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# PUBLIC ACTS

PASSED AT THE STATED SESSION OF THE

NINETEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE

1891.

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## PUBLIC ACTS

OF THE

## STATE OF TENNESSEE,

PASSED AT THE STATED SESSION, WHICH WAS BEGUN AND HELD AT NASHVILLE, ON MONDAY THE NINETEENTH DAY OF SEPTEMBER, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

WILLIAM CARROL, Governor; SAM'L G. SMITH, Secretary of State; BURCHET DOUGLASS, Speaker of the Senate; F. W. HULING, Speaker of the House of Representatives.

### ACTS OF ASSEMBLY.

CHAPTER I. An Act concerning the distribution of Haywood and Cobbs' Revisal of the Statutes of this State, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in the distribution of Haywood and Cobbs' Revisal of the Statutes of this State amongst the different counties, that the number of the first volume so to be distributed, shall be equal to the number of the acts of the General Assembly of the present session, which may be directed to be distributed. Number to be distributed.

SEC. 2. *Be it enacted*, That the Secretary of State shall forward to the Governor of each of the States of the Union, one complete copy of Haywood & Cobbs' Revisal, and to the Librarian of the Congress of the United States, two complete copies thereof. A copy to be sent to the Gov. of each state.

SEC. 3. *Be it enacted*, That the Secretary of State shall reserve in his office, for the use of the State, twenty-five complete copies of Haywood & Cobbs' Revisal. Sec'y of State to retain twenty-five copies.

SEC. 4. *Be it enacted*, That after the making of the distribution and reservations as aforesaid, that the Secretary of State be directed to sell all the second volumes of said Revisal that may remain on hand, and the proceeds thereof pay over to the Treasurer of West Tennessee. A portion of the second volumes to be sold.

SEC. 5. *Be it enacted*, That the Secretary of State be directed to purchase of Frederick S. Heiskell, 200 copies Extra copies to be purchased of

of the first volume of said Revisal, at a price not exceeding three dollars for each copy, for the purpose of making up a sufficient number to comply with the foregoing requisitions.

A copy to be presented to E. T. College and Nashville University.

Sec. 6. *Be it enacted*, That the Secretary of State be directed to forward to East Tennessee College and also to the Nashville University, a copy of the aforesaid Revisal for their use and benefit, to be deposited in the Library thereof—and that Greenville and Washington Colleges have a copy also.

Justices of the Peace to give receipts.

Sec. 7. *Be it enacted*, That each Justice of the Peace in this state, on the reception of a copy or copies of Haywood and Cobbs' revisal as provided for by the act of 1827, shall execute his receipt to the clerk of the county court wherein such Justice resides, and shall, on his resignation, removal or death as the case may be, be required to return the same as is required by the act above referred to.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

October 8, 1831.

#### CHAPTER II. An Act requiring the acts of a public and general nature of the General Assembly of the State to be bound.

General Acts to be bound.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be the duty of the Printer of the Acts of the General Assembly, to publish the public acts in a pamphlet to themselves and to have them bound in boards, with leathern backs, and the corners turned with leather; the back of each copy shall be labelled with the title—"public acts of 1831," and shall have an index table of reference to each act, appended thereto.

Private Acts to be published separately.

Sec. 2. *Be it enacted*, That said Printer shall hereafter publish the private acts in a separate pamphlet; and the number of copies of said private acts is hereby limited to one copy for each captain's company in the state, and twelve copies to be deposited in the office of the Secretary of State; an index table of reference to be appended to each copy.

Size of the page

Sec. 3. *Be it enacted*, That the Acts of the General Assembly shall be printed on Small Pica type; every page to contain fifty lines of matter, and the lines to be twenty four ems long, exclusive of the marginal notes, which shall be printed in smaller type. The acts shall have running titles.

Sec. 4. *Be it enacted*, That the Journals of the General Assembly shall be printed in Small Pica type, each page to contain fifty lines of matter, and each line to be twenty nine ems long; a due regard shall be had to compactness in composing; the yeas and nays shall be set in paragraphs; all the bills which pass a particular reading in any one day, shall be placed in one paragraph; every message of the clerks shall in like manner be placed in one paragraph; and all other parts of the journals shall be printed in conformity with this plan.

Of the Journals.

Sec. 5. *Be it enacted*, That the compensation of the public printer shall be one dollar for every thousand ems of composition, one dollar for every token of press work, octavo, twenty five cents for binding and trimming every copy of the public acts as prescribed in the first section of this act, and five cents for folding and stitching every copy of the private acts and journals in pamphlet form. He shall be allowed ten per cent advance in the purchase of paper used in printing the acts and journals, one hundred dollars for compiling the index to the acts, and six hundred dollars for distributing them throughout the state; and he shall be paid according to the above rates in the manner and form heretofore prescribed by law.

Compensation.

Sec. 6. *Be it enacted*, That the public acts shall be published in one newspaper printed in Knoxville, one in Nashville and one in Jackson, for which the publishers shall receive compensation at the rate of fifty cents for every page of the pamphlet acts.

Public Acts to be published in newspapers.

Sec. 7. *Be it enacted*, That the Secretary of State, in superintending the printing of the General Acts of a public nature, shall dispose the same under appropriate heads on the plan of Haywood and Cobb's Revisal.

Duty of the Sec. of State.

Sec. 8. *Be it enacted*, That it shall be the duty of the Executive of this State to forward to the Secretary of State of the United States, one copy of Haywood and Cobb's Revisal, also one copy of the public acts of each General Assembly of this State, to be deposited in the public library of the United States.

Duty of the Gov.

Sec. 9. *Be it enacted*, That each member of the General Assembly shall be furnished with one copy of the public and private acts.

Each member of the Legislature to have a copy.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

**ATTORNEYS' TAX FEES.**

**CHAPTER III.** An Act to repeal the law allowing tax fees to attorneys.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That from and after the first day of February next, no tax fees shall be allowed attorneys, as heretofore, in suits of law or equity.

When to take effect.

*Provided,* This act shall not be construed to extend to the fees now allowed by law to attorneys general in state cases.

Exception.

**F. W. HULING,**  
*Speaker of the House of Representatives.*  
**BURCHET DOUGLASS,**  
*Speaker of the Senate.*

October 14, 1831.

**BAIL.**

**CHAPTER IV.** An Act to authorize Justices of the Peace to take bail in certain cases.

**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That in all criminal offences bailable by law, it shall and may be lawful for the committing Magistrate or Magistrates, or the sheriff of the county, resident in the county where the accused has been committed to jail for want of security, to take and receive bail for the defendant's appearance to the court having cognizance of his offence, under such rules and regulations as are now prescribed by law: *Provided,* nevertheless, that said bail shall not be taken where the examining Magistrate or court have determined the offence not bailable.

**F. W. HULING,**  
*Speaker of the House of Representatives.*  
**BURCHET DOUGLASS,**  
*Speaker of the Senate.*

November 7, 1831.

**BANK OF TENNESSEE.**

**CHAPTER V.** An Act to incorporate the subscribers to the Bank of Tennessee.

Whereas, the establishment of a bank upon such principles as shall afford ample security for an upright and prudent administration of its affairs will promote the re-

gular, permanent and successful operation of the finances of this state, and be productive of great benefit to trade and industry in general. Therefore,

*Be it enacted by the General Assembly of the State of Tennessee,* That a Bank of Tennessee shall be established at Nashville, the capital stock of which, shall not exceed two millions of dollars, and shall be divided into shares of one hundred dollars each, and the subscriptions towards constituting the said stock, shall, on the first day of February next, be opened at Nashville for eight thousand shares, at Knoxville for three thousand shares, at Jackson for three thousand shares, at Jonesborough for one thousand shares: under the superintendence of H. R. W. Hill, Francis Porterfield, James Woods, H. M. Rutledge, John Catron, John Watson, Robert P. Curran, Thomas Martin, Benjamin Carter, A. M. Ballentine, Benjamin T. Mosby, Joseph Johnson and Joseph T. Elliston, at Nashville; R. M. Boyers, J. J. White, Solomon D. Jacobs, James Park, William Park, Robert King, John M'Ghee, Charles M'Clung, W. B. A. Ramsay, William Lyon, William Swann, John Crozier, Samuel Roberts, John Hillsman, James Cowan, H. A. M. White and Calvin Morgan at Knoxville; William E. Butler, William Armour, James Caruthers, Samuel Dickins, Samuel Lancaster, James Brown and William Stoddert at Jackson; Daniel Graham, David Wendel, Samuel Anderson, Russell Dance, William F. Lytle, Logan Henderson and Moses Ridley at Murfreesboro; M. B. Winchester, Robert Lawrence, Nathaniel Anderson and Littleton Henderson at Memphis; T. Cooney, James Oakley, Giles Cooke, James Cowan and Thomas K. Porter at Paris; Patrick Maguire, H. Langtry, James Walker, Peter R. Booker, A. Looney, L. D. Brewster, D. N. Sansom, J. S. Walker, E. B. Littlefield, G. G. Skipwith and E. H. Chaffin at Columbia; John G. Eason, Samuel Crawford, Samuel B. Cunningham and John T. Denderich at Jonesborough; and a majority of said commissioners, at the places above mentioned, respectively, shall be sufficient to perform the duties of their appointment; and they shall keep the subscription open for at least the term of ten days, unless the number of shares shall be previously subscribed for; and the amount of the share or shares so subscribed shall be paid for in gold or silver or in bank notes equivalent thereto, as follows: that is to say, ten dollars on each share to the proper commissioners at the time of subscribing, and ninety dollars to the directors of the bank for the time being, in such instalments as they may from time to time direct.

**SEC. 2.** *Be it enacted by the authority aforesaid,* That the subscribers to the said Bank, their successors and as-

Capital not to exceed two millions—4 Comm'rs. appointed to open books at the places specified.



Incorporating  
clause—power &  
privileges.

signs shall be and they are hereby created a body corporate and politic in law and in fact, by the name and style of the President, Directors and Company of the Bank of Tennessee, and shall so continue until the first day of January one thousand eight hundred and fifty and no longer; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature or quality soever, to an amount not exceeding in the whole three millions of dollars, including the amount of the capital stock aforesaid, and the same to sell, grant, demise, alien or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of records or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish, and put in execution such bylaws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation—not being contrary to the constitution and the laws of this state or of the United States; and for the making whereof general meetings of the stockholders shall and may be called by the directors, in the manner hereinafter specified; and generally to do and execute all acts, matters and things which a corporation or body politic in law may and can lawfully do and execute; subject to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.

SEC. 3. *Be it enacted by the authority aforesaid,* That for the well ordering the affairs of the said corporation there shall be fifteen directors, citizens of this state, elected, of whom five shall be elected by the Legislature in joint ballot, during the first session of each General Assembly, and the remaining ten directors shall be elected by the stockholders at a general meeting, to be annually held at Nashville on the first Monday in January for that purpose; and the directors at their first meeting after each election, shall choose one of their number as President, and provided that, in case it should at any time happen that an election of directors should not be made upon any day, when in pursuance of this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful on any other day within twenty days thereafter, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation or removal

Fifteen Directors to be appointed—their duty.

from the state, of a director his place shall be filled by the remaining directors or a majority of them.

SEC. 4. *Be it enacted by the authority aforesaid,* That as soon as the subscription shall be closed and adjusted at Knoxville and Jackson, the commissioners appointed at those places, shall respectively transmit and deliver to the commissioners appointed in Nashville, a list of the several subscribers at such places respectively, together with the full amount of subscription money by the commissioners received as aforesaid, for which amount the receipt in writing of the said commissioners appointed in Nashville, or a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same; and as soon as the sum of sixty thousand dollars shall be actually received on account of the subscription to the said capital stock of the said Bank, notice thereof shall be given by the said commissioners appointed in Nashville, or a majority of them, in one or more of the Gazettes printed in Nashville, and the same persons shall, at the same time in like manner, notify a time and place within the said city of Nashville, for proceeding to the election of directors, and it shall be lawful for such election to be then and there made, and the ten persons who shall then and there be chosen, together with the five persons who shall be elected during the present session of the Legislature, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the first Monday in January one thousand eight hundred and thirty three, or until their successors shall be duly elected in pursuance of this act; and the said directors shall forthwith thereafter commence the operation of the said Bank at Nashville; provided, that the State shall not appoint any portion of the said directory until she shall have taken stock in said Bank, and then only in proportion of her stock so taken, not exceeding five, on her taking the whole amount reserved in this charter.

Duty of Comrs. at Knoxville and Jackson—appoint most of Directors.

SEC. 5. *Be it enacted by the authority aforesaid,* That the directors for the time being shall have power to appoint such officers, clerks and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed and determined by the laws, regulations and ordinances of the same.

Power of Directors.

SEC. 6. *Be it enacted by the authority aforesaid,* That the following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation (viz:)

Fundamental provisions.

# BANK OF TENNESSEE

# BANK OF TENNESSEE

Votes to which  
stockholders are  
entitled.

1st. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportion following, that is to say: for one share and not more than two shares, one vote for each share; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership or body politic shall be entitled to a greater number than thirty votes; and after the first election no share or shares shall confer a right of suffrage, which shall not have been held on two calendar months previous to the day of election. All stockholders shall be entitled to vote in elections, or any other question touching the Bank by proxy, provided the proxy be derived directly from such stockholders, and be voted by a person being a citizen of this state.

Eligibility of  
Directors.

2. None but a stockholder being a citizen of the State of Tennessee, shall be eligible as a director, except such as shall be appointed by the state. No director of any other bank shall be at the same time a director of this Bank, nor shall the Governor or any member of Congress be a director of this Bank.

Pay of Presi-  
dent & Directors.

3. No director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at a general meeting; the stockholders shall make such compensation to the president for his extraordinary attendance at the Bank as shall appear to them reasonable.

Not less than  
seven Directors to  
constitute a board.

4. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by a majority of the directors present.

Power to call a  
general meeting  
of the stockhold-  
ers.

5. A number of stockholders, not less than thirty, who together shall be proprietors of four hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks notice in two public Gazettes, specifying the object or objects of such meeting.

Cashier to give  
security.

6. The Cashier of the Bank hereby established shall execute his obligation with good security payable to the president and directors of said Bank and their successors in office, for the faithful performance of his duty as Cashier, with such covenants as said president and directors shall deem requisite and proper.

Of holding real  
estate.

7. The lands, tenements and hereditaments, which it may be lawful for the said corporation to hold, shall be

such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts.

8. The stock of the said Bank shall be assignable and transferable according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

9. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his her or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer thereof, promising the payment of money, to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private person or persons.

10. Half yearly dividends shall be made of so much of the profits of the Bank as shall appear to the directors advisable; and once in every year at the meeting to be annually held for the election of directors, there shall be exhibited an exact and particular statement of the general accounts of the said corporation. If there shall be a failure in the payment of any part of any sum subscribed by any person, copartnership or body politic, the party failing shall forfeit all payments previously made to the Bank, together with any dividend which may have accrued.

11. It may be lawful for the directors aforesaid, to establish one office in East Tennessee, and another in the Western District, for the purposes of discount and deposit only; and upon the same terms and in the same manner as shall be practised at the Bank, and to commit the management of said offices, and the making of said discounts to such persons, under such agreements, and subject to such regulations, as they shall deem proper, not

Assignment of  
Stock.

Assignment of  
Bills obligatory,  
and bills of credit.

Statement of gen-  
eral accounts to  
be made annually.

Office in E. Ten-  
nessee, and the Western  
District.



being contrary to law or to the constitution of the Bank.

12. The directors shall keep fair and regular minutes of their proceedings; and on any question when two directors shall require it, the yeas and nays of the members voting shall be duly inserted.

13. The said corporation shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills or obligations, nor of any money received upon deposit in said Bank; and in case of such refusal the holder of such note, bill or obligation, or the person or persons entitled to receive such monies as aforesaid, shall be respectively entitled to recover interest at the rate of twelve per cent per annum from the time of such demand.

SEC. 7. *Be it enacted by the authority aforesaid,* That the bills or notes of the said corporation, originally made payable, or which shall become payable on demand, in gold or silver coin, shall be receivable in all payments to the State of Tennessee. And the public monies of the state, as well as those of any incorporation hereafter constituted by authority of the state, shall be constantly deposited in the Bank of Tennessee, whenever lying inactive, so long as said bank shall continue to redeem its notes in gold and silver on presentation.

SEC. 8. *Be it enacted,* That the public faith of the State shall be pledged for the redemption of all notes, and the payment of all debts of said Bank, in proportion to the amount of stock which the State may own in said Bank; and the private property, both real and personal, of each individual taking stock therein, shall also be bound and liable for his or their stock, in the same manner; provided, that no stockholder, in his individual capacity, shall be subject to suit or payment of any such note or debt of the Bank, so long as said Bank shall continue to redeem its notes and discharge its debts at the banking-house, or usual place of transacting its business. And no transfer of individual stock shall take place, but by the consent of a majority of the directory for the time being, and in every case of such consent given, the individual property of the assignee thereof, shall be bound and subject to the payment of notes and debts, in the same manner and to the same extent as the individual property of the original owner of the stock.

SEC. 9. *Be it enacted by the authority aforesaid,* That the President and directors of the said Bank, on the requisition of the Legislature, shall furnish statements of the amount of capital stock of the said corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash on hand; and the Legislature shall have a right, by joint committee, to inspect all accounts in the books of the

Minutes of proceedings to be kept.

Of refusal or suspension of the payment of specie.

Public monies to be deposited in.

Public faith pledged in proportion to the public stock; personal liability of Stockholders.

Statements to be furnished to the Legislature.

Bank, as shall relate to the said statements; provided, that the private accounts of individuals shall not be published, although the same may be examined into in all cases, for the purpose of ascertaining the state and condition of said Bank.

SEC. 10. *Be it enacted by the authority aforesaid,* That whenever any joint committee of the Legislature shall find and report, that they have reason to believe that the charter has been violated, it may be lawful for the General Assembly to order a *scire facias* to be issued out of the Supreme Court of the State, in the name of the State of Tennessee, calling upon the said corporation to show cause why the charter hereby granted shall not be declared forfeited; and service of said *scire facias* upon the President or any two of the directors, shall be equivalent to service on all; and it shall be lawful for the said court upon the return of said *scire facias*, to examine into the truth of the alleged violation, and if such violation be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled; provided however, that every issue of fact, which may be joined between the State of Tennessee and the corporation aforesaid shall be tried by a jury.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

## BOOKS.

CHAPTER VI. An Act to provide for the circulation and preservation of the Journals of the Congress of the United States and for other purposes.

Whereas, it is desirable that the citizens of this State, should have every opportunity afforded them of knowing the acts and proceedings of the Congress of the United States, by consulting the journals—and there being no provision for the distribution and preservation of said journals, for remedy whereof—

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Clerks of the several county courts of this State, and said Clerks are hereby directed and required to receive and preserve all journals of the Congress of the United States that may be transmitted to them; to keep said journals at their offices, (except in cases otherwise directed by this act)

Of violations of charter.

Clerks to receive & preserve journals of Congress.



and to admit all and every person or persons whatsoever, to inspect and peruse said journals as often as they see proper, free of any fee or reward whatever.

To take receipts  
when loaned out  
of office.

SEC. 2. *Be it enacted*, That it shall be the duty of said Clerks, when any person residing in the county in which he is Clerk, may desire to have any of said journals to take to his residence, to permit such person to have the same; provided, said person shall tender to the Clerk his receipt for said journal wherein he shall promise to return said journal, within two weeks from the date of its reception; but in no instance shall any person be entitled to remove any journals from the Clerk's office unless he shall previously present the Clerk with a receipt ready drawn and truly dated as directed in this Act.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

CHAPTER VII. An Act to distribute the surplus books in the Secretary's office and for other purposes.

Secretary of  
State to distrib-  
ute the surplus  
books in his of-  
fice.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Secretary of State to pack up, for distribution amongst the several counties in this State, the surplus copies of the pamphlet acts of Congress now in his office; also the journals of the two houses of Congress, State papers and other Congress documents, reserving as many copies of each for the use of the office, as he may deem necessary, and deliver them to the public printers who shall cause them to be taken by the carriers employed by them in distributing the acts and journals of the present General Assembly. And it shall be the duty of the carriers to take receipts for the same when delivered, from the Clerks of the respective county courts; for which services the public printer shall be allowed such compensation as is allowed for distributing acts and journals.

Duty of the  
Treasurer

SEC. 2. *Be it enacted*, That the Treasurer of West Tennessee pay the expense thereof upon the receipt of the Secretary of State.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

## CLERKS.

CHAPTER VIII. An Act prescribing certain duties to the Clerks of the several courts 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 Clerks of the several courts in this State, within forty days after the adjournment of their respective courts, hereafter, to enter upon a well bound execution docket, by them to be kept in their offices for that purpose, all the judgments rendered at each court respectively, and also the dates of such judgments, the parties to the action, and the bill of costs in each case.

Manner of enter-  
ing judgments.

SEC. 2. *Be it enacted*, That it shall be the duty of the Clerks of the several courts in this State, to enter upon their respective execution dockets the date of the issuance from their offices of each execution, and to what county issued; also to enter the return of the Sheriff on each execution, and the date of the return by the Sheriff of such execution to his office. It shall also be the duty of the Clerks aforesaid, to enter upon their execution dockets the receipts and dates thereof of all monies paid into their offices, to be entered at the time the same shall be received; and also to enter all sums which shall by them be paid out of office and the date thereof.

To enter the date  
of executions,—  
further duties.

SEC. 3. *Be it enacted*, That when any Clerk shall fail to perform the duties prescribed in the first and second sections of this act, he shall forfeit and pay the sum of twenty-five dollars, one half to the informer, the other half to the State, to be recovered before any Justice of the Peace in the county in which such delinquency shall happen; and said Clerks shall be moreover liable to indictment, and on conviction shall be liable to be removed from office.

Penalty for fail-  
ure.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 12, 1831.

## CLERKS' FEES.

CHAPTER IX. An Act to regulate the fees of the Clerks of the different courts of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be lawful for the Clerks of the Circuit and County Courts of this State, to

Fees of Clerks

demand and receive the following and no higher fees for their services, to wit:

For every leading process, seventy five cents.

For every security, taken on issuing such process, twenty cents.

For entering security bond with the names of the securities on the book to be by him kept for that purpose, twenty cents.

For presentment and indictment charging the prisoner, and his plea, fifty cents.

For entering and filing every recognizance, twenty five cents.

For every continuance of any cause after the second term, thirty seven and a half cents.

For issuing Broker's license, fifty cents. For tavern rates, twenty cents.

For every petition of a private nature with argument thereon, excluding such as are the leading process of a suit, twenty five cents. For proceedings on a petition for laying off a tract of land agreeably to the contract of a person deceased where it is part of a larger tract, seventy five cents.

For a copy of such proceedings, thirty seven and a half cents. For every reference of a cause to arbitrators, thirty seven and a half cents. For entering final judgment after the first term, seventy five cents.

For the dismissal of every cause at the first term, twenty five cents. For entering judgment for costs, twenty five cents.

For a subpoena for each witness named therein, twelve and a half cents. For every fieri facias, thirty seven and a half cents. For a venditioni exponas, fifty cents. For a writ of possession or distringas, seventy five cents. For every scire facias against bail, seventy five cents. For every scire facias against heirs, seventy five cents. For every other scire facias, fifty cents. For the transcript of every record which shall consist of the leading process, prosecution bond, bail bond, declaration, pleas, interlocutory orders, continuances and final judgment, including fee, the seal of court thereto if necessary or required, one dollar sixty two and a half cents. For every other paper, bill or bills of exceptions or exhibit thereto affixed and made part of the record, for every one hundred and eighty words contained therein, eighteen cents.

For every order to take depositions, twenty five cents. For every order for a survey or other interlocutory order and copy thereof when necessary, twenty five cents. For entering the probate or acknowledgment of a conveyance of land or other estate and certifying the same,

twenty five cents. For commission to take the examination of a *feme covert*, entering return thereon and every other service, fifty cents. For every commission to take the examination of a witness in any case depending in Court, twenty five cents. For all proceedings on the legitimization of illegitimate persons, one dollar. For entering a special verdict, judgment on demurrer, or motion on arrest of judgment or plea in abatement, thirty seven and a half cents. For entering order for appeal and taking appeal bond, seventy five cents. For clerks of the appellate Court for receiving and filing the record brought to his Court by appeal, writ of error or certiorari and docketing the same, seventy five cents. For a writ of error, fifty cents. For a certiorari, twenty five cents. For a supersedeas, twenty five cents. For a prosecution bond and security, fifty cents. For each security taken for prosecution in Court and entering the same of record, twenty five cents. For recording a power of attorney or bond, thirty seven and a half cents. For a copy thereof, thirty seven and a half cents. For every certificate of a power of attorney or other instrument of writing including the seal when necessary or required, fifty cents. For issuing an order to the Sheriff or subpoena for each Surveyor, witness, or juryman named therein, twelve and a half cents. For making out a complete copy of the costs in each suit, twenty five cents. For taking or filing affidavit, each, six and a fourth cents. For empannelling each jury, twelve and one half cents. For a search or examination of the record out of Court, twelve and a half cents. For every subpoena to bring in a paper or record, twenty five cents. For every search for any paper or judgment returned into their office by a Justice of the Peace who has resigned, died, or removed, twelve and a half cents. For every execution issued on a judgment before a Justice of the Peace and bill of costs, twelve and a half cents. For certifying that a Justice of the Peace is an acting justice, without the County seal, twenty cents. For issuing merchant license, one dollar. For entering on the minutes the probate of a will, qualifying executors, taking bond and recording will and a copy thereof, one dollar. For taking bond and issuing letters testamentary, fifty cents. For the copy of a will with certificate after the first copy, with the seal, fifty cents. For qualifying administrators, entering the same of record, taking bond and letters of administration, one dollar. For receiving and entering in a well bound book an inventory of a deceased person's estate, account of sales, or account current exhibited by a guardian, executor or administrator, each, fifty cents. For search, copy and certificate of the same, if the estate is worth

two hundred and fifty dollars, twenty cents; if less than sum, forty cents. For every marriage license, fifty cents. For every ordinary license, bond and services thereon, fifty cents. For each guardian bond, fifty cents. For each bastardy bond, fifty cents. For each apprenticeship indenture, fifty cents. For qualifying each constable, entering his appointment of record and taking bond, one dollar. For qualifying each sheriff, taking bond and recording the same, two dollars. For recording mark or brand, twelve and a half cents. For a copy of the record showing who is or was sheriff, and for the sheriff's bond and copy thereof if recorded, to be paid out of the county tax on the clerk's producing the treasurer's receipt, one dollar. For furnishing the treasurer with a list of the amount of tax for each year, to be paid out of the county tax upon the clerk's producing the treasurer's receipt, two dollars and fifty cents. For rendering to the county trustee each year an account of the fines, forfeitures and amercements due and payable to the use of the county, to be paid out of the county tax on the clerk's producing the treasurer's receipt, one dollar. For issuing license to hawkers and peddlers, fifty cents. For issuing license to exhibit shows, one dollar. For the probate of a wolf's scalp and certificate thereof, twenty five cents, whether one or more wolves. For receiving and paying over all taxes on merchant's license, ordinary license, tax on suits, and all other taxes received and paid over by them to the proper officers, two and a half per cent. For all services by law required in the emancipation of a slave, one dollar. For registering the certificate of the freedom of a negro, twenty five cents, and for a certified copy thereof, twenty five cents. For giving license to keep a stud horse or jack not listed for taxation, twenty five cents. For taking and inserting in the tax book the list of taxable property of a person failing to make return to the justice appointed for that purpose, ten cents. For the issuance of a judicial attachment and all proceedings on such issuance, one dollar. For making out and delivering to the sheriff a complete list of the polls and taxable property of his county, with the amount of tax for which each person is liable, not exceeding twenty dollars in the discretion of the court.

SEC. 2. *Be it enacted*, That all public services, done for the county by the county court clerks, are hereby deemed in virtue of his office. Amongst which all notices or writs of notification against jurymen shall be considered and the respective courts may allow reasonable satisfaction for the same annually out of the county tax, not exceeding the sum of fifty dollars.

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

Ex officio services of County Court Clerks.

thereof as relates to the fees of the circuit court clerks, inconsistent with this act, are repealed; and that this act shall take effect and operate from and after the first day of March 1832.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

CHAPTER X. An Act to regulate the fees of the Clerks and Masters in Equity in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter it shall be lawful for the Clerks and Masters in Equity, to demand and receive the following, and no higher fees for their services, to wit:

For a report on an answer, thirty seven and a half cents. For a plea and answer, thirty seven and a half cents. For a demurrer and answer, thirty seven and a half cents. For an affidavit to a bill or answer, eighteen cents. For a separate affidavit, eighteen cents. For a copy by the office copy sheet, eighteen cents. For copies of proceedings and exemplifications copy sheet, eighteen cents. For enrolling bills or answers by the copy sheet, eighteen cents. For copies of bills or answers by the copy sheet, eighteen cents. For every injunction, one dollar. For every subpoena to answer writ or other leading process, seventy five cents. For every *scire facias*, seventy five cents. For entering plea or demurrer, twenty five cents. For recording depositions to perpetuate testimony by the copy sheet, ten cents. For every rule given for service and not for service, each, twelve and a half cents. For every *dedimus potestatem*, thirty seven and a half cents. For commissions to take the affidavits of parties to answer, seventy five cents. For every subpoena to cause witnesses to appear before the Clerk and Master, to have their deposition taken, each, twelve and one half cents. For every subpoena to appear in court, on the trial of any issue of fact, each, twelve and a half cents. For every order of publication issued to be inserted in any of the Gazettes, seventy five cents. For entering every issue of facts, empannelling the jury, receiving and recording the verdict, and other circumstances attending the trial by jury, one dollar. For each security taken for prosecution, eighteen cents. For recording prosecution bond, fifteen cents. For issuing order to the Sheriff or subpoena for each surveyor or jurymen



to attend on he premises on a disputed claim of land, eighteen cents. For drawing decrees by the copy sheet, eighteen cents. For drawing deeds of conveyance decreed for the parties to convey the right, reciting the suit and other circumstances relative thereto, two dollars. For every notice issued not for publication, eighteen cents. For searching the record out of court, eighteen cents. For every dismissal, twenty five cents. For every continuance after the first term to which the process is returnable, twenty five cents. For a report stating an account by order of interlocutory judgment, two dollars, by the copy sheet, estimating in such account four figures to constitute a word, the numerical part of which account shall be made out so far as practicable in figures. For taking and preserving the rules established 1801, for each rule inserted on the docket, ten cents, not to exceed one dollar for all the rules taken in any one cause. For taking every deposition in writing, fifty cents. For interrogatories if drawn by the Clerk, twelve and one half cents. For every petition or motion if entered in writing, eight cents. For setting down the cause for hearing, twelve and a half cents.

Copy sheet.

SEC. 2. *Be it enacted*, That in all cases where costs made out by the copy sheet, it shall be at the rate of one hundred and eighty words.

