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PRIVATE ACTS
OF THE
STATE OF TENNESSEE,

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

WILLIAM CARROLL, Governor; SAM. G. SMITH, Secretary of State; BURECHET DOUGLASS, Speaker of the Senate; F. W. HULING, Speaker of the House of Representatives.

CHAPTER I.

AN ACT to incorporate an Academy in the county of Hamilton.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That—Henderson, George Birdwell, Benjamin B. Cannon, A. M. Rawlings, John Russell, Jeremiah Jones and Robert M'Cree, be and they are hereby constituted a body politic and corporate by the name of the Trustees of the Hamilton Male Academy, and shall have perpetual succession and be capable in law, and authorized to purchase, receive and hold to themselves and their successors, any lands, goods or chattels, which shall be given, granted, devised to them, or purchased by them for the use and benefit of said Academy, and to appropriate, use and dispose of the same in such manner as to them may seem fit and proper, for the use and benefit of the Academy aforesaid; and the said Trustees and their successors by the name aforesaid, shall and be sued, plead and be impleaded in any court of law or equity in this State or elsewhere.

Sec. 2. Be it further enacted, That the Trustees aforesaid and their successors shall have power to hold such meetings pertaining to the business of said Academy, as may be agreed upon from time to time by a majority of

Trustees incorporated.

To appoint officers and fill vacancies.

the Board of Trustees aforesaid, to appoint a President, Secretary and Treasurer of said Board, and that in case of the death, resignation or removal from the county of Hamilton, of any of the aforesaid Trustees or their successors, the county court of said county shall supply such vacancy by election or appointment, and that a majority of said Trustees for said Academy, may form a Board for the transaction of any business pertaining to said institution.

*May make by
Judge, &c. &c.*
Sec. 3. *Be it enacted*, That said Board of Trustees together with their Secretary and Treasurer, shall have power to make such bylaws, rules and regulations relating to said Academy and the government thereof, as a majority of said Board may deem right and proper; Provided, they are not inconsistent with the constitution and laws of the United States and of the State of Tennessee.

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

September 29, 1831.

CHAPTER III.

AN ACT for the benefit of Elizabeth Young Administratrix of William Young dec'd.

Whereas, William Young on the 11th day of November 1820, at the Hiwassee land sales purchased a fraction of eighty one and a half acres at sixteen dollars per acre, on which he then paid three hundred and twenty six dollars, said fraction being the N. W. qr. of section 16 in fractional township No. 1, south Range No. 1, west, which said lot of land has been recovered by John Hildebrand, an Indian Reserver in the circuit court of Knox county: Now for remedy thereof—

*Treasurer of E.
Then, to pay over
money.*
Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Treasurer of East Tennessee to pay over to Elizabeth Young the administratrix of William Young, the said sum of three hundred and twenty six dollars with legal interest thereon, from the 10th day of November 1820 until paid, and her receipt shall be a sufficient voucher for him in the settlement of his accounts for that amount; Provided, however, that it shall appear from the books of said Treasurer, that no payment has ever been made for said sum or any part thereof, to the said William Young or any

person claiming through or under him for said lot or fraction of land; Provided, that one or more of the legal heirs of the said William Young, now of age before the payment of said money, shall execute for him or themselves a release and transfer to the State of all interest or claim that they may have acquired by the purchase from the State of the said fractional section together with all other interest which they have in any other way acquired, with a guarantee against the claim of the said heirs of said Young and all other persons to said section of land.

From what fund.
Sec. 2. *Be it enacted*, That the payment provided in the first section of this act, be made by the said Treasurer out of any monies that are or may be in his hands, collected from the purchasers of lands in the Hiwassee District—out of any other monies in the Treasury not otherwise appropriated.

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

October 4, 1831.

CHAPTER III.

AN ACT for the benefit of Aaron Higenbotham.

Be it enacted by the General Assembly of the State of Tennessee, That Aaron Higenbotham his heirs and assigns, shall have the benefit of an act authorizing him to open a turnpike road, passed October 25th 1821, for and during the time of twenty five years.

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

October 5, 1831.

CHAPTER IV.

AN ACT to amend an act passed on the 5th day of January 1830, entitled an act to authorize a tax to be laid in the county of Hawkins to build a court house.

Be it enacted by the General Assembly of the State of Tennessee, That so much of the aforesaid act, which authorizes the Sheriff of Hawkins county to pay the tax collected by him for building the court house mentioned in

said act, into the hands of the county Trustee; be and the same is hereby repealed; and the said Sheriff is hereby required to pay said tax when collected over to the commissioners of said court house.

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

September 28, 1831.

CHAPTER V.

AN ACT to authorize Rock Island William Martin to build a bridge across Collins's river in Warren county.

Authority granted.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Rock Island William Martin, be and he is hereby authorized to build a toll bridge across Collins's river in Warren county, at a place known as Reads old ferry, where the stage road leading from Sparta to M'Minnville crosses said river. That so soon as the said bridge is reported by the commissioners to be safe and well finished for passing thereon, it shall be the duty of the county court of Warren county to fix the rates of toll for said bridge.

Commissioners appointed.

SEC. 2. *Be it enacted,* That John Cain and William White shall act as commissioners of said bridge, and it shall be their duty to view and report the condition of said bridge to each and every county court for said county, who shall make such order thereon as they may see proper. They shall be entitled to receive from said proprietor fifty cents per day for their services; Provided, nevertheless that the said Martin shall not in any manner obstruct the present ford in said river so as to prevent its being forded at low water as heretofore.

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

October 3, 1831.

CHAPTER VI.

AN ACT to authorize the Entry Taker of Perry county to keep his office at his own house and for other purposes.

May keep his office at his own house.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Dickson, Entry Taker in and

for the county of Perry, be, and he is hereby authorized and empowered to keep his office at his own house in the county of Perry, any law, usage or custom to the contrary notwithstanding.

SEC. 2. *Be it enacted,* That Daniel S. Lavender Register in and for the county of Morgan, be and he is hereby authorized to keep his office at his own house in the county of Morgan.

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

October 3, 1831.

CHAPTER VII.

AN ACT to change the time of holding the regimental muster in the 76th regiment of Tennessee Militia.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the regimental musters for the 76th regiment of Tennessee Militia, shall hereafter be held on the first Saturday in October in each and every year.

When holden.

SEC. 2. *Be it enacted,* That so much of the militia law of this State as directs the holding of a regimental muster for the 76th regiment of Tennessee Militia on the first Saturday in September, be and the same is hereby repealed.

Repealing clause.

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

October 6, 1831.

CHAPTER VIII.

AN ACT to repeal the fourth section of an act passed the first day of January 1830, entitled "an act to amend an act passed the fourteenth of October 1824, entitled an act for the benefit of the Bean's Station Turnpike Road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the fourth section of the above recited act be, and the same is hereby repealed.

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

October 10, 1831.

CHAPTER IX.

