same extent as if he was an executor to said will; and the said Edmund shall be released as executor, from any further discharge of the duties of that office.

*To give notice to devisees.*  
**SEC. 2.** *Be it further enacted,* That notice of filing of the petition, shall be given to such of the devisees of the said Parmenas Williams, or in case they or any of them are minors, to their guardians who are resident in the county of Maury, in order that they may shew cause if any they have why the pray-

er of the petition of said Edmund Williams should not be granted.

*Not to be released from any responsibility previously incurred.*  
**SEC. 3.** *And be it further enacted,* That this act shall not be construed to release the said Edmund Williams or his securities from any responsibility incurred before the appointment of an administrator de bonis non, and the delivery of the assets to said administrator according to the order of the court.

**EPHRAIM H. FOSTER,**  
 Speaker of the House of Representatives.  
**JOEL WALKER,**  
 Speaker of the Senate.

October 12, 1829.

### CHAPTER IV.

*AN ACT to make two regiments by a division of the fifth regiment.*

*Fifth regiment to be divided into two.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That the fifth regiment shall be divided, so as to make two regiments, by a line run across the county, so as to divide as near as practicable the said regiment into two equal parts, at the same time regarding as much as possible the convenience of the people in attending their musters.

*When, where and by whom the division is to be made.*  
**SEC. 2.** *Be it enacted,* That the field officers of said regiment, shall on the first Thursday in January next, meet at the court house in Elizabethton and strike the line of division in conformity with the above restrictions, and have the same entered upon their record book by the judge advocate, and said new regiment thus laid off, shall be numbered as heretofore prescribed by law, and shall hold their regimental musters on the first Thursday in October and their battalion musters on the first Friday in April in each year, at Thomas Johnson's sen'r. and their courts martial the following Friday after each muster.

*Brigadier General to issue writ of election.*  
**SEC. 3.** *Be it enacted,* That such officers of said regiment as may fall in the bounds of said new regiment shall retain their command in the same, and the commanding general of the first brigade, shall issue his writs of election to officer both regiments,

which officers when elected, shall be commissioned by the Governor as in other cases.

*Drill musters of the new regiment where held.*  
**SEC. 4.** *Be it enacted,* That the officers of said regiment, shall hold their drill musters (at said Thomas Johnson's) as other regiments are required to do by law.

*Regimental musters of the 110th Regim't when held.*  
**SEC. 5.** *Be it enacted,* That the regimental musters of the 110th regiment, shall hereafter be held on the third Friday in October in each year.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate:

October 12, 1829.

## CHAPTER V.

*AN ACT for the relief of Martha Smith Green.*

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter Martha Smith Green of Williamson county, wife of Thomas C. Green, be authorized and empowered to possess, hold, occupy and use any kind or species of property, she may acquire by descent or otherwise, free from the debts, contracts or control of him the said Thomas C. Green, and that the said Martha Smith Green may give, sell and otherwise dispose of all such property so acquired as a feme sole.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

October 9, 1829.

## CHAPTER VI.

*AN ACT giving Randolph Ross and George Gordon a turnpike road.*

*The road granted to Ross.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That Randolph Ross is hereby entitled to the full and entire benefit of an act of

Assembly passed November 1826, authorizing Reuben Ross to open a turnpike road, to which act reference is herein made for the direction of the said Randolph Ross whose name is hereby substituted in place of the said Reuben Ross, and on the said Randolph complying with the requisitions of said act of Assembly, he shall be entitled to the emoluments of said road, under the same rules, regulations and restrictions, and for the same term of time, as is provided for by said recited act, authorizing Reuben Ross to open a turnpike road.

**SEC. 2.** *Be it enacted,* That George Gordon and Randolph Ross are hereby made sole proprietors with coequal interest in the turnpike road, granted to said Gordon and others by act of Assembly, from said Gordon's iron works to intersect the Crab Orchard road at or near George Dawson's, to which act reference is hereby made for the direction of said Gordon and Ross.