Supreme Court Clerks.

SEC. 3. *Be it enacted*, That the Clerks of the Supreme Courts of this State, shall be allowed the same fees that are allowed to the Clerks of the circuit and county courts, and to the Clerks and Masters in Equity for similar services.

Especially clerks.

SEC. 4. *Be it enacted*, That all laws and parts of laws or so much thereof as relates to the fees of the Clerks of the different courts of Law and Equity in this State, are hereby repealed; and that this act shall take effect and be in force, from and after the first day of March 1832.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 20, 1831.

#### CHAPTER XI. An Act to reduce the fees of Clerks in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Clerks of the Circuit and County Courts, shall be entitled to receive one dollar and no more, for recording at length the petition, together with the opinion of the court, on an application to render le-

gitimate, and change the name of any person not born in this State—docket—and the same sum for performing similar services on the application of any person who may wish to have his or her name altered according to an act passed November the 8th 1827.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 12, 1831.

#### CHAPTER XII. An act to reduce the fees of Clerks for recording an account current rendered by Guardians.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the fees of the Clerks of the several county courts in this State, for receiving and recording as required by law, an account current exhibited by a guardian, shall be thirty seven and a half cents for each account so rendered and recorded—and nothing in this act contained, shall be so construed as to authorize the Clerk to charge for the service above specified, more than said sum of thirty seven and a half cents, although the account of more than one ward may be embraced in the Guardian's account so rendered—unless the number of wards accounted for, shall exceed four, in which case the Clerk may charge six and a fourth cents for each additional one over that number.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 17, 1831.

#### CHAPTER XIII. An Act to reduce the fees on Marriage Licenses.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, it shall not be lawful for the Clerks in this state to demand and receive more than fifty cents for issuing a marriage license.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 31, 1831.

CHAPTER XIV. An Act concerning the taxation of costs to the Supreme Court of this State.

Whereas, great uncertainty exists as to the taxation of costs in the Supreme Court of this State, for remedy thereof—

*Be it enacted by the General Assembly of the State of Tennessee,* That all laws and parts of laws, authorizing or requiring the Clerks of the Supreme Court in this State, to record all causes in a book to be by them kept, or receive any fees therefor, be and the same are hereby repealed; and it shall be the duty of the Clerks hereafter to file all suits and records safely in their offices.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 17, 1831.

## COMMON SCHOOLS.

CHAPTER XV. An Act providing for the leasing of lands which have been set apart for Common Schools, and for the keeping of common English Schools on the same in Middle Tennessee.

County Courts  
to appoint Com-  
missioners.

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 counties in Middle Tennessee, in which school lands are situated, to appoint five commissioners for each tract of school land within said counties, who shall reside in the neighborhood thereof, whose duty it shall be to rent or lease such tract or any part thereof to the highest bidder, first giving ten days' notice thereof of the time and place, by advertisement on the Court-house door, and four other public places in or adjoining said school tract, for a term not exceeding five years, and to receive the rents and profits due and to become due for the same—which said commissioners shall perform the duties imposed on them by this act for the term of five years, unless their appointment becomes vacant by death, resignation, or otherwise. Upon a vacancy arising upon the happening of either of which events, the County Court shall have power to fill such vacancy or vacancies by the appointment of another or other commissioners—which number of commissioners shall severally be considered as constituting a board of trustees for the superintending and conducting an English school, which may have been, or they may hereafter es-

such tract for which they are appointed trustees for the instruction of children.

SEC. 2. *Be it enacted,* That it shall be the duty of the commissioners of each tract to enter into bond in the sum of one thousand dollars, made payable to the chairman of the County Court for the time being, or his successor in office, with good and sufficient security, to be approved of by the county court, for the faithful performance of the duties of their appointments, which said bond shall be subject to be sued upon by any person who may think himself aggrieved or injured, and no recovery had upon said bond, shall be considered a discharge of the same, but said commissioners and their securities shall be held liable upon said bond so often as they may fail to perform the duties of their appointment according to the provisions of this act. And further: it shall be the duty of the County Courts, annually, to examine into the solvency of the commissioners or their securities; and if, upon such examination, the security or securities of any of said commissioners shall be deemed to be insufficient, it shall be the duty of the County Court to require other and better security.

Duty of Com-  
missioners.

And of the Coun-  
ty Courts.

SEC. 3. *Be it enacted,* That said board of trustees or commissioners shall have a right to sue, and shall be liable to be sued, as the board of commissioners or trustees of the tract of land or school for which they are appointed.

Trustees may  
sue and be sued.

SEC. 4. *Be it enacted,* That whenever a sufficient fund may be received, arising from the proceeds of any tract of school-land, by any board of commissioners or trustees aforesaid, it shall be the duty of said commissioners, where the same has not heretofore been done, to cause to be built a good and convenient school house, on some part of the township, in which a common English school may be taught, and to employ and pay a good teacher of the English language to instruct all children that may be sent thereto.

School houses  
to be built, and  
teachers employ-  
ed.

SEC. 5. *Be it enacted,* That each and every of such board of commissioners shall be authorized to pass such rules and by-laws for the regulation of the school, not contrary to the provisions of this act.

Commissioners  
to make rules and  
by-laws for their  
schools.

SEC. 6. *Be it enacted,* That it shall be the duty of the commissioners to preserve the timber upon the respective tracts of school land, and not to dispose of, nor suffer any to be taken off the same, except off such part thereof, as may be necessary to clear, and except, also, for the erection of school houses and such buildings as may be necessary and proper to be made upon said land. And, also, for the purpose of keeping the fencing in repair, and for fuel for the teachers and for the use of schools;

Timber on the  
school tracts to  
be preserved.

and it shall be the duty of the commissioners to make such contracts with the lessees or tenants, as that a portion of the farms upon said tracts shall be seeded with small grain so often, as by a proper regard to the preserving and improving of the soil, it may seem to require.

**SEC. 7.** *Be it enacted,* That at the expiration of each and every year, it shall be the duty of each and every of said board of commissioners, or any one of said board, to make return to the County Court upon oath, of the amount of the nett proceeds of the respective tracts of school land of which they may be commissioners, and all disbursements made by them; which report shall be entered of record, by the clerk, in a neat bound book, to be kept for that purpose alone; and the clerk, for taking bond of each board of commissioners, shall be entitled to the sum of fifty cents; and the sum of seventy-five cents for receiving and recording each report, to be paid by the commissioners out of the rents arising from their respective tracts—and it shall and may be lawful for the County Court to make to such commissioners, out of such moneys, a reasonable compensation.

**SEC. 8.** *Be it enacted,* That whenever there shall be found upon any school tract, any seat or seats for mills or other water works, that it shall be lawful for the commissioners of the tract upon which such site may be situate, to lease such part or parts of said tract for a length of time sufficient to compensate the lessee for the building a mill or other water works thereon, not exceeding seven years, requiring the lessee, by bond and security, to leave the mill or other water works in good repair.

**SEC. 9.** *Be it enacted,* That each board of commissioners shall be severally vested with full power to commence and prosecute in their own name, actions of ejectment against all and every person who may be in possession of the tract of school land, or any part thereof, for which they were appointed commissioners, and shall also have power to bring and prosecute suits against all and every person who may commit a trespass or trespasses on any such tract of school land; and shall have power to do all other acts and things necessary to be done, to carry the provisions of this act into full force and effect—and the original surveys, made for the respective school tracts, shall be considered as vesting a legal title in the same, as fully as though grants had issued thereon.

**SEC. 10.** *Be it enacted,* That it shall be the duty of the Treasurer of Middle Tennessee, to pay over and deliver to the commissioners, who shall be appointed agreeable to the provisions of this act, for each school tract of the respective counties, the amount of money which may have been paid over to him, and deliver all notes, obli-

Commissioners  
to make return to  
County Court.

Mill seats, &c.  
to be leased.

Power of Com-  
missioners.

Duty of Treas-  
urer of Middle  
Tennessee and of  
Agents.

gations or other instruments of writing, which may have been received by him of the respective agents for the tracts of school land; also, to deliver over all the grants for the tracts of school land which he may have received from the respective agents aforesaid; and the treasurer aforesaid is hereby required and directed, to cause the agents who have been appointed by said treasurer, to rent out the school land in the respective counties in Middle Tennessee, and receive the rents and profits thereof, to pay over to the said commissioners respectively, any and all moneys received by him, in consideration of rent of the tract of land for which they are commissioners;—also, all notes, obligations or other instruments of writing received by him for the payment of rents of such tract of school land; and if said agent shall refuse to comply with the provisions of this section, the commissioners of each respective tract aforesaid, are hereby vested with power to sue said agent in the County Court of the county in which said tract or tracts of land may lie, for any rents that may be due and owing, and which they may have failed or refused to pay over as aforesaid.

**SEC. 11.** *Be it enacted,* That each board of commissioners respectively, are vested with full power to sue in their own name as commissioners upon any bonds, notes or other securities that may be delivered over to them, as provided for in the tenth section of this act, to the use of the children of the township in which the tract of land may lie, for which they are commissioners.

**SEC. 12.** *Be it enacted,* That where any valuable improvements have heretofore been made by contracts entered into by any former agent, and for which the improvers have not received compensation, that it shall be lawful for said commissioners to pay and settle for the same in the same manner as though the said improvements had been contracted for by them.

**SEC. 13.** *Be it enacted,* That nothing contained in the eighth section of this act shall be construed as to prevent the commissioners of the school tract of land which lies upon Shelton's creek, in the county of Lincoln, from having full power and authority to grant Elijah C. McLaughlin, the privilege to cut a race through a part of said tract for the purpose of erecting a mill near thereto—for any term of years; at the same time keeping in view the interest of the inhabitants of the township in which said land is situate—and any lease or any other contract made by and between the said commissioners and the said Elijah C. McLaughlin, shall be good and valid.

**SEC. 14.** *Be it enacted,* That the cost of the suit which

Commissioners  
may sue on bonds  
delivered over to  
them.

Improvements  
to be paid for.

Exception in the  
8th section.



Costs of certain  
suit directed to  
be paid

was commenced in the Bedford Circuit Court in Equity, by bill of injunction, Th. F. Bradford, Joseph K. Kinsail and others, enjoining the Treasurer from selling the school lands of said county, and which said suit has lately been determined in the Supreme Court of this State, in favor of the township where said land lies, that such cost by the plaintiffs aforesaid expended, including the attorney's fees in the Circuit and Supreme Court shall be paid in rateable proportions by each board of commissioners of the respective tracts of school land in the aforesaid county of Bedford. And the County Court of said county are hereby required to make an order to that effect, so soon as the amount of the cost aforesaid shall have been ascertained.

Repealing clause

SEC. 15. *Be it enacted*, That all laws and parts of laws coming in the purview and meaning of that act, be, and they are hereby repealed.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

October 29, 1831.

CHAPTER XVI. An Act to revise and amend an act entitled "an act to establish a system of Common Schools and to appropriate the funds of this State" passed January the 14th 1830.

Repealing clause.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the twenty sixth section of the above recited act, and so much of the second section of said act, as makes it the duty of the county courts to appoint one commissioner in each captain's company, after the first day of January in each and every year, be and the same is hereby repealed. And it is hereby made the duty of each of the county courts in this State, which have not already done so, to appoint commissioners in each captain's company, as is directed in the said second section of the above recited act, who shall lay off their regiment into convenient school districts, as therein directed; and the trustees of each school district, where the same has not been done, shall be elected and qualified as in said second section is provided for, which shall be as valid as if the appointment of such commissioners and trustees had been made at the time provided for in the above recited act; and when the regiment is so laid off into school districts, and trustees elected, said trustees or a majority of those acting as such, in any two adjoining school districts, are hereby empowered to make such alterations as in their opinion the line between any two districts shall require, for the convenience of the children in said district

Commissioners  
to be appointed  
in each Captain's  
Company—their  
duty.

or districts; or to make entire new districts if the good convenience of the neighborhood require it; and, if new districts should be so made, trustees shall be elected in them as provided for in this act.

SEC. 2. *Be it enacted*, That if from any cause the whole number of the chairmen of the trustees of the several school districts in any county, should fail to attend on the first Saturday of June at the court house in each year, for the purpose of choosing county common school commissioners, a majority so attending shall be competent to act in choosing said commissioners as fully as if all were present. But should a majority of the chairmen aforesaid fail to attend at the time and place aforesaid, no election shall be made; and the county common school commissioners, elected for the preceding year, shall hold their office until the next regular election, and until others are chosen.

Of choosing com-  
mon school Com-  
missioners.

SEC. 3. *Be it enacted*, That all clerks and treasurers, hereafter elected by the board of common school commissioners for each county, shall hold their office during good behaviour; Provided however, that at least four of the acting commissioners concurring, shall have power to remove said clerk and treasurer for negligence, incapacity, illegal conduct or dishonesty in the discharge of the duties of his office.

Clerks and treasurers to hold their offices during good behavior.

SEC. 4. *Be it enacted*, That the board of common school commissioners, for each county in this State, shall meet at the court house of their county, semi-annually, for the transaction of business; and when so convened, shall superintend and direct the renewal of the notes, the collecting the interest, and making the calls herein directed; and no loan shall be made until the name of the applicant, and the securities are submitted to and approved by a majority of the county common school commissioners; nor shall any one person be accommodated with a loan exceeding five hundred dollars, nor less than fifty. And the board of the common school commissioners for each county are hereby empowered and directed to make semi-annual calls of ten, and not exceeding twenty five per cent on the amount loaned, which shall be reloaned as herein directed; provided, that the money so called in, shall not be reloaned to the same person or persons from whom it was so called in.

Commissioners to meet semi-annually—their duty.

SEC. 5. *Be it enacted*, That if any county agent shall fail or refuse to deliver and pay over to the common school commissioners, all books, papers, notes and moneys in his hands as agent, as directed and required by the seventh section of the act which this is intended to amend; it shall be the duty of said commissioners to institute a suit immediately against agent so failing or re-

Suit may be brought against county agent.

fusing, and the county or circuit court of said county may hear and determine the same in a summary way, and shall award judgment and execution against the estate and his securities for the amount of moneys, books, papers and notes by him withheld, with all costs of suit.

SEC. 6. *Be it enacted*, That the interest arising from the money loaned, together with all moneys appropriated to the support of common schools in the several counties in this State, shall be distributed, by the common school commissioners, among the school districts in their county semi-annually, in proportion to the number of children in each, between six and eighteen years of age, including both sexes. But any child or children, either under or over the ages above named, may, on their paying to the common school fund of said district, the price of tuition of other children, be admitted into the school.

Funds to be distributed to the several School districts

Duty of the President and Directors of the Bank of the State

SEC. 7. *Be it enacted*, That the President and Directors of the Bank of the State of Tennessee, are hereby required without delay, to make an estimate of the proportion of money to which each county in the State is entitled, on the basis of free white population, agreeably to the late census taken by the United States, when compared with the whole amount of money in the agencies, as well as the available funds in the Bank, which by the act of 1827 was vested in common schools: and the said President and Directors are hereby required, and it is made their duty to cause the funds, so vested for the support of common schools, to be equalized and apportioned on the basis aforesaid, to each county in the State, at furthest, by the first day of May 1832; and in making the estimate, equalization and apportionment herein directed, the said President and Directors shall in all respects be governed by the provisions of the 20th section of the above recited act.

Board of Commissioners incorporated

SEC. 8. *Be it enacted*, That the board of common school commissioners for each county in this State, be and are hereby constituted a body politic, corporate, with power to sue and be sued, plead and be impleaded under the name and style of the chairman and board of common school commissioners for the county of ——— and shall have and enjoy all the powers and privileges of a corporation; and shall have power to hold and receive property by purchase, donation or otherwise, to sell and convey any property or estate in fee, for the purposes herein named and no other. And should a vacancy at any time happen, by death, resignation or removal in any board of common school commissioners, said board shall have power to fill such vacancy until the next annual election of said commissioners; and a majority of said

board shall at all times be competent to transact business.

SEC. 9. *Be it enacted*, That the board of trustees for each school district in the several counties, shall make semi-annual reports to the board of commissioners, such matters as are pointed out in the act which this is intended to amend; and the said board of commissioners are hereby required to report to each General Assembly, as is required by the above recited act.

Trustees to make semi-annual reports

SEC. 10. *Be it enacted*, That so much of the act passed the 14th day of January 1830, as comes within the meaning and purview of this act, be and the same is hereby repealed.

Repealing clause

SEC. 11. *Be it enacted*, That so much of an act establishing the Bank of the State of Tennessee, as provides for the appointment of county agents, shall, after the first day of May, 1832, be, and the same is hereby repealed; and each of the county agencies in this State, shall from and after the said first day of May 1832, be and they are hereby discontinued.

Bank Agencies discontinued

SEC. 12. *Be it enacted*, That the several county courts in this State, wherein school lands are situated, shall, at their first or subsequent term, after the first day of January next, appoint some competent person to ascertain the number of free white inhabitants residing in the several townships within said county, owning school lands, which number of free white persons so ascertained, shall be certified to said court on oath, and the clerk of said court shall certify the number of free inhabitants so ascertained to the President and Directors of the principal or branch bank, as the case may be; and it shall be the duty of the bank officers, in apportioning the school funds, as by this act is directed, to deduct the number of persons so certified from the whole number of free white inhabitants of said county, and the amount of common school funds apportioned to such county shall be in proportion to the number of free white inhabitants in said county, after making such deduction, to the exclusion of all persons residing in the townships owning school lands.

County Courts to appoint agent to ascert机 Free white inhabitants

SEC. 13. *Be it enacted*, That should any county court fail to appoint a competent person to make the enumeration, as is required in this act, of the free white inhabitants in the districts where school lands are situated, it shall be the duty of the President and Directors of the State Bank to make said appointment, and the person so appointed shall report to them the amount; and the person so appointed shall be paid out of the school fund of the county.

Pres. and Dir. of the Bank to make the appointment in certain cases.

SEC. 14. *Be it enacted*, That so much of the fund as belongs to Humphreys and Perry counties, which was appro-

Committee of Humphreys and Perry

apropriated for internal improvement in Middle Tennessee, be and the same is hereby put into the hands of the common school commissioners to be applied as other school funds in said counties.

Of Trustees elected since June last

SEC. 15. *Be it enacted*, That the trustees of school districts which have elected their trustees since the first Saturday in June last, or who may do so before the first day of February next, shall and may be entitled to receive from the said common school commissioners their proportion of the common school fund, for the year 1831.

Giles County

SEC. 16. *Be it enacted*, That so soon as the amount of the school fund due each county, is ascertained and regulated agreeably to the provisions of this act, upon a basis of free white population, with the deduction of those residing in townships, within the several counties wherein school lands are situated, it shall and may be lawful for the county court of Giles county, a majority of the justices being present and ordering the same, to direct the school fund belonging to said county, to be vested in any turnpike road, bank or other stock, which they may believe will be most profitable to the common schools of said county.

Charles C. Abernathy of Giles County

SEC. 17. *Be it enacted*, That the records, books, notes and moneys belonging to the present Bank Agency of the county of Giles, which are required by law to be paid over to the use of common schools, together with all other common school funds, to which said county may be entitled, are hereby directed and required to be delivered over and paid to Charles C. Abernathy, on his giving bond and security payable to the chairman of the county court of Giles, and his successors in office, for the use of common schools in said county, in double the amount to which said county is entitled, conditioned for the faithful accounting for and management of said fund agreeably to law. Such bond and security to be approved by the chairman of the said court and to be deposited by him in the clerk's office of said county.

County Court of Giles may remove Agent

SEC. 18. *Be it enacted*, That the county court of Giles county shall have authority to remove said agent for any improper conduct in his office, or to require new bond and security from time to time, and to supply all vacancies by death, resignation or otherwise.

Duty of said Agent

SEC. 19. *Be it enacted*, That it shall be the duty of said agent, hereby appointed and his successors, in renewing notes, making loans, taking powers of attorney, and in managing said fund generally, to be governed by the same rules, as far as practicable, as the Bank agents, under the charter of the Bank, have heretofore done.

SEC. 20. *Be it enacted*, That all notes, bonds and pow-

ers of attorney shall be taken and made payable to the chairman of Giles county court, for the use of common schools, in the same manner they now are to the President of the Bank; and the said chairman or his successor shall have the same power, and the same duty is hereby required of him, in confessing judgments, that the President of the Bank now possesses, or that is required of him under the charter of the Bank.

School funds to be paid over

SEC. 21. *Be it enacted*, That all interest and profits arising from said common school funds for said county, shall be paid over at the times and in the manner specified by an act passed at the last session of the General Assembly, or any act of the present session, governing or regulating said schools in this State, or the common school districts of said county.

SEC. 22. *Be it enacted*, That said agent shall, and is hereby required, at the first court in each and every year, to furnish to the county court of Giles, on some county day thereof, a full and complete account of the state and condition of said fund, the interest received and the payments made, when and to whom, for school purposes.

Agent to render an account

SEC. 23. *Be it enacted*, That William be appointed Agent for the county of M'Minn, Thomas J. Caldwell for the county of Monroe, Alexander Allison for the county of Smith; and all the provisions of this act, in relation to the reception and management of the common school funds in the county of Giles, are hereby declared to be in full force and operation in the said counties respectively, and their agents in all respects subject to similar rules, regulations and restrictions.

M'Minn, Monroe, and Smith counties

SEC. 24. *Be it enacted*, That the common school funds which have been specially vested in any turnpike road or otherwise, by any law passed at the present session of the General Assembly, shall not be appropriated, until the equalization of the school fund takes place, agreeably to a basis of free white population, as herein before provided.

Of school funds vested in Turnpike roads

SEC. 25. *Be it enacted*, That nothing in this act contained, shall be so construed as to prevent any future Legislature of this State from making such disposition of the school fund, hereby allotted to the counties of Henry, Carroll, Weakley, Gibson, Dyer and Obion, as they may, from time to time direct; and in all counties in this State where the citizens fail to appoint common school commissioners, the agencies of said counties shall be continued until otherwise provided for.

Constitution of this act

SEC. 26. *Be it enacted*, That the counties not receiving their interest agreeably to the act of 1830, shall have the same passed to the credit of the school commission-

Where counties have not received interest



ers in the several counties, when organized as directed by law.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

CHAPTER XVII. An Act supplemental to an act entitled an act "providing for the leasing of lands which have been set apart for the use of common schools, and for the keeping of common English schools on the same in Middle Tennessee," passed 29th October 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That R. P. Harrison, surveyor of the second surveyor's district, north and east of the Congressional Reservation line, shall, on or before the second Monday in February next, make out a map or plan of that part of the county of Bedford, Lincoln and Franklin, in which school land is situated, as fully as he can do from the general plan in his office, on which plan the range lies, or those running from north to south as originally run, and the lines running east and west and intersecting the range lines at right angles, thereby forming sections or townships, six miles square, shall be laid down; and the water courses running through the section or township shall be laid down, and the names written on said plan, and the points at which the township boundary lines may cross said water courses shall be designated, and other natural and artificial objects near to which such lines may pass shall also be designated, to the end that the boundary of the township or section may be known to the citizens from an inspection of the plan; and also the tract of school land shall be laid down and designated in the township.

SEC. 2. *Be it enacted*, That the county lines of the respective counties, shall be designated on each respective plan, so far as it may be practicable, from any data which the said surveyor may have in his possession to enable him to do so.

SEC. 3. *Be it enacted*, That the plan, when made out as aforesaid, shall be delivered to the clerk of the county court of the county, whose duty it shall be to seal the margin of it between leaves of the book, in which he is required to keep the record of the appointment and proceedings of the commissioners of school land, there to be kept for the inspection of the commissioners and others who may wish to do so.

Map of the school lands in Bedford, Lincoln and Franklin

County lines to be designated

Plan to be delivered to county Court Clerk

SEC. 4. *Be it enacted*, That said surveyor shall receive the sum of thirty seven and one half cents for each township so laid down on said plan, in which school land may be situated to be paid by each respective board of commissioners in full compensation for his services.

SEC. 5. *Be it enacted*, That if the plan aforesaid does not define the boundary of the several townships in either of the several counties, or any one of said townships, then, and in that case, it shall be the duty of the county court to appoint a surveyor who shall proceed to run out the whole of said townships in which school land is situated, or any one or more of them, whose duty it shall be to mark the lines plainly, and to notice such natural and artificial objects as will give notoriety to the boundary thereof, designating the water courses particularly, and the great roads, and the points at which said township lines may cross them—and shall make out a correct map or plat of the whole of said townships, or any one or more of them so by him run, which shall be furnished the clerk, and by him deposited in the record book as aforesaid.

SEC. 6. *Be it enacted*, That the surveyor shall receive such compensation for his services in running each township, as the county court shall adjudge to be reasonable, to be paid by each board of commissioners of school land situated in the bounds of said township.

SEC. 7. *Be it enacted*, That said surveyor, should any board of commissioners require the same to be done, shall proceed to survey or run round the tract of school land of which they are commissioners, agreeably to the calls of the grant or the plat and certificate of survey of said tract, and to re-mark the lines thereof; and if any of the corner trees of said tract may have been destroyed or fallen down, said commissioners shall have stones planted in lieu thereof, and marked as corners of said tract, a plat of which survey shall be made out by the surveyor, in which he shall designate the corner tree so fallen down, missing or destroyed, and shall notice the stone planted in lieu thereof, and the characters inscribed by him on the same, which plat and certificate shall be recorded by the clerk of the county court in the record book of school land commissioners, and the surveyor shall receive the usual fees for surveying each tract, to be paid by the commissioners or such tract.

SEC. 8. *Be it enacted*, That should any one, or the whole of the respective boards of commissioners of school land, fail to have their respective tracts surveyed by the surveyor who may be appointed as directed in the section of this act, such board or boards of commissioners may, upon motion have the county court at any time

Compensation of Surveyors

Boundaries of the townships to be defined

Surveyor's compensation

Duty of Surveyor

County Court may appoint a Surveyor in certain cases

to appoint a surveyor to procession any one or more of said tracts of school land, who shall be governed by the same rules, regulations and restrictions as prescribed in the 6th section of this act, and shall receive the same compensation therefor as he would be entitled to receive by law for similar services.

SEC. 9. *Be it enacted*, That nothing in the act to which this is a supplement, shall be construed to authorize the county court of Bedford county to appoint commissioners for the tract of school land on the head of the War trace fork of Duck river, the former commissioners of which were plaintiff in the suit against the State to prevent the sale of said tract, and the other tracts of school land in said county, by virtue of which suit and the decree of the Supreme Court of the State, they were sustained in the capacity of commissioners of the aforesaid tract; and any appointment of commissioners of the aforesaid tract, which the county court of said county may have made, under the provisions of the aforesaid act, are hereby declared to be void.

SEC. 10. *Be it enacted*, That Nathan Chafin and Reuben Manly, be, and they are hereby appointed commissioners of the aforesaid tract of school land, in addition to the present commissioners who were plaintiffs in the suit aforesaid, which said commissioners hereby appointed, shall enter into bond for the faithful performance of their duties, as required by the act to which this is a supplement. Though in case said commissioners or either of them, or the former commissioners refuse to serve, resign, remove or die, then and in that case, the county court of the county aforesaid, shall have power to fill such vacancy, or vacancies pursuant to the provisions of the before recited act.

SEC. 11. *Be it enacted*, That each of the respective board of commissioners of school land in Franklin, Bedford and Lincoln counties, may apply to any two Justices of the Peace of said counties in writing, signed by at least three of said board, for a subpoena, and it shall be the duty of said justices or either of them, to issue the same directed to any lawful officer to execute upon the agent of the Treasurer of Middle Tennessee, who was appointed by said Treasurer to rent or lease the school land of said county, and receive the rents and profits thereof, requiring said agent to appear before said justices within ten days thereafter to answer upon oath to such questions as may be propounded to him by said justices or said commissioners, relative to the amount of rents and profits of the tract of school land of which they are commissioners, which the said agent may have received for each year, since his appointment as agent. Also said a-

Construction of  
the act to which  
this is a supple-  
ment.

Nathan Chafin  
and Reuben Man-  
ly

Commissioners  
may apply for  
subpoena—duty  
of Justices of the  
Peace

shall give a fair account on oath, of the amount of rents which he had, in each and every year, paid out for repairs or improvements on said land; and also whether there be any amount of rents and profits in his hands at the time, and whether any of said money or notes, or other security for the payment of money, or property given in consideration of rents of said land have been applied by him to his own use, or whether any part thereof, may have been loaned to any other person. In fine, he shall answer all interrogatories that may be propounded to him, appertaining to the management of said land, and the rents and profits that may or ought to have arisen from the same.

SEC. 12. *Be it enacted*, That if said commissioners require it, the Justices aforesaid or either of them, shall issue subpoenas for any tenant or tenants, lessee or lessees, for the time being, or who may heretofore have been such, commanding him or them to appear before said Justices at the time and place, where and when said agent is to appear, which said person or persons so summoned, shall answer upon oath all interrogatories which may be propounded to him or them by said commissioner or justices touching the amount of rents, which said tenant or lessee may have paid to said agent each and every year, he, she or they, may have occupied said land or any part thereof, and what may be due and owing for the same, and what amount may have been allowed him, her or them, for improvements or repairs made upon said land, and what were the nature of said repairs and improvements, and also state whether any part or the whole of said rents and profits by him, she or them, to be paid for any one year, or any part thereof were paid to any other person by the order of said agent—and shall also state if they know of any amount of money or any other thing which may have been given in consideration of rent or of the use and occupation of said land, may be in the hands of any person whomsoever, and the said commissioners may have any other person summoned before them, who shall answer interrogatories touching the premises herein specified in like manner as aforesaid.

SEC. 13. *Be it enacted*, That should said agent or any other person summoned as aforesaid, fail or refuse to answer questions or obey said summons without good cause shown, he or they, shall be subject to all the pains and penalties incurred by such failures to answer questions or obey summons in civil causes of similar cases.

SEC. 14. *Be it enacted*, That as regards the county of Franklin, three commissioners shall be sufficient to be appointed for any one tract of school land, vested with

Justices of the  
Peace to issue  
subpoenas upon  
the requisition of  
Commissioners—  
proceedings there-  
on

Penalty for re-  
fusing to obey  
such subpoena  
and answer inter-  
rogatories

the same powers as the five are in the act to which this is a supplement, and it shall be discretionary with the commissioners, to have their townships run out or laid down as contemplated by the act to which this is a supplement.

County Courts to attend to this act and the act to which it is a supplement

SEC. 15. *Be it enacted*, That it shall be the duty county courts of the county wherein school land lies, at their first or second term after the first of January next, a majority of the magistrates being present, to attend to this act and the act to which this is a supplement, and it is hereby made the duty of the clerks of said courts to read said act to said courts so soon as a majority are present.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

## CONSTABLES.

CHAPTER XVI. An Act to compel Constables to pay a poll tax, and to work on public roads.

Repealing clause SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the 37th Section of the 24th chapter of the Acts of 1741, as exempts Constables from the payment of a poll tax, be and the same is hereby repealed.