AN ACT to authorize Jeremiah Johnson to build a wing mill dam on French Broad river.

Authority granted.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jeremiah Johnson of Knox county, be and he is hereby authorized to build a wing mill dam on the French Broad river, so as not to obstruct the navigation of said river.

May be removed if it obstructs navigation.

Sec. 2. *Be it enacted*, That should the said Johnson in building the said wing dam, obstruct the navigation of said river on representation to the county court of Knox county, it shall be the duty of said court to order said dam to be removed or destroyed, and should said Johnson fail to remove or destroy said dam, said court shall have power to remove said dam and tax said Johnson with the costs thereof.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 10, 1831.

CHAPTER X.

AN ACT to amend an act entitled an act to authorize a separate battalion muster in the 4th regiment of Tennessee Militia, passed October 23d 1829.

When holden.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the commissioned officers residing in the bounds of the battalion on the south side of Holston river in the 4th regiment of Tennessee Militia, shall hold a court martial on the third Thursday in June in each and every year, at the place of holding the battalion muster, and it shall be the duty of the Majors commanding said battalion to preside at said court martial, and in case of failure the Senior captain present shall preside.

Judge Advocate.

Sec. 2. *Be it enacted*, That it shall be the duty of the Judge Advocate of the 4th regiment to attend said court martial, in which he shall receive the same compensation as for attending other courts martial in this State.

Terms for same.

Sec. 3. *Be it enacted*, That the said court martial shall be conducted in the same rules, regulations and restrictions of other courts martial in this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 10, 1831.

CHAPTER XI.

AN ACT to inclose the milk sick hills in White county.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of White county shall at their first session after the first day of January next, appoint a jury of review consisting of five, to review the milk sick flats and hills near John W. Simpson's mill in said county, and shall appoint two or more overseers to inclose the said milk sick grounds under a good fence, and assign to said overseers a list of hands to work on the same, under the same rules that hands work on roads.

Duty of the county court of White county.

Sec. 2. *Be it enacted*, That the said overseers and hands shall be exempted from musters and working on any roads, and shall proceed to enclose said grounds in a reasonable time.

Privileges of overseers & hands.

Sec. 3. *Be it enacted*, That if any person shall pull down or otherwise destroy said fence, that cattle shall thereby get into said inclosure such person shall be subject to be indicted and fined as in cases of misdemeanor in said county court of White.

Destruction of the inclosure is indictable.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 11, 1831.

CHAPTER XII.

AN ACT to compensate James A. Whiteside, for superintending the printing and publication of Haywood & Cpbbs' revision.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of West Tennessee, pay to James A. Whiteside the sum of three hundred and seventy five dollars as compensation for services by him performed in preparing for publication Haywood & Cpbbs' revision, and for superintending the printing and publication whose receipt shall be a good voucher in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

October 13, 1831.

CHAPTER XIII.

AN ACT to establish the Montgomery Rangers.

Be it enacted by the General Assembly of the State of Tennessee, That the company of Cavalry in Montgomery county now commanded by captain John Laughran, be considered and is hereby made an independent and volunteer company or troop to be nominated and called the Montgomery Rangers. That said company shall have and possess power to make bylaws to govern said company, to assess and collect fines for violations of their said laws—to appoint and fix their uniform, their times and place of muster, to receive new members or recruits, who when received and enrolled in said company or troop a certificate thereof from the captain of said company of Montgomery Rangers shall be to such member or recruit sufficient evidence and authority to have himself excused from duty or fine for not mustering in any company other than said company of Montgomery Rangers.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 15, 1831.

CHAPTER XIV.

AN ACT to authorize the appointment of a jury to attend the next county court of Jackson county.

Be it enacted by the General Assembly of the State of Tennessee, That William Locke, William Gilbreath and John M'Arver Esquires, three of the acting Justices of the Peace in and for the county of Jackson, shall be and they are hereby authorized to designate and appoint a jury to serve at the next term of said county court of Jackson; in consequence of a failure on the part of said county court of Jackson at the last term of said court to designate a jury; and the Sheriff shall summon the jury so by said Justices to be designated in the same manner as in other cases—which shall be as effectual as though said jury had been appointed by the court.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 15, 1831.

CHAPTER XV.

AN ACT for the benefit of the Register of Maury county.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for William K. Hill, Register of Maury county, to keep the said office of Register for said county, upon his own lot adjoining the town of Columbia in said county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 15, 1831.

CHAPTER XVI.

AN ACT to incorporate Trenton Female Academy in the county of Gibson.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Moses Woodfin, John A. Talliaferro, John P. Thomas, H. S. Dickason, Hugh D. Neilson and Thomas J. Caruthers of the county of Gibson, be and they are hereby constituted a body politic and corporate by the name of the Trenton Female Academy, and by the same shall have succession and a common seal, and the said Trustees and their successors by the name aforesaid, shall be capable in law or otherwise to purchase, receive and hold to themselves and their successors any lands, tenements, goods or chattels not exceeding thirty thousand dollars, which shall be given, granted or devised to them or purchased by them, for the use and benefit of said Academy, and to appropriate use and dispose of the same in such manner as to them may seem fit and proper for the use and benefit of said Academy, and the said Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this State or elsewhere.

Trustees appointed, — their power and authority.

Sec. 2. Be it enacted, That said Trustees and their successors, shall have power to hold such meetings at such times and places as may be agreed upon from time to time, by a majority of the Board of Trustees aforesaid, to appoint a President, Secretary and Treasurer of said Board, and fill all vacancies that may happen by death, resignation or otherwise, not less than three members shall constitute a quorum to transact business relating to the management interest or government of said institution.

To hold meetings and fill vacancies.

May make by-
laws, regulations
&c.

SEC. 3. *Be it enacted*, That said Board of Trustees together with their Secretary and Treasurer, shall have power to make such by-laws, rules and regulations relating to said Academy and the government thereof, and their own proceedings as a majority of said Board may deem right and proper; Provided, they are not inconsistent with the constitution and laws of the United States and the State of Tennessee.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

October 17, 1831.

Speaker of the Senate.

CHAPTER XVII.

AN ACT to incorporate the town of Lefrange in the county of Fayette.

Commissioners
appointed to lay
off the Town.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel B. Harper, James Titus, Nathaniel Atkerson, Hugh N. Moss and James N. Smith or a majority of them, are hereby appointed commissioners to lay off and mark the limits of the town of Lefrange, and shall make out a plan and plat of the same, a certified copy of which they shall deposit in the clerk's office of the county court of Fayette county; and all lanes, alleys and public grounds designated as such on said plan, shall inure to and remain for the use of said town. And said commissioners, or a majority of them shall hold an election for five Aldermen for said town after giving twenty days notice in four public places in and about said town of the time and place of holding said election, and all persons holding real property in said town shall be eligible to the office of Alderman, and have the privilege of voting and none others. That said Aldermen so elected, shall meet as soon thereafter as convenient, and shall take an oath before some Justice of the Peace, well and truly to demean themselves as Aldermen of said town, and to perform all the duties herein prescribed and may be required of them by the by-laws of said corporation to the best of their skill and ability, and said Aldermen shall elect one of their body to act as Mayor; and said Mayor and Aldermen so organized and qualified shall compose a body politic and corporate and have perpetual succession by the name and style of the Mayor and Aldermen of the town of Lefrange—and by that name may sue and be sued, plead and be impleaded and may have and use a common seal, and are empow-

ed to pass by-laws and regulations for the government of said town not inconsistent with the constitution and laws of the State and of the United States, and to lay and collect taxes; Provided no person shall be taxed not herein authorized to vote for officers of said town.