*The road granted Gordon & Ross.*

**SEC. 3.** *Be it enacted,* That if George Gordon and Randolph Ross shall make that part of the road, from the point where said Ross' road intersects at the present residence of George Dawson to said Gordon's furnace in manner and form as required by the act referred to in the first section of this act, for the direction of said Randolph Ross, they shall be entitled to the emoluments of said road, for the same term of time as is limited by the respective acts of Assembly, granting to George Gordon and others, a turnpike road from Gordons' iron works to intersect the Crab Orchard road at or near George Dawson's, and an act granting to Lincoln and Gordon a turnpike road under the same restrictions, and on the same conditions as is provided for by the acts above referred to; Provided nothing herein contained, shall be so construed as to operate to the prejudice of the heirs or legal representatives of the said Reuben Ross, in any legal right or rights, which may have vested in them by the acts creating and authorizing the opening of the above turnpike roads or either of them.

*Their duty.*

**SEC. 4.** *Be it enacted,* That George Dawson of Bledsoe county and James Preston of the county of Rhea, are hereby appointed commissioners of the road, stated in the 3rd section of this act, who shall be governed by the act of Assembly referred to in

*Commissioners appointed.*



the first section of this act, pointing out the duty of the commissioners therein named.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 22, 1829.

### CHAPTER VII.

*AN ACT to authorize a separate battalion muster in the fourth regiment of Tennessee militia.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That, that portion of the militia of Hawkins county, who reside on the south side of Holston river, in the fourth regiment of Tennessee militia, hold a battalion muster on the south side of said river, on the third Friday in April annually, at such place as a majority of the commissioned officers of said battalion may direct; and it shall be the duty of one of the majors in the fourth regiment alternately to attend and review said battalion.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 23, 1829.

### CHAPTER VIII.

*AN ACT to continue a loan to Elijah Embree.*

Loan continu-  
ed.  
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That, that portion of the fund belonging to the academies of this state, heretofore loaned to Elijah Embree, shall be continued in the hands of said Embree, until otherwise provided for by law; Provided, nevertheless, that said Embree, shall always keep said debt perfectly secure by bond and sufficient security, the solvency of which shall be determined by the treasurer of East Ten-*

nessee, and provided also, that said Embree shall punctually pay the interest semi-annually.

Sec. 2. *Be it enacted, That at any time when the treasurer of East Tennessee, shall deem the said debt insecure, for the want of sufficient security, or if said Embree shall fail to pay the interest as required by the first section of this act—then, and in either or both of the above occurrences happening, it shall be the duty of said treasurer to bring suit against said Embree and his securities for the recovery of the principal and interest due on their bond.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 23, 1829.

### CHAPTER IX.

*AN ACT for the relief of James S. Sheppard.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee, That James S. Sheppard of Shelby county is hereby authorized to enter any amount of vacant and unappropriated lands in range 2, section 4, in the 11th district either in an oblong or square, so as to include his grist and sawmills; Provided, nevertheless, that he shall appropriate a good and genuine warrant thereto; and provided also, that he shall not interfere with any previous occupant claim.*

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 13, 1829.

### CHAPTER X.

*AN ACT further to amend the several acts incorporating the town of Nashville.*

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

*State of Tennessee.* That if it shall at any time happen, that two or more persons shall receive the same number of votes for mayor, alderman, or town constable, at any election of such officers, held by the people entitled to vote for the same in the corporation of Nashville, it shall be the duty of the mayor and aldermen to whom the result of such election may be certified, and it is hereby declared lawful for them, to direct a new election to be held by the persons entitled to vote for such officers, giving the ordinary notice thereof, as required by law in such elections, and the person or persons elected at such new election, shall be entitled to their seats or places, in the same manner as if chosen in the first instance.

New elections  
where candid-  
ates are tied.

*Sec. 2. Be it enacted,* That no person shall be entitled to vote at any election for mayor, alderman, or town constable, who shall not produce to the judges of such election, satisfactory evidence, that he has paid his corporation taxes for the then current year.

Qualifications  
of voters—

*Sec. 3. Be it enacted,* That no person shall be eligible to represent a ward as alderman, who is not a freeholder in such ward, and if any alderman shall at any time after his election, be divested of his freehold, or be ascertained to be a non-freeholder in the ward for which he was elected, his seat shall thereby be vacated, and a successor elected as in cases of death or resignation.

Qualifications  
of Aldermen.

*Sec. 4. Be it enacted,* That non-residents entitled to vote in elections of corporation officers, if owners of property in several wards, may elect in which of said wards to vote, but if in only one ward, shall not be entitled to vote for aldermen, except in such ward.

Non-residents  
in what wards  
to vote.

*Sec. 5. Be it enacted,* That the mayor and aldermen of Nashville, may, during the month of August next, and within said month every two years thereafter, if deemed expedient, make such alterations in the boundaries of the several wards, as may be considered necessary and proper, in order to equalize the representation thereof, giving to each ward as near as practicable, an equal population.