Repealing clause SEC. 2. *Be it enacted*, That so much of an act entitled "an act to appoint Constables, chap. 5th, of the Acts of 1741, as exempts Constables from working on public roads," be and the same is hereby repealed.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

October 31, 1831.

## CONTEMPTS.

CHAPTER XIX. An Act declaratory of the law concerning contempts of courts and for other purposes.

Power of Courts to punish for contempt explained, defined and limited SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the power of the several courts of this State to issue attachments and inflict punishments for contempts of courts, shall not be construed to extend to

any cases except the wilful misbehaviour of any person in the presence of the said courts, or so near as to obstruct the administration of justice, or the wilful misbehaviour of any of the officers of the said courts in their official transactions, and the wilful disobedience or resistance by any officer of the said courts, party, juror, witness or any other person or persons to any lawful writ, process, order, rule, decree or command of the said courts.

SEC. 2. *Be it enacted*, That the Sheriff or other officer executing such process, shall take bail as in other cases, for the appearance of the person so attached, and the court ordering the same, shall specify the sum required to be taken in such appearance bond.

Sheriff to take bail as in other cases

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 19, 1831.

## DIVORCES.

CHAPTER XX. An Act to authorize females to obtain divorces in court without cost.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where females prefer their petitions to court to obtain divorces under the laws of this State, they shall before any process shall issue on their application, procure bond and good security to be given for the payment of the cost consequent upon their application in case they fail to prosecute their suit with effect, which shall be by obtaining a decree dissolving the bonds of matrimony at the time existing between them and their husbands; and should there be a failure to prosecute the suit to such a decree, those bound for the cost shall be required and compelled as heretofore to pay the same; but should the court after an examination of the case, find the applicant to be entitled to a divorce, and decree the same, judgment shall be rendered against the defendant for the costs in the first instance—and in no event shall they become chargeable upon a female in whose favour a decree granting a divorce may be made.

In all applications for divorces where, by the existing laws, publication in some newspaper is required, in case the applicant be a female, such publication may be dispensed with, and the filing of the petition in the clerk's office and the issuance of a subpoena for the defendant and placing the same in the hands of the Sheriff of the



county in which the suit is instituted three months before the time at which it is returnable, shall be deemed to answer all the purposes of publication as now required by law—*Provided*, that nothing contained in this act, shall be construed to excuse the officer into whose hands the subpoena or other process may be placed from executing the same where he has it in his power to do so.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 15, 1831.

## ENUMERATION.

CHAPTER XXI. An Act to provide for the taking of the enumeration of the free male inhabitants of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of the several counties in this State, shall at the first term of their respective courts, after the first day of January 1833, a majority of the Justices of said county being present, elect a commissioner whose duty it shall be to take and make out in writing an accurate and complete list of the number of free male inhabitants of their respective counties, who are twenty one years of age and upwards, and who shall be resident citizens of their counties on the first day of January 1833; and it shall be the duty of each of said commissioners to return such list of free male inhabitants so taken by them as aforesaid, signed with their names to the court of pleas and quarter sessions, which shall be held in their respective counties next before the last day of July 1833.

County Courts to elect Commissioners—their duty

SEC. 2. *Be it enacted*, That it shall be the duty of the clerks of the courts of pleas and quarter sessions respectively, to make out the aggregate number of free male inhabitants returned as by this act directed, and shall make out two accurate copies thereof, one of which shall be filed in their offices after being entered of record, and it shall be the duty of the clerks of the county courts respectively, to transmit the other copy certified under their hands and seals of office, to the Secretary of State, on or before the first day of September 1833, and shall also furnish the Senators or Representatives from his county with a duplicate thereof.

Duty of the county Court Clerks

SEC. 3. *Be it enacted*, That it shall be the duty of the Secretary of State, to receive all such lists to him transmitted as by this act directed, and lay the same before

Duty of the Secretary of State

the General Assembly at their next session, thereafter.—

SEC. 4. *Be it enacted*, That if any of the courts of pleas and quarter sessions in this State should fail to appoint commissioners to receive the list of taxable inhabitants as by this act directed, or should any of the commissioners appointed by virtue of this act, die or remove out of the county before the time limited as by this act, for the taking and returning the list of free male inhabitants as by this act directed, it shall and may be lawful for any three Justices of the Peace in the county wherein any such failure, death, or removal, may happen, to appoint one in his place, whose duty it shall be to receive the lists of free male inhabitants and return the same as by this act directed.

Failure to appoint Commissioners by the County Court provided against

SEC. 5. *Be it enacted*, That each commissioner appointed by virtue of this act, shall be allowed the sum of three dollars for each hundred free male inhabitants by him enumerated and returned, which shall be paid by either of the Treasurers of this State, on the certificates of the Clerks of the county courts respectively, which shall be a good voucher in the settlement of their accounts.

Compensation of Commissioners

SEC. 6. *Be it enacted*, That it shall be the duty of the commissioners when taking the enumeration of any person or persons to interrogate him or them, whether he or they had been enumerated heretofore under this act.

Further duty of the Commissioners

SEC. 7. *Be it enacted*, That if any commissioner or clerk of any county court, shall fail or refuse to perform the duties enjoined on them by this act, every such commissioner or clerk so failing, neglecting or refusing, shall on due proof thereof be fined in the sum of one hundred dollars, unless sufficient cause be shewn to the contrary to be recovered before any tribunal having cognizance thereof, one half to the use of the informer, the other to the use of the county.

Penalty for refusing to discharge the duties herein required

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 16, 1831.

*Speaker of the Senate.*

## EXECUTORS & ADMINISTRATORS.

CHAPTER XXII. An Act authorizing Executors to sell real estate in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when the Executor or Executors of any last will and testament, which has heretofore been

In what cases  
real estate may  
be sold by execu-  
tors; power of the  
County Courts

or shall hereafter be proved and recorded, not author-  
ized by such will to sell and convey real estate shall be  
exhausted the personal effects of the testator in pay-  
ment of his debts, leaving just demands against the es-  
tate, due to such Executor or Executors for advances to  
the estate, or to any other creditor, and where such tes-  
tator may have died, seized and possessed of real estate  
in any part of this State, it shall and may be lawful for  
any chancery or circuit court for the district, or the  
county court where such lands or any portion of them  
are situate, on the petition of the Executor or Executors,  
to decree a sale of such lands, or so much thereof as may  
be sufficient to satisfy the debts or demands set forth in  
such bill or petition—Provided however, that before any  
decree shall be made as herein directed, it shall be made  
satisfactorily to appear to the court before which the bill  
or petition is exhibited, that the personal estate of the  
testator is exhausted, and that the debt or demand for  
which such sale is sought is justly due to the creditor of  
the estate, or to the Executor or Executors, for advan-  
ces made by such Executor or Executors out of his own  
means for the discharge of just demands against said es-  
tate; and provided also, that said court shall decree a  
sale of such portions of the real estate as may prove least  
injurious to the heirs at law and legal representatives.

Suits under this  
act to be prosec-  
uted as suits in  
equity

SEC. 2. *Be it enacted*, That suits prosecuted under this  
act, shall be conducted as other suits in equity, and that  
the title to land sold under the same shall vest as in other  
decrees in chancery.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 8, 1831.

CHAPTER XXIII. An Act to amend an act entitled "an act for  
the relief of Executors and Administrators" passed December 31,  
1829.

Remedy of Sec-  
urities against ex-  
ecutors and ad-  
ministrators

SEC. 1. *Be it enacted by the General Assembly of the State  
of Tennessee*, That the provisions of the aforesaid act,  
which this is intended to amend, shall not, after the first  
day of January next, extend to exempt Executors or Ad-  
ministrators qualified as such, from any suit or summons  
by the security or securities of the intestate or testator,  
as the case may be, on bonds, bills or notes of hand, but  
in all such cases the said security or securities where  
they have been sued after the death of said intestate or  
testator and a recovery had thereon, shall and may forthwith

obtain their remedy by action at law or bill in Equity, or  
as security for the intestate or testator, a-  
gainst the said Executor or Executors, Administrator or  
Administrators; Provided however, that no execution  
shall issue against the said Executor or Executors, Adminis-  
trator or Administrators, after twelve months from the  
decease of the said testator or intestate, or within twelve  
months from the time of the granting of the letters of  
administration or letters testamentary.

SEC. 2. *Be it enacted*, That no Executor or Adminis-  
trator shall confess any judgment in favour of any cred-  
itor of any decedent within less than six months from his  
qualification, nor suffer any judgment to go against him  
within said time, by default or otherwise: and if any  
judgment be obtained as aforesaid, the same shall be  
void, but it shall be the duty of every Executor or Ad-  
ministrator, to plead the said act of 1829, to all suits  
brought against him within said time, and on failure it  
shall be considered a *devastavit*, except in cases provided  
for in this act.

Confession of  
judgment by an  
Executor or Ad-  
ministrator

SEC. 3. *Be it enacted*, That nothing in this act or in  
the act which this is intended to amend, contained, shall  
be held or construed to prevent the reviving of judg-  
ments obtained against the deceased in his lifetime, in  
the same manner which was in force at the passage of  
the act of 1829.

Construction of  
this act

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1831.

CHAPTER XXIV. An Act authorizing letters of Administra-  
tion to be granted in certain cases.

Whereas it has been decided by the Courts of this State,  
that letters of administration can only be granted by the  
Courts of Pleas and Quarter Sessions in this State in cases  
where the deceased person was at the time of his death  
residing in the County, to the Court of which application  
for letters of administration is made, Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State  
of Tennessee*, That the Courts of Pleas and Quarter Ses-  
sions in the several counties in this State, shall have ju-  
risdiction to grant letters of administration or letters tes-  
tamentary upon the estates of persons residing at the time  
of their death in other States or Territories, or in foreign  
countries: Provided, the goods, chattels, or effects, of

Power of Coun-  
ty Courts.



such deceased person are within the limits of this State, and, Provided the said deceased person at the time of his death had real estate within the limits of this State.

County Courts where property is situated to grant letters of administration.

SEC. 2. *Be it enacted*, That the Court of Pleas and Quarter Sessions of the County, where the land or any part thereof lies, or where goods, chattels or effects are situated, shall have jurisdiction to grant letters of administration or letters testamentary upon the administrator or executor giving bond and security as now required by law; and in cases where lands or personal goods, chattels, and effects are situated in different counties, or debtors to the testator or intestate reside in different counties, the first administration granted shall extend to the limits of the State, and prevent any other administration being granted.

Limitation as to time.

SEC. 3. *Be it enacted*, That no letters of administration shall be granted in any case where the testator or intestate departed this life twenty years before application made for letters testamentary or letters of administration, but all letters testamentary or of administration granted after the said period of twenty years shall be utterly void and of no effect.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 16, 1831.

Speaker of the Senate.

## EXECUTIONS.

CHAPTER XXV. An Act to repeal an act entitled an act to explain and amend an act to regulate certain proceedings on executions, and for other purposes, passed at Nashville, November 27, 1829.

Securities not responsible for more than the value of the property.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the security or securities on any forfeited bond for the delivery of property levied on by execution, shall not be held responsible for more than the value of the property specified in such bond, that shall not have been delivered on the day of sale; and the value of said property, if not agreed upon at the time of such levy, and inserted in the bond, shall be ascertained in a summary way by a jury of five disinterested men, summoned by the sheriff or other officer, making such levy, or holding the execution and bond, whose decision, as to the valuation, shall be final.

SEC. 2. *Be it enacted*, That when an execution shall hereafter issue from the County or Circuit, Chancery or

Supreme Courts of this State, or from a Justice of the Peace, and shall be levied upon any personal property of the debtor or debtors, in such execution, and bond and security shall be given by such debtor or debtors, for the delivery of the property upon the day of sale, and the same shall be forfeited in whole or in part, it shall be the duty of the sheriff or other officer holding such execution and bond, to proceed to levy upon so much of the property of the defendant or defendants in said execution, if to be found, as shall be sufficient to satisfy the same; and if there shall not be property enough of said defendant or defendants found to satisfy said execution, then it shall be the duty of the said sheriff or other officer holding said execution and bond, to proceed to levy upon property of the security or securities in said forfeited delivery bonds, sufficient to satisfy so much of the debt as the property for which he became bound was valued, as provided in the first section of this act, and which was not delivered pursuant to the condition of said bond. And if the sheriff, or other officer holding said execution and forfeited bond, shall be unable to obtain a satisfaction of the debt, before he shall be bound by law to make return of the same to Court, or to the Justice of the Peace, as the case may be, it shall be the duty of such sheriff or other officer, to return said forfeited bond at the same time he makes return of said execution, and to endorse thereon the unsatisfied balance for which said security or securities may be liable as herein before provided in this act; and it shall be the duty of the Clerk or Justice of the Peace, as the case may be, into whose office said execution and forfeited bond may be returned, to issue an *alias* or *pluries* execution, as the case may be, against the defendant or defendants to the judgment for the whole of the unsatisfied balance of said judgment, and, also, against the security or securities in said forfeited bond, for the unsatisfied balance for which he or they shall be liable, as shown by the endorsement of the sheriff or other officer as aforesaid; and the sheriff or other officer shall in no instance take a second delivery bond in the same case in which a bond shall have been forfeited.

Proceedings upon executions and delivery bonds—duty of Sheriff.

SEC. 3. *Be it enacted*, That said delivery bond if forfeited, as provided in this act, shall be in the hands of the sheriff or other officer holding the same, a sufficient warrant or authority to him, to proceed to levy and sell so much of the property of said securities as will satisfy so much of said debt as they may be liable for, as herein before provided in this act, and shall also be a sufficient warrant or authority to the Clerk or Justice to whom the same may be returned, to issue an *alias* or *pluries* execution, as the case may be, against the defendants

Sheriff to proceed to sell the property of securities on forfeiture of delivery bond.

to the judgment, and against the securities of said delivery bond, as herein before provided in this act, with any judgment upon said return made as aforesaid.

Repealing clause.

SEC. 4. *Be it enacted*, That all laws and parts of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 8, 1831.

Speaker of the Senate.

CHAPTER XXVI. An Act to explain and amend the law concerning executions issued by Justices of the Peace on attachments.

*Be it enacted by the General Assembly of the State of Tennessee*, That when an execution hereafter to be issued by a Justice of the Peace, in consequence of a judgment on an attachment before said Justice, shall be levied, by the officer into whose hands it comes, on real estate, it shall be the duty of the officer making such levy, to return such execution with the proper endorsement thereon to the Justice of the Peace who issued the same, whose duty it shall be to make return of said execution, with the attachment and judgment on which it issued, to the county or circuit court of his county, who shall proceed to condemn such real estate as in other cases, and the sheriff shall proceed to dispose of the same as is now directed by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 19, 1831.

Speaker of the Senate.

## FIRE COMPANIES.

CHAPTER XXVII. An Act authorizing the establishment of Fire Companies.

Number to exceed forty.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for any number of persons resident within any town or corporation within this State, exceeding forty persons, to form themselves into a company or companies for the purpose of extinguishing fire; who, on having their names and subscriptions recorded in the register's office of the proper county,

Names to be registered.

are hereby authorized to make such rules and regulations, as to a majority of said companies may seem proper and necessary, for the procuring of engines, buckets, hooks and ladders, and all implements necessary for working said engines and exercising the companies so raised. And all fines and forfeitures for non-attendance or delinquency imposed by the regulations to be adopted by the companies provided for by this act, not exceeding twenty dollars, shall be recovered by action of debt before any Justice of the Peace of the proper county, by the said company in their corporate capacity, which said fines and forfeitures shall be for the use of the companies suing for the same.

Fines.

SEC. 2. *Be it enacted*, That the members of all regularly organized Fire Companies, shall be exempt from mustering in time of peace. But their names shall remain on the rolls to ascertain the annual strength of the militia.

Exemption from mustering.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 20, 1831.

Speaker of the Senate.

## GEOLOGY AND MINERALOGY.

CHAPTER XXVIII. An Act to appoint a Geologist, Mineralogist and Assayer for the State of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Dr. Gerard Troost, Professor of Mineralogy, Geology and Chemistry in the University of Nashville, be, and he is hereby appointed Geologist and Mineralogist for this State.

Dr. Troost appointed.

SEC. 2. *Be it enacted*, That the said Gerard Troost shall proceed to make a Geological survey of the State of Tennessee, with a view, as far as practicable, to develop the Mineralogical resources thereof—in doing of which, he shall, as far as he can, examine into those Mineral and Metallic regions believed to exist in the different formations found in the several sections of the State, making the proper analysis of such substances as he may believe to be of value, and also to examine and be prepared to report upon the soil of different parts of the State, the rocks of those parts, with such other remarks as may lead the citizens to an estimate of comparative value and use, as well as to enable them to judge understandingly of its metals and minerals.

His duty.



Appointed Assayer.

SEC. 3. *Be it enacted*, That the said Troost be and he is hereby appointed Assayer of this State.

His salary.

SEC. 4. *Be it enacted*, That the said Gerard Troost be allowed the sum of five hundred dollars, to be paid by the Treasurer of Middle Tennessee, on a warrant or warrants to be drawn by the Governor for the time being, in quarterly payments, when he shall be informed that the work contemplated by this act is in progress.

To report.

SEC. 5. *Be it enacted*, That said Troost shall report to the next General Assembly, what he may have done under the appointment as Geologist as aforesaid.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

## GUARDIANS.

CHAPTER XXIX. An Act to compel Guardians to give new security in certain cases.

New security to be given when the old is insufficient.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person or persons may have heretofore been, or may hereafter be appointed Guardian to any orphan or minor, by any county court in this State, and one or more of the securities of said Guardian shall be dead, have removed out of the State, or be insolvent, or may hereafter die, remove out of the State or become insolvent, it shall be the duty of the county court of such county in which such Guardian was appointed, to give said Guardian ten days notice to appear and give other sufficient counter security; and it shall be the duty of said 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 such orphan or minor, as the case may be, in his hands to such other Guardian or Guardians as the court may appoint.

Duty of Court.

SEC. 2. *Be it enacted*, That the Clerk and the Grand Jury of every county court in this State shall, at every court to be holden for their counties respectively, be charged with and present to the justices thereof, in writing, the names of all orphan or minor children in their county, that they shall know of, where one or more of the securities of the Guardian aforesaid is dead, removed out of the State, or has become insolvent.

Clerk &amp; Grand Jury to report the names of orphans where security is insufficient.

SEC. 3. *Be it enacted*, That it shall and may be lawful for any person or persons who may think proper to

Any person may inform.

give the county court in writing the information provided for in the second section of this act.

SEC. 4. *Be it enacted*, That the notice to such Guardian, provided for in the first section of this act, shall be made by an order of said court and signed by the clerk thereof, which notice shall be served by the Sheriff or his deputy.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

## CHAPTER XXX. An Act concerning Guardians.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, in all settlements with guardians, they shall not be chargeable with compound interest, if such guardian can shew that he did not and could not have received compound interest on the debts due to the estate of their wards.

Not chargeable with compound interest.

SEC. 2. *Be it enacted*, That it shall and may be lawful for the County Courts to make to any guardian, in their discretion, a reasonable allowance and compensation for his or her trouble and expenses in settling the business of the wards' estate.

Court may allow compensation.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

October 14, 1831.

## HIWASSEE DISTRICT.

CHAPTER XXXI. An Act to appropriate the School Lands in the Hiwassee District to the use of Schools for the instruction of children therein.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws heretofore made, regulating lands laid off for the use of schools in the Hiwassee District, are hereby declared to be repealed.

Repealing clause.

SEC. 2. *Be it enacted*, That there shall be common schools for the instruction of children in every township in said district, not exceeding four in each township, to be supported by the rents and profits of the school land therein, and to be located wherever in said township the trustees may think proper.

To be 4 schools in a township.

Five trustees to be elected.

SEC. 3. *Be it enacted*, That there shall be five trustees for said schools in each township, who shall be elected on the first Monday in January, annually, by the free inhabitants of said township, qualified to vote for members of the General Assembly. Every free white inhabitant of said township twenty-one years of age shall be eligible as trustees.

Eligibility.

Justices to hold election.

SEC. 4. *Be it enacted*, That the Justice or Justices of the Peace residing in each township, or if there be none such, then the next nearest Justice, shall hold said elections for trustees, at such place on the school land therein, as he or they may designate, after advertising the same at four of the most public places in said township, at least fifteen days before the first Monday of January, annually.

To vote by ballot.

SEC. 5. *Be it enacted*, That the inhabitants of each township, qualified to vote as aforesaid, shall vote by ballot for five persons to be trustees, and the five persons voted for, who have the highest number of votes, shall be trustees for the ensuing year.

Trustees to give bond.

SEC. 6. *Be it enacted*, That the Justice or Justices of the Peace who hold said elections, shall take from the trustees elect, a bond in the following form: "We this day elected trustees of the school land in the township of the Range, of the Meridian, Hiwassee District, acknowledge ourselves indebted to Esq. Chairman of the County Court of pleas and quarter sessions for County, in the penal sum of dollars; but to be void on condition that we faithfully discharge the duties by law belonging to the office to which we have been elected as aforesaid," and the said Justice or Justices shall attest said bond, and deliver it to the clerk of the county court, in whose office it shall be preserved; and on the execution of said bond, said Justice or Justices shall deliver to each trustee, a certificate, signed by him or them, of his election.

Trustees to elect President.

SEC. 7. *Be it enacted*, That to facilitate the transaction of business, the trustees may appoint one of their number President of their body, who shall call meetings, preside over them, and make propositions for the good government of the schools; and service of process on one of them shall be equivalent to service on all.

SEC. 8. *Be it enacted*, That on the death, resignation or removal from the township of any trustee, the rest shall have full power to discharge all the duties belonging to their office.

Trustees may lease land

SEC. 9. *Be it enacted*, That said trustees shall rent the school land in their respective townships, from year to year, or for a longer period, not exceeding five years, when it may be necessary for the erection of water works

or other valuable improvement, or for the purpose of improving said land by cultivating the same in small grain. They shall bind the lessees to pursue such a course of husbandry as will in their judgment be best calculated to preserve said lands, and improve their quality, to keep the fences, buildings and other improvements thereon in good repair, and to abstain from all unnecessary waste, only using so much of the timber growing on said land as may be necessary for the purposes of good husbandry.

Lessee to preserve land & timber

SEC. 10. *Be it enacted*, That the Treasurer of East Tennessee shall pay to the order of any board of trustees, or check upon the Branch Bank at Knoxville, in favor of said board, the amount of money he may have collected from their respective townships, for rents and profits of the school land therein, since the passage of the act of 1826, chapter 35, and not paid out for improvements made on said school lands, upon the production of such order by any trustee, and the certificate of election mentioned in the 6th section of this act. The agents appointed by said treasurer by authority of said act, shall in like manner pay to said trustees any moneys by them collected, and not paid to said Treasurer, and deliver to them all obligations for money and leases in their possession, and the leases by them made according to said act shall be effectual.

Treasurer of E. Tennessee to pay Trustees all moneys collected

SEC. 11. *Be it enacted*, That each board of trustees shall open books for subscriptions and donations, in which they shall keep a precise account of all subscriptions and donations; the amount and nature of the same, the time and name of the subscriber or donor, and the same shall be recoverable by action of debt before any Justice of the Peace or tribunal having cognizance thereof, for the use of purchasing a site, building school houses, purchasing books or other apparatus for the use of said school, as they may deem necessary.

Trustees to collect subscriptions

SEC. 12. *Be it enacted*, That said trustees may sue and be sued for all causes of action growing out of their official situation, and all process and other proceedings in any suit brought by or against them, shall run for or against them by the name of the trustees of the school land in the township, range of the Meridian, Hiwassee District.

May sue and be sued

SEC. 13. *Be it enacted*. That any inhabitant of a township qualified to vote for trustees, may complain to the attorney general on occasion of any breach of their bond, and if on investigating said complaint, the attorney general be of opinion that the interest of the township requires it, he shall sue said trustees on said bond in the Circuit Court, in the name of the chairman of the Coun-

Any person may complain to Attorney

ty Court, for the use of the township. If judgment be recovered in such suit against said trustees, a fee of ten dollars shall be taxed to the attorney general in the bill of costs—but if the chairman be cast in said suit, there shall be no judgment for costs.

Attorney's fees

Moneys collected from trustees to be paid over to successors

How actions of ejectment may be brought

Attorney's fee

SEC. 14. *Be it enacted*, That moneys collected from the trustees by suit, shall be paid into the clerk's office by the officer collecting them, to be paid to the successors of said trustees, on the production, by any one of said successors, of an order of his board for the same, and the certificate of election mentioned in the 6th section of this act, and one recovery upon a bond shall not bar a second.

SEC. 15. *Be it enacted*, That actions of ejectment for the recovery of school lands may be brought in the name of John Den, lessee of the State of Tennessee, as plaintiff against the person holding possession, and the clerk of the Circuit Court shall issue writs for such purpose, at the instance of the attorney general of any district wherein school lands are situate, or any one of the trustees thereof, without requiring security for costs: And the said attorney general shall attend to such suit in behalf of the plaintiff.—If the plaintiff recover in said suit, a fee of twenty dollars shall be taxed to the attorney general in the bill of costs; but if the plaintiff be cast, there shall be no judgment for cost.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

November 1, 1831.

#### CHAPTER XXXII. An Act providing for the entry of the forfeited lands in the Hiwassee District:

*Whereas*, It is represented to this General Assembly, that sundry quarter sections of land, amounting to between seventy-five and one hundred quarter sections, lying in the district of country between the rivers Hiwassee and Tennessee, and north of Little Tennessee river, which were sold at the land sales at Knoxville, in the year 1820, under the provisions of an act passed at Murfreesboro' on the 5th day of November, 1819, for disposing of said lands, have become forfeited to the State; and whereas, the interest of the State requires, that provision should be made by the General Assembly for disposing of said lands: Therefore,

SEC. I. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer

Duty of Treasurer of E. Tenn.

of East Tennessee, and he hereby is required to furnish to the Entry Taker of the Hiwassee District, on or before the 1st day of March, 1832, a full and complete copy from the books of his office, of each and every quarter section and fractional quarter section of land forfeited as aforesaid, and purchased in for the State, under the provisions of the above recited act, specifying therein the range, township and section, in which each quarter section and fractional quarter section so forfeited, is situated—having reference to the general plan of survey in said District—the price per acre for which it was sold at the land sales, the amount paid into the Treasury thereon, by whom purchased, and the balance due the State on each quarter section or fractional quarter section respectively.

SEC. 2. *Be it enacted*, That from and after the 1st day of March, 1832, it shall be the duty of the Entry-Taker of the Hiwassee District, and he is hereby required to open his office for the purpose of receiving entries for lands forfeited in said District as aforesaid, giving a preference of entry to the original purchaser of such forfeited land, and to his other assignee or assignees, until the 1st January, 1833, and on application made to the Entry-Taker aforesaid, by the original purchaser, his or her assignee or assignees, to enter the land by him or her so purchased, and which has become so forfeited to the State; it shall be the duty of the Entry-Taker to deduct from the amount due to the State on the quarter section or fractional quarter section proposed to be entered, thirty seven and one half per cent, and to remit all the interest which has or may accrue on account of such purchase, up to the time of making the entry; and the balance, after making the deductions aforesaid, shall be the sum for which said quarter section or fractional quarter section may be entered—on the payment of which to the said Entry-taker, by the said first day of January, 1833, the original purchaser, his or her assignee or assignees shall be entitled to a grant for the quarter section or fractional quarter section so entered.

How forfeited lands may be entered

SEC. 3. *Be it enacted*, That all the lands that remain unentered at the expiration of the term above named, shall be subject to a general entry to all and every person who may apply to enter the same, for three months, from and after the second day of January, 1833, on the same terms and under the same regulations, as is provided by the second section of this act for the entry of forfeited lands, by the original purchaser thereof; and at the end of said three months all forfeited lands as aforesaid, that remain unentered, shall be subject to entry from and after the second day of April, for the term of three

To be open to general entry



months, at fifty per cent deduction, on the sum due the State, and a remission of all interest: during the first thirty days of which last period of three months, the original purchaser, his or her assignee or assignees, shall have a preference of entry, and for the residue of said period, the said land shall be open to general entry on the terms prescribed by this section.

And at the expiration of the last named three months, all lands remaining unentered shall be subject to entry, for three months from and after the 2d day of July, 1833, with a deduction of seventy-five per cent on the amount due the State, and a remission of all interest—provided, that the original purchaser, his or her assignee or assignees, shall have a preference of entry, for the first thirty days of the last named three months, at the expiration of which (said thirty days) said forfeited lands shall be and remain open to general entry for the residue of said period—and at the end of the last named three months, and from and after the second day of October, 1833, all forfeited lands that remain unentered in the said District, shall be, and remain open to general entry, until all is entered at eighty-seven and an half per cent discount.

Purchasers may obtain preference of entry

SEC. 4. *Be it enacted*, That where any person heretofore has purchased a part of a quarter section or sections of land, and holds a title bond upon the vendor, on the purchaser having the said bond proven and registered, he, she or they shall be entitled to a preference of entry for so much land as the said bond covers, in the same manner as provided by this act, for original purchasers and assignees of purchasers.

No preference allowed for more than 640 acres

SEC. 5. *Be it enacted*, That no purchaser of land in the Hiwassee District as aforesaid, his or her assignee or assignees shall be entitled to the preference of entry or discount, provided for by this act, for a greater quantity of land than six hundred and forty acres; provided, that all non residents shall be required to pay to the Entry-Taker aforesaid, the amount of interest due on the purchase money up to the first day of November, 1826. And provided, further, that said non-residents shall not be entitled to a greater deduction on the first and second instalments due on such purchase, than was allowed by the acts of 1826 and 1827, to purchasers of land in said District.

Over 640 acres to be sold to highest bidder

SEC. 6. *Be it enacted*, That all lands over six hundred and forty acres, purchased by any person or persons, and not herein provided for, shall at the expiration of twelve months after the passage of this act, be sold by the Entry-Taker of the Hiwassee District, in the town of Athens, to the highest bidder, said Entry-Taker first giving public notice of the time of such sale, for thirty days, in the Knoxville Register and Hiwasseean. Provided, that said

Entry-Taker shall not offer more than one quarter section or fractional quarter section for sale at the same time; and provided further, that no such land shall be sold for less than two dollars per acre. Provided, this act shall not be so construed as to extend to any lands forfeited as aforesaid, as shall be otherwise specifically appropriated, under any act or acts of the present General Assembly.

Not to be sold for less than \$2 per acre

SEC. 7. *Be it enacted*, That the Entry-Taker for the Hiwassee District, shall pay over all money by him received, under the provision of this act, to the Cashier of the Bank of the State of Tennessee, at Knoxville, and shall take duplicate receipts therefor, one of which he shall transmit to the Cashier of the Principal Bank at Nashville.