Mayor and Aldermen

SEC. 2. *Be it enacted*, That the first Mayor and Aldermen for said town elected as prescribed by this act, shall hold their offices for one year after qualifying as such—and afterwards shall be elected at such time and for such terms as the by-laws of said corporation shall prescribe.

Election of Mayor and Aldermen

SEC. 3. *Be it enacted*, That said Mayor and Aldermen shall appoint a clerk or recorder, who shall reduce to writing and keep a record of all the proceedings of said Mayor and Aldermen.

Clerk and Recorder

SEC. 4. *Be it enacted*, That a constable shall be appointed for said town in the same manner prescribed by an act passed in the year 1829, chapter 87, entitled "an act to amend the laws now in force incorporating the town of Jackson in the county of Madison." And such constable when so appointed and qualified shall possess all the power given to the constable for said town of Jackson by said act.

Town constable

SEC. 5. *Be it enacted*, That this act shall be in force from and after the passage thereof—and that an act passed December 1st 1829, chapter 97, entitled "an act to incorporate the town of Lefrange and for other purposes" be and the same is hereby repealed.

Repealing clause

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

October 17, 1831.

Speaker of the Senate.

CHAPTER XVIII.

AN ACT to extend the limits of the town of Jackson in the county of Madison.

Be it enacted by the General Assembly of the State of Tennessee, That the limits of the corporation of the town of Jackson, be and the same are hereby extended as follows: Beginning at the north west corner of the present corporate limits of said town, running thence north twenty poles, thence east to the east boundary of Joseph H. Talbot's lot, thence south with said boundary of Talbot to the present north boundary of said corporation.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

October 19, 1831.

Speaker of the Senate.

CHAPTER XIX.

AN ACT to compensate Frederick S. Heiskell for extra printing done on Haywood & Cobbs' Digest.

Compensation.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Frederick S. Haskell be allowed the sum of one thousand dollars in full compensation for extra printing and binding done on Haywood & Cobbs' digest, in obedience to a resolution of the General Assembly adopted at the session of 1829.

To be paid by Treasurer.
 Sec. 2. *Be it enacted,* That the Treasurer of East Tennessee, pay the aforesaid sum of one thousand dollars to the said Frederick S. Heiskell out of any money in the Treasury not otherwise appropriated.

F. W. HULING,
Speaker of the House of Representatives.
 BURCHET DOUGLASS,
Speaker of the Senate.
 October 12, 1831.

CHAPTER XX.

AN ACT for the benefit of William McCoy.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Campbell county, a majority of the Justices being present, are hereby authorized to make an allowance of \$23 86 1/2 to William McCoy, moneys expended by him on behalf of the Government, in the prosecution of three suits against overseers of the public roads in the said county of Campbell; Provided however, should said court at any session before the passage of this act, have made said allowance, the same is hereby confirmed and made good and effectual.

F. W. HULING,
Speaker of the House of Representatives.
 BURCHET DOUGLASS,
Speaker of the Senate.
 October 19, 1831.

CHAPTER XXI.

AN ACT to authorize the Sheriffs of Lincoln and Rhea counties to appoint three deputies.

Be it enacted by the General Assembly of the State of Tennessee, That the Sheriff of Lincoln county and the Sher-

riff of Rhea county, be and they are hereby authorized and empowered to appoint three deputy Sheriffs, who shall be subject to the same rules, laws, regulations and restrictions that deputy Sheriffs are now by law subject.

F. W. HULING,
Speaker of the House of Representatives.
 BURCHET DOUGLASS,
Speaker of the Senate.
 October 19, 1831.

CHAPTER XXII.

AN ACT to incorporate the town of Denmark in the county of Madison.

Town incorporated.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Denmark in Madison county, is hereby declared to be incorporated and to have and possess all corporate privileges and capacities necessary for the government and police of said town; Provided, that in the passage of any by-laws, rules and regulations they shall not do any act or thing inconsistent with the laws and constitution of the State of Tennessee or of the United States.

Boundaries.
 Sec. 2. *Be it enacted,* That the boundaries of said town shall be the same as heretofore laid out by David Jarrett and others.

Election of commissioners.
 Sec. 3. *Be it enacted,* That it shall be the duty of the Sheriff of Madison county by himself or deputy to open and hold and election for the purpose of electing seven commissioners residing within said corporation for said town of Denmark on the third Saturday in December annually, who shall be eligible for the term of one year, and shall elect one of their own body a chairman, and also to elect a Clerk and Treasurer for said board which said Treasurer shall give bond and security in the penal sum of five hundred dollars, for the faithful performance of the duties of his office.

Filling of vacancies.
 Sec. 4. *Be it enacted,* That the commissioners heresaid, shall have power to fill vacancies in said board by death, resignation or otherwise.

Jurisdiction.
 Sec. 5. *Be it enacted,* That the chairman of said board or any Justice of the Peace for Madison county, shall have jurisdiction and issue warrants for all fines, penalties, forfeitures, &c. of said town and hear and determine all cases brought before them for infractions of its by-laws or ordinances.

Repealing clause.
 Sec. 6. *Be it enacted,* That all laws heretofore passed in relation to the incorporation of said town of Denmark,

be and the same are hereby repealed;—Provided said corporation shall from time to time be subject to all laws passed by the General Assembly for the government of its concerns.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 19, 1831.

CHAPTER XXIII.

AN ACT for the benefit of the widow and heirs of James Blair deceased.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee, be and he hereby is authorized and directed to pay over and refund to the executors of the estate of James Blair deceased, the full amount of money paid into said Treasury by the said decedent or his legal representatives, for and on account of the purchase of the south east quarter of section thirteen, fractional township one, and range second east of the meridian, the north east fractional quarter of section thirteen, first fractional township one, and range second east, and also of the north west quarter of section thirteen, fractional township one, and range second, east of the meridian with the legal interest accruing thereon, from the time said money was paid into the Treasury, and also the interest paid by said Blair, on account of such purchase up to the year 1826.

SEC. 2. *Be it enacted,* That it shall be the duty of the Treasurer aforesaid, to pay to the executors of the estate of James Blair deceased aforesaid, the further sum of sixty dollars for lawyers fees by them paid in making their defence; and also the sum of two hundred and fifty five dollars and sixty one cents, the amount paid by them for costs of suit in making said defence in the several courts above mentioned, which shall be paid by said Treasurer out of any monies in the Treasury not otherwise appropriated.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 20, 1831.