Boundaries of  
wards—how  
altered.

*Sec. 6. Be it enacted,* That the provisions of the first section of this act, shall apply as well to cases now existing, as to those which may occur hereafter.

To what cases  
the first section  
applies.

*Sec. 7. Be it enacted,* That the provisions of an act

passed 14th November, 1827, entitled "an act to authorize the circuit court of Davidson county, to order the opening of any new streets, lanes, or alleys in the town of Nashville," shall be considered, and said act is hereby declared to apply to, and authorize the widening of streets, lanes and alleys, now, or then existing, as well as to opening new streets.— And the circuit court of Davidson county, is hereby authorized and empowered to order the widening or extending in length, or breadth, of any street, lane or alley, now existing in said town, under the same rules, restrictions and provisions, as are contained in the above recited act.

Construction  
of the act of  
1827.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 26, 1829.

## CHAPTER XI.

*AN ACT to incorporate the town of Denmark in the county of Madison.*

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the town of Denmark in the county of Madison, is hereby declared to be incorporated and to have and possess all corporate privileges and capacities necessary for the government, Town incorpo-  
leges and capacities necessary for the government raised.  
and police of said town; Provided that in the passage of any bye laws, rules and regulations, they shall not do any act or thing inconsistent with the laws and constitution of this state or of the United States.

*Sec. 2. Be it enacted,* That Joab Wilson, William Hubert, William Sanders, Theophilus Sanders, S. T. Vaughn and David Jarrott and their successors in office, shall be members of said corporation with all the privileges and powers necessary to enact the bye laws and regulations for said town, with the power also of appointing their own chairman, town constable and clerk; said clerk shall keep a fair and perfect record of all the proceedings of said corporation, and when said corporation shall be organized, they shall proceed to survey out and define the

Commission-  
ers appointed:  
their duty and  
privilege.

the limits of said town, mark the same and record the same in their books, which shall be the boundaries accordingly.

EPHRAIM H. FOSTER,  
Speaker of the House of Representatives.  
JOEL WALKER,  
Speaker of the Senate.

October 1, 1829.

## CHAPTER XII.

### AN ACT to establish turnpike bridges in the Western District.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a turnpike road and bridge, is hereby established across Hatchee river, in the county of Haywood, at a point southward from Brownsville, which road and bridge shall be constructed under the same rules, regulations and restrictions as was observed in the construction of the bridge and turnpike at Jackson; the same tolls shall be allowed, and the undertaker or undertakers, shall be subject to the same penalties and conditions as well as liabilities that is prescribed for said turnpike bridge.

Across Hatchee river, southward from Brownsville.

SEC. 2. *Be it enacted*, That Blackman Coleman, Samuel P. Ash and Patrick McGuire, are hereby appointed commissioners to let the same to the lowest bidder, after first advertising the time and place thirty days, in some paper printed in Jackson and Memphis, to any person or persons, who will undertake the same for the least number of years for the toll prescribed, and shall take bond and security for the faithful performance of said work, and shall conform to the plan and principles prescribed for the Jackson bridge as near as circumstances will permit.

Commissioners appointed their duty and authority.

SEC. 3. *Be it enacted*, That James Brown and James Caruthers of Madison county and Moses Woodfin of Gibson county, or a majority of them, are hereby appointed commissioners to select the crossing place on the river, which shall be done with a view to make one crossing place opposite Brownsville, best answer the purpose of branching off roads from the south and of the causeway to Bolivar,

Sub Commissioners—their duty.

Summerville, Raleigh and Memphis, and they shall make the same distinctly, and report the same to the commissioners appointed by this act to let out and superintend said work.

SEC. 4. *Be it enacted*, That in the construction of said bridge, it shall be sufficiently high to allow all description of boats to pass under the same, and when it shall be completed, the proprietor or proprietors shall be entitled to receive one half the toll prescribed, until the whole causeway is finished and received by the commissioners, when the full amount shall be allowed.

Height of the bridge, toll, &c

SEC. 5. *Be it enacted*, That all the commissioners appointed under this act, shall be entitled to receive from the proprietors the sum of two dollars and fifty cents for each day they may necessarily be engaged in said duties.

Pay of Commissioners.