Entry taker to pay over money to Banks

SEC. 8. *Be it enacted*, That the Treasurer of East Tennessee be allowed for his services for making the necessary calculations of the amount due the State on the forfeited lands in the Hiwassee District, for advertising, selling and buying in the same for the State, and for making out and transmitting the copies as required in this act, the sum of fifty dollars, to be allowed said Treasurer in the settlement of his accounts.

Compensation to Treasurer

SEC. 9. *Be it enacted*, That all laws and parts of laws that come within the purview and meaning of this act, be, and the same are hereby repealed.

Repealing clause

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 1, 1831.

Speaker of the Senate

CHAPTER XXXIII. An Act giving the purchasers and enterers of land in the Hiwassee District, further time to obtain their grants.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the purchasers and assignees of purchasers, and enterers and assignees of enterers of land in the Hiwassee District, shall have the further time of two years to obtain their grants for the same, from and after the passage of this act.

Further time given to obtain grants

SEC. 2. *Be it further enacted*, That all purchasers and enterers of land in the Hiwassee District, who have lost the certificate of sale or entry, or assignees or legal representatives of such persons, shall, on making satisfactory proof of such facts to the Register of the Hiwassee District, be entitled to a grant in the same manner that persons would be on the original certificate.

Remedy when certificate of sale is lost

SEC. 3. *Be it enacted*, That when any person or per-

Register to issue grants on entry taker's receipt

sons may have taken the entry taker's receipt instead of the certificate of entry, for any tract of land in the Hiwassee District, and have assigned the same to any other person or persons, such assignee or assignees, or their legal representatives, shall be authorized, on application to the entry taker of the Hiwassee District, to receive the original certificate, which shall accompany said receipt and shall be sufficient authority to authorize the Register of the Hiwassee District to issue to such assignee or assignees or legal representatives of such persons, a grant or grants as the case may be; and it is hereby made the duty of the Register aforesaid, to administer all necessary oaths for the purpose of ascertaining the truth of the facts.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 9, 1831.

CHAPTER XXXIV. An Act supplemental to an act passed at the present session of the General Assembly entitled an act to appropriate the school lands in the Hiwassee District, to the use of schools for the instruction of children therein.

*Be it enacted by the General Assembly of the State of Tennessee,* That to any action of ejectment, that has been or may be brought against any tenant of school land, holding under leases made in pursuance of law, the State of Tennessee shall be made defendant in the room and stead of such tenant, on motion of the Attorney General, at any time during the pendency of such suit, without affidavit or security for costs, and if the State be cast in such action, no costs shall be adjudged against her.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

CHAPTER XXXV. An Act to extend the benefits of the first section of an act, chapter 40, passed at Nashville on the 30th December 1829.

Whereas, divers tracts of land which were purchased at the Hiwassee land sale, under the provisions of an act disposing of said lands, passed at Murfreesboro' November 1819, were on the first day of November 1830,

claimed by reservees and suit instituted against said purchasers or their assignees for the recovery of said lands, which deprived them of the benefits of said first section; now, that equal justice and privileges should be extended to those claiming land thus situated with other purchases at said sale,

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That the term of one year from the decision of the suit in favor of the purchasers or assignee of a purchase of said land or part thereof, be allowed him to pay the purchase money to the State; and if paid in that time he shall have all the privileges and benefits which were given to other purchasers by the said first section of the above recited act, provided they paid for those lands by the first day of November 1830.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1830.

CHAPTER XXXVI. An Act to amend an act entitled "an act to make entries liable to execution in the Hiwassee District," passed December 12, 1827.

*Sec. 1. Be it enacted by the General Assembly of the State of Tennessee,* That where lands held by entry or certificate of purchase from the State in the Hiwassee District have been or shall be sold under execution by the sheriff, and the sheriff cannot obtain possession of the certified copy of the entry or certificate of purchase, he shall give to the purchaser at such sale a certificate of such sale and purchase under his hand officially; and, upon production to the Register of such certificate by such purchaser, or his assignee, at any time after the expiration of two years from the day of said sale, taking said day inclusive, the Register shall issue a grant to such purchaser or his assignee for such portion of said land as he may be the owner of: Provided, that no grant has been previously issued for the same land to the holder of the certificate of purchase or certified copy of entry.

Grant may be issued on Sheriff's certificate of sale

*Sec. 2. Be it enacted,* That where the purchaser at sheriff's sale, as provided in the first section of this act, or his assignee, shall file the certificate of such sale and purchase with the Register of the Hiwassee District, it shall not be lawful for the Register aforesaid to issue a grant to the original purchaser or enterer of said land, or his assignee, unless said purchaser, or enterer, or assignee as

Grant not to be issued to original enterer, when Sheriff's certificate is filed

the case may be, shall have redeemed said land, and shall produce to said Register a receipt for the payment of said redemption money.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 19, 1831.

CHAPTER XXXVII. An Act supplementary to an act passed at the present session of the General Assembly, to dispose of the forfeited lands in the Hiwassee District.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That any person or persons who are entitled to the provisions of the above recited act, and have not as much land in the quarter or fractional quarter section as called for in the certificate, then and in that case the entry taker shall permit the applicant to make an entry for so much land as there may be in said quarter or fractional quarter.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of Senate.*

December 21, 1831.

CHAPTER XXXVIII. An Act concerning Indian Reservations in the Hiwassee District.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all suits commenced and now pending in the circuit court of Knox county, by any Indian Reservee against any person or persons, claiming title to land under claim from this State, shall be transferred to the circuit court of the circuit in which such land lies.

SEC. 2. *Be it enacted,* That the clerk of the circuit court of Knox county, shall seal and send to the clerk of the circuit court where such land lies, all the original papers in such causes, together with a full and record of all the minutes and proceedings of said causes upon the records of said court, under the seal of the same, for which said clerk shall have the same fees, to be collected in the same manner as are allowed to him by law for similar services in other cases.

SEC. 3. *Be it enacted,* That the clerk receiving said records, shall place the same at the first part of the docket, and they shall be tried in the order in which they

Suits to be transferred to Circuit where land lies

Clerk of County Court of Knox County to send original papers & records to circuit where suit is transferred

Clerk receiving the record to place them first on docket

may stand docketed, or be continued for good cause shown by other causes.

SEC. 4. *Be it enacted,* That the defendants in said ejectment, or any who may be sued hereafter, who claim by virtue of a purchase from this State, or entry of said lands so sued for, under the several laws passed for the disposal of the lands in the Hiwassee District, shall be entitled to claim and recover from the lessors of the plaintiffs in ejectment in each case, the value of the improvements made upon such lands, so sued for by said defendant or defendants, his, her or their assignor or assignors, grantors or bargainors, and shall prove the same in the same manner on the trial of said ejectment, as is provided in other cases, by an act entitled "an act respecting the improvements of land" passed on the 18th day of October 1813; Provided, nevertheless, that three months notice of a claim for improvements, as well as counter notice for a claim of mesne profits may be filed at any time before the final trial, any law, or usage to the contrary notwithstanding.

Defendants may claim value of improvements

SEC. 5. *Be it enacted,* That the lessor of the plaintiff may also set off against said claim of improvements the value of the mesne profits in the same manner as provided by said mentioned act. And each party shall be entitled to the same process and means pointed out by said act for the recovery or security of the balance that may be found in his or her favour by the verdict of the jury for said improvements or mesne profits, and judgment shall be given and proceedings had accordingly.

Lessor may claim as set off the value of mesne profits

SEC. 6. *Be it enacted,* That there shall be an attorney appointed by this General Assembly to attend to said reservation causes on behalf of the State, and that Pryor Lea is hereby appointed, in the room of the Hon. Hugh L. White, whose duty it shall be to appoint an agent or agents, to collect testimony and prepare the causes for trial, who shall have power and authority to do every thing that the defendant could do, to prepare for the trial of these causes, and whose duty it shall also be, to give notice and file claims for improvements in each case where there are improvements, and whose duty it shall be, if he believes sufficient cause exists to authorize the same, to take an appeal to the Supreme Court, on which appeal no security shall be required.

Pryor Lea, appointed Attorney

His duty

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.



CHAPTER XXXIX. An Act to extend the provisions of an act entitled an act concerning the Register of the Hiwassee District passed October 2, 1827.

Provisions extended

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the provisions of the above recited act, concerning the Register of the Hiwassee District in issuing grants for lands entered in said District, shall extend to all purchases of land made at the land sales in said District, and the Register of the Hiwassee District in issuing grants for two or more quarter sections or fractional parts of a quarter section of land purchased at the land sales aforesaid, shall in all respects be governed by the provisions of the above recited act.

Register may consolidate several adjoining parcels

SEC. 2. *Be it enacted,* That when any individual or his or her assignee or assignees shall hold by purchase, entry or assignment as aforesaid, two or more quarter sections or part or parts of a quarter section of land, or any part or parcel of the same in the Hiwassee District, where the said quarter sections, parts or parcels thereof lie adjoining each other, whether in the same section, township and range or not, it shall be the duty of the Register of the Hiwassee District to consolidate the whole of said land so entered, or so entered and purchased as aforesaid, in one grant; and the said Register shall be entitled to the same compensation as is provided by the act this act is intended to amend.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 1, 1831.

## IMPRISONMENT FOR DEBT.

CHAPTER XL. An Act to abolish imprisonment for debt except in cases of fraud.

Whereas, liberty of person like the liberty of conscience should not be restrained by unnecessary legal provisions, and as independence of thought and freedom of action are among the most inestimable of our political rights, it is alike unjust, inhuman and oppressive that imprisonment for debt, which is a hateful remnant of ancient barbarism, should continue a disgrace to our statute book, except where fraud has been committed by the debtor, and that it is repugnant to the moral sense of community to imprison a woman for debt under any circumstances. Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no female defendant in any civil action shall be imprisoned, either by virtue of mesne, or final process, but she shall be warned to appear by summons, and be proceeded against after judgment to enforce the same by fieri facias, or other writ not affecting the liberty of the person.

Original process shall be by summons

SEC. 2. *Be it enacted,* That in all civil actions at law to be commenced on any debt or contract made after the first day of March next in courts of record, or before Justices of the Peace, the original process shall be a summons to the defendant, to appear and answer to the plaintiff's action; upon which the defendant shall be notified, as is now practised in cases where bail is not required; nor shall special or appearance bail be taken or required, save in the cases hereinafter provided for.

Special or appearance bail not required

SEC. 3. *Be it enacted,* That if the plaintiff, his or her agent or attorney, will file an affidavit with the clerk of the court in which the action is brought, either at the time of the commencement of the suit, or at any time during its progress before judgment rendered, that the cause of action is just, and that the defendant has removed, or is about to remove his property beyond the jurisdiction of the court, then a capias ad respondendum shall issue, and the defendant be compelled to give appearance, or special bail to the action, as is now practised. Provided, the defendant may at any time after arrested, apply to the court by motion to be discharged from said bail bond; which the court shall do, if the defendant can make it appear that the plaintiff, his agent or attorney has sworn falsely, or was mistaken—or that the causes alleged in the affidavit are insufficient.

May apply for discharge.

SEC. 4. *Be it enacted,* That in all cases brought before Justices of the Peace, on affidavit being made as prescribed by the third section of this act, sworn to before, and filed with the Justice, he shall issue a bail warrant as is now practised; Provided, the Justice shall have power to discharge the defendant if it is made appear that the plaintiff, his agent or attorney swore falsely, or was mistaken, or has not shown sufficient cause in the affidavit.

Bail warrant may issue on affidavit, but Justice may discharge.

SEC. 5. *Be it enacted,* That after a judgment or decree rendered, in any civil actions in courts of law or equity, or before any Justice of the Peace, writs of capias ad satisfaciendum, authorizing the imprisonment of the person, to enforce the payment of money, shall not issue, unless the plaintiff, or complainant, his agent or attorney, will make an affidavit before the clerk of the court from which the writ issues, or before the Justice who is required to issue the writ; 1st. that the defendant is about

Cases for which a capias may be sued.

to remove his property beyond the jurisdiction of the Court or Justice; or 2nd. that he has removed his property beyond the jurisdiction of the Court or Justice; or 3rd. unless the plaintiff, his agent or attorney will make affidavit before the Clerk or Justice that the defendant has fraudulently conveyed his property to others to avoid the payment of his debts; or 4th. that he conceals it to avoid the payment of his debts; or 5th. that the defendant has money in his possession or within his controul, sufficient to pay the demand or a good portion thereof, which he fraudulently withholds from the payment of his debts: In either of which cases a *capias ad satisfaciendum* may issue, as has been heretofore practised, and subject to the same rules and restrictions. Provided, the defendant may at any time apply to the Court or Justice from whom the writ issued to be discharged therefrom—which the Court or Justice shall do, if the defendant can make it appear that the plaintiff, his agent or attorney has sworn falsely or was mistaken—or that the grounds laid in the affidavit were insufficient to authorize the issuance of the writ. All affidavits required by this act, made on part of plaintiffs shall be sufficient if they allege the facts to be true, according to the information and belief of the plaintiff.

Defendant may be discharged.

Persons discharged from ex. as not exonerated from the judgment.

SEC. 6. *Be it enacted*, That should a ca. sa. issue or be executed under the provisions of this act, and the same discharged from the person claiming the benefit thereof, the person so discharged shall not be exonerated from the judgment by the discharge of such ca. sa.

F. W. HUBING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 14, 1831.

## INTERNAL IMPROVEMENT.

CHAPTER XLII. An Act to establish and incorporate a board of Internal Improvement in that part of the State, east of Cumberland mountain.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Board of Internal Improvement be, and hereby is established in that part of the State, east of the Cumberland mountain, denominated East Tennessee, to consist of three Commissioners, to be elected by joint ballot of both houses of this General Assembly, who shall hold their office for two years, and until others are elected by the Legislature; and said Board is hereby

Board of Commissioners established.

empowered to make contracts for removing such obstructions to navigation in the Tennessee and Holston rivers, and their navigable tributaries, as in the opinion of said board, a majority concurring, shall appear most important; always commencing the improvement contemplated, at the lowest point of obstructions to navigation.

SEC. 2. *Be it enacted*, That the said Board of Internal Improvement shall each take an oath before some judicial officer of this State, faithfully, impartially, and without favor or affection, to discharge the duties of their office, according to the true intent and meaning of this act, and shall elect from their own body, a President and Secretary at their first meeting, which shall be held on the first Monday of March, 1832, at Knoxville, and may adjourn such meeting to any time and place which in the opinion of said board, shall be best calculated to promote the objects herein provided for, and shall keep a faithful record of all their official proceedings, and report the same in detail to each succeeding legislature, with such notes and remarks, as, in the opinion of said board, may afford useful information to the legislature.

Commissioners shall take oath—elect President &c

SEC. 3. *Be it enacted*, That said Board shall have perpetual succession and a common Seal, and shall be capable of suing and being sued, of pleading and being impleaded, under the name and style of the President and Directors of the board of Internal Improvement for East Tennessee, and shall possess and enjoy all the rights of a corporation, subject, however, to the entire control of the Legislature: And as soon as practicable, after their first meeting, as herein provided for, said Board shall proceed to let out to the lowest bidder, in contracts, for the removing obstructions to navigation in such parts of Tennessee and Holston rivers, and their tributaries, as shall be determined on by said Board, first giving sixty days notice of the time and place of letting out the same, specifying particularly, in such notice, the nature and extent of the work to be done, and the manner in which it is to be performed; and all proposals for undertaking to do the same, shall be in writing, sealed and directed to the President of said board, and shall be opened in the presence of a majority of the members thereof; and the lowest bidder that shall enter into a bond with good and sufficient security, payable to the President of said Board, and his successors in office, in a sum equal to double the amount at which the contract is undertaken, shall have the contract:—which said bond shall be conditioned for the faithful performance of the contract, in the manner to be specially set forth in said bond.

Corporate powers.

Shall let out work to lowest bidder.

SEC. 4. *Be it enacted*, That the sum of sixty thousand dollars set apart and appropriated by an act of the eighth

Appropriation for improvement.

teenth General Assembly, to "the improving the navigable rivers and other objects of internal improvement in that part of the State, east of Cumberland mountain; be and the same is hereby applied, under the directions and superintendence of the Board of Internal Improvement hereby established, to the removing of the obstructions to navigation in the rivers Tennessee and Holston, and their tributaries, commencing at the lowest point of obstruction in the Tennessee river, and progressing upward in such manner as effectually and permanently to remove all obstructions to steam-boat navigation, as far as practicable—*Provided*, that should a loss exist in the fund set apart and appropriated for the improving the navigable rivers and other objects of internal improvement in this State—East Tennessee shall only be entitled to draw her proportionable part, after deducting such loss.

To commence work as soon as contracts are made

To draw on Cashier of Bank.

Duty of Cashier.

Compensation of Commissioners

To be elected biennially.

SEC. 5. *Be it enacted*, That it is hereby made the duty of said Board of Commissioners, as soon as practicable, after any contract or contracts are entered into pursuant to the provisions of this act, to commence without delay the improvements herein provided for; and the President of said Board, a majority of the Directors concurring, is authorized and empowered to draw on the Cashier of the Bank of the State, at Nashville, or its Branch at Knoxville, for such sum or sums of the funds hereby directed to be applied to the improving of the navigable rivers in East Tennessee, as shall in the opinion of said Board be necessary for the successful prosecution and speedy completion of the contract or contracts by them entered into; always making the contractor or contractors the drawee or drawees of the sum or sums so checked for. And it is hereby made the duty of the Cashier of the Bank of the State, at Nashville, or the Branch at Knoxville, to pay all such drafts so made by the President of the Board of Commissioners aforesaid, the said President having previously filed with each of the Cashiers above named, a certificate of the organization of said Board of Commissioners, under the hand and seal of the judicial officer before whom they are sworn.

SEC. 6. *Be it enacted*, That each Commissioner of the Board of Internal Improvement, shall be entitled to receive two dollars for each day that they are necessarily engaged in the discharge of the duties of their office, and two dollars for each twenty five miles travelling in going to or returning from the place of their convening for the transaction of business. And said Commissioners shall be elected every two years by joint ballot of both Houses of the General Assembly, and shall fill all vacancies that may occur during the recess of the General Assembly.

*Be it enacted*, That no payments shall be made under the provisions of this act, by which the school funds shall be diminished; and also, that payments shall only be made in proportion to the sum of one hundred and fifty thousand dollars, and paying at the same time a proportion of the one hundred and fifty thousand dollars, either for internal improvement or common schools for Middle Tennessee and the Western District, as may be provided for at the present session of this General Assembly, or at any future session. And provided, that no payments shall be made until it shall be ascertained that there are sufficient funds without interfering with the school funds.

Common School fund not to be diminished.

SEC. 8. *Be it enacted*, That said board of internal improvement are hereby vested with the same powers, rights and authority with which the board of internal improvement organized by the last General Assembly of this State, was vested;—and that said Board shall have the power to employ a clerk, not of their own body, who shall keep a full record of all the proceedings of such Board, and said Board are authorized to draw on the Bank of the State of Tennessee, or its branch for any money which the exercise of their powers shall require: *Provided*, that they shall draw a draft in the name of the person or persons to whom the money may be due.

Powers of Board.

SEC. 9. *Be it enacted*, That so much of the first section of an act entitled "an act to establish a Board of internal improvement and set apart \$150,000—to be appropriated to the improvement of the navigable rivers, and other objects of internal improvement in this State," as constituted a Board of internal improvement for this State to be denominated the President and Directors of the board of internal improvement, be and the same is hereby repealed.

Repealing clause.

F. W. HULING,  
Speaker of the House of Representatives.  
BURCHET DOUGLASS,  
Speaker of the Senate.

November 26, 1831.

CHAPTER XLII. An Act to compel the owners of turnpike roads and toll bridges to keep the same in repair.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any person or persons, or body corporate is privileged, by any act or acts to open and keep in repair any turnpike road, or to erect and keep in repair any toll bridge in this State, and to erect any toll gate for his, her or their advantage, he, she



or they, being such owners thereof, who shall refuse to put and keep the same in repair as prescribed in the act or acts of incorporation, any person or persons so offending, shall be subject to presentment or indictment under the same rules and regulations as prescribed against the overseers of roads and ferries in this State, and on conviction thereof before a jury of the country, shall be fined by the court in a sum not less than twenty five dollars, nor more than fifty dollars; any law, usage or custom to the contrary notwithstanding.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 15, 1831.

CHAPTER XLIII. An Act to establish a board of Internal Improvement for the Mountain District.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Harrold Bins and John B. Perkins, of Warren county, Daniel Walling and Joseph Anderson, of White county, be and they are hereby incorporated a company to clear out the obstructions in the Caney Fork of Cumberland river, that they may sue and be sued, and shall have power to vest, or appoint some suitable person to vest the sum of four thousand five hundred and forty eight dollars in the clearing out and improving of the said river, if the same shall be the correct amount for said counties upon a basis of free white population—if less, they shall draw the full amount upon said basis—and if more, they shall draw the true amount on said basis. Provided, that the Treasurer or other person who shall pay out the money directed in this act, shall not estimate the sum of two thousand dollars heretofore appropriated for opening the navigation of the Caney Fork of Cumberland river, passed December 28, 1829, as a part of the general appropriation of one hundred and fifty thousand dollars, as a fund for internal improvement throughout the State.

SEC. 2. *Be it enacted,* That in clearing out said river, it shall be their duty to commence at such place as a majority of them shall think most beneficial to the public good, and shall not contract the same by lots, or to the highest or lowest bidder, but shall proceed to employ such person as they may think best qualified to superintend the same, who may be one of their body, and shall employ and hire hands, and procure all necessary tools for the same, and work upon said river, until they have

the same in improving the navigation and removing the obstructions in said river.

SEC. 3. *Be it enacted,* That the said Board may, if they see proper, by turns as they can best arrange, attend to said business themselves, provided not more than two shall be actually engaged at once, and shall receive out of said sum hereby appropriated the sum of one dollar each, per day, for each day they may be actually employed in superintending the work, and that said Board shall have power to contract for all contingent expenses in said work.

SEC. 4. *Be it enacted,* That the President and Directors of the Bank of the State of Tennessee, shall pay over to said Board the said sum of four thousand five hundred and forty eight dollars, so soon as they shall have executed bond with security to the Chairman of the county court of White or Warren, and shall produce the certificate of the clerk that the bond is filed in his office with good security, in the sum of five thousand dollars; Provided, that the said sum is to be taken out of the appropriation made in 1829 for Middle Tennessee, and does not interfere with the school fund; Provided also, there should be no loss in the appropriation of one hundred and fifty thousand dollars for internal improvement, by an act of the General Assembly of 1829-30.

SEC. 5. *Be it enacted,* That James W. Smith and Bailey Butler, Senior, of Jackson county, Alvin Cullom and William Dale of Overton county, shall constitute a Board of internal improvement for Overton and Jackson counties, and shall possess all the powers and privileges given by this act to the Board for the Caney Fork, and both the Boards shall be sworn in open court to execute their trust honestly and to the best of their ability. That the said Board for the said counties of Overton and Jackson, shall vest one thousand four hundred and seventy nine dollars out of the sum of three thousand two hundred and thirty three dollars in the improvement of the navigation of Obed's river in Overton county, and shall vest the balance in making such improvements in Jackson county, as the county court in said county, a majority of the Justices being present, may direct, and shall be authorized to receive the said sum of money from the President and Directors of the Bank of the State of Tennessee, under the same rules, regulations and restrictions, as the Board for Caney Fork are subject to; and shall, in all things, in vesting said money, be governed by the same rules, and have the same pay. Provided nevertheless, that in case the said sums shall not be the true sum, to which the counties of Warren and White, and those of Overton and Jackson are respectively entitled, out of the

Board incorporated.

Sum appropriated.

Where to commence improvement.

Work not to be let out to bidders.

Two of the board may superintend work.

Their compensation.

Bank to pay over money.

Board for Overton and Jackson counties.

Sum appropriated.

sum allowed to Middle Tennessee upon a basis of free white population, then the true sum and no more shall be paid and vested as aforesaid.

*Duty of Cashier of Bank.*

Sec. 6. *Be it enacted*, That the Cashier of the Bank of the State of Tennessee, shall place to the credit of the counties of Montgomery, Dickson, Robertson, Sumner, Davidson, Stewart, Humphreys, Perry, Hickman, Williamson, Lawrence, Wayne, Hardin and Wilson, their respective proportions of the sixty thousand dollars heretofore set apart for internal improvement in Middle Tennessee, which may be loaned out by the officers of said Bank for the benefit of the above named counties, until the next session of the General Assembly.

*Portion of fund for Wilson county shall be paid to school commissioners.*

Sec. 7. *Be it enacted*, That so much of the fund set apart for internal improvement for Middle Tennessee, as may be due to Wilson county, according to the ratio of white population, be paid over by the President of the Principal Bank at Nashville to the common school commissioners for the county of Wilson.

*Portion of fund for Smith county to be paid over for the use of schools.*

Sec. 8. *Be it enacted*, That that portion of the sixty thousand dollars appropriated by an act passed January 2, 1830, chapter 75, for internal improvement in Middle Tennessee, to which Smith county may be entitled, by apportionment agreeably to the free white population in said county, compared with the whole number of free white inhabitants in Middle Tennessee, be and the same is hereby directed to be paid over to the Clerk and Treasurer of the Board of common school commissioners in Smith county, for the use of common schools in said county to be disposed of, and the interest appropriated for the use of common schools in said county, agreeably to the provisions of an act passed 14 January 1830.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 17, 1831.

CHAPTER XLIV. An Act to establish Boards of Internal Improvement in the several counties of this State, lying west of Tennessee river, and for other purposes.

*Election of Commissioners provided for.*

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county courts of the several counties of this State, lying west of Tennessee river, shall, at their first court after the first day of January in each and every year, if necessary, (two thirds of the Justices of the Peace for such county being present) proceed to elect three suitable persons resident in said county, who shall

constitute a Board of County commissioners for internal improvement in their respective counties; and said courts shall have power to fill all vacancies that may happen in said Boards by death, resignation, removal or otherwise.

Sec. 2. *Be it enacted*, That said commissioners shall hold their appointments for one year after their election, or until successors are elected and qualified; they shall choose one of their body as President of said Board, whose duty it shall be to preside at their meetings. They shall also choose a Secretary from amongst themselves, who shall keep a complete record of the proceedings of said board and shall furnish, for the inspection of said county court, a transcript therefrom, annually or oftener if required. They shall enter into bond with good security, each in the sum of five thousand dollars, conditioned for the faithful performance of their respective duties, payable to the Governor of the State of Tennessee and his successors in office. Before entering on the discharge of their duties they shall take and subscribe the following oath:

*Elected for one year.*

*Shall give bond.*

"I, A. B. do solemnly swear [or affirm] that, as Internal Improvement Commissioner, for the county of— I will well and truly discharge the duties pertaining to my appointment—in such manner as may promote the best interest of said county, to the best of my understanding. So help me God."

*Shall take oath.*

Sec. 3. *Be it enacted*, That said commissioners shall have power to apply the portion of Internal Improvement fund allotted to said county, by this act, to such works of Internal Improvement, either on roads or rivers, within their county, as to them shall seem most for the public advantage; and should they believe that a union of the Boards of Internal Improvement, thus provided for, of two or more counties, would promote the welfare of said counties, in effecting some improvement of a general nature, such Boards shall have power to unite and choose a Board of five members from such Boards thus uniting for the purpose of effecting such improvement, and such Board thus formed, shall have the same powers, enjoy the same privileges, and perform the same duties that said separate Boards enjoy and perform. The expenses of said consolidated Boards shall be equally defrayed out of the Internal Improvement funds of the counties thus uniting.

*May appropriate funds.*

*May unite with other city boards.*

*Expense to be equalized.*

Sec. 4. *Be it enacted*, That it shall be the duty of each of said Boards hereby appointed to give thirty days notice in such newspaper as shall be published nearest to said contemplated improvement, stating the time of letting and the nature of said improvement. They shall give the like notice at all the most public places in the

*Shall give notice of letting contracts.*

county where such improvement is to be made, or they may receive sealed proposals for completing such improvement as to them shall seem most for the public welfare; but in all cases the notice herein required must be given; and if let to the lowest bidder, it must be done publicly. They may take into consideration the responsibility of the bidder and his power to perform the work required to be done, as well as the amount proposed to do the work for. They shall have power to draw on such Treasurer, Cashier or other officer as may have possession or charge of the Internal Improvement funds for their section of the State, to the amount herein provided for, in favour of any undertaker or undertakers for the amount of his contract, when said work is completed, or for part as the work progresses, as they may think the public interests require, which draft receipted by said undertaker, his agent or assignee, shall be a good voucher in the hands of said Treasurer, Cashier or other officer, on the settlement of his accounts with the State. It shall be the duty of said commissioners in all cases to take bond and good security, from the person or persons undertaking any work of improvement under the provisions of this act, in such sum as to them shall seem requisite to insure the faithful performance of their contracts.

May draw on  
Treasurer,

To take bond  
of Contractors.

May sue and be  
sued in corporate  
capacity.

SEC. 5. *Be it enacted*, That said Boards of commissioners as may be appointed under the provisions of this act may, by the name of the Board of commissioners for Internal Improvement for the county of ——— or counties of ——— (as the case may be) sue and be sued, plead and be impleaded, in any court of law or equity, or before any Justice of the Peace, in any of the counties for which they were appointed.

Their compensation.

SEC. 6. *Be it enacted*, That the commissioners appointed under the first section of this act, shall each receive for their services the sum of one dollar per day, for each day they may necessarily be engaged in the discharge of the duties hereby made incumbent on them, to be paid out of the county fund for Internal Improvement; and each of the commissioners appointed under the third section of this act, shall receive one dollar and fifty cents per day, for each day necessarily engaged in the discharge of the duties thus imposed. Provided, that no part of the funds vested for the support of common schools, shall be applied to the objects herein provided for, and provided further, that should a loss exist in the fund of one hundred and fifty thousand dollars set apart and appropriated for removing the obstructions in the navigable streams, and for other objects of Internal Improvement in this State, by the General Assembly of 1829, a

Not to apply  
school fund.

proportional deduction shall be made from the thirty thousand dollars appropriated to the Western District. <sup>Loss to be averaged.</sup>

SEC. 7. *Be it enacted*, That it shall and may be lawful for the Board of Internal Improvement for the county of M'Nairy, at their discretion, to apply that portion of the Internal Improvement fund for the Western District that is given to said county by this act, to the payment of the debt which said county owes or may owe, for the building of a court house in said county. <sup>M'Nairy county may apply improvement fund to build C House.</sup>

SEC. 8. *Be it enacted*, That the counties of Humphreys, Hardin and Perry, shall be included in the provisions of this act, and in all things be governed by the rules and regulations of the same, and shall receive each a proportion of the aforesaid funds, equal to the one half allotted to the other counties respectively, which shall be appropriated in that part of the said counties of Humphreys, Hardin and Perry, lying west of the Tennessee river. <sup>Humphreys, Hardin and Perry included.</sup>

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHT DOUGLASS,

*Speaker of the Senate.*

[December , 1831.]