CHAPTER XXIV.

AN ACT to amend an act entitled "an act to authorize John Brown to keep up and open a turnpike road" passed January 9th 1830.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Robert Burke Jr. be, and he hereby is constituted the proprietor of the turnpike road authorized to be opened and kept up by John Brown by the above recited act, he, the said Burke having purchased the interest of said Brown in said road, and having since opened and put the same in the repair required in said act; and said road shall hereafter be known by Burke's turnpike road, and shall commence at the present residence of the said Robert Burke Jr. called the Crab Orchard and extend to the town of Sparta in White county; and the said Burke is authorized to straighten or alter the route of said road between the above named points in any manner he may think proper, so as to shorten the distance and place it on better ground, so that he does not turn the same so as to leave the town of Sparta.

Robert Burke
constituted proprietor.

SEC. 2. *Be it enacted,* That said Robert Burke Jr. may continue his toll gate now erected on said road, and if he chooses, may remove the same to any point on said road; and from and after the passage of this act, shall be entitled to receive the following rates of toll, to wit: for each four wheeled carriage of burthen with its driver, if drawn by six or more horses, mules or oxen, one dollar, if drawn by five horses, mules or oxen, eighty seven and a half cents, if drawn by four, seventy five cents, if drawn by three, sixty two and a half cents, if drawn by two, fifty six and a fourth cents, and if drawn by one, fifty cents; for each two wheeled carriage of burthen with its driver, if drawn by two or more horses, mules or oxen, fifty cents, if by two, thirty seven and a half cents, and if by one, twenty five cents; for the United States mail stage, twenty five cents; for each four wheeled carriage of pleasure with its passengers and driver, if drawn by four horses or mules, one dollar; if drawn by three, seventy five cents, if by two, fifty cents, if by one, thirty seven and a half cents; for each two wheeled pleasure carriage with its passengers and driver, if drawn by two horses or mules, fifty cents, and if by one, thirty seven and a half cents; for each man and horse, twelve and a half cents; for each led or loose horse, mule or jack, not in a drove, six and a fourth cents, if in a drove, three cents; for each head of cattle, two cents; and for each head of hogs or sheep, one cent;—*Provided,* that no fami-

Rates of toll.

Money to be refunded to.

Further sum refunded.

ly moving with not more than three horses, mules or oxen, or with a two wheeled carriage of burthen drawn by not more than two horses, mules or oxen, or any person travelling with one horse or mule only, shall not be delayed at said gate, if the head of such family or other person having the care thereof, or such traveller will make oath that he or she is without money and unable to pay the toll, which oath the keeper of the gate is hereby empowered to administer; and provided further, that no toll shall be demanded of any person going to, or returning from, fairs, musters, elections, blacksmiths' shop, preaching or the courts of the county in which said gate is situated.

Penalty for not paying toll.
 SEC. 3. *Be it enacted*, That if any person shall forcibly or secretly pass said gate, or go around the same with a view to avoid paying the toll, such person or persons shall forfeit and pay to the said Robert Burke Jr. the sum of twenty five dollars, to be recovered by warrant before any Justice of the Peace in this State.

Gate keeper.
 SEC. 4. *Be it enacted*, That the said Robert Burke may appoint a gate keeper, who shall take and subscribe before some Justice of the Peace the following oath: "I, A. B. do solemnly swear that I will faithfully and honestly collect the toll authorized by law to be received at Burke's turnpike gate, and that I will truly account for, and pay over to the said Burke all monies by me received for tolls at said gate during the time I keep the same."

Commissioners appointed,—their duty.
 SEC. 5. *Be it enacted*, That William Simpson and Geo. W. Dawson, are hereby appointed commissioners of said road, whose duty it shall be to pass over and honestly view and examine said road in every six months or oftener, and if they should at any time find the said road out of repair, it shall be the duty of said commissioners to open, and keep open the said turnpike gate until said road shall be put in the repair required by this act; and no toll shall be demanded or received by the gate keeper during the time said gate is ordered to be kept open by the said commissioners, under the penalty of twenty five dollars, to the use of the person from whom such toll is wrongfully received, to be recovered by warrant before any Justice of the Peace in this State.

Commissioners to take an oath—their compensation.
 SEC. 6. *Be it enacted*, That before the commissioners herein appointed; or any others that may hereafter be appointed for said road, shall enter upon the discharge of their duties as such, they shall severally before some Justice of the Peace, take and subscribe the following oath: "I, ——— do solemnly swear that I will without favour or affection, prejudice or partiality, honestly discharge the duties required of me by law, as a commissioner to Burke's turnpike road, to the best of my skill

and understanding during my continuance in office. So help me God." And if one of the commissioners that now are, or hereafter may be appointed on said road, should die, remove, resign or refuse to act, the other shall have full power to act and to discharge all the duties herein required of the commissioners until another shall be appointed; and said commissioners shall be entitled to demand and receive from the proprietor of said road, the sum of two dollars and fifty cents for each day they are necessarily engaged in the discharge of the duties hereby required of them respectively.

SEC. 7. *Be it enacted*, That the said Robert Burke Jr. shall have and enjoy a title to the turnpike road herein granted, for and during the term of thirty years; Provided, the said Burke shall keep the said road up and in the repair required by the provisions of the act above recited, authorizing John Brown to open and keep up a turnpike road, passed the 9th of January 1836.

Penalty for injuring the road.
 SEC. 8. *Be it enacted*, That if any person or persons shall willfully and maliciously destroy, remove or otherwise injure the materials for construction or repairs of said road, such offender or offenders shall forfeit to the proprietor of said road the sum of five dollars for every such offence, to be recovered by warrant before any Justice of the Peace, and the offender or offenders shall moreover be liable to an action for damages.

Repealing clause.
 SEC. 9. *Be it enacted*, That so much of the above recited act authorizing John Brown to open and keep up a turnpike road, as comes within the purview of this act, be and the same is hereby repealed.

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

October 21, 1836

CHAPTER XXV.

AN ACT authorizing the Governor of the State of Tennessee to appoint an agent to bring to a close the business of the late Mason Lee of South Carolina, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Governor be and he is hereby authorized and required to appoint an agent in behalf of the State to go on to South Carolina and wind up the business between the State of Tennessee and the estate of Mason Lee deceased.

SEC. 2. *Be it enacted*, That the Treasurer of West

Title granted for thirty years.

Penalty for injuring the road.

Repealing clause.

Governor to appoint agent.

Agent's compensation.

Tennessee be authorized and required to pay to the order of the Governor, the sum of two hundred and fifty dollars for the use of said agent.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 24, 1831.

CHAPTER XXVI.

AN ACT for the benefit of the people living on Cumberland Mountain in Warren county.