SEC. 6. *Be it enacted*, That Daniel Cherry is hereby authorized to open and construct a turnpike road and bridge, across the south fork of the Forked Deer at Harrisburg, and shall be entitled to the same toll and in the same way as is herein prescribed for the turnpike south of Brownsville; and Blackman Coleman and Richard Nickson, are hereby appointed commissioners to take bond, prescribe the plan, superintend the work, and to do all other needful acts prescribed in the law, authorizing the turnpike bridge road at Jackson, and said Cherry shall have the same sixty years; and shall complete the same in two years.

Road across the south fork of the Forked Deer at Harrisburg, by whom to be constructed.

SEC. 7. *Be it enacted*, That William B. G. Killingsworth, Moses Woodfin of Gibson county, and Rice Williams, John C. Wilson, William M. Wilson and John Hutchison of Obion county, and in case of disagreement, William Mitchell of Dyer county, are hereby appointed to select some suitable place to erect a bridge and causeway, in a direction from Trenton to Troy, and to let the same out to the person, who will construct it upon the same plan, under the same regulations and restrictions, for the same tolls and emoluments, as is prescribed for the bridge and causeway at Jackson, for the shortest number of years: the time and place of letting out the same, shall be published in some two newspapers in the Western District—and said com-

Commissioners for a road in the direction from Trenton to Troy—their duty.



missioners are hereby appointed to take bond and security, and do all other things enjoined by the act referred to, and the said Killingsworth shall superintend the same after it is built, and said commissioners shall receive the same compensation, in the same way, and to the same amount as is prescribed for the commissioners of the turnpike bridge and causeway south of Brownsville.

Sec. 8. *Be it enacted*, That Blackman Coleman, Richard G. Nixon of Haywood county, and George Claibourne, and John B. Hogg of Gibson county, and in case of disagreement Sagars M'Lemore of Madison county, are hereby appointed to select some suitable place to erect a bridge and causeway in a direction from Brownsville to Trenton, and to let the same out to the person, who will construct it upon the same plan, under the same regulations and restrictions, for the same tolls and emoluments, as is prescribed for the bridge and causeway at Jackson, for the shortest number of years; the time and place of letting out the same, shall be advertised in some two newspapers in the Western District, and said commissioners are hereby appointed to take bond and security, and do all other things enjoined by this act referred to, and said Coleman shall superintend the same after it is built, and said commissioners shall receive the same compensation in the same way, and to the same amount, as is prescribed for the commissioners of the turnpike bridge and causeway south of Brownsville.

Sec. 9. *Be it enacted*, That Joab Wilson, Washington Edens, John Trigg, David Jarrett, John W. Foot, Stephen Jarmon, Jesse L. Kirk and Oliver Woods or a majority of them, are hereby appointed commissioners to select a situation for a turnpike road and bridge, in a direction from Dermark to Memphis, and when so selected shall let the same under the same rules, regulations and restrictions, and be governed by the same duties, and the undertaker shall receive the same rates of toll as prescribed for the Jackson bridge, and when the said bridge and road shall be completed, David Jeffreys is hereby appointed to superintend the same, and see it kept in repair.

Sec. 10. *Be it enacted*, The same exemptions from

From Brownsville to Trenton—Commissioners—their duty and authority.

From Dermark to Memphis—Commissioners, &c.

toll on public days, shall be allowed on said bridge, as are allowed at the Jackson bridge. Exemptions from toll.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

October 16, 1829.

### CHAPTER XIII.

#### *AN ACT for the relief of John Alford.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Alford be and he is hereby released, and forever discharged from the payment of a certain judgment nisi rendered against him in the circuit court of Davidson county, at the May term of said court, in the year 1829, as appearance bail of James M. Hughes, at the instance and in behalf of the state, on the payment by the said Alford, of the costs accrued thereon; and on the production of a certified copy of this act to the judge of the said court, at the November term thereof, in the year 1829, the said judge is hereby commanded to dismiss the scire facias now depending in said court, founded on said judgment at the costs of said Alford.

EPHRAIM H. FOSTER,

Speaker of the House of Representatives.

JOEL WALKER,

Speaker of the Senate.

October 19, 1829.

### CHAPTER XIV.

#### *AN ACT to grant a preference of entry for twenty-five acres of land for the purpose of building a mill.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Burrel Benton, is hereby entitled to a preference of entry to twenty-five acres of land lying on Turman's creek, in the county of Perry, in the 9th surveyors district, sixth range, and