#### CHAPTER XLV. An Act creating a Board of Internal Improvement for the county of Giles.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alexander Black, Thomas Martin, Lewis G. Upshaw, Gilliam Harwell, Spencer Clack, James Patterson, Robert M'Laurine, Earley Benson, Pinckney Wilson, Joab Campbell and Ralph Graves Jr. be and they are hereby appointed a Board of commissioners of Internal Improvement for the county of Giles. <sup>Commissioners appointed.</sup>

SEC. 2. *Be it enacted*, That said Board of commissioners shall be authorized to elect a President, Treasurer, and such other officers and agents as they may think necessary and proper to carry the objects of their appointment into execution, taking such bonds and security for the faithful discharge of their trusts as they may think necessary and proper; and said Board may meet and adjourn from time to time in their discretion, and make all contracts under the name of "the Board of Internal Improvement for the county of Giles," to be signed by the President, and under that name may sue and be sued, on all contracts made in relation to improvements made or to be made within said county of Giles. <sup>May select President and other officers.</sup>

SEC. 3. *Be it enacted*, That said Board may be authorized to open books and receive subscriptions for the <sup>May receive subscriptions.</sup>



purpose of clearing out and removing all obstructions to the navigation of Richland Creek below the town of Mulaski; and also all obstructions in so much of Elk river as runs through the said county.

SEC. 4. *Be it enacted*, That it shall be the duty of the Treasurers of this State to pay over to the Treasurer of said Board on the order of the President thereof, such portion of the Internal Improvement fund set apart for Middle Tennessee at the last session, as said county of Giles may be entitled to, on a distribution of said funds amongst the several counties of Middle Tennessee on the ratio of free white population amongst said counties; Provided, that no payment shall be made under the provisions of this act, so as to prejudice the amount set apart for common schools by any law of this State.

SEC. 5. *Be it enacted*, That it shall be the duty of said Board, so soon as the amount received either by subscription or the preceding section of this act will justify the same, to make all necessary arrangements, to have the impediments and obstructions in Richland Creek and so much of Elk river as lies in said county removed in the best and most practicable manner.

SEC. 6. *Be it enacted*, That when any vacancy shall happen in said Board by declining to act, or otherwise, a majority of said Board shall be authorized to supply the same; and from time to time such majority may make all necessary orders for the preservation of the funds of the Board and such increase thereof as they may think best, and do all other lawful acts and things, to carry into effect the objects of this act.

SEC. 7. *Be it enacted*, That Elijah D. Robbins, John Dougherty, Thomas Pharis, Dudley Johnson, William Knox and John R. Patrick, of Franklin county be a Board of commissioners of Internal Improvement for the county of Franklin, with the same power to draw the portion of the Internal Improvement fund for Middle Tennessee, which the county of Franklin would be entitled to on the ratio mentioned in the 4th section of this act, and to dispose of the same in removing the obstructions and improvement of the navigation of so much of Elk river as lies within the county of Franklin, in the same manner and to enjoy all the rights, and be subject to all the restrictions, as the Board of commissioners of Internal Improvement in the county of Giles.

SEC. 8. *Be it enacted*, That Thomas Clark, Elliott H. Fletcher, William Dewoody, Jacob Silvertooth, Samuel Todd, Jasper Smith, Joel Pinson and William Dye of Lincoln county, be a Board of commissioners of Internal Improvement for the county of Lincoln—authorized to draw the money, appoint officers, open books, and to do

all other things towards improving the navigation of so much of Elk river lying in Lincoln county, as is allowed by this act to the Board of commissioners in the counties of Franklin and Giles.

SEC. 9. *Be it enacted*, That it shall be the duty of the Cashier, President and Directors of the Bank of the State, to pay over to the county Trustee of Maury county, on the order of the Chairman of the county court of said county, such portion of the Internal Improvement fund set apart for Middle Tennessee at the session of 1829-30, as the said county of Maury may be entitled to, on a distribution of said fund amongst the several counties of Middle Tennessee, on the ratio of free white population amongst said counties; and it shall be the duty of the county court of said county to appropriate the said funds either to common schools or to Internal Improvement in the said county of Maury.

SEC. 10. *Be it enacted*, That the Mayor and Aldermen of Nashville, Murfreesboro' and Shelbyville, or either of them, shall have power and authority as such (which power and authority is hereby given) to subscribe for such portion of the stock of the Nashville, Murfreesboro' and Shelbyville turnpike road company, as they may think right and proper and expedient, upon such terms as the commissioners of said road and the said corporations may agree upon; Provided, the said Mayor and Aldermen respectively, shall first ascertain that a majority of the citizens of said towns, entitled to vote for Mayor and Aldermen, consent thereto.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 19, 1831.

CHAPTER XLVI. An Act to establish a Board of Internal Improvement in the counties therein mentioned and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Weakley, Samuel Seay and Robert C. Foster, of Davidson county, Henry D. Jamison, Samuel Anderson and Vernon D. Cowens of Ruthersford county, John C. Caldwell, John Sutton and Samuel Philips of Bedford county, be constituted a Board of commissioners of Internal Improvement for the counties aforesaid, (with the powers hereinafter conferred) any five of whom shall be a quorum to do business.

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

May draw on treasurer for quota.

When to commence improvement.

May fill vacancies.

Commissioners for Franklin City.

Powers of.

Commissioners for Lincoln City.

Powers of.

Maury County may draw her quota and county court may appropriate.

Corporation of Nashville, Murfreesboro' and Shelbyville may take Turnpike Stock.

Commissioners appointed.

Shall receive  
subscription.

commissioners to open, under such regulations as may be prescribed at Nashville, Murfreesboro' and Shelbyville, books of subscription for stock in a turnpike road from Nashville to Murfreesboro' and Shelbyville.

Corporation and  
powers.

SEC. 3. *Be it enacted*, That the subscribers of said stock shall constitute a company, which is hereby declared to be a body politic and corporate under the style and name of the Nashville, Murfreesboro' and Shelbyville turnpike company; and in that name may sue and be sued, plead and be impleaded, and have and use a common seal, and have, possess and enjoy personal, mixed and real estate, and dispose of the same for the benefit of said company, and shall appoint such officers and agents as may be necessary in the transaction of this business.

When public  
fund may be sub-  
scribed.

SEC. 4. *Be it enacted*, That so soon as twenty thousand dollars shall be subscribed by individuals, it shall and may be lawful for the commissioners, mentioned in the first section of this act, to subscribe the amount allowed to the counties of Davidson, Rutherford and Bedford, or the sixty thousand dollars set apart for Internal Improvements in Middle Tennessee, to be ascertained as is hereafter provided for. Provided it does not reduce the fund heretofore appropriated by law to common schools.

Duty of cashier  
of bank.

SEC. 5. *Be it enacted*, That it shall and may be lawful for the Cashier of the Bank of the State of Tennessee, upon application of said commissioners, to pay over to said Board of commissioners, that portion of the sixty thousand dollars aforesaid, coming to the said counties of Davidson, Rutherford and Bedford, as three of the counties of Middle Tennessee, to be ascertained by him according to the census of the free white inhabitants recently taken in the said counties by the Marshal of the District of West Tennessee, when compared with the whole number of free white inhabitants in Middle Tennessee, to be appropriated by the said commissioners in the construction of said turnpike road; Provided, that said commissioners shall previously enter into bonds and security in the penal sum of twenty thousand dollars, payable to the Governor for the time being or his successors in office, for the faithful application of such sum or sums of money as may by this act come into their hands.

Commissioners  
to give bond.

Continuation in  
office.

SEC. 6. *Be it enacted*, That the affairs of said company shall be managed until the first Monday in January (1833) one thousand eight hundred and thirty three, by the commissioners appointed in the first section of this act, one of whom shall be President thereof.

Election of oth-  
er Commissioners  
provided for.

SEC. 7. *Be it enacted*, That sixty days before the expiration of the period for which the commissioners hereby appointed are authorized to manage the affairs of said

company, it shall be the duty of the President of said company to advertise in some newspaper published in Shelbyville, Murfreesboro' and Nashville, that an election of nine other commissioners shall take place at the court house in Murfreesboro' on the first Monday of January following, for the ensuing twelve months, three of whom shall reside in Davidson, three in Rutherford, and three in Bedford county; and at the expiration of every twelve months thereafter, they shall open and hold a similar election for a similar number of commissioners, who shall manage the affairs of said company one year, or until successors are appointed, who shall, before entering upon the duties of their appointment, give bond and security to the Governor in the sum of twenty thousand dollars, faithfully to appropriate such sum or sums of money as may come into their hands belonging to said counties to the use of said road and pay the interest and dividend arising on the same as required by this act.

To give bond  
and security.

SEC. 8. *Be it enacted*, That said commissioners hereby appointed, and which may hereafter be appointed under the provisions of this act, in carrying into effect its provisions and objects, shall have, enjoy and possess all the rights, privileges and immunities, and which is hereby vested in them which were conferred on a company incorporated for opening and constructing a turnpike road from Nashville to Murfreesboro' by an act dated 4th January 1830, not inconsistent with this act.

Powers of.

SEC. 9. *Be it enacted*, That whenever the Governor shall be notified that fifty thousand dollars shall have been subscribed by individuals, as provided for in the second section of this act, it shall be his duty to subscribe, so soon as the same can be ascertained, under the provisions hereafter made by law, the amount of the common school fund to which the counties of Bedford, Rutherford and Davidson, may be entitled to; and so soon as the Governor subscribes the same, the Cashier of the State Bank shall hand to the said commissioners an order to the agents of said Bank in the counties aforesaid, for an amount of notes due at said agency, equal to the amount of the school fund apportioned to said counties; which notes the said commissioners shall have power to collect, and the proceeds vest in said road for the construction thereof; Provided, that a greater sum shall not be called for from the debtors than ten per cent for every ninety days, upon the renewal of their notes, which said commissioners shall permit, under such rules and regulations in the respective counties, as they may think right and proper; the debtors to be notified of the time and place, when and where such renewal will be made.

Governor to  
subscribe public  
funds.

SEC. 10. *Be it enacted*, That said commissioners of said

*Commissioners to pay interest to school funds from date of subscription.*  
 pay, semi-annually, to the board of commissioners for common schools in the said counties, six per cent per annum on the amount subscribed by the Governor, of the common school fund belonging to each of said counties respectively, to commence so soon as the subscription is made.

*Capital Stock.*  
 SEC. 11. *Be it enacted*, That the amount subscribed by individuals shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and that each share entitle the holder thereof, to one vote in all elections for officers of said Board, and so in proportion to the amount so held of the stock.

*Appropriation of dividends.*  
 SEC. 12. *Be it enacted*, That the dividend, arising upon the stock subscribed by the commissioners, as provided for by this act, shall be appropriated, to the use of common schools in said counties, agreeably to the amount of the funds belonging to each of said counties subscribed.

*When work shall commence.*  
 SEC. 13. *Be it enacted*, That said commissioners shall commence, on or before the first day of April next, and prosecute the building of said road until the same is completed.

*Stone Port act revived.*  
 SEC. 14. *Be it enacted*, That the provisions of a law passed at the last session of the General Assembly, authorizing a turnpike road from Murfreesboro' to the Stone Port, be and it is hereby revived; and that said company may, within two years hereafter, commence said road, any law to the contrary notwithstanding.

*Pay of Com'rs.*  
 SEC. 15. *Be it enacted*, That the commissioners appointed by this act, shall receive two dollars for each day they may actually be engaged in surveying said road and managing the affairs of said company, to be accounted for and allowed in payment of stock subscribed individually by said commissioners.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate*

December 17, 1831.

## JUDGES.

CHAPTER XLVII. An Act to repeal the act of 1827, chapter 37, and for other purposes.

*Repeal.*  
 SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the act of 1827, chapter 37, authorizing the Governor of this State to appoint special Judges to hold the circuit courts in certain cases, be and the same is hereby repealed.

*Of appeals by Circuit Judges.*  
 SEC. 2. *Be it enacted*, That if any Circuit Judge in this State have, or shall hereafter appeal from the decision of any Justice, or from any county court to the circuit court in any one of the counties of his district, it is hereby declared to be his express duty, on the application of the adverse party, by themselves or their attorneys or agents, to remove said cause from such circuit court to any circuit court in any of the adjoining districts, which the adverse party may choose, and it is hereby declared to be the duty of the clerk of the circuit court, to make out and forward to the clerk's office to which the venue shall be changed, a full and complete transcript of the whole record and papers filed in his office; and if any Judge shall fail, refuse or neglect to make the transfer of any cause as herein directed, he shall be deemed and taken to be guilty of a misdemeanor in office, and on conviction of such offence before the constitutional tribunal shall be removed from office.

*Where Judges fail to hold their Courts.*  
 SEC. 3. *Be it enacted*, That if any Circuit Judge in this State shall fail, refuse or neglect to attend on the first, second or third day of the term of any of the circuit courts in his district, or shall fail, refuse or neglect, to hold his court after attending on the first days of the term of his court, in either of which cases, a deduction of ten dollars per day, shall be taken from his salary; and if any Judge shall wholly fail to attend at any term or terms of his court and hold the same, at the times and places prescribed by law, for each and every such failure, a deduction of one hundred dollars shall be taken from his salary.

*Judges to certify to Treasurers, before obtaining salary.*  
 SEC. 4. *Be it enacted*, That hereafter it shall not be lawful for either of the Treasurers of this State, to pay any of the Circuit Judges of this State, the whole or any part of their salary, unless such Judge or Judges shall first certify that he has attended at the times and places required by law, and held his courts, or shall certify the number of days or terms which he has failed or refused to hold his courts, in which case a deduction shall be made as provided for in the 3rd section of this act.

*Supreme Court at Nashville—when seld.*  
 SEC. 5. *Be it enacted*, That the Supreme Court shall hereafter be held at Nashville, on the first Monday in March, instead of the third Monday in January, as heretofore provided by law—and all process shall be made returnable to the said first Monday in March, instead of the third Monday in January.

*At Jonesboro', time of holding.*  
 SEC. 6. *Be it enacted*, That the Supreme Court shall hereafter be held at Jonesborough on the fourth Monday in June annually, instead of the third Monday in June as



heretofore provided by law—and all process shall be made returnable to the said court, on the fourth Monday in June instead of the third Monday in June.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate*

December 20, 1831.

## JUDICIARY.

CHAPTER XLVIII. An Act to amend an act passed in the year 1829, chapter 52.

*Be it enacted by the General Assembly of the State of Tennessee,* That all the counties composing the 8th Judicial Circuit, shall belong to the Chancery District Court held at Jackson.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

November 28, 1831.

CHAPTER XLIX. An Act to amend the laws now in force regulating appeals in Equity.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That where any party shall apply for an appeal from the final judgment or decree of the court of Chancery, or the Circuit Court sitting as a court of Equity, to the Supreme Court of Errors and Appeals, it shall be the duty of the inferior court, to grant such appeal on such appellant entering into bond with good security, to prosecute such appeal with effect, or in case of failure, to pay the money that may be decreed, and also to pay and answer all damages and cost, which the appellee may sustain by reason of such wrongful appeal, provided that, in all such cases of appeal where money is not decreed to be paid, security shall be required for the payment of the costs only of the appeal.

*Of appeals from Chancery to Supreme court.*

SEC. 2. *Be it enacted,* That in all cases of appeals in Equity the appeal bond shall constitute part of the record, and if the appellant fail to prosecute his appeal with effect, the court above shall thereupon on motion of the appellee or his council pronounce a decree against such appellant and his securities, to the amount of their re-

*Where appeal is not prosecuted with effect.*

liabilities incurred by the taking of the appeal, and the execution of the bond aforesaid.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 10, 1831.

CHAPTER L. An Act to amend the laws on the subject of the Chancery Courts in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That if from sickness, accident or any other cause, the Chancellors in this State shall not be able to arrive at their respective places of holding courts on the first day of the term, it shall be the duty of the Sheriff and Clerk to adjourn court as in circuit c't's. and Clerk to adjourn the court from day to day, until Wednesday at four o'clock, P. M. in the same manner as is usual in the Circuit Courts.

SEC. 2. *Be it enacted,* That the Chancellors shall have, use and exercise the same powers in licensing attorneys that other Judges of the State now have by law. *Chancellors may license attorneys.*

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 15, 1831.

CHAPTER LI. An Act to regulate the practice on writs of Mandamus.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Circuit Judges of this State, shall have power to issue writs of Mandamus upon petition supported by affidavit, before any Judge, Justice of the Peace, or Clerk of any Circuit Court under the same rules, regulations and restrictions, as in cases of injunctions or certiorari and supersedeas. *Powers of the Circuit Judges.*

SEC. 2. *Be it enacted,* That the writ shall be made returnable to the Circuit Court of the county where the land lies, in all cases where land is the subject of controversy; and in all other cases to the Circuit Court of the county where the defendant or defendants in the writ may reside, or if against a public officer in the county in which his office is kept. *Return of the writs where made.*

SEC. 3. *Be it enacted,* That where there may be a third person claiming title to, or interest in the matter in controversy, it shall be the duty of the officer or officers a-

*Where third persons are interested.*

against whom such writ shall issue, to notify such third person of the same, and thereupon the court to which the process may be returnable, shall upon application of such third person admit him to file his answer and be made a defendant to such petition, first requiring of him security for the costs of such proceeding.

Of the trial of issues in such cases.

SEC. 4. *Be it enacted*, That if the answer or answers to such petition should deny any material fact or facts in it stated, it shall be the duty of the court before which the same may be pending to cause an issue or issues to be made up and tried by a jury, or to determine such fact or facts upon evidence as in cases in Chancery.

Where each third person are non-residents.

SEC. 5. *Be it enacted*, That when the third person who may be interested in such controversy shall be a non-resident, or unknown to the officer defendant, it shall be the duty of the court to direct publication to be made as in cases in Equity; and should such third person fail or refuse to be made a defendant, and file his answer to such petition at the term next succeeding such publication, the petition shall be taken *pro confesso*, and heard at such term.

Of costs in the case of third persons.

SEC. 6. *Be it enacted*, That when such third person is made a defendant, he shall be liable for all costs that may accrue in case of failure in such defence; and should such person not defend, then and in that case the officer defendant shall be responsible for said costs.

Judgment of the Court.

SEC. 7. *Be it enacted*, That when a verdict shall be found or a decision made in favour of the petitioner, the court shall direct a peremptory Mandamus to issue; but should the petitioner fail to establish the necessary and material facts stated in his petition if denied as aforesaid, then such petition shall be dismissed with costs.

Costs and fees.

SEC. 8. *Be it enacted*, That the costs and fees upon such proceedings, shall be the same as prescribed by law for similar services by the officers of court in Chancery proceedings.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

#### CHAPTER LII. An Act to amend the Judiciary System of the State of Tennessee.

Chief Justice

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be elected at the present session, in addition to the present number now required, one Judge of the Supreme Court of Errors and Appeals,

to be known and distinguished as the Chief Justice of said court, who shall receive the same salary, perform the same duties and exercise like jurisdiction with the other three Judges of said court.

Salaries of Supreme Judges subject to reduction.

SEC. 2. *Be it enacted*, That the salaries of the Judges of said court, shall be subject to a deduction of twelve dollars per day, for each and every day that said Judges or either of them shall fail to attend and preside in said court, during term time, at the different places where said court may be required to be holden by law.

To make affidavits of their holding court.

SEC. 3. *Be it enacted*, That every order or draft of any of said Judges, on either of the Treasurers of this State, for the whole or any part of their salaries, shall before accepted or paid by such Treasurer, be accompanied by an affidavit of such Judge, distinctly stating whether any, and what number of days such Judge shall have failed to attend and preside in court as required by this act.

Of the concurrence of the Supreme Judges in cases of appeals.

SEC. 4. *Be it enacted*, That in all cases brought by appeal or otherwise, from any inferior court into said Supreme Court, should the Judges thereof be equally divided in opinion, the judgment, sentence or decree of the inferior court, shall be affirmed—but if in any case only three of the Judges of said court should preside, the concurrence of any two of them shall only be necessary, and if it should so happen, that only two of said Judges shall be in attendance and holding any of the terms of said court, should said judges concur in opinion, the judgment, sentence or decree of said Supreme Court shall be entered accordingly; and shall be a lawful and final judgment in the case.

Death of either of the Judges.

SEC. 5. *Be it enacted*, That whenever either of the present Judges of the Supreme Court shall die or resign, then the said court shall consist of three Judges.

To sit in every case where constitutionally qualified.

SEC. 6. *Be it further enacted*, That it shall be the duty of the several Judges of said court, to sit in every cause depending in said court except where they are constitutionally disqualified, any law to the contrary notwithstanding.

Reporter of the Supreme Court.

SEC. 7. *Be it further enacted*, That there shall be elected by joint ballot of both houses of the General Assembly of the State of Tennessee, a Reporter, whose duty it shall be to report the decisions of the Supreme Court of the State, and it shall be the duty of the public printer of the State, on being furnished with the manuscript by said Reporter, whose duty it shall be to furnish the same, to print two hundred copies of the same, for which he shall receive the same compensation he now receives for printing the statute laws of the State—and the said two hundred copies shall be printed and bound like the public acts of the present Legislature.

His compensation.

SEC. 8. *Be it further enacted*, That the copy right of said reports, when so printed shall belong to said Reporter, and he shall receive no other or further compensation than said copyright—and it shall be his duty to furnish each Circuit and Supreme Judge of the State, and each Chancellor and each County Court of the State a copy of said reports gratis, and it shall be the duty of the Clerk of each of the county courts to preserve said copy for the use of the county, and it shall furthermore be his duty to deposit with the Secretary of State twenty five copies, to remain in his office, for the use of the members of the General Assembly, or for such other use as the General Assembly may think proper to appropriate them.

May report former decisions.

SEC. 9. *Be it further enacted*, That said Reporter shall not report any decisions heretofore made unless sanctioned by a majority of the Judges of the Supreme Court.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 15, 1831.

CHAPTER LIII. An Act to authorize the counties of Robertson, Montgomery and Dickson, to take appeals to the Supreme Court at Nashville.

Appeals from may be taken to Supreme court at Nashville.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all appeals and writs of Error arising in the Circuit Courts in the counties of Robertson, Montgomery and Dickson, be hereafter taken to the Supreme Court of Errors and Appeals at Nashville, and all causes in Equity or Chancery determined in said courts, or in the Chancery Court at Charlotte from which an appeal is taken, the parties to which suit or either of them, reside in said counties or any of them, be taken to said Supreme Court at Nashville, and all laws contrary to this act be repealed.

Appeals to Reynoldsburg not filed removed to Nashville.

SEC. 2. *Be it enacted*, That all appeals or writs of error from the courts of said counties heretofore taken and not filed in the Supreme Court at Reynoldsburg, be filed with the Clerk of the Supreme Court at Nashville, and said court shall have, and take jurisdiction of said causes as if they had been taken after the passage of this act.

Special day to be assigned for the trial of.

SEC. 3. *Be it enacted*, That it shall be the duty of the Supreme Court at Nashville, to assign a special day of the term to commence and try the causes arising in said

causes, and continue until said court shall hear and determine said causes.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 17, 1831.

CHAPTER LIV. An Act to regulate the proceedings in Chancery in this State, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where it shall be necessary to ascertain any fact in the trial of any suit in Chancery, the Chancery Courts shall have the issues made up, impanel a jury to be summoned by the sheriff, for the trial of the same, *instantly*, unless either party in said suit shall, upon affidavit, show to the court sufficient ground for the continuance of said cause.

Trial of issues of fact.

SEC. 2. *Be it enacted*, That the mode of proof before said courts on the trial of said issues, shall be the same as in courts of law, and that the said Chancery Courts shall have the same powers as courts of law, to enforce the attendance of jurors and witnesses, and the said jurors and witnesses, and the officers of court shall be entitled to the same pay to be collected in the same manner, as said persons are entitled to law for similar services in other courts.

Mode of proof.

SEC. 3. *Be it enacted*, That the Governor of this State, be and he is hereby authorized and empowered at his discretion to commute the punishment of any person convicted for any offence committed previous to the first of January 1831, upon the petition of any such person to confinement at hard labour in the Penitentiary, for the longest period to which by the existing penal code he would have been subject to be confined, if the offence had been committed subsequent to the 1st January 1831.

Governor may commute punishments.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 19, 1831.

CHAPTER LV. An Act to change the time of holding the Supreme Court of Errors and Appeals at Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the term of the Supreme Court

Supreme Court at Jackson.



now authorized to be held at Jackson, on the 4th Monday in December annually, shall be hereafter held on the second Monday in May, but all executions on which money has been made, shall be returned to the December term, and paid over to the parties entitled thereto.

When process  
returnable.

SEC. 2. *Be it enacted*, That all process, writs &c. returnable to said court on the 4th Monday of December, be and they are hereby made returnable to the said second Monday in May as aforesaid.

County Courts  
of Overton and  
Jackson.

SEC. 3. *Be it enacted*, That the following courts shall be held at the following times, to wit: the County Courts for the county of Fentress, on the 4th Mondays of January, April, July and October; the County Courts for the county of Overton, on the fifth Mondays of January, April, July and October, when a fifth Monday occurs, and where such an event does not occur the said court shall be held on the first Mondays of February, May, August and November; and the Circuit Courts for the county of Jackson, shall be held on the first Mondays of April and October.

Supreme Court  
at Sparta.

SEC. 4. *Be it enacted*, That the Supreme Court at Sparta shall hereafter be held on the second Monday of June in each year.

Process return-  
able to.

SEC. 5. *Be it enacted*, That all process, recognizances and proceedings whatsoever shall be as good valid and legal to all intents and purposes, returnable to said courts as though returned to the courts at the times formerly authorized by law.

Supreme Court  
at Reynoldsburg.

SEC. 6. *Be it enacted*, That the sitting of the Supreme Court at Reynoldsburg, shall hereafter be held on the first Monday in June in each year, that the next term of said court shall be held on the said first Monday in June next, and all process and records shall be returned and filed to said term of said court. But executions on which monies have been collected shall be returned to the December term of said court, as by said writs directed.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 17, 1831.

CHAPTER LVI. An Act to change the time of holding the Supreme Court at Sparta, and for other purposes.

Repealing clause

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of an act passed at the present session, entitled an act to change the time of holding the Supreme Court at Jackson, as changes the time of

holding the said court at Sparta, be and the same is hereby repealed.

SEC. 2. *Be it enacted*, That hereafter the Supreme Court shall be holden in the town of Sparta, on the first Monday in August in each year, under the same rules and regulations as heretofore prescribed by law.

Supreme Court  
at Sparta.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

CHAPTER LVII. An Act to provide for the holding of Chancery Courts in Overton and Giles Counties, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Chancery Court for the Eastern Division of this State, shall be organized and held in the town of Monroe, for the Counties of Overton and Fentress, in addition to the other Courts now required to be held in said division, on the first Mondays in April and October, and continue their terms until all the business shall be disposed of, or until another court shall interfere.

To be held at  
Monroe.

SEC. 2. *Be it enacted*, That a Chancery Court shall be organized and held for the Western Division, in the town of Pulaski, for the counties of Giles, Lincoln, Lawrence, Wayne and Hardin, in addition to the Courts therein, now required to be holden, and shall hold its terms on the second Mondays in April and October, and continue in session until all the business therein shall be disposed of, or until the Chancellor holding the same shall be obliged to adjourn, in order to hold some other term of his court.

And at Pulaski.

SEC. 3. *Be it enacted*, That the above recited Courts be held by the Chancellors of the State, who shall have and exercise all the powers and jurisdiction over all causes in said courts, and under the same rules and regulations that govern the Chancery Courts of this State.

Jurisdiction given  
to.

SEC. 4. *Be it enacted*, That such person or persons as may have possession of the official papers of Thomas Rice, formerly a Justice of the Peace for Henry County, is hereby required to return said papers to the County Court Clerk's office of Henry County, whose duty it shall be to receive the same, and to issue executions on judgments rendered by said Read, and in all respects to do and perform the same duties as are required of County Court Clerks in relation to the official papers of Justices of the Peace who return their papers as required.

Official papers  
of Thomas Read.

ed by law; and should the person or persons having possession of such papers, fail or refuse to return the same on the application of any person or persons interested, such persons so refusing, shall forfeit and pay for every such refusal, twenty five dollars, recoverable by action of debt at the instance of the party aggrieved, before any tribunal having jurisdiction thereof.

Judgment's rendered by him.

Sec. 5. *Be it enacted*, That the judgments rendered by said Read, shall not die in consequence of executions not being issued thereon within a year and a day, if it shall appear that the issuance thereof has been caused by the failure of said Read to return his official papers as required by law.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 19, 1831.

*Speaker of the Senate.*

CHAPTER LVIII. An Act to compensate John C. Haley and his son John Haley, and for other purposes.

Duty of the Commissioners.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Commissioners of the Board of Internal Improvement for East Tennessee, are hereby authorized and required, so soon as they shall organize as a Board, to examine the nature and extent of the labor done at the Boiling Pot and Suck in the Tennessee river, by John C. Haley, and his son John Haley, in removing the obstructions to navigation at the points aforesaid, in said river; and on a diligent enquiry into the value of the labour so done, taking into the estimate all incidental expences attending the same, so far as the Board shall be of opinion that the work done is of public benefit, it shall be the duty of the President of said Board, or a majority of the commissioners concurring, to draw on the Cashier of the Bank of the State of Tennessee or its Branch at Knoxville, for the amount which the Board shall adjudge the labor so done to be fairly worth; and the Cashier aforesaid is hereby required to pay the said John C. Haley and John Haley, the amount so drawn for by the President aforesaid; provided, the compensation so allowed the said Haley, shall be paid by the Cashier aforesaid, out of the funds appropriated for Internal Improvement in East Tennessee.

Board of Internal Improvement for E. Tennessee.

Sec. 2. *Be it enacted*, That the Board of Internal Improvement for East Tennessee, shall hold their first meeting in Knoxville, on the second Thursday in January next—and they may there set on their adjournments at such

times and places as they may believe their duty as commissioners may require.

Sec. 3. *Be it enacted*, That the Attorney General for Joseph Powell Jr. the first solicitorial district be, and he is hereby directed to enter a noli prosequi in a case, the State against Joseph Powell, Jr. in the Circuit Court of Carter County: *Provided*, the said Powell shall pay five dollars as fine, and all costs that may have accrued thereon; and *provided further*, that the Attorney General shall be of opinion that the public will not be injured thereby.

Sec. 4. *Be it enacted*, That so much of the act passed at the present General Assembly, establishing a separate Board of Internal Improvement for East Tennessee, as authorizes said Board to elect a Secretary for the Board from their own body, be and the same is hereby repealed.

Repealing clause.

Sec. 5. *Be it enacted*, That all writs of execution of every kind and description issuing or to be issued, on any judgment or decree of the Supreme Court held at Nashville, be and the same are hereby made returnable upon the first Monday of September of each and every year.

Supreme Court at Nashville.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 21, 1831.