Be it enacted by the General Assembly of the State of Tennessee, That the people residing upon Cumberland Mountain in Warren county, shall be and they are hereby exempted from all musters or military duty unless called upon in actual service.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 25, 1831.

CHAPTER XXVII.

AN ACT for the relief of Elizabeth Casey, a widow of Rhea county.

Be it enacted by the General Assembly of the State of Tennessee, That the minor heirs and legal representatives of James Casey dec'd. of Rhea county, be and they are hereby released from the payment of the balance of the sum yet due and owing to the State on the south east quarter of section eleven, fractional township third, range fourth west of the meridian in the Hiwassee District, and that the Register of the Hiwassee District, shall issue to said legal heirs and representatives of the said James Casey deceased, a grant for the aforesaid quarter section of land as in other cases, in which the widow of the said decedent shall be entitled to her dower.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 25, 1831.

CHAPTER XXVIII.

AN ACT for the benefit of Carrick W. Nelson of Carter county.

Be it enacted by the General Assembly of the State of Tennessee, That the clerk of the court of Carter county, refund to Carrick W. Nelson forty four dollars and twenty three cents, it being the residue of the sum paid said clerk on the 16th day of November 1830, for license to sell merchandize in said county for one year, of which time he used six weeks only; Provided, the clerk has not paid over the money to the Treasurer, and in that case the Treasurer is hereby required to pay the said Carrick W. Nelson, and his receipt shall be a good voucher in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 26, 1831.

CHAPTER XXIX.

AN ACT to amend an act passed the 13th January 1830, entitled "an act to prescribe the manner of holding elections to elect members of the General Assembly, members of Congress and electors to elect the President and Vice President of the United States in the county of Knox."

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the third section of the above recited act which authorizes persons in Knox county to vote in a different company than the one in which they may reside, be, and the same is hereby repealed.

Repealing clause.

SEC. 2. *Be it enacted,* That hereafter in all elections for Governor, members of the General Assembly, members of Congress and elections to elect electors to vote for President and Vice President of the United States, that the persons entitled to vote in said elections living in the bounds of Knox county, may vote at the precinct in the captain's company in which they reside and at no other place whatever, nor shall the judges or inspectors appointed to receive the votes in the respective companies in Knox county, receive any vote from any person residing out of the limits of the company in which they may be inspectors unless the person offering to vote should be a freeholder in said county of Knox, and shall take an oath that he has not voted, and that he will not vote at that election for the same persons he there offers to vote for at any other place.

Place of voting.

Persons to vote
at Knoxville.

SEC. 3. *Be it enacted*, That the persons living in the following bounds, to wit: beginning at the mouth of First creek at Knoxville, thence down the river to the mouth of Second creek, then up said creek to the place that the road leading to Clinton crosses the same, then a direct line to the bridge across First creek immediately above Kennedy's upper mill, then down First creek to the beginning, shall be allowed to vote at the court house in Knoxville, and at no other place whatever.

Where there is
no Justice of the
Peace to hold
elections.

SEC. 4. *Be it enacted*, That if from any cause there shall not be a magistrate to hold the election in any company in said county, that the Sheriff is hereby authorized to procure a Justice of the Peace from some other company in the county, (who shall be allowed to vote at the precinct where he may hold the election) who shall proceed to hold the election as directed in the act which this is intended to amend; and if a Justice of the Peace cannot be procured, then the Sheriff shall have power to appoint any freeholder living in the bounds of the company, and he is hereby authorized to administer the following oath: "You do solemnly swear (or affirm as the case may be) that you will honestly and impartially demean yourself in holding the election in captain — company according to law—So help you God."—And such election so held by any freeholder shall be as valid as if the same had been held by a Justice of the Peace.

Time of opening
and closing
the polls.

SEC. 5. *Be it enacted*, That said elections shall be opened at ten o'clock A. M. and close at four o'clock P. M. as near as may be on the first day of said elections, and opened at ten o'clock A. M. and closed at two o'clock P. M. as near as may be on the second day of said elections.

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

October 26, 1831.

CHAPTER XXX.

AN ACT for the relief of Montgomery Irvine jailor of Sullivan county.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be and he is hereby directed to pay to Montgomery Irvine, Jailor of Sullivan county, the sum of forty eight dollars twelve and one half cents, out of any money in the Treasury not otherwise appropriated, for boarding James Ha-

vion in the prison of said county, and said Irvine's receipt shall be a good voucher to said Treasurer on the settlement of his accounts.

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

October 26, 1831.

CHAPTER XXXI.

AN ACT for the relief of Peter Chilcutt and Augustus H. White.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter Chilcutt and Augustus H. White, be, and they are hereby released from the payment of a judgment of five hundred dollars, which was taken against them as the securities in an appearance bond of D. St. Leger in the circuit court of Bedford county, at the — term of said court in the year — which said case was brought up by writ of error to the Supreme court.

Relief granted.

SEC. 2. *Be it enacted*, That the aforesaid case shall be dismissed by the Supreme court, but the said Chilcutt and White shall pay the cost.

Case to be dismissed.

SEC. 3. *Be it enacted*, That a copy of this act filed with the clerk of the circuit court shall be a good voucher in the settlement of his accounts.

This act a good voucher.

SEC. 4. *Be it enacted*, That before the said Chilcutt or White be entitled to any of the benefits intended to be conferred by this act, they shall make oath before some Justice of the Peace of Rutherford or Bedford county, that they have not received any consideration whatever from the said St. Leger for their liability as aforesaid.

Oath prescribed.

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

October 27, 1831.

CHAPTER XXXII.

AN ACT to establish a new regiment in the county of Haywood, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a new regiment be, and the same is hereby

New Regiment laid out.

hereby established in that portion of the county of Haywood south of the Hatchee river.

Field officers to be elected.

SEC. 2. *Be it enacted*, That the qualified voters in said bounds shall be authorized to vote for the necessary field officers, as required by law for other regiments, at such time and place or places, as the Brigadier General of the 14th brigade may direct by his writ of election to be issued therefor.

Places of holding musters.

SEC. 3. *Be it enacted*, That the said regiment shall hold its regular regimental musters at the house of Benjamin G. Alexander, and their battalion musters at such place as the majority of the officers may designate, and shall have and possess all the rights and privileges granted by law to all other regiments in this State, and shall hold their regimental musters on the third Saturday in October annually.

Additional regiment in Henderson county.

SEC. 4. *Be it enacted*, That an additional regiment heretofore established in Henderson county attached to the 13th brigade, and which has not been numbered, be known and distinguished as the ——— regiment, and that the officers heretofore elected, shall be commissioned as in other cases, upon the proper return being made to the Secretary of State of such election being held, and the names of the officers thus elected.

Regimental musters.

SEC. 5. *Be it enacted*, That the regimental musters in said regiment shall be held on the first Saturday in October annually.

Separate battalion in Knox county.