*Speaker of the Senate.*

## JUSTICES OF THE PEACE.

CHAPTER LIX. An Act further to define and extend the jurisdiction of Justices of the Peace.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a Justice of the Peace, out of court, shall have jurisdiction in all cases of endorsements or assignments of bills, bonds or promissory notes, the amount of which may be one hundred dollars or under, and the endorsee or endorsees, assignee or assignees of any such instrument of writing, shall have the same remedies for the recovery of his, her or their just dues, as by existing laws, are extended to the payee of said instruments of writing.

Extent of jurisdiction.

Sec. 2. *Be it enacted*, That a Justice of the Peace, out of court, shall have jurisdiction in all cases of one hundred dollars or under, as well against the endorser or endorsers, as against the maker or makers of a bill, bond or promissory note, whether for cash or trade.

Against endorser.

Sec. 3. *Be it enacted*, That in all cases where a judgment shall be obtained against any endorser upon a bond, Endorser may have judgment on motion.



bill or promissory note, whether for money or specific articles, such endorser may, upon motion, recover judgment against the maker or makers of such bond, bill or promissory note, before any court that has rendered such judgment, against such endorser, in the same manner as now provided by the laws of this State, authorizing a security to obtain judgment against his principal or co-security on motion.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December , 1831.

*Speaker of the Senate,*

## KENTUCKY LINE.

CHAPTER LX. An Act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines.

Whereas, some of the good citizens of this State, did, in pursuance of the acts of 1823, 1824 and 1825, make entries for the vacant lands lying south of Walker's line, but north of Matthews' line, and proceed to make improvements thereon, for the comfort and support of themselves and families; and whereas, the citizens of Kentucky under the compact of February 1820, have made entries upon warrants by the laws of that State, upon much of the vacant land lying within the limits aforesaid, and have in some instances ejected the enterers under the laws of this State from their lands and improvements: Therefore, and in some degree to make compensation therefor—

Evidence to be produced to state Bank Agent.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for any person who, under the acts of 1823, 1824 or 1825, may have obtained a grant or made entries for any land lying south of Walker's line and north of Matthews' line at 12½ cents or at one cent per acre, and shall have surrendered the same under any subsequent act of the General Assembly of this State, to produce the evidence of such surrender to the agent of the Bank of this State, in the county where such land shall have been entered.

Duty of agent in such cases.

SEC. 2. *Be it enacted,* That upon the filing of such evidence in his office, it shall be the duty of such agent to issue an order directed to some Justice of the Peace for said county, directing him to enquire by the oaths of at least two respectable freeholders unconnected with

the grantee or enterer, either by affinity or consanguinity, into the value of such improvements as may have been made upon the land so granted, from the time of making the entry under the authority of this State, until the date of the entry under the authority of Kentucky?

SEC. 3. *Be it enacted,* That it shall be the duty of the Justice of the Peace taking such valuation, forthwith to make return thereof to the bank agent as aforesaid, who shall thereupon proceed to allow and pay the same out of any money in his hands, which may at any time have been paid over to him by the Entry-Taker of such county, from the proceeds of lands entered at 12½ cents or at one cent per acre, and if there shall not be in his hands a sufficiency of said funds to satisfy the whole of such sum or any part thereof, it shall be the duty of such agent to certify the same to the Principal Bank at Nashville, and thereupon, it shall be the duty of the President and Directors to direct the same to be paid at the agency from any cash on hand, and shall, moreover, charge the same to the general account of cash received for and on account of land entries as aforesaid.

SEC. 4. *Be it enacted,* That no allowance shall be made for any improvements whatever on any one grant or entry, for more than seventy five dollars; but when the value may in any case exceed that sum, the surplus shall be lost to the grantee or improver.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

November 4, 1831.

*Speaker of the Senate.*

CHAPTER LXI. An Act to provide the means by which the existence and locality of Matthews' line is to be established.

Whereas, many disputes have arisen and are likely to arise between persons claiming land under grants from the State of Kentucky, and persons claiming under grants from this State; and whereas it may become necessary in the disputes aforesaid, to prove the existence and locality of the line lately run by Matthews, a mathematician appointed by the authorities of the State of Kentucky to carry into effect the provisions of the compact between the two States: For remedy whereof,

*Be it enacted by the General Assembly of the State of Tennessee,* That in all suits now pending or that may hereafter be commenced, in any of the courts of Law or Equity in this State, it shall be competent to prove the



running and locality of said line by parol proof, and in no case shall the production of the appointment on the plat of said survey be required in suits in any of the said courts.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

CHAPTER LXII. An Act to subject the lands lying between Walker's line, and 36 degrees, 30 minutes north latitude, to taxation.

*Be it enacted by the General Assembly of the State of Tennessee,* That the lands lying between Walker's line and the true line of north 36 degrees 30 minutes, which were heretofore released from taxation for the term of five years, be and the same are hereby declared to be liable to taxation as other lands in this State, and the owner or owners thereof, subject in all respects to all conditions as other owner or owners of land in this State are subject.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 17, 1831.

## LAND—LAND WARRANTS &C.

CHAPTER LXIII. An Act giving further time for surveying entries and obtaining grants thereon.

Further time of two years allowed enterers.  
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the further time of two years be allowed the enterers of land under the acts of 1823, 1824, 1825, 1827 and 1829-30 providing for the entry of lands, north and east of the Congressional Reservation line, to have the same surveyed, return plats and certificates and obtain grants thereon.

Same time to make surveys &c.  
SEC. 2. *Be it enacted,* 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 line.

Penalty for refusal of surveyor.  
SEC. 3. *Be it enacted,* That if any Surveyor, north and east of the Congressional Reservation line, shall fail to make surveys, and transmit the plats and cer-

tificates thereof to the Register as required by law, it shall be considered a misdemeanor in office, and on conviction before the Circuit Court of the county in which he resides, shall be fined in a sum not exceeding fifty dollars, and dismissed from office, and shall moreover be liable to damages, of not less than twenty dollars, to the party aggrieved, recoverable before any tribunal having jurisdiction thereof.

SEC. 4. *Be it enacted,* That in no case where the enterers of land as aforesaid, shall have failed to return copies of their entries, within the time now prescribed by law, shall said entries become void unless made so by the enterer. But that said enterers of land may, at any time, take out copies of entries and hand them over to the Surveyor of his county, and said Surveyor shall make surveys of the same and transmit plats and certificates as in other cases.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

October 10, 1831.

CHAPTER LXIV. An Act to extend the time of making surveys on entries south and west of the Congressional line.

*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 entries made, and return plats and certificates on the same, any law to the contrary notwithstanding;—*Provided,* that nothing in this act shall be so construed, as to authorize any enterer upon an occupant or occupant's 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 the enterer producing to the Surveyor the receipt of such occupant of payment for his improvement, or proof of a tender of the same agreeably to the true intent and meaning of the law providing for the same, then such enterer may have his entry surveyed as provided for in this act.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

November 18, 1831.

CHAPTER LXV. An Act for the relief of those who may have balances of warrants unappropriated in the offices of the several Surveyors south and west of the Congressional Reservation line.

*Be it enacted by the General Assembly of the State of Tennessee,* That where any land warrant or warrants may be divided for the benefit of occupants, and there remains a balance of said warrant or warrants unappropriated, it shall and may be lawful for the several Surveyors General to receive an entry for such balance in the name of the owner or owners of such balance, or the same may be appropriated in the name and for the benefit of occupants, under the rules, regulations and restrictions, prescribed by an act passed 30th of December 1829, entitled an act for the relief of occupants south and west of the Congressional Reservation line and for other purposes.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 19, 1831.

CHAPTER LXVI. An Act to compel certain persons to pay for the use and occupation of land in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That when any person or persons have, or shall hereafter, purchase any tract or tracts of land, or any part thereof, and the agreement for the purchase is reduced to writing, but the party purchasing, by and with the assent of the vendor, has entered into possession and used and occupied the said land, and afterwards refuses to comply with said parol agreement by receiving a deed therefor—then and such case, said person or persons, so entering into possession, shall be liable in an action of assumpsit for the use and occupation of said land, and for the value of the timber cut down, and sold or destroyed by him, excepting for his necessary fire wood, fencing and other necessary improvements.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

CHAPTER LXVII. An Act to amend an act entitled "an act to amend the laws now in force prescribing the mode of making partition of lands" passed October 26, 1799.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the above recited act as prohibits a petition for dividing and making partition of real estate, from being presented before any court having jurisdiction thereof, "until six months after publication" according to the provisions of said act, be and the same is hereby repealed. *Repealing clause.*

SEC. 2. *Be it enacted,* That hereafter no petition for division and partition of real estate, where the petitioner proceeds by publication, shall be presented to any court having jurisdiction thereof, until three months after such publication in the forms prescribed by the act which this intended to amend. *Publication to be made three months before petition.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 21, 1831.

CHAPTER LXVIII. An Act to prevent the entry or settlement of the lands lying south of Winchester's line.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no Surveyor in this State shall receive any entry for lands lying south of Winchester's line, and the true 35th degree of north latitude, as lately ascertained by John Thompson the agent of this State; Provided, that if any Surveyor shall presume to receive or make such entry or entries, he shall forfeit the sum of five thousand dollars to be recovered before any tribunal having cognizance thereof, the one half to him or them who will sue for the same, the other half to the use of the State. *Surveyors not to receive entries*

SEC. 2. *Be it enacted,* That no person or persons shall be hereafter permitted to set up any claim or claims, to any right of occupancy or settlement upon the above described tract of land, or permitted to make an entry for the same upon any plan of any Surveyor General's plan in this State. *No claim of occupancy allowed*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.



## CHAPTER LXIX. An Act for the relief of William P. Steagald

*Relief extended* SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William P. Steagald is hereby authorized to have surveyed and laid down, upon the general plan of the ninth Surveyor's District, fifty acres of vacant and unappropriated land lying upon Ruthing's creek in the county of Perry, adjoining to his own land, or occupant claims, for the purpose of building a mill, and that he shall enjoy the same rights, privileges and advantages extended to other occupants; Provided, the same shall in no wise interfere with any prior occupant, and provided also, that the said Steagald shall erect a mill upon the same within two years from and after the passage of this act, otherwise the same shall be void and of no effect.

*Daniel J. McGuire.* SEC. 2. *Be it enacted*, That Daniel J. McGuire of Hickman county, be and he is hereby authorized to barter any stone ware made by himself, for goods, wares and merchandize—which he shall be further authorized to retail without paying licenses therefor.

*Entries South and West of Con. Res. line suspended.* SEC. 3. *Be it enacted*, That all laws passed this session authorizing the entering of any land warrant or warrants or parts of warrants south and west of the Congressional, Reservation line, be and the same is hereby suspended until the 1st day of January 1833.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

## MARRIAGES.

## CHAPTER LXX. An Act for the relief of persons who may have married within the degrees prohibited by law.

*Relief granted.* SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any person or persons, shall have intermarried within the prohibited degrees, and were living with each other under such marriage celebrated in legal form, on the first day of January 1831, the continuance of such person or persons, so to live together after said first day of January, shall not be deemed or taken as an offence against an act passed at Nashville December 9th 1829, entitled an act to amend and reform the penal laws of the State of Tennessee; Provided always, that in all cases of prosecution for such an offence heretofore committed in any of the courts of this State,

the defendant or defendants, if he take the benefit of this act, shall be subject and liable to the payment of all cost incident to such prosecutions.

SEC. 2. *Be it enacted*, That all the pains and penalties imposed on persons having heretofore so intermarried, by the laws in force and use in this State prior to said first day of January 1831, are hereby remitted and released, on the payment of all the costs incident to any prosecution or prosecutions heretofore commenced in any of the courts of this State. *Penalties remitted.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

November 12, 1831.

## MERCHANTS.

## CHAPTER LXXI. An Act to equalize the tax on wholesale and retail Merchants, Jewelers, Grocers and Auctioneers.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each auctioneer, wholesale, or whole-sale and retail merchant, or firm of copartners in either of the above branches of business, who shall vend or sell any goods, wares, or merchandize in this State (other than the growth or manufactures thereof) shall be subject to and pay for the use of the State—if an auctioneer or firm of copartners in said business, a tax of two hundred and fifty dollars to the Clerk of the county court where such auctioneer, or firm of copartners as aforesaid shall reside—if a wholesale and retail merchant, or firm of copartners as such, a tax of one hundred and fifty dollars to the Clerk as aforesaid; and upon the payment of such sum or sums to said clerk, he is hereby required to issue a license to said auctioneer, merchant or partners in trade, as the case may be, which shall be a sufficient authority to such person or persons to sell as aforesaid, for the term of one year in said county from the date of such license; and that each wholesale, or wholesale and retail grocer, or firm of copartners therein, who shall sell or vend groceries in this State, shall be subject to a tax of one hundred dollars, to be paid to the Clerk of the County Court, in the county in which he or they propose to sell or vend as aforesaid, for which said Clerk shall issue a license to him or them for the term of one year: Provided that, the amount of the cost thereof shall exceed twenty thousand dollars. *Rate of tax.*

SEC. 2. *Be it enacted*, That the provisions contained



Act extends to  
Agents.

in the first section of this act shall be held and deemed to extend to agents engaged in either of said branches of business as well as to principals.

Retail Commis-  
sion Merchants,  
&c.—tax on.

SEC. 3. *Be it enacted*, That each retail and commission merchant, jeweler, and grocer, and each and every firm of copartners in trade, in either of the foregoing branches of business, who shall by him, her or themselves, or his, her, or their agent, vend or sell in this State any goods, wares or merchandize, (other than the growth or manufacture thereof) shall be subject to and pay to the Clerk of the County Court for the use of the State, the sum of one hundred dollars on his, her, or their establishment without regard to capital, either real or borrowed, by him, her, or them employed in trade; Provided, however, that each merchant, jeweler, or grocer, or firm of copartners as aforesaid, may at his, her, or their election make an affidavit before the clerk of the county court of the county wherein he, she, or they may reside, that the amount of his, her, or their stock of goods, groceries or jewelry, estimating them at the invoice cost where purchased, does not exceed two thousand five hundred dollars, on which amount, he, she, or they may be entitled to a license, for one year, for the sum of ten dollars; and where the amount as aforesaid is above twenty five hundred dollars, and not exceeding five thousand dollars, a license may issue to said applicant, so making oath, for one year, for the sum of twenty dollars; and where the amount as aforesaid exceeds five thousand dollars, and does not exceed seven thousand five hundred dollars, a license shall issue for thirty dollars; and where the amount as aforesaid exceeds seven thousand five hundred dollars, and does not exceed ten thousand dollars, a license shall issue for forty dollars; and where the amount exceeds ten thousand dollars, and does not exceed twelve thousand five hundred dollars, a license shall issue for fifty dollars; and where the amount exceeds twelve thousand five hundred dollars, and does not exceed fifteen thousand dollars, a license shall issue for sixty dollars; and for all sums over fifteen thousand dollars and not exceeding seventeen thousand five hundred dollars, a license shall issue for seventy five dollars; and for all sums over seventeen thousand five hundred dollars, a license shall issue for one hundred dollars. And in every instance the Clerk shall be entitled to receive the sum of one dollar for issuing the license and recording the affidavit in a well bound book, which he is hereby required to keep for that purpose, which affidavit shall be taken by each and every applicant for a license under the provisions of this act, shall be in the following form (to wit:) "I. A. B. do solemnly swear (or affirm) that the purchases by me rendered with a view of selling at

Clerk's fee.

Form for affidavit.

the establishment of which I am owner, partner, or agent (as the case may be) in the county of as retail merchant, jeweler, or grocer, (as the case may be) does not in the whole exceed (here state the true amount) or contains a true and correct account of all the purchases made for his, her, or their establishment, since his, her, or their last license, and that no collusion or management has been or shall be entered into with a view to defraud the State of any part of the tax which would be justly due to the State, agreeable to the true intent and meaning of this act; so help me God.

SEC. 4. *Be it enacted*, That each and every retail Merchant, Jeweler or Grocer, or firm of such dealers, shall, as soon as their present license expires, render on oath as required by the third section of this act, a correct statement of the amount of goods, wares and merchandize, jewelry or groceries on hand at his, her, or their establishment, at the invoice cost where purchased, and shall furthermore enter into bond with approved security before said Clerk, in the sum of five hundred dollars, payable to the Governor, for the time being and his successors, for the use of the State, with condition that such applicant will, twelve months after the date of such bond, render on oath to said Clerk, a just and true statement of the amount of goods, wares and merchandize, and groceries he, she or they have received and opened for sale since the date of their last license, and shall pay to the Clerk, the amount of taxes that may arise and be due thereon, according to the rules prescribed for this act, whether an application is or is not made for a renewal of license; and at the expiration of every twelve months, after obtaining the first license under the provisions of this act, every such retail merchant, jeweler or grocer, or partner of such dealers, by him, her or themselves, or their agent, as the case may be, shall render a just and true account of all the goods, wares, merchandize, jewelry, or groceries, agreeably to the invoice cost, where purchased as aforesaid, (not herein excepted;) or which have been purchased and received at his, her or their establishment on oath, as is required by the third section of this act. And in all cases, the Clerk of the County Court is hereby required to issue a license agreeable to the provisions of the third section of this act.

To render statement of amount of goods at invoice cost.

SEC. 5. *Be it enacted*, That if any wholesale, or whole-sale and retail merchant, auctioneer, commission or retail merchant, jeweler, or grocer, or firm of copartners in such trade in this State, shall vend or sell any goods, wares or merchandize, jewelry or groceries, (except as herein exempted) without having first obtained a license therefor, as herein provided, each and every person so

Penalty for selling without license.



offending, shall forfeit and pay to the State a sum equal to double the amount of said license with costs of suit, recoverable by action of debt in any court having jurisdiction thereof.

Duty of county  
Court Clerks.

SEC. 6. *Be it enacted*, That it shall be the duty of each County Court Clerk in this State, to commence suit against all offenders in his county against the provisions of this act, in the name and on the behalf of the State; and if any Clerk shall fail or refuse to prosecute offenders against the provisions of this act, he shall, on conviction thereof, be fined in the sum of five hundred dollars, and removed from office, which fine shall be recovered by action of debt in any Court of record having cognizance thereof, one half to the use of the State, and the other half for the benefit of the person suing therefor.

Operation and  
transfer of license

SEC. 7. *Be it enacted*, That it shall and may be lawful for any person or persons obtaining license under the provisions of this act, and before such license expire, if such individual or individuals shall remove to any county in this State other than the one in which he, she or they shall have obtained license, such person or persons shall and may be permitted to enjoy the same benefits and privileges under such license in the county to which he, she or they may remove, until the expiration of said license, as though no change of residence had taken place. And should any person or persons engaged in any of the foregoing branches of business, having obtained a license under the provisions of this act, and before such license expire, sell or in any manner dispose of his, her or their stock of goods, jewelry, or groceries, it shall and may be lawful for such person or persons, to sell and transfer his, her or their license, and such license, so transferred, shall be a good and sufficient authority to such person or persons so purchasing said license, to sell such articles as are authorized by said license to be sold, until the expiration thereof, as if such license had originally issued to such person or persons, any law, usage or custom to the contrary notwithstanding.

Duty of Attorney  
Generals.

SEC. 8. *Be it enacted*, That it shall be the duty of the Attorney General of any district in this State, in which any suit shall be instituted, under the provisions of this act, against any individual or individuals for a violation thereof, to prosecute the same in behalf of the State; and when he shall prosecute such suit or suits to a recovery, he shall be entitled to a tax fee of \$10 in each and every case, to be taxed in the bill of costs; but in all cases in which the prosecution shall fail, he shall not be entitled to any compensation for his services.

SEC. 9. *Be it enacted*, That the provisions of this act

shall not be construed to authorize any tax to be laid on or collected from book auctioneers. Book auctioneers excepted.

SEC. 10. *Be it enacted*, That all laws and parts of laws which come within the purview and meaning of this act, be, and the same are hereby repealed. Repealing clause

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 14, 1831.

## MILITIA.

CHAPTER LXXII. An Act to repeal the 112th section of the 69th chapter of the acts of 1825, and to compel the officers and privates of volunteer companies to keep the public arms in good condition.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws and parts of laws authorizing and empowering the Governor of this State, to loan and deliver the public arms of this State to the Uniform Volunteer Companies, be and the same is hereby repealed. Repealing clause

SEC. 2. *Be it enacted*, That the Governor for the time being or his successors in office, be and is hereby required to direct all Volunteer Companies to whom the public arms have been delivered, pursuant to the provisions of the 112th section of the 69th chapter of the acts of 1825, to return the same in good order and condition as soon as practicable, unless the commanding officer of any regiment of militia in this State, to which such volunteer company shall be attached, shall certify to the Governor in office, that the public arms are in good order and condition, and that said company is in the regular habits of performing military duty according to law. Public arms to be returned in certain cases.

SEC. 3. *Be it enacted*, That the Governor as aforesaid, without the certificate as directed in the 2nd section of this act, shall forward the bond so made and entered into, for the use and loan of the public arms as aforesaid, to the Attorney General of the Solicitorial District to which such company belongs, with instructions to bring suit upon such bond; and upon prosecuting such suit upon such bond or bonds, the Attorney General shall be entitled to a tax fee of five dollars upon all such suit or suits. Duty of the Governor and Attorney General.

SEC. 4. *Be it enacted*, That all laws and parts of laws passed at the present session of the Legislature, authori- Repealing clause

zing the distribution of any part of the public arms belonging to the State, be and the same is hereby repealed.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

CHAPTER LXXIII. An Act to amend the Militia laws of this State.

Costs of contested elections. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter when any person contests a military election, either upon the ground of illegality of proceedings by the judges, clerks or returning officer holding said election—or upon the ground of illegality of votes, and shall fail in said contest, it shall be the duty of the court martial, before whom the validity of said election was contested, to render up judgment against the person so contesting said election as aforesaid, for the costs accruing on said trial.

Where the regiment is to pay the costs. SEC. 2. *Be it enacted,* That if the party contesting said election should succeed, and the same should be declared void on account of illegality of proceedings or the result of the election should be changed on account of the illegality of votes, that then the said court shall have power to tax the regiment with the costs accruing on said trial, to be paid by the judge advocate out of any monies in his hands belonging to said regiment, or said brigade as the case may be, not otherwise appropriated.

Duty of Judge Advocate. SEC. 3. *Be it enacted,* That the judge advocate of the said court martial, shall have power, and he is hereby required upon the application of the prosecutor of the person contesting said election to issue a subpoena or subpoenas for witnesses, and shall receive six and one fourth cents for each subpoena he may issue.

Provost Marshal to execute subpoenas. SEC. 4. *Be it enacted,* That the provost martial shall be, and he is hereby required to execute said subpoenas, and shall receive as a compensation therefor, twenty-five cents for each person upon whom he executed the same.

Duty of witnesses—their pay. SEC. 5. *Be it enacted,* That it shall be the duty of each witness summoned as aforesaid, to attend and give evidence before said court martial under the penalty of fifty dollars, and for each day's attendance, shall receive fifty cents.

Penalty for failing to attend. SEC. 6. *Be it enacted,* That if any witness shall fail to attend said trial, agreeably to the requisitions of the subpoena—that then the said witness shall forfeit one hundred dollars, to the use of the regiment or brigade, as the

case may be—and the said court martial shall have power to enter a conditional judgment for the same; but before any execution shall issue upon said judgment, the judge advocate shall issue a scire facias within five days after the rendition of said judgment, which shall be served by the provost martial on said witness ten days before the return thereof, to show cause before said court why he was absent, and if his excuse be deemed sufficient to justify said absence then said judgment shall be set aside, otherwise the same shall be made final and execution shall issue, directed to said provost martial, under the same rules, regulations and restrictions as in other cases.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

CHAPTER LXXIV. An Act to distribute the Infantry Tactics for the use of the militia.

Duty of the Secretary of State. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Secretary of State, to make a contract for the distribution of the Infantry Tactics, for the use of the militia, now in his office, among the several counties in this State, who shall deliver said books to the clerks of the respective county courts, and take their receipts for the same; for which services the carrier shall receive his compensation from either of the Treasurers of this State, upon the Governor's warrant directing the same to be paid.

Order of distribution. SEC. 2. *Be it enacted,* That the order of distribution, shall be one for each of the general officers, and fifteen for each regiment, giving one to each of the field officers, the adjutant and captains of companies. That the clerk shall deliver to the commandants of the respective regiments the number to which said regiments are entitled, whose duty it shall be, to make distribution of the same as directed by this act.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.



CHAPTER LXXV. An Act to change the time of holding Regimental Drill Musters.

*Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners and staff officers of the several regiments of Infantry, be and they are hereby vested with discretionary power, two thirds of the commissioners and staff officers being present and agreeing thereto, to change the time of holding regimental drill musters, from the time now authorized by law to the day immediately preceding the company musters in each regiment; and for not attending drill musters every delinquent shall be fined in such amount, and in such manner as is now directed and authorized by law.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate*

December 8, 1831.

CHAPTER LXXVI. An Act to authorize the militia officers of the different regiments of this State, to divide the same into three battalions if they think proper, provided the regiment contains twelve or more militia companies.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter, when the officers of any militia regiment in this State, shall have twelve or more militia companies, it shall and may be lawful for them, or a majority of them, to lay off a third battalion which shall be attached to, and be commanded by the Lieutenant Colonel of said regiment; and said battalion shall possess and enjoy all the rights and privileges, and be liable to all the duties, which belong to and govern the militia of this State.

Regiments may be laid off in three battalions.

SEC. 2. *Be it enacted,* That said third battalion, when so laid off, shall hold its battalion musters on the third Friday in April, and its battalion court martial on the third Thursday in June annually.

Time of holding musters.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1831.

MILLS.

CHAPTER LXXVII. An Act to repeal part of an act entitled an act to compel owners of mills west of Tennessee river, to cut down and remove the standing or decaying timber in their mill ponds.

*Be it enacted by the General Assembly of the State of Tennessee,* That so much of the above recited act, as relates to the county of Henderson, be and the same is hereby repealed.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1831.

OCCUPANTS.

CHAPTER LXXVIII. An Act for the relief of occupants south and west of the Congressional line, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who before and at the passage of this act, were or are *bona fide* resident occupants upon vacant and unappropriated lands south and west of the Congressional line, shall have until the first day of September 1833, all the rights, privileges and advantages in securing their occupancies, that is provided by the acts of 1829, for occupants that were residents at the passage of said act, in as full and ample a manner as if they had been residents at the passage of said act, on the present occupancies, subject, nevertheless, to the provisions and restrictions that occupants under said act were subject.

Further time allowed for securing occupancies.

SEC. 2. *Be it enacted,* That it shall not be lawful for any of the Surveyors south and west of the Congressional line, or any of their deputies, by contract or otherwise, charge or receive for surveying and laying down on the general plan an occupant claim under the laws of this State, more than two dollars and fifty cents for all services—and should any surveyor or his deputy charge or receive any higher fee or sum of money, he shall be liable to repay the excess to the person paying the same, which may be recovered by warrant before any Justice of the Peace.

Surveyor's fees.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

October 31, 1831.

**CHAPTER LXXIX.** An Act to amend an act entitled "an act for the relief of occupants south and west of the Congressional Reservation line, passed at Nashville December 30, 1829" and for other purposes.

Parol proof allowed in certain cases.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That where any person or persons have purchased an occupant or part of occupant claims, and have neglected to take a written assignment, bond or obligation for the same, to have failed to have a subscribing witness to said assignment, bond or obligation, or where said subscribing witness has died or removed, it shall and may be lawful for said assignee or assignees to prove by one or more respectable witnesses, before any Justice of the Peace in the district where the land lies, said bargain and sale, who shall certify the same, which affidavit, so certified and filed with the principal Surveyor, shall be good authority for said Surveyor to transfer the plat and certificate of said occupant to said assignee or assignees.

Duty of Surveyor or General.  
**SEC. 2.** *Be it enacted,* That it shall and may be lawful, on the application of any person or persons coming within the meaning of the foregoing section of this act, for any Surveyor General south and west of the Congressional Reservation line, to make void said occupant entry and to enter the same on the general plan of his district in the name of said applicant, who shall be entitled to all the privileges of the original occupant.

Transfer of occupant claims.  
**SEC. 3.** *Be it enacted,* That it shall and may be lawful for any person hereafter selling any occupant claim or any part thereof, to transfer the same, in the presence of the principal Surveyor of the district where said claim lies; who shall make the transfer of the plat and certificate to said assignee or assignees, which shall be as good and valid as if the same had been proved and transferred, as described in the first section of this act.

Transfer of plat and certificate of survey.  
**SEC. 4.** *Be it enacted,* That any person or persons hereafter wishing to transfer his, her or their plat and certificate of survey, founded on a warrant, may do so, in the presence of the principal Surveyor of the district where the land lies, who shall officially certify the same, which shall be good and sufficient authority for the Register of the Western District to issue a grant to said assignee or assignees, any law to the contrary notwithstanding; Provided said assignment may be contested and disproved in any court where the same may be brought into dispute in the same manner and to the same extent as if this act had not been passed.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1831.

## ORDINARIES.

**CHAPTER LXXX.** An Act to tax the retailers of spirituous liquors and to appropriate the monies arising therefrom to the use of common schools.

Rate of tax.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter any person wishing to retail spirituous liquors in this State, is hereby authorized to apply to the clerk of the county court of the county in which he may wish to retail such liquors for a license for that purpose, and said clerk is hereby authorized and required to issue to such person so applying, a license for the term of one year from the date thereof, said applicant first paying therefor to said clerk the sum of fifteen dollars, and entering into bond with approved security to keep a peaceable and orderly house and not allow any unlawful gaming therein.

Duty of clerks.  
**SEC. 2.** *Be it enacted,* That it shall be the duty of the clerk in the several counties in this State, to pay over any monies by them collected, as provided in the first section of this act, to the common school commissioners of their respective counties, to be by them equally distributed among the common school districts of their county for the education of the children therein.

Clerk's fee.  
**SEC. 3.** *Be it enacted,* That the clerk issuing such license shall be entitled to fifty cents as a fee for his service to be paid by the person applying for the same.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 15, 1831.

## PENAL CODE.

**CHAPTER LXXXI.** An Act to prevent the violation of graves and the disturbance of the bodies of the dead.

Declared to be a felony.  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That if any person or persons, shall unlawfully and wilfully dig open any grave, or unlawfully and wilfully take up or carry away the dead body, or any part thereof, from any grave, he she or they so offending, shall be deemed guilty of a felony, and on conviction thereof, shall be confined in the Jail and Penitentiary house for a period not less than two years, nor more than five, and all persons aiding or abetting in any such offence, shall be adjudged principal in the first degree.



Indictment and  
Prosecutor.

SEC. 2. *Be it enacted*, That it shall not be required that any indictment under this act shall specify what grave, or whose dead body has been violated or disturbed, nor shall it be requisite that any prosecutor shall be marked upon the back of said indictment.

Construction of  
this act.