SEC. 6. *Be it enacted*, That there shall be established a separate battalion in the county of Knox, in that part of said county south of French Broad and Holston rivers and that there shall be elected a first major, who shall command said battalion with all the rights and duties pertaining to such station, and that said battalion be denominated the Holston and French Broad battalion.

When and where to hold musters.

SEC. 7. *Be it enacted*, That a writ of election issue as in other cases, for the election of a first major for said battalion, and said battalion shall hold battalion musters at a place to be selected by a majority of the officers thereof, and shall hold their first battalion muster on the third Saturday in April, and shall hold its second battalion muster on the third Saturday in October, and shall not be required to attend any regimental muster.

Rights and duties of officers of.

SEC. 8. *Be it enacted*, That the commissioned officers of said battalion are vested with all the rights and clothed with all the duties belonging to the officers of any battalion or regiment in this State; and the major shall report the strength and condition of his battalion to the commanding officer of the third brigade T. M.

SEC. 9. *Be it enacted*, That a separate brigade be and is hereby established, which shall be composed of the

counties of Fentress, Overton and Jackson, and shall be known as the 15th brigade of Tennessee Militia, that it shall be the duty of Major General of the second division to issue a writ of election for the purpose of electing a Brigadier General in said brigade—which election shall be held agreeable to the laws now in force on that subject.

SEC. 10. *Be it enacted*, That the counties of Franklin, Warren and White, shall constitute the 8th brigade, and that so much of this act as establishes the 15th brigade, shall take effect from and after 1st day of January next.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

October 31, 1831.

CHAPTER XXXIII.

AN ACT to appropriate certain money to the improvement of the navigation of Big Sandy River.

Whereas, the county court of Henry county laid a navigation tax on the land in said county, subject to pay a tax in the years 1825 and 1826, which tax was collected by the former Sheriffs of said county, and there being no person properly authorized to receive and appropriate the same, the said money now remains in the hands of said former Sheriffs.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John H. Warren, John L. Hagler, Lewis Heyer, Zachariah Wyatt and William E. Looney, be and they are hereby appointed commissioners to receive and appropriate the aforesaid money.

Commissioners appointed.

SEC. 2. *Be it enacted*, That the former Sheriffs of Henry county shall pay over to the aforesaid commissioners all the money collected by them in the years 1825 and 1826, as a navigation tax in the county of Henry.

Sheriffs to pay over money.

SEC. 3. *Be it enacted*, That the said commissioners shall enter into bond and security to the chairman of the county court of Henry county, and his successors in office in the penal sum of two thousand dollars, conditioned for the faithful appropriation of said money according to the provisions of this act.

Commissioners to enter into bond.

SEC. 4. *Be it enacted*, That said commissioners or a majority of them whenever they collect all or any part of the aforesaid money, they shall appropriate the same in clearing out the obstructions in Big Sandy River begin

How to appropriate the money

ning at the mouth of said river and ending at the mill.

Duty of said commissioners.

SEC. 5. *Be it enacted*, That it shall be the duty of the aforesaid commissioners to make a demand of former Sheriffs of Henry county, for all the money collected by them in the years 1825 and 1826, as a navigation tax, and if said former Sheriffs shall fail or refuse to pay over the same, the aforesaid commissioners shall on motion by giving ten days notice to said former Sheriffs or either of them take a judgment against said former Sheriffs and their securities for the amount collected by them, or either of them, in the circuit or county courts of Henry county, and it shall be the duty of said court to enter up judgment against them.

Judgment to be entered up against former sheriffs in certain cases.

SEC. 6. *Be it enacted*, That the tax list and the return thereon shall be sufficient evidence to authorize the court to enter up said judgment against said former Sheriffs and if said Sheriffs have made no return, and the tax list shewing the amount of navigation tax collected, he or they and their securities shall be liable for the full amount set out on said tax list; Provided that said Sheriffs or either of them shall have the liberty of amending their return so as to shew the amount collected.

Commissioners to make a report.

SEC. 7. *Be it enacted*, That the said commissioners shall make a report to the county court of Henry county how they have appropriated said money as soon as the same has been appropriated.

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

October 25, 1831.

CHAPTER XXXIV.

AN ACT to amend an act entitled "an act to authorize William Reynolds of the county of Greene to open and establish a turnpike road across Paint Mountain," passed Dec. 6, 1825.

Authority granted to change the road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the proprietors be authorized to alter and change the said turnpike road by opening a new one, leaving the present road on the top of Paint Mountain, running thence by or near Lewis Ball's, leading up the valley to intersect the old Warrensburg road, again at some point near the place where Thomas Reynolds now lives—which shall when opened be considered a part of the aforesaid road, to be opened in the same manner kept in the same repair, subject to the inspection

and examination of the same commissioners, entitled to the same toll and compensation, and in all respects be governed by the same rules and regulations, which govern the aforesaid road granted to William Reynolds by an act of the General Assembly passed in the year 1825 chapter 334.

SEC. 2. *Be it enacted*, That so soon as the proprietors of said road may have completed the change hereby allowed in the manner directed they may notify the commissioners, or any two of them, whose duty it shall be to proceed immediately to the examination and inspection of the same, and if they find it in the repair and condition contemplated by this act, they shall receive the same, and authorize toll to be received thereon, as on the former road, from which time the old road from the place where the new one leaves it to the place at which it intersects it again, shall be annulled, and shall not be required to be kept open by said proprietors.

Commissioners to be notified,—their duty.

SEC. 3. *Be it enacted*, That Lewis Ball and William Houston, are hereby made joint proprietors of said turnpike road with William Reynolds, who shall in all respects be entitled to the same rights and privileges, and subject to the same liabilities respecting said road as the said Reynolds is entitled or subject to—and that the said proprietors in consideration of the alteration before directed, shall have the charter of said road extended to them for the term of ten years, from and after the expiration of the present charter.

Lewis Ball and William Houston joint proprietors.

SEC. 4. *Be it enacted*, That it shall not be lawful for any person to cut or open any road out of or into the said Warrensburg turnpike road or within one mile thereof, so as to injure the same without the consent of the proprietors, under the penalty of fifty dollars for every such offence, to be recovered by said proprietors by action of debt before any tribunal having jurisdiction thereof.

No interfering roads.

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

November 1, 1831.

CHAPTER XXXV.

AN ACT for the benefit of Daniel D. Foute of Blount county.

Be it enacted by the General Assembly of the State of Tennessee, That Daniel D. Foute of Blount county, who is authorized to open a turnpike road from six miles in Blount county to intersect the turnpike road of Callaway

and Parsons up Tennessee river, be and he hereby is authorized to erect, put up and keep two gates at such place on said road as he may think proper; Provided, that he shall only be allowed the one half of the toll at each gate which now allowed by law; Provided, that the right of ordering either of said gates to be opened or thrown down, should it be deemed expedient, is hereby expressly reserved to the General Assembly of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 7, 1831.

CHAPTER XXXVI.