SEC. 3. *Be it enacted*, That nothing in this act shall be so construed as to prevent persons connected with the dead, from raising and re-interring them in such place as they may deem more suitable for their repose: Provided, however, that this act shall not extend to prevent any dead person from being raised, when there is suspicion that the death of such person was occasioned by some unlawful act of violence, or the administration of some poisonous substance.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 2, 1831.

*Speaker of the Senate.*

CHAPTER LXXXII. An Act limiting prosecutions for misdemeanors.

*Be it enacted by the General Assembly of the State of Tennessee*, That all prosecutions by presentment or indictment for misdemeanors, shall be commenced within twelve months next after such offence shall have been committed, and not afterwards—Provided, that nothing in this act contained shall effect any prosecution which may have been commenced previous to the passage of this act; and provided also, that this act shall not be construed to extend the limitation of misdemeanors by presentment or indictment before provided for, to twelve months if the same shall now be for a shorter term of time.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 16, 1831.

*Speaker of the Senate.*

CHAPTER LXXXIII. An Act to amend the penal laws of this State passed in 1829-30.

Proceedings on  
a plea of guilty.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all cases where any person or persons, shall stand charged upon indictment or presentment for any offence punishable by confinement in the

public Jail and Penitentiary house of this State, upon his, her or their arraignment, shall plead *guilty* to the charge so made by presentment or indictment, the court, before whom such plea shall be entered, shall direct a jury of twelve good and lawful men to be empannelled, to fix and determine the length of time for which such person or persons shall be confined in the Penitentiary, who shall fix upon the length of time in the same manner as if such person or persons had pleaded not guilty.

SEC. 2. *Be it enacted*, That the fourth fundamental rule for the government of the Penitentiary, be and the same is hereby repealed, and the following be inserted in lieu thereof, to wit: all letters, sent to or from any of the convicts, shall be first opened and read by the Keeper; and if nothing appears therein improper or unsafe to the institution, and the correspondence be on necessary business or between the convict and his family or near relations, then said letters shall be by him delivered or forwarded as desired. And any relation or friend shall be allowed, in said Keeper's presence, to speak to any of said convicts in any case, where the condition of his property or family may require it; and all information concerning the convicts shall be furnished to their friends on personal application, or by letter post paid directed to the Keeper.

Intercourse with  
convicts regulated.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 15, 1831.

*Speaker of the Senate.*

CHAPTER LXXXIV. An Act to repeal a part of the fifty fifth section of an act to reform and amend the penal laws of this State, passed December 9, 1829.

*Be it enacted by the General Assembly of the State of Tennessee*, That so much of the said fifty fifth section of said act, as subjects persons to Penitentiary punishment, who may hereafter, in personal combat, bite off the finger or thumb of his adversary, be and the same is hereby repealed; and that hereafter persons so offending, shall be punished in the manner prescribed by law previous to the passage of said act.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 20, 1831.

*Speaker of the Senate.*



CHAPTER LXXXV. An Act to amend an act entitled an act to amend the penal laws of the State of Tennessee, passed December 9, 1829.

Commutation of punishment.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any person has been or may be, convicted of a criminal offence committed prior to the first day of January 1831, and which by the laws now in force, would only subject such offender to imprisonment in the Jail and Penitentiary house, had the offence been committed since the said first day of January, the Governor is hereby authorized to tender to such convict, a commutation of the capital punishment; upon condition that such convict enter the Jail and Penitentiary house of this State, and submit to imprisonment at hard labour for the longest term which such offender would be subject to, had such offender been committed under the laws now in force.

Governor to certify to clerk.

SEC. 2. *Be it further enacted*, That in every case where the Governor shall exercise the prerogative of mercy under the provisions of this act, he shall forthwith certify the commutation of punishment and acceptance to the clerk of the court in which the offender was prosecuted, and to the officer having the custody of his body.

Duty of Clerk.

SEC. 3. *Be it further enacted*, That it shall be the duty of the clerk of such court to make out a transcript of the record of conviction, which, with the certificate of commutation annexed, shall be a sufficient voucher for the agent of the said Jail and Penitentiary house, to receive and retain such convict as in other cases, for the time specified in the said certificate of commutation.

Repealing clause.

SEC. 4. *Be it further enacted*, That all laws coming within the purview of this act are hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 20, 1831.

Speaker of the Senate.

## PENITENTIARY.

CHAPTER LXXXVI. An Act to amend an act entitled "an act providing the mode of conveying criminals to the public Jail and Penitentiary House established in this State, and for their government therein,"—passed Dec. 28, 1829.

Conveyance of convicts by Sheriff.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any Sheriff in this State may have heretofore conveyed, or may hereafter convey any

convict to the Penitentiary as required by the above recited act, he shall be entitled to receive the compensation hereinafter mentioned, to be paid to him by the Treasurer of West Tennessee, on the production to said Treasurer of the receipt of the Keeper of the Penitentiary for such convict, and also the affidavit of said Sheriff, sworn to before the Keeper of the Penitentiary, who is hereby authorized to administer the oath, stating the number of miles on the usual route from the place of the criminal's conviction to the Penitentiary, and the number of guards necessarily employed to insure the safe conveyance of such convict, and the distance each of said guards may have travelled.

The said Sheriff shall, for every twenty-five miles he may necessarily travel, in going to and returning from the Penitentiary, be allowed for himself, two dollars; for each guard, one dollar and fifty cents; and for each convict, one dollar, to be paid by the Treasurer to the Sheriff as above directed, from whom each guard shall be entitled to receive the compensation hereby allowed them; and shall be entitled to receive from the Treasury the amount paid by him for himself, guard and convict or convicts, for ferriages and tolls in transporting such convict to the Jail and Penitentiary house.

Sheriff's fees for conveying convicts.

Should any Sheriff convey more than one convict to the Penitentiary at the same time, he shall not for himself be entitled to more than the two dollars for every twenty five miles allowed him as above.

The deputy or agent of any Sheriff who may have heretofore or may hereafter convey any convict to the Penitentiary, as is required by law of the Sheriffs, shall, upon producing the receipt and making the affidavit above specified, be entitled to receive the compensation hereby allowed to the Sheriffs, and shall pay to the guards their respective portions as the Sheriffs are directed to do.

SEC. 2. *Be it enacted*, That the Sheriff and guard shall, each, defray their own expenses out of the compensation allowed them by this act.

Sheriff to bear his own expenses.

SEC. 3. *Be it enacted*, That it shall be the duty of all Jailors in this State, to receive and securely keep, without any fee therefor, all convicts on their way to the Penitentiary, whenever the Sheriff or other officer conveying such convict, may think it necessary to have them secured in that way for the night, or during any other time, when they may be necessarily detained on the way.

Duty of Jailors

SEC. 4. *Be it enacted*, That all fees, heretofore paid by any person conveying a convict to the Penitentiary for the safe keeping of any convict during the night, or any other time when on his way to the Penitentiary, shall be

Further expenses provided for.



paid to such person by the Treasurer at the same time he pays the expenses of the transportation of such convict, upon affidavit being made of the amount so paid to any jailor or jailors.

Costs-how paid.

SEC. 5. *Be it enacted*, That in all suits in behalf of the State, when the offence is punishable by confinement in the Penitentiary, the cost shall be paid by the State under the same provisions and restrictions, as are now prescribed by law in capital cases, and the same shall be charged by the Treasurer to the Penitentiary.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate*

October 10, 1831.

CHAPTER LXXXVII. An Act making an appropriation for the completion of the Penitentiary established in this State.

Appropriation made.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Cashier of the Bank of the State of Tennessee, deliver to Robert C. Foster, Sen'r. Joseph Wood and Moses Ridley, commissioners appointed to superintend the erection of the Penitentiary, their note executed to said Bank for the sum of seventeen thousand five hundred dollars, for money by them appropriated to the erection of said Penitentiary, which sum having been heretofore used is now appropriated for that purpose.

Further appropriation.

SEC. 2. *Be it enacted*, That the sum of eight thousand and fifty seven dollars and sixty seven cents, is hereby appropriated for the payment of debts due to individuals for work done and materials used in the erection of said Penitentiary, and which the Cashier of said Bank is hereby directed to pay to the said commissioners, or their order, to be by them appropriated to the payment of said debts.

Additional appropriation.

SEC. 3. *Be it enacted*, That the further sum of three thousand dollars is hereby appropriated for the purpose of building workshops and the completion of said Penitentiary, which the Cashier of said Bank is also directed to pay to said commissioners, or their order, to be by them appropriated to that purpose.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

November 12, 1831.

CHAPTER LXXXVIII. An Act for the relief of Sheriffs and others who have heretofore conveyed convicts to the Penitentiary.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriffs and others, who have been engaged in conveying convicts to the Penitentiary previous to an act of this General Assembly, passed October 10, 1831, providing for the payment of officers conveying convicts to the Jail and Penitentiary of this State, shall be entitled to receive the compensation therein allowed from either of the Treasurers of this State, upon making the proof required by said act, before any Circuit Judge or Justice of the Peace, within the county in which said Sheriff may reside in this State, who shall certify the same to the Treasurer, which certificate of the Judge or Justice of the Peace shall be a sufficient voucher for the payment of the money in the settlement of his accounts.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 12, 1831.

## POOR HOUSES.

CHAPTER LXXXIX. An Act to amend the laws heretofore passed in this State, authorizing each county to establish and controul a poor house.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That in all the counties of this State, which have heretofore, or may hereafter establish a poor house, the courts of Pleas and Quarter Sessions shall annually appoint a committee consisting of two persons and a Treasurer, who shall also be a member of said committee in addition to his duties as Treasurer.

County Court appoint a Committee.

SEC. 2. *Be it enacted*, That said Treasurer, before entering upon the duties of his office, shall give bond in the sum of one thousand dollars, for the performance of his duties as prescribed by law, which bond shall be made payable to the chairman of the county court for the use of the poor establishment.

Treasurer to give bond.

SEC. 3. *Be it enacted*, That the Treasurer and other two members of committee, before entering on their duties, shall take in open court, an oath to do and perform faithfully, all the duties by law required of them, and that said committee of three, have the powers and shall perform the duties of a like committee, under the laws which are now in force.

Powers and duties of committee.



*Repealing clause* SEC. 4. *Be it enacted*, That the 11th section of the act of 1827, chapter 112, be and the same is hereby repealed; and that hereafter the Sheriff of each county in which a poor house is or may be established, shall pay over directly to the Treasurer of the poor house, where one has been appointed as contemplated by this act, all such moneys as shall be appropriated by the county court for that establishment.

*Repealing clause* SEC. 5. *Be it enacted*, That so much of the acts of 1826 and 1827, as comes within the purview and meaning of this act, be and the same are hereby repealed.

*When act to be in force.* SEC. 6. *Be it enacted*, That this act shall be in force from and after the first day of January next.

F. W. HULING,  
Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 16, 1831.

Speaker of the Senate.

## REGISTRATION.

CHAPTER XC. An Act to amend the Registration Laws of this State, and for other purposes.

Whereas, by the laws of this State, deeds for the conveyance of land, Mortgages, Powers of Attorney, Bills of Sale and other instruments required by law to be registered, may be proven and registered at any time within twelve months of the execution thereof, in consequence of which, numerous frauds are daily and secretly practised, mortgaging and conveying property, which had been previously mortgaged or conveyed, to the great injury of the subsequent mortgagee or purchaser, and to the good people of this State generally—and whereas, the registration laws as they now exist, do not answer the purpose for which they were originally designed, (to wit:) to give notice to creditors and subsequent purchasers; and whereas, they now have a manifest tendency to encourage the commission of frauds by secret conveyances of property, for remedy whereof—

*Probate of instruments of conveyance.* SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all deeds for the absolute conveyance of lands, tenements and hereditaments, all bills of sale for the absolute conveyance of slaves, or other personal property, all mortgages and deeds of trust of either real or personal property, all deeds of gift, all powers of attorney, authorizing the conveyance of real or personal estate, or for any other purpose, all marriage contracts or

agreements, all bonds or agreements in writing for the conveyance of real or personal property shall be acknowledged by the party or parties executing the same, or be proved by at least two subscribing witnesses in the manner hereinafter prescribed, and be thereupon registered.

SEC. 2. *Be it enacted by the authority aforesaid*, That the probate or acknowledgment of all and every, the instruments of writing mentioned in the first section of this act, may be taken or proved before the clerk of any county, circuit, chancery or supreme court in the State, either in or out of term time, and by said clerk certified as hereafter directed; and in taking the probate of any of the above mentioned instruments, it shall be the duty of the clerk taking the same, to propound the following questions upon oath to said witnesses, "are you personally acquainted with ——— (the person who executed the instrument,) did he sign, seal or acknowledge the same in your presence, and on the day it purports to be dated, and if said questions are answered in the affirmative, the clerk shall thereupon put upon the back of said deed or instrument, or some other part thereof, the following certificate.—State of Tennessee, ——— county, personally appeared before me ——— clerk of the county court of ——— or of the circuit, or chancery, or supreme court, (as the case may be,) A. and B. subscribing witnesses to the within named deed, who being first sworn, depose and say, that they are acquainted with ——— the bargainor, mortgagor, &c. and that he acknowledged the same in their presence to be his act and deed, upon the day it bears date, or state the time proven by the witnesses, or that they saw him sign, seal, and execute the same; witness my hand at office this ——— day of ———

SEC. 3. *Be it enacted by the authority aforesaid*, That where any person or persons, who have executed any of the above mentioned instruments, wish to acknowledge the same, it shall be lawful for any of said clerks to receive said acknowledgments if he is personally acquainted with the person wishing to make said acknowledgment, but not otherwise, in which case he shall put on said deed the following certificate.—State of Tennessee ——— county—personally appeared before me ——— clerk of, &c. the within named (the bargainor, obligor, &c.) with whom I am personally acquainted, and who acknowledged that he executed the within (deed, bond, &c.) for the purposes therein contained. Witness my hand at office this ——— day of ——— 18——

SEC. 4. *Be it further enacted*, That any clerk or clerks, who fail or neglect to proceed in manner above described, in taking the probate or acknowledgment of any in-

May be taken in or out of court

Duty of clerk

Acknowledgment of instrument—how made.

Penalty on clerk for neglect or failure.



strument, mentioned in this act, or who shall put a false certificate thereon, shall be liable in an action on the case to pay any damage which any person or persons shall have sustained in consequence of such neglect or failure, and should said failure or neglect or other act be done corruptly of purpose, it shall be a misdemeanor in office for which such clerk may be removed.

Mode of registering the various instruments

SEC. 5. *Be it further enacted*, That all instruments or deeds so proven or acknowledged, shall, together with the certificate thereon be registered as follows: if for the conveyance or agreement to convey land, it shall be registered in the county where said land lies, unless said land lies partly in two counties, in which case it may be registered in either, and where said deed or bond contains several tracts of land lying in different counties, it shall be registered in each of the counties where any of said land is situated, and if said deed or bond contains both real and personal property, it shall be registered as aforesaid in the county or counties where the land lies, and also in the county where the person who executed the same resided at the time of its execution, and all deeds, bills of sale, agreements and other instruments for the conveyance of personal property shall be registered in the county where the vendor or person executing the same lived at the time of executing the same, except marriage contracts, or agreements in which the wife's property before marriage is settled on her or a trustee for her use; these shall be registered in the county where the husband resides at the time of the marriage, and should the husband move to any other county or counties in the State, it shall be registered in said county or counties, and if the original is lost, a copy from the Register's books in the county where first registered shall be so registered, and all such marriage contracts or agreements, made without the limits of this State, where the husband and wife remove into this State, and bring with them the property, shall be registered in the county in which they reside, and if they remove to any other county shall be registered there.

To take effect from the time of registration.

SEC. 6. *Be it further enacted*, That any of said instruments so proved and registered, shall be received in evidence in any of the courts of this State, subject nevertheless to be impeached and proved a forgery, if the fact be so; and any said instrument so proved and registered as aforesaid, shall take effect only from the time they are registered, and any deed of conveyance, bill of sale or other instruments above mentioned, which shall be last executed, but first registered shall have preference thereof, unless it is proved in a court of Equity according to the rules of said court, that such subsequent

purchaser had full notice of the previous conveyance; and the liens of judgment and execution (as hereinafter regulated) shall have preference to any deed or bond or other instrument not registered at the time the said lien of said judgment or execution attached.

SEC. 7. *Be it further enacted*, That all judgments obtained in any court of record in this State shall be a lien upon the debtor's land from the time said judgment was rendered; Provided, said judgment is rendered in the county where the debtors reside at the time of its rendition, and provided, an execution is taken out upon said judgment, and said land sold within twelve months after its rendition, unless the same is prevented by injunction, or writ of error, or appeal in the nature of a writ of error, in which case if the judgment be affirmed or the injunction dissolved on motion—or the bill be dismissed on its final hearing, it shall be incumbent on the creditor to issue his execution and sell said land within one year from the time it was so affirmed, or said injunction was dissolved, or said bill dismissed.

Judgments a lien from the time of rendition.

SEC. 8. *Be it further enacted*, That where judgments are rendered in any other county than that in which the debtor resides, the lien of said judgment shall take effect only from the time when a certified copy of said judgment shall be registered in the county where the debtor resides, and said judgment shall be so certified and registered, whether the same be enjoined or superseded or not, and all judgments so certified and registered shall be good and effectual from said time, provided execution issue on the same, and the land be sold thereon in one year after the rendition, or within one year after the affirmation, in case it is superseded and is afterwards affirmed, or where it is enjoined within one year from the dissolution of the injunction.

Of judgments in another county.

SEC. 9. *Be it further enacted*, That all deeds or conveyances for land, made without the limits of this State, shall be proved as heretofore, or before a notary public under his seal of office and when so proved shall be registered in the same manner and under the same rules that govern in cases of deeds made within the State, and all deeds or mortgages for the conveyances of personalty or deeds of gift of personal property, (other than marriage contracts which are before provided for) made by a citizen or resident of this State without the limits of this State, shall be proved and recorded in the same manner as if executed within the State.

Of conveyances made without the limit of the state

SEC. 10. *Be it further enacted*, That where all the subscribing witnesses to a deed or other instrument are dead, or reside beyond the limits of this State, it may be proved by any two persons who are acquainted with the hand writing of the person who executed the same, which facts,

Where subscribing witnesses are dead.



together with the probate, shall be certified on said deed, and where all the subscribing witnesses are dead, except one, or all reside out of the State except one, said witness may prove the execution of the deed, provided, the hand writing of the other witness or witnesses, be proved by some other persons.

Wills executed  
in another State.

SEC. 11. *Be it enacted by the authority aforesaid, That* all wills executed in other States, shall be proved according to the laws of said State, and certified in the manner prescribed by the act of Congress, and a copy so certified, shall be registered in the county where the land lies.

Failure to re-  
gister as herein  
directed.

SEC. 12. *Be it further enacted, That* all such deeds and other instruments mentioned in the first section of this act, not so proved and registered as aforesaid, shall be null and void, as to existing or subsequent creditors, or bona fide purchasers without notice, and in case of marriage contracts, shall be void as to existing or subsequent creditors of the husband or purchasers without notice from him, and all deeds of gift for slaves, shall be in writing, or the same shall be utterly void and of no effect whatever; and all the aforesaid instruments, so registered as aforesaid, shall be notice to all the world, from the time they are registered.

Revocations of  
Powers of Attor-  
ney.

SEC. 13. *Be it further enacted, That* all revocations of powers of attorney shall be proved by two witnesses, or acknowledged and registered, which revocation shall only take effect from the time it is registered, except as against persons who have notice of the revocation, after its execution and before its registration.

Clerks' and Re-  
gisters' fees.

SEC. 14. *Be it enacted by the authority aforesaid, That* the fees for the probate and acknowledgment of said instruments shall be the same as by law is now allowed, and for the transcript and registration of judgments, the fee shall be one dollar for the transcript, and one dollar for the registration thereof.

Duty of Regis-  
ter.

SEC. 15. *Be it further enacted, That* it shall be the duty of the Register of each of the counties in this State to have his office open at all times, and to register every deed as soon as he receives it, and the first deed or other instrument handed to him for registration, shall be first registered, and any failure or neglect of duty on his part, shall subject him to an action on the case, for any injury any person or persons have suffered in consequence of said failure or neglect.

When act  
take effect.

SEC. 16. *Be it enacted, That* this act shall be in force from and after the rise of the next session of the General Assembly.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.

## RELIGION.

CHAPTER XCI. An Act to extend the provisions of an act passed in 1823, chapter 7.

*Be it enacted by the General Assembly of the State of Tennessee, That* the provisions of the first section of an act passed in 1823, chapter 7, (see Haywood's and Cobbs' revision, page 281,) shall be extended south and west of the Congressional line, and the different Surveyors shall lay down, upon the general plans of their respective offices, such entries as shall be made, not exceeding the quantity mentioned in said act, to be hereafter used and enjoyed in the same manner, and subject to the same conditions and limitations as therein specified and provided.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 10, 1831.

## REVENUE.

CHAPTER XCII. An Act to secure and provide for the collection of the legitimate revenue of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That* the several county courts of this State shall have power, when they believe that any person holds lands by grant or deed lying in the county, the butts and bounds of which grant or deed contain more than seven hundred and fifty acres, over and above the quantity called for by said grant or deed and by him returned for taxation, to have said person, their legal representatives, attorneys or agents, notified by the Sheriff of said county, to have said tract of land surveyed within sixty days from the time said notice is served, and a fair plat of the survey returned to the clerk of the county court, containing an accurate statement of the quantity contained in the butts and bounds of said deed or grant; and if the excess in said deed or grant, should be over seven hundred and fifty acres, then the person owning said land shall be liable for the costs of said survey, and if the excess shall not be so much, the county shall pay the costs of the survey.

Power and du-  
ty of the County  
Court in order-  
ing the survey of  
lands.

SEC. 2. *Be it enacted, That* in case any person so notified as above shall fail within the time allowed to make the survey and return required by this act, the county court shall have power to cause said survey to be made

May have the  
survey made by  
County Surveyor.



by the county Surveyor and a plat returned as above directed, and said return in either case shall be made on the oath of the Surveyor; and should there be an excess over seven hundred and fifty acres, then the said court is hereby authorized to award judgment and issue execution against the owner for the costs of said survey; and if in either way an excess be found in said tract the excess shall be liable to taxation as other lands in this State;—*Provided*, that nothing in this act, shall be so construed as to require the grantee or bargainee to pay tax on such parts of the original tract or tracts as may be held by deed to other persons, and which is within the limits of the original survey.

*Where the owner is a non-resident.*  
**SEC. 3.** *Be it enacted*, That if no agent or attorney shall be found or known within the county where such large tracts of land shall lie, and the owner thereof shall be a non-resident, it shall be the duty of the said county court to cause notice to be given by publication in some newspaper for six weeks, setting forth the land proposed to be surveyed together with the name of the grantee; *Provided*, nothing contained in this act shall be so construed as to repeal any law now in force and effect regulating the returns of taxable property in this State.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

November 7, 1831.

CHAPTER XXIII. An Act to amend the revenue laws of this State.

*Justice of the Peace to administer oath.*  
**SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of each and every Justice of the Peace, who shall be lawfully appointed to receive lists of taxable property and polls, to administer to every person giving in a list of taxable property or polls, either for himself or agent for another person, the following oath (viz:) You do swear, (or affirm) that the list by you returned contains a just and true account of all the property and polls which by law you are subject to pay taxes for in this county, to the best of your knowledge and belief.

*To make diligent inquiry after polls and taxable property.*  
**SEC. 2.** *Be it enacted*, That it shall be the duty of each Justice so appointed to receive lists of taxable property and polls, to make diligent enquiry to discover such taxable property and polls within the bounds of the captain's company, for which he shall have been so appointed, as shall not have been returned within the time prescribed

by law; and to assist him in effecting this object, he may have recourse to the Registers', Clerks', Surveyors' and Entry-Takers' offices, without paying any fee therefor; and if he shall discover any taxable property or polls that have not been returned, he shall make return of the same in writing under his hand to the county court of the county in which he has been so appointed, and said county court shall make to said Justice of the Peace, such compensation as in their judgment they shall deem to be an adequate remuneration for the labor he has performed; *Provided*, that said Justice shall not be entitled to compensation, until he makes oath that he has faithfully taken a list of taxable property, agreeable to the provisions of this act, and it shall be the duty of the court to require such oath of each Justice, on return of his list of taxables.

*Duty of Collectors where the taxes are not paid.*  
**SEC. 3.** *Be it enacted*, That the better to secure the faithful and prompt payment of taxes on lands, that should any person or persons being the owner of any tract of land, either equitably or legally, fail or refuse to pay the state or county tax thereon, to the collector of the tax in any county, it shall be lawful for such collector to make the same by distress of any of the personal estate of such owner in his county, if such owner has any such estate in said county, if not, such collector may, and it shall be his duty to make out his tax bill signed by such collector, and put the same into the hands of any constable, sheriff or other collector in the county where such owner lives, or where his personal estate may be, and take his receipt therefor; and it shall be the duty of such officer to receive such tax bill and collect the same, and pay over the same to the collector, giving him such bills within four months after his receipt of such bill, and such tax bills when made out and given over for collection as aforesaid, shall have all the force and effect of an execution, so far as to authorize such officer or collector, to distrain and sell the personal estate of such owner for the tax aforesaid; *Provided*, that any person against whom any officer under the provisions of this act shall be about to levy for such taxes, such person or persons may avoid the collection by making oath in writing, that the lands listed or charged as his or a part thereof, is not his land equitably or legally, or that the tax thereon for that year has been paid by another person, which affidavit shall be annexed to such tax bill and be returned as aforesaid, and such affidavit shall excuse such supposed owner from the payment of the tax on such part of the land, as does not belong to such person about to be charged; and provided also, that nothing in this act shall be so construed, as to exempt any lands in this State from being sold for

taxes, or to alter or affect the laws directing the mode of reporting and selling lands for taxes.

Where lands are listed in the names of former and present owner.

SEC. 4. *Be it enacted*, That if any tract of land, or part of a tract shall be listed for taxes in the name of any former owner, when the same has been listed by the present owner, if the present owner or his agent will make affidavit that he has paid the taxes on the same tract of land, all other taxes shall be released, and the collector have a credit for the same.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

[December , 1831.]

## ROADS.

CHAPTER XCIV. An Act to repeal so much of the act of 1829, in relation to public roads as exempts paper manufacturers and their hands from working thereon.

*Be it enacted by the General Assembly of the State of Tennessee*, That an act passed at the last General Assembly of this State entitled "an act to encourage and protect paper manufactories," be and the same is hereby repealed.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

October 14, 1831.

## SECURITIES.

CHAPTER XCV. An Act for the benefit of securities in cases of peace warrants.

May surrender principal to sheriff in or out of court.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who may hereafter become the security of any person or persons before any Justice of the Peace or any court in this State, to keep the peace, such person or persons so becoming security, may surrender his or their principal to the Sheriff of the county in which the said principal was bound, at any time during the recess of the county court of said county, or to said court at any time it may be in session, and such surrender shall be a full discharge of the said security or securities from any liability upon their bond after

the said surrender; but their liability before the surrender shall remain unimpaired.

SEC. 2. *Be it enacted*, That upon the surrender of any principal by his security or securities to the Sheriff as above provided, it shall be the duty of the said Sheriff to take other sufficient security if the same is tendered for the faithful preservation of the peace according to the tenor of the first bond of said principal; and if the said surrender shall be made to the county court of the county wherein the person so surrendered was first bound, it shall be the duty of the said court to require of the person or persons so surrendered, other sufficient security according to the terms and tenor of his first bond.

Sheriff to take other security on surrender.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 14, 1831.

## SECRETARY OF STATE.

CHAPTER XCVI. An Act authorizing the Secretary of State to receive and file for adjudication certain certificates therein mentioned.

*Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Secretary of State, as commissioner of land claims, to receive and file for adjudication until the 1st of September 1832, all certificates of interference, original, military or John Armstrong warrants not heretofore adjudicated, and all claims that by the act of 1829, and the acts therein referred to, he was authorized to adjudicate, and issue certificate or certificates to the proper owners to be subject to the same rules, regulations and restrictions in ascertaining their validity as prescribed by said act of 1829, and the acts therein referred to.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 20, 1831.



**SHERIFFS.**

CHAPTER XCVII. An Act to amend an act entitled "an act for the relief of Sheriffs" passed November 6, 1811.

*Be it enacted by the General Assembly of the State of Tennessee, That the Sheriffs of the different counties in this State, be authorized during their continuance in office, to transact and close the unsettled business of any preceding two years for which they may have been elected Sheriff.*

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

November 7, 1831.

*Speaker of the Senate.*

CHAPTER XCVIII. An Act to prevent Sheriffs and other officers holding elections from opening the tickets of voters before they are put in the ballot box.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That any Sheriff or other officer, conducting and holding any election, who shall open the ticket or ballot of any voter at any election and examine or read the same at the time he receives such vote or ballot, and before he puts the same in the box, shall be guilty of a misdemeanor in office, and upon conviction thereof, shall be fined in a sum not less than twenty five dollars, and if he be the acting Sheriff, deputy Sheriff or Constable, shall be removed from office.*

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 10, 1831.

*Speaker of the Senate.*

CHAPTER XCIX. An Act prescribing the duties of Sheriffs in certain cases and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That in all cases where the county courts of any of the counties in this State, shall fail or have heretofore failed to appoint common school commissioners, it shall be the duty of the Sheriffs or Collectors of the public taxes for said counties, to account for and pay over to the agent of the Bank of the State of Tennessee for said county, all moneys arising from the redemption*

*To pay over certain moneys to bank agents.*

of lands bid off for the use of common schools; and said agent is hereby required to call on said Sheriff or Collector for such moneys, for which he shall give to said Sheriff or Collector duplicate receipts, one of which said Sheriff or Collector is hereby required to transmit to the Bank of the State at Nashville; and said amount so received by said agent shall be charged on the books of said Bank to said agent's account, as part of the common school fund for said county, which money shall be loaned or otherwise applied, as other school funds in the hands of said agent.

SEC. 2. *Be it enacted, That should any Sheriff or Collector fail or refuse to pay over such moneys as is contemplated by the first section of this act, he may be proceeded against by said agent or other person having the charge of the school fund for said county, in a summary way, as provided for the county trustee for the recovery of county dues.*

*Of failure to pay over said moneys.*

SEC. 3. *Be it enacted, That the further time of twelve months be allowed to owners of lands bid off for the use of schools in this State to redeem the same.*

*Further time to redeem lands.*

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 19, 1831.

*Speaker of the Senate.*

CHAPTER C. An Act prescribing the duties of Sheriffs in relation to the call of a convention and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That it is hereby declared to be the duty of the Sheriffs of each and every county in this State, to make out a triplicate statement of the number of votes given in their respective counties for Representatives to the State Legislature and for a Convention, at the next general election in August 1833, which statements shall be certified by the respective Sheriffs, to be a full and correct statement of votes given for Representatives and for a Convention as aforesaid. And it is hereby declared to be the duty of the Sheriffs aforesaid to forward one of such statements to the General Assembly at the first week thereof, in the year 1833, which statement shall be directed to the Speaker of the Senate, and forwarded by mail, and shall be endorsed "votes for Representative and for a Convention in ——— county," one of said triplicate herein directed to be made, shall be deposited in the office of the Clerk of the county court of their respective counties, and the other statement shall be deposited*

*To make out triplicate statements of votes given for Representatives and for a convention.*

in the hands of the *Representative elected* for their respective counties, directed to the *Speaker of the House of Representatives*, and endorsed "votes for Representatives and for a Convention in ——— county," and said Sheriffs shall take a receipt from the Clerk and Representative elect for the statements herein directed to be furnished, which statements shall be furnished the Clerk and Representative before the first September 1833.

Penalty in case of failure.

SEC. 2. *Be it enacted*, That if any Sheriff or Sheriffs in this State shall fail, refuse or neglect to comply with the requisitions of the first section of this act, they shall be deemed guilty of a misdemeanor in office; and upon its being made to appear to the satisfaction of the county court of the county in which such delinquent Sheriff shall live, that he has failed to comply with the requisitions of the first section of this act, it shall be the duty of such court to remove such delinquent Sheriff from office and appoint another in his place.

Additional number of Supreme Court reports.

SEC. 3. *Be it enacted*, That in addition to the number of reports of the Supreme Court heretofore required to be printed by the public printer of this State, there shall be three hundred under the same rules and regulations.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

December 19, 1831.

*Speaker of the Senate.*

## SLAVES.

CHAPTER CI. An Act to explain and amend an act passed December 7th 1829, Chapt. 29, "more effectually to provide for emancipating slaves."

*Be it enacted by the General Assembly of the State of Tennessee*, That the above recited act shall in no wise be so construed as to extend to any case where any person may by their last will and testament have directed any slave or slaves to be set free before the passage of the before recited act which this is intended to amend; but in all such cases where any suit shall have been instituted in the District Chancery Court, under the provisions of the act which this is intended to amend, it shall be the duty of the Chancellor, at the first term of said court after the passage of this act, to have the same stricken from the docket, and it is hereby made the duty of the Clerk of said court to transmit to the Clerk of the county court where the parties reside, the whole of the records and proceedings in said cause, which shall stand

for trial at the first term of the county court thereafter, under the same rules, regulations and restrictions as if the said suit had been originally instituted in said county court; Provided, however, that the costs which shall or may have accrued shall abide the final issue of the suit.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

November 28, 1831.

CHAPTER CII. An Act concerning free persons of colour, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall not be lawful for any free person or persons of colour, whether he, she or they be born free or emancipated agreeably to the laws in force and use, either now or at any other time in any State within the United States, or elsewhere, to remove him, her or themselves to this State to reside therein, and remain therein twenty days; and if any such free person or persons of colour shall presume or attempt to reside therein, contrary to the provisions of this act, every such person or persons of colour shall be liable to be indicted before the grand jury of the county or circuit court of the county where he, she or they may attempt to reside, and if convicted shall be fined in a sum not less than ten dollars nor more than fifty dollars, to the use of the county, and shall moreover, be sentenced to hard labor in the Penitentiary for a term not less than one year nor more than two years, the term of service to be fixed by the judge; and if any such free person or persons of colour as aforesaid, shall fail or refuse to remove him, her or themselves from this State, within thirty days after his, her or their discharge from the Penitentiary, unless detained by sickness, or some unavoidable accident, such person or persons shall again be liable to indictment as before, and upon conviction shall be sentenced to labor in the Penitentiary for a term double the longest term before mentioned, but shall not be liable to any pecuniary fine, as in the first instance is provided.

Not permitted to emigrate to this State, —penalties for doing so.

SEC. 2. *Be it enacted*, That it shall not be lawful, from and after the passage of this act, for any court or any owner or owners of any slave or slaves, to emancipate any slave or slaves, except on the express condition, that such slave or slaves shall be immediately removed from this State, and every person or persons so desiring to emancipate any slave or slaves, shall, before such emanci-

Slaves not to be emancipated, unless they leave the State.



pation be allowed, enter into bond with good and sufficient security in a sum equal to the value of such slave or slaves so to be emancipated, conditioned that said slave or slaves shall forthwith remove from this State, which said condition shall be a part of the judgment of such court.

Judges to give this act in charge  
 SEC. 3. *Be it enacted*, That it shall be the duty of each of the judges of the circuit courts in this State to give this act in charge to the grand juries at each and every term of the courts respectively; and it shall be the duty of the several attorneys general to require information upon oath, from all Sheriffs, Coroners, Constables and any other person or persons they may think proper to call on, so as to enable him or them to prosecute all offences under this act, whose fees on conviction shall be the same as in cases of felony now allowed by law.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 16, 1831.

#### CHAPTER CHIL. An Act to amend the laws of this State in relation to the government of slaves and free persons of colour.

Unlawful assemblages of slaves.  
 SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all assemblages of slaves in unusual numbers or at suspicious times and places not expressly authorized by the owners, shall be held and considered an unlawful assemblage, and shall be dispersed by any patroller of the bounds or any constable or Justice of the Peace of the county, or by any person authorized by such Justice of the Peace to do so; and in all cases where such persons so assembled, shall fail or refuse to disperse when required to do so, and allowed a reasonable time for that purpose, any such patroller, constable, Justice or other person by him authorized as aforesaid, may take to their aid, sufficient assistance and inflict on the offenders any number not exceeding twenty five lashes.

Persons permitting them may be indicted.  
 SEC. 2. *Be it enacted*, That any person or persons who shall knowingly permit any such assembly to be held on his or her land or premises, contrary to the provisions of the first section of this act, shall be liable to presentment or indictment in the county court, and on conviction be fined in the discretion of the court.

Negro Doctors.  
 SEC. 3. *Be it enacted*, That if any owner or other person having charge of any slave or slaves, shall permit him or them to go about the country under the pretext

of practicing medicine or healing the sick, he, she or they shall be liable to presentment or indictment and punishment, as in the preceding section of this act; and such slave on arrest and conviction shall receive by the order of the Justice trying him a number of lashes not exceeding twenty five.

Punishment for conspiracy to rebel.  
 SEC. 4. *Be it enacted*, That in all trials and convictions of slaves for a conspiracy to rebel under the 47th section of an act passed in 1741, "entitled an act concerning servants and slaves" see Haywood and Cobbs' revisal, page 315, it shall and may be discretionary with the court trying the case to inflict death or any lesser punishment by stripes and standing in the pillory and confinement in the county jail, according to the extent of the plot, and the participation of the accused therein.

Repealing clause  
 SEC. 5. *Be it enacted*, That the 45th section of said act of 1741, relative to the outlawry of runaway slaves, see Haywood and Cobbs' revisal 321, be and is hereby repealed; provided however, that every ring leader or chief instigator of any plot, to rebel or murder any white person, who may runaway and lie out and refuse to surrender or make resistance to being taken, may be lawfully killed, if it be not practicable otherwise to arrest and secure him.

Appeals.  
 SEC. 6. *Be it enacted*, That hereafter no appeal shall lie as provided for in the 3d section of an act passed in 1825 relative to the trial of slaves see Haywood and Cobbs' revisal page 317, except in those cases only where the punishment is death, nor shall an appeal or writ of error lie in any case of an actual rebellion or insurrection, and proof made of overt act committed, by the preparation of arms and publicly assembling in numbers to carry the same in execution.

Repealing clause  
 SEC. 7. *Be it enacted*, That all such parts of laws now in force or use in this State, authorizing the punishment of slaves, free negroes or mulattoes, by nailing them to the pillory and cutting off their ears, be and the same are hereby repealed.

Arrest of runaway slaves.  
 SEC. 8. *Be it enacted*, That the 34, 35, 36, and 37th sections of an act passed in 1741, relative to runaway servants or slaves, see Haywood and Cobbs, page 323, be and the same are hereby repealed; and in future when any person shall have arrested any runaway slave, and on the commitment of any magistrate of the county where the arrest was made, shall deliver to the jailor of the county or to the owner or person entitled to the custody of such slave, such person shall be entitled to the sum of five dollars for the arrest and trouble of conveying to the jail, to be paid by the owner to such person or to the jailor for him, before taking or recovering said slave from the jail of the county.

Publication of  
runaways.

SEC. 9. *Be it enacted*, That all laws requiring runaway slaves to be published on the Lord's day, or any proclamation concerning them made at any church or chapel, are hereby repealed; and where the owner of any runaway slave arrested and committed to jail is supposed to reside in any other county or State, publication concerning such slave shall be made in some newspaper best calculated to convey information to such owner.

Patrols exempted from mustering &c.

SEC. 10. *Be it enacted*, That the 2d section of an act passed in 1779, see Haywood and Cobbs 324, title patrols and searchers, be and the same is hereby repealed; and hereafter every patroler or searcher who shall faithfully serve for the term of three months, as such, shall be exempt from attending musters, working on roads and serving as jurors for the term of twelve months, and shall be entitled to any further allowance out of the county tax, as the court shall think necessary and proper, to be levied off and collected of the slaves of such county subject to taxation.

Appointment of  
patrols.

SEC. 11. *Be it enacted*, That if any captain or other officer commanding shall fail or refuse to appoint and continue out patrols agreeable to the 3d section of an act passed in 1817, chapter 184, see Haywood and Cobbs 325, then and in that case any Justice of the Peace of said company may appoint such patrols or searchers, with the same powers and subject to the same duties and penalties as if they had been appointed by the captain or other commanding officer.

Householders  
may serve on jury  
to try slaves.

SEC. 12. *Be it enacted*, That hereafter on the trial of any slave, where a jury is required, if it shall be found impracticable to get a jury of slave holders, it shall and may be lawful to make up the deficiency by summoning house holders to serve on such trials.

Duty of patrols.

SEC. 13. *Be it enacted*, That hereafter it shall be the duty of the patrollers of this State to search and patrol in their respective bounds in the day as well as the night time, and have and exercise the same power to arrest and punish all slaves found under suspicious circumstances off of their master's plantation without a pass in writing in the day time as heretofore in the night.

Construction of  
the act of 1826—  
chap 22.

SEC. 14. *Be it enacted*, That in all trials for alleged violations of an act passed in 1826 chapter 22, the burden of proof to show that the persons whose importation is prohibited in the 1st, 2d and 6th sections of said act, were not imported contrary to the provisions thereof, shall lie on the defendant or defendants and not on the State as heretofore.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

## SOUTHERN BOUNDARY.

CHAPTER CIV. An Act to provide for the establishment of the Southern Boundary of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor of this State, be and he is hereby authorized to appoint a commissioner to ascertain the southern boundary of this State. Commissioners  
to be appointed.

SEC. 2. *Be it enacted*, That the sum of three hundred dollars be appropriated out of any money now in the Treasury, to be drawn on order of the Governor to defray the expense of the same. Appropriation  
made.

SEC. 3. *Be it enacted*, That the Treasurer of Middle Tennessee, pay to James Bright the sum of three hundred and fifty two dollars and fifty cents, for his services in running the dividing line between this State and the State of Kentucky. James Bright.

SEC. 4. *Be it enacted*, That said amount shall not be so considered as to include the expenses heretofore paid said Bright by said Treasurer, for the expenditures made by said Bright during said survey. Construction of  
3d section.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 19, 1831.

## STRAYS.

CHAPTER CV. An Act to amend an act passed on the 28th day of December 1829, 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 the Rangers in the respective counties in this State, may take and receive the following fees from the persons taking up strays, to wit: for each horse, mare, gelding, colt or mule, including the certificate, entered in his said office, seventy five cents; for each head of cattle, thirty seven and one half cents; for each head of hogs or sheep, twelve and one half cents; for each bond, twenty five cents. Rangers' fees.

SEC. 2. *Be it enacted*, That in addition to the oath prescribed by the second section of the above recited act, the taker up of any stray or strays shall make oath before the Ranger or Justice of the Peace, as the case may be, that the said stray or strays by him about to be taken up, came to his or her plantation without his or her Oath to be taken  
by taker up.



procurement—Provided however, that when it shall be the case, that any of the young stock may at the time of taking up the same be yet sucking the mother, it shall be a sufficient circumstance to authorize the person proving the mother to claim the possession of such young stock, and all such young stock shall be included in the same certificate with the mother and subject to one fourth of the fees allowed for grown stock.

Rangers may  
administer oath.

SEC. 3. *Be it enacted*, That in future the Rangers in the several counties in this State, may have and possess full power and authority to administer the oaths the law requires in the taking up, appraising and proving of strays.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

October 19, 1831.

## TAX.

CHAPTER CVI. An Act to appropriate the one half of the State tax to county purposes.

One half of State  
tax to be paid o-  
ver to the differ-  
ent 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 tax collected by the Sheriffs of the different counties in this State, for the years one thousand eight hundred and thirty two and thirty three, to the trustees of their respective counties, whose receipts shall be good vouchers with the Treasurers of the 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 said one half when collected by said Treasurers, shall be paid over to the Trustees of the proper counties, and all monies so paid over shall constitute a fund for the payment of all debts and demands against such counties respectively.

Construction of  
this act.

SEC. 2. *Be it enacted*, That nothing in this act shall be so construed as to entitle or authorize any of the Treasurers of 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.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

## TRUSTEES.

CHAPTER CVII. An Act concerning Trustees.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, when any trust shall have been created by deed or last will and testament in this State, and the Trustee shall wish to resign the same, it shall be lawful for him to appear in open court in any circuit court of the county in which he resides, or where the cestuique trust resides, or in the chancery court of the district, and make known all the circumstances of the case, and if the judge or chancellor shall think it right and proper to permit said resignation, and cestuique trust has been notified, to cause said resignation to be recorded and to appoint a successor, taking in all cases proper to require it, bond and security of such successor for the faithful execution of said trust.

Resignation of  
Trustees—how  
made.

SEC. 2. *Be it enacted*, That in all cases of trust created as aforesaid, when it shall be made appear to the chancery court of the district, or the circuit court of the county where said Trustee resides, or where said trust was intended to be executed, that the Trustee appointed either fails or refuses to serve, to appoint another in his stead, in the same manner as is mentioned in the first section of this act.

Failure of Trust-  
tees to serve.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 17, 1831.

## WARE-HOUSES.

CHAPTER CVIII. An Act to prevent extortion at Public Ware Houses in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all Ware Houses used for the purpose of storing Tobacco, Flour, Cotton, Hemp or other goods, wares and merchandize, for the purpose of making profit thereby, or toll charged for storage therein, shall be deemed and considered as public Ware Houses, and the owner or owners thereof, or the person using and profiting thereby, shall be, and is hereby declared to be subject to all liabilities, penalties and advantages, that the keeper of public Ware Houses are by law.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 17, 1831.

**WATER CRAFTS.**

CHAPTER CIX. An Act relating to water crafts that may be stopped when adrift on any of the waters of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever any person shall stop any water craft which may be adrift on any of the waters of this State, and shall secure the same, it shall be the duty of the owner or owners on applying therefor, to produce satisfactory evidence of ownership, and to pay to the person who shall have stopped and secured such craft, a reasonable compensation for his services; and if the parties cannot agree on application of either to a Justice of the Peace, it shall be his duty to appoint two disinterested persons to settle the matter between them, whose determination shall be final between the parties, and no appeal shall be granted.

SEC. 2. *Be it enacted,* That any person who shall stop and secure any water craft, shall be paid for his services, before he shall be required to deliver the same to the owner.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 15, 1831.

**WEIGHTS AND MEASURES.**

CHAPTER CX. An Act to repeal the thirteenth section of an act passed 1779, chapter 10.

*Be it enacted by the General Assembly of the State of Tennessee,* That the thirteenth section of said act, be and the same is hereby repealed.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 15, 1831.

**WRITS OF ERROR.**

CHAPTER CXI. An Act regulating the return of writs to the Supreme Court.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That writs of error and appeals in the na-

ture of writs of error, shall be triable at the first term of the Supreme Court to which such writs may be returned; provided, such writs or the records be filed on or before the first day of the term.

SEC. 2. *Be it enacted,* That from and after the passage of this act, the several Justices of the Peace in this State shall have the power to issue a scire facias in all cases before them when it may be necessary, in the same manner, and subject to the same rules as such writs issued from a court of record.

SEC. 3. *Be it enacted,* That upon the death, removal or resignation of a Justice of the Peace, and upon the return of his papers to the county court clerk, scire facias may issue by such clerks when required, upon such papers returned as aforesaid.

SEC. 4. *Be it enacted,* That the Sheriff, Collector and Ranger of Bedford county, are hereby required to publish all such advertisements as are required by law to be made in a newspaper, now published in the town of Shelbyville.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 21, 1831.

**WESTERN DISTRICT.**

CHAPTER CXII. An Act directory to the Treasurer of the Western District.

*Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be the duty of the Treasurer of the Western District to take judgments against all Sheriffs who fail to pay over the State revenue, as is now prescribed by law, at the second term of the circuit court of Madison county, instead of the first court as is now prescribed by law; any law, usage or custom to the contrary notwithstanding.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

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# RESOLUTIONS.

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## NUMBER I.

Resolution directory to the Judge of the 7th Judicial Circuit.

*Resolved by the General Assembly of the State of Tennessee,* That the Judge of the seventh Judicial Circuit of the State of Tennessee, appointed commissioner under an act of the General Assembly entitled "an act for the relief of certain improvers of land in the Hiwassee District" passed the 13th day of January 1830, for the purpose of adjudicating the value of certain improvements and other purposes in said act specified, be and he is hereby directed to report as soon as practicable to this General Assembly the aggregate number and value of the improvements by him adjudicated; the manner and principle upon which the valuation of such improvements were ascertained; the character and description of such improvements as were passed, and of such as were rejected; that he report the names of such improvers, and the value of their improvements by him adjudicated as he shall consider and believe entitled to relief, but whose case were believed by him not to be embraced within the provisions of said act; that he be required to recommend such other and further relief as he may believe, if any, should in justice be provided by law for the benefit of said improvers; and that he report all such other matters and things as he may deem right and proper for the information of this General Assembly.

*Resolved,* That the Secretary of State be directed to transmit forthwith, a copy of the foregoing resolution to the Judge of the 7th Judicial Circuit.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

September 24, 1831.

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## NUMBER II.

Resolution directory to the Treasurer of Middle Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the Treasurer of Middle Tennessee be required to report to this General Assembly, the exact amount of revenue remaining in the Treasury, if any, at the close of the session of 1827, also what amount, if

any, remained unexpended at the close of the session of 1829-30, and if a deficit existed in the revenue of the State at the last named period, to what amount, and by what authority and whence was the money obtained to supply that deficiency.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

September 26, 1831.

### NUMBER III.

Resolution directory to the President and Directors of the Bank of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the President and Directors of the Bank of the State of Tennessee, report to this General Assembly the names of all persons who are or have been overcheckers in said Bank, and that they give the names and amount of each as it stands on the books of said Bank; that they report such as have been settled, and in what way such settlements have been made; that they report such debts as are not settled with the probability of collecting the same.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

September 26, 1831.

### NUMBER IV.

Resolution in relation to the Inspection of Tobacco at New Orleans.

Whereas, it is represented that the present inspection laws in force and use in the city of New Orleans and State of Louisiana, particularly in relation to the inspection of Tobacco, and in consequence of the existing defects in said inspection regulations, serious losses by the numerous frauds which of late years, more than ever, have been practised in the packing and tare of this valuable export, and so long as the present inspection laws are in force, no proper remedy can be found to guard against the evil practices, which are not only an injury to the interest and reputation of the New Orleans inspection, but a more serious one to the honest Tobacco planter and dealer in the western country, who suffer excessive actual losses by the large quantity of loose Tobacco thrown off the hogshead under the present mode of inspection, taring and cooeping, and the many impositions practised by the planters is in consequence of the great difficulty in detection under the present mode of inspection and tareage,

thereby rendering the honest planter subject to all the odium which is, and of right ought to be alone attached to those who seek, and in reality, do practise frauds and impositions, and for want of confidence in the dealer, which cannot be restored under the existing mode of inspection, the market is fluctuating and operates injuriously to the best interest of the honest planter and dealer; and whereas, it is represented, that the mode of inspection in Virginia is to entirely uncase and strip the staves off the Tobacco and thereby have a fair opportunity of detecting frauds in packing, and the nett and true weight ascertained; and whereas, this mode of inspection has no doubt had the good effect to prompt the planter to care and management, which has given to Virginia Tobacco a reputation, and yielded to the planter a price equivalent to his labour: and with a hope and belief, that a change in the mode of inspection, weighing and taring Tobacco would produce a good effect, and thereby secure to the industrious and careful planter a price which will prove a sufficient guarantee for the fruits of his labour: Therefore—

*Resolved by the General Assembly of the State of Tennessee,* That the Legislature of Louisiana be respectfully requested to take under consideration the propriety of amending and altering the existing inspection laws, so as to reach the object desired in the foregoing preamble, and in such way as will be most conducive to attain the desired object.

*Resolved,* That the Secretary of State transmit to the Governor of Louisiana, a copy of this resolution with a request to lay the same before the Legislature of that State.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

November 18, 1831.

### NUMBER V.

Resolution in relation to the devise of Mason Lee late of South Carolina to the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee,* That the Governor be requested to take the necessary steps to procure an immediate settlement of the claim of this State, as provided by the will of Mason Lee, dec'd. late of the State of South Carolina.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

October 15, 1831.



## NUMBER VI.

Resolution directing the manner in which certain witnesses shall be paid.

Whereas by the second section of an act entitled 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, provision was made for the payment of the witnesses who attended the committee of enquiry raised by the House of Representatives previous to the exhibition of the articles of impeachment against the said Joshua Haskell, and said provision cannot be carried into effect on account of their being now no chairman to that committee before whom the said witnesses can prove their attendance as such—for remedy whereof—

*Be it Resolved by the General Assembly of the State of Tennessee, That all such witnesses may prove their attendance before the Clerk of the court of impeachment, and upon the production of his certificate it shall be the duty of the Treasurer of Middle Tennessee, to pay off and discharge the same as provided for in the said second section of said act.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

November 18, 1831.

## NUMBER VII.

Resolution appointing Henry Hagen a Notary Public for Davidson county.

*Resolved by the General Assembly of the State of Tennessee, That Henry Hagen be and he is hereby appointed a Notary Public for the county of Davidson, with all the rights, privileges, immunities and liabilities of other Notaries Public by law in this State.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 8, 1831.

## NUMBER VIII.

A resolution to authorize the appointment of a Surveyor and Commissioners to run and mark the Southern Boundary line of this State.

Whereas, the States of Mississippi and Tennessee have recently ascertained the point at which the line of the 35th degree of north latitude crosses the Mississippi river near Memphis, to prevent any embarrassments that may grow out of an unsettled boundary to either

er of the said States, or to individuals residing near the Southern Boundary:

*Resolved by the General Assembly of the State of Tennessee, That the Governor of this State, be authorized to appoint a Surveyor as well as Commissioners, should he deem it necessary, to meet a Surveyor or such Commissioners as may be appointed on the part of the State of Mississippi, to adjust any difficulties that may arise in relation to the Southern Boundary of this State; but in case the State of Mississippi, shall refuse to co-operate in having said boundary marked, it shall be the duty of the Governor to cause the boundary to be run and marked on the part of this State; and the Governor is authorized to draw upon the Treasurer of Middle Tennessee or West Tennessee for the payment of Surveyor, Chain Carriers and Markers, to accomplish the same.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 19, 1831.

## NUMBER IX.

Resolution directory to the Secretary of State.

*Resolved by the General Assembly of the State of Tennessee, That the Secretary of State be required to adjudicate and issue to Hugh Dunlap five thousand acres of land warrant, for a grant that was issued to him by the State of North Carolina, for five thousand acres of land lying in the Eastern District in Cades Cove, on the waters of the Tennessee River, which land now lies South of French Broad and Holston, in Blount County: Provided, that the said Dunlap, shall make it appear to the satisfaction of said Secretary, that said grant issued on a good and valid warrant, and that the same has not issued to the said Dunlap or any other person, and that no other grant has issued thereon.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

## NUMBER X.

A Resolution directory to the Register of the Western District.

*Resolved by the General Assembly of the State of Tennessee, That it shall be the duty of the Register of the Western District, to issue grants to the rightful owner or owners upon Entries No. 785,*

No. 557, No. 753 and No.      founded upon warrants No. 2081, No. 754 and No. 5543, upon the production of a plat and certificate of survey upon said entries, and proving to the satisfaction of said Register, that said warrants are lost, and that when lost they had written in the face of each appropriated in my office, signed by the principal Surveyor of the District in which said entries were made.

*Resolved*, That the Register of the Western District, issue to James Whitsit a grant on Entry No. 851. in the tenth District, upon the production of the proof required in the first number of this resolution.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate*

December 20, 1831.

#### NUMBER XI.

A resolution referring warrant No. 393 for adjudication.

*Resolved by the General Assembly of the State of Tennessee*, That warrant No. 393—a John Armstrong warrant—be referred to the Secretary of State, as Commissioner of land claims, and that he be authorized to adjudicate thereon as heretofore allowed by law.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

#### NUMBER XII.

A resolution directory to the President and Directors of the Bank of the State.

*Resolved by the General Assembly of the State of Tennessee*, That the President and Directors of the Bank of the State, be and they are hereby directed to ascertain as nearly as may be, the amount of defalcation of the late Cashier, arising from overchecking or otherwise, at the end of each term for which the said Cashier may have been elected, and that a copy of said statement, be given to the counsel who may be employed to bring suit against the several sets of securities of the said Cashier.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate*

December 20, 1831.

#### NUMBER XIII.

A Resolution concerning the Academy money chargeable to the Bradley Academy in Rutherford county.

Whereas, according to the report of the Committee appointed to ascertain the amount due to the different Academies in this State, the Bradley Academy in Rutherford County is charged with six hundred dollars loaned to Joseph Dickson many years ago, and whereas, it is believed that the said Joseph Dickson long since paid the said sum of six hundred dollars, and the said Academy is only chargeable with the interest thereupon—be it *resolved*, that the Cashier of the State Bank, in adjusting the account with said Academy, do charge it only with two hundred and sixteen dollars, and the interest arising on that amount, from the time the Academy money was funded in Bank, until the same was authorized to be drawn therefrom.

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

December 20, 1831.

#### NUMBER XIV.

A Resolution in relation to the exercise of certain powers by the General Government and for other purposes.

Whereas, it is believed by this General Assembly that a crisis has arrived in the administration of the affairs and the exercise of the powers of the General Government of this Union when it has become proper to express by Legislative resolutions of the several States, the opinion entertained of the power assumed by Congress, under the Constitution of the United States, to make internal improvements in the several States without their consent, and to authorize the executive of the United States to subscribe stock, State incorporations for the benefit of local objects of internal improvements and whereas, it is believed this power has been exercised by the Congress of the United States to an unwarranted extent under the Federal Constitution of this Union: Therefore—

*Resolved by the General Assembly of the State of Tennessee*, That this General Assembly most decidedly deprecate the exercise of the power which has been assumed by Congress, of appropriating money out of the Treasury of the United States, to be expended upon the local objects of improvements within the several States, and in subscribing for stock under State incorporations.

*Resolved*, That this General Assembly most cordially approve of the views and sentiments of President Jackson, in relation to internal improvements by the General Government, as expressed in his



veto message, communicated to the Congress of the United States, upon the Lexington and Maysville turnpike road bill.

*Resolved*, That the Secretary of State furnish a copy of the foregoing preamble and resolutions, to each of our Senators and Representatives in Congress, and to the Executives of the several States of this Union.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

September 20, 1831.

### NUMBER XV.

A Resolution relative to the public lands of the United States.

*Resolved by the General Assembly of the State of Tennessee*, That our Senators in Congress be instructed and our Representatives requested, to use their exertions to have all the vacant unsold lands owned or claimed by the United States in any of the States or Territories, sold, as soon as the same can be reasonably done at a graduated price.

*Resolved*, That our Senators and Representatives be requested to use their endeavours to have the nett proceeds of all the public hereafter sold, set apart by law as a permanent fund for the education of the American children, and that such fund be distributed to the States and Territories according to such rates as may be deemed equitable and just.

*Resolved*, That the Governor be requested to furnish our delegation in Congress with a copy of the foregoing resolution, and that he transmit a copy to the Governors of the several States, with a request to have the same submitted to their Legislatures.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

### NUMBER XVI.

A Resolution directory to the Treasurer of Middle Tennessee.

*Resolved by the General Assembly of the State of Tennessee*, That the Treasurer of Middle Tennessee, pay Isaac, a man of colour, twenty dollars for his services in waiting upon the General Assembly during the present session, in addition to all allowances already made.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

### NUMBER XVII.

A Resolution directory to the President and directors of the old Bank of the State of Tennessee.

*Resolved by the General Assembly of the State of Tennessee*, That the President and directors of the old State Bank of Tennessee, pay over to the President and Directors of the Bank of the State of Tennessee, the twenty thousand dollars subscribed on the part of the State in the old State Bank, and that said sum of twenty thousand dollars, and all the dividends arising therefrom in the hands of the Treasurer or elsewhere, be apportioned among the several counties in this State, agreeably to the 20th section of an act passed January 14th 1830, chapter 107 for the use of common schools, or for such other objects as this Legislature may have specially directed in any of the counties of this State.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 21, 1831.

### NUMBER XVIII.

A Resolution recommending the call of a Convention.

Whereas, the people of this State, at the late election, manifested a strong inclination in favour of calling a Convention, there being only about two thousand less than was necessary under the constitution—and whereas, it is believed that in many counties of the State, many persons favorable to a Convention, did not vote for the same, under a mistaken belief, that the resolution of the last session, had not been enrolled and signed, so as to authorize the people to vote for or against a Convention, under these circumstances the present General Assembly, believing that a majority of the people are in favour of calling a Convention, and that the constitution requires amendment: Therefore—

*Resolved by the General Assembly of the State of Tennessee*, Two thirds of the General Assembly concurring therein, that it be and hereby is recommended, to the good people of this State, at the next general election for members of the General Assembly, to vote for or against the calling of a Convention, to revise and amend the constitution of the State of Tennessee.

*Resolved*, That it shall be the duty of the officers holding the elections aforesaid to read the foregoing resolution at the places of holding the elections, at the opening of the polls, and at 2 o'clock P. M. on each day of such elections.

F. W. HULING,

*Speaker of the House of Representatives.*

BURCHET DOUGLASS,

*Speaker of the Senate.*

December 15, 1831.

## RESOLUTIONS.

## NUMBER XIX

Resolution directory to the Governor of this State.

*Resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized and directed to furnish Captain B. W. Martin of Giles county with a piece of Artillery on his giving bond and security for its safe keeping according to the act of Assembly in relation to public arms.*

F. W. HULING,  
*Speaker of the House of Representatives.*  
BURCHET DOUGLASS,  
*Speaker of the Senate.*

November 18, 1831.

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

February 24, 1832.

SAM. G. SMITH,  
*Secretary of State.*

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