AN ACT for the relief of Sally Martin and Martha M'Iroy.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter Sally Martin of Monroe county, wife of Joseph J. Martin, be and she is hereby authorize to purchase, to have and to hold in her own name any property, real, personal or mixed, and in her own name to sue and be sued, to plead and be impleaded, to contract and be contracted with, and in all respects to act as a *feme sole* except intermarrying during the lifetime of her said husband with another man; and all property which she may hereafter require by descent, gift, purchase or otherwise, shall not be liable in any manner whatever to the payment of any of the debts of her said husband, nor subject hereafter to his contracts or controul.

Allowed the privileges of a *feme sole*.

SEC. 2. *Be it enacted*, That Martha M'Iroy of White county, shall be entitled to the same privileges that are allowed to the said Sally Martin by the first section of this act.

Martha M'Iroy.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 7, 1831.

CHAPTER XXXVII.

AN ACT for the relief of the heirs of James Taylor Sen'r. late of Columbia, South Carolina.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Surveyor General of the 11th

Surveyor's district shall lay down on the general plan in his office, Grant No. 390, dated the 27th day of November 1793, issued by the State of North Carolina to David and Alexander Greer, for five thousand acres, beginning twelve miles east of the mouth of Big Hatchie river, and run and mark the same according to the corners and distances called for in said grant; and should said grant when so surveyed and run out interfere with any other entry or entries, grant or or grants, the said Surveyor General shall make out plats and certificates of such interferences upon which the Secretary of State shall issue a certificate warrant for each of said interferences to the heirs of the said James Taylor Sen'r. which may be located upon any vacant and unappropriated land south and west of the Congressional line, except upon a bona fide occupant claim, unless by the consent of such occupant given given in writing, and said warrant may be divided to suit occupants, and entries may be made thereon for the benefit of occupants in any quantity not less than twenty five nor more than two hundred acres to each occupant; and the whole of said warrant so divided for occupants, shall be appropriated in the same Surveyor's district; Provided, however, that said Grant No. 390, shall have originally been founded upon a good and valid warrant, and that no other grant has issued upon the same; and provided also, that the heirs of said Taylor shall file with the Secretary of State a legal conveyance or certified copies of the same, for said grant from the grantees to said James Taylor.

Relief granted
Duty of Surveyor
General of the
11th. Surveyor's
District.

SEC. 2. *Be it further enacted*, That said grant when so laid down and surveyed as herein directed, shall entitle the heirs of said Taylor to all the benefits and advantages as if the same had been laid down and processioned under the act of 1819, chapter 1st, except that of holding from other now existing entries or grants.

Effect of said
Grant so laid
down.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 14, 1831.

CHAPTER XXXVIII.

AN ACT to divorce Robert Baker from his wife Charlotte and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the bonds of matrimony heretofore entered into between Robert Baker of Carroll coun-

Divorced.

ty in this State, and his wife Charlotte, be and the same are hereby dissolved.

Son of the latter
not to inherit the
property of the
former.

SEC. 2. *Be it enacted*, That Zimri, son of said Charlotte although born after her marriage with said Robert Baker, be and he is hereby rendered incapable of holding property by descent as the heir at law, of said Robert Baker, either in law or equity, any law, usage or custom to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 16, 1831.

CHAPTER XXXIX.

AN ACT to incorporate the Trustees of the Brownsville Academy in the county of Haywood.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Hiram Bradford, David Hay, Herndon Harralson, Francis S. Coxe, Simon Turner, Blackman Coleman, Nicholas T. Perkins, Wm. H. Loving, Allen J. Barbee, Rev. James Smith, James B. Ferguson and James W. Strother, of the county of Haywood, be and they are hereby appointed and constituted a body politic and corporate, by the name and style of the "Trustees of the Brownsville Academy," and by that name may sue and be sued, plead and be impleaded—shall have succession for twenty years and a common seal; and in general shall have exercise and enjoy all such rights, powers and privileges as are usually possessed, exercised and enjoyed by the Trustees of any incorporated Academy, and may ask, demand, sue for and receive any monies granted by the act or acts of said State of Tennessee, in behalf of, or for the use of common schools, or incorporated Academies, and for the same grant proper acquittals or discharges by the signature of the President with the common seal attached.

Trustees appointed,—their powers & privileges.

SEC. 2. *Be it enacted*, That any five of said Trustees shall constitute a quorum for the transaction of business, and that upon the death or refusal to act, removal or resignation of any member, the vacancy may be filled by the county courts as in other Academies.

Five to constitute a quorum.

SEC. 3. *Be it enacted*, That the said Trustees (nine of the members concurring therein) shall have power to make sale of their present academy and its premises, and may purchase or receive, by donation, any other scite they may deem more proper for said institution, and shall be

May sell present academy.

governed by a constitution, rules and regulation of their own, not inconsistent with the laws and constitution of this State; Provided, said corporation shall be subject to all laws which may be passed by the General Assembly from time to time, to regulate and controul its concerns.

SEC. 4. *Be it enacted*, That E. P. Horne, Nathaniel Cartmell, Bennett Babb, John Powell and Matthew Horne, of the county of Wilson, be and they are hereby constituted a body politic and corporate by the name of the "Trustees of Mount Pleasant Academy, and who shall have the same succession, powers and privileges, and be subject to the same limitations and liabilities provided for in the act of incorporation for the Brownsville Academy in the county of Haywood.

Mount Pleasant
Academy incor-
porated.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 16, 1831.

CHAPTER XL.

AN ACT to authorize the Register of Carroll county to keep his office at his own house.

Be it enacted by the General Assembly of the State of Tennessee, That from and after the passage hereof, said Register be and he is hereby authorized to keep his office at his own house; Provided, that his residence does not at any time exceed one half mile from the court house in Huntingdon in said county of Carroll, any law, usage or custom, to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLI.

AN ACT for the relief of the personal representatives and legal heirs of John M'Ewen deceased late of Roane county, and of James M'Kamy deceased late of M'Minn county.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be and hereby is authorized to pay to the personal representatives and legal heirs of John M'Ewen deceased, and

James M'Kamy deceased, the sum of fifty dollars out of any moneys in his hands, which said sum was improperly paid, into the Treasury for a store license on a retail store kept in the town of Athens in the year 1827, under the firm of M'Ewen and M'Kamy.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLII.

AN ACT for the relief of the clerk of the Circuit court of Claiborne county, and for other purposes.

Relief granted: SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the judge of the first judicial circuit, be and he is hereby required to examine and certify a bill of costs which accrued in the circuit court of Claiborne county, where the State of Tennessee was plaintiff and Luke Matthews was defendant, on a charge for passing counterfeit money, determined in 1828, and upon such certificate as by the existing laws of this State the Treasurer of East Tennessee, is hereby directed and required to pay the same, any law or custom to the contrary notwithstanding.

John Hearn. SEC. 2. *Be it enacted,* That the Treasurer of Middle Tennessee, be, and is hereby directed and required to pay John Hearn fifteen dollars and ninety six cents the amount of his account including guard expenses for conveying Noah Outlaw, a prisoner, from Gallatin to Lebanon by order of Judge Williams.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLIII.

AN ACT to authorize Amos Marney to open and keep up a turnpike road.

Authority granted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Amos Marney, be, and he hereby is authorized to open and keep up a turnpike road commencing at the Kentucky State line, at or near the head

of the Little South Fork, and thence the nearest and best way so as to cross the clear fork of Cumberland river, at or near James Brusters, and thence so as to intersect Scott's turnpike road at or near Montgomery in the county of Morgan; which road shall be opened eighteen feet wide where the ground will admit clear of stumps and all other obstructions, and where required shall be causewayed in a substantial manner at least twelve feet wide, and good and sufficient bridges shall be built over all the streams that require it.

SEC. 2. *Be it enacted,* That said road shall be opened and put in complete order as is directed by this act, within two years from and after the passage thereof, and shall be at all times kept in good repair, and should said road be out of repair for six months together at any time, the proprietor shall forfeit all the benefits and privileges granted by this act, and his interest therein shall cease; and the commissioners hereinafter named shall certify that fact to the county court of Morgan county, and the certificate so made shall be ordered by said court, be entered on their records.

Road to be completed and opened in two years.

SEC. 3. *Be it enacted,* That when said road is completed in manner as is by this act contemplated, the proprietor, his heirs and assigns, are hereby empowered and authorized to erect a toll gate thereon at any point he may think best, and shall have and enjoy the interest hereby granted to said road for the term of twenty years, and may demand and receive the following rates of toll: For each four wheeled carriage of burthen with its driver, if drawn by four or more horses, mules or oxen, seventy five cents, if drawn by three, sixty two and a half cents, if drawn by two, fifty cents, and if drawn by one, thirty seven and a half cents; for each two wheeled carriage of burthen if drawn by four horses, mules or oxen, fifty cents, if by three, thirty seven and a half cents, and if by one, twenty five cents; for each four wheeled pleasure carriage with its driver and passengers if drawn by four horses or mules, one dollar, if by three, seventy five cents, if by two, fifty cents, and if by one, thirty seven and a half cents; for each two wheeled carriage of pleasure with its driver and passengers, if drawn by two horses or mules, thirty seven and a half cents, if by one, twenty five cents; for each single man and horse, twelve and a half cents; for each led or loose horse or mule not in a drove, six and a fourth cents, if in a drove, three cents; for each head of cattle, two cents, and for each head of hogs or sheep, one cent; *Provided,* that no moving family or travelling individual shall be delayed in their journey if the head of such family or such individual, will make oath that he or she, is without money and un-

Toll gate may be erected—rates of toll.

able to pay the said toll; and provided further, that no person going to or returning from mill, blacksmith shop, muster, court or preaching, shall be liable to pay toll.

SEC. 4. *Be it enacted*, That whenever said road is completed as contemplated by this act, it shall be received by the commissioners, whose duty it shall be to pass over and view said road at least once in three months, and if at any time it is found to be out of repair, the commissioners shall order the toll gate to be set open, and it shall be kept open until the road is put into good repair; and should the proprietor, his heirs or assigns, presume to collect or demand toll of any passenger while the gate aforesaid, is ordered to be kept open, he shall forfeit twenty five dollars to the individual off of whom toll has so been wrongfully collected, to be recovered before any Justice of the Peace in this State; and should any person or persons arbitrarily pass said gate or go around within one mile thereof for the purpose of evading the toll, such person or persons so offending shall forfeit to the proprietor, twenty five dollars to be collected before any Justice of the Peace.

SEC. 5. *Be it enacted*, That Timothy Carpenter and Benjamin Potter, are hereby appointed commissioners for said road, who shall be entitled to receive two dollars per day for each day that they are necessarily engaged in the examination of said road as is herein required of them.

SEC. 6. *Be it enacted*, That the proprietor or agent is hereby authorized and empowered to administer the oath to all such persons mentioned in the proviso to the third section of this act.

F. W. HULING,

Speaker of the House of Representatives.
BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLIV.

AN ACT to authorize the court of pleas and quarter sessions of Tipton county, to appropriate any surplus public money in the Treasury of said county for building a court house in the town of Covington.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of pleas and quarter sessions of Tipton county, a majority or nine of the Justices being present, be, and they are hereby authorized to appropriate any surplus public money in the Treasury of said county, for the purpose of building a court house in the town of Covington.

SEC. 2. *Be it enacted*, That the commissioners of the said town of Covington, who are by law authorized to erect public buildings for Tipton county, be, and they are hereby authorized, after an appropriation shall have been made as pointed out in the first section of this act, to draw upon the Trustee of said county of Tipton at such times, and for such sums of money as they shall have engaged to pay the undertaker for building the said court house, and their draft shall be a good voucher in the settlement of his accounts for the same.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLV.

AN ACT to incorporate the town of Troy in Obion county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Troy in the county of Obion, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the style and name of the Mayor and Aldermen of the town of Troy, and shall have perpetual succession, by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of the town, and use a town seal.

SEC. 2. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact and pass all by-laws and ordinances necessary and proper to preserve the health of the town, prevent and remove nuisances, and do all things necessary to be done by corporations; provided, none of the acts or ordinances shall be inconsistent with the laws and constitution of the United States or of this State.

SEC. 3. *Be it enacted*, That the sheriff of Obion county, shall hold an election for seven Aldermen in said town of Troy, on the first Saturday in March next, and on the same day in each and every year thereafter, and all persons owning a freehold in said town, and all persons residing in said town who are entitled to vote for members of the General Assembly, shall be qualified to vote for Mayor and Aldermen, and no person shall be eligible to the appointment of Mayor or Alderman, unless he be a freeholder of said town of Troy.

SEC. 4. *Be it enacted*, That the seven persons qualified

Commissioners of Covington to draw for the money.

Town incorporated.

Power and authority of the corporation.

Election of Mayor and Aldermen.

Commissioners to receive it when completed,--their duty.

Commissioners appointed.

Proprietor may administer certain oaths.

Authority granted.

Aldermen to elect
Mayors

as aforesaid, having the highest number of votes at any election as aforesaid, shall be taken to be duly elected, and the sheriff of said county of Obion shall within two days thereafter, and a majority being present, shall proceed to elect a Mayor from their own body for said corporation for the time the Aldermen were elected, and whenever any Mayor of said corporation shall die or remove from office, an election shall be held by said Aldermen in the manner aforesaid, to elect another person for the unexpired time, untill the next general election of Aldermen.

Fines and penalties—where recoverable.

SEC. 5. *Be it enacted*, That all fines, forfeitures and penalties imposed by the by-laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single magistrate, and if exceeding that sum, then to be recovered by action of debt in the county or circuit court of Obion county, in the name of said corporation and for the use of said town.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 18, 1831.

CHAPTER XLVI.

AN ACT for the benefit of Nancy M'Clannathan and Rebecca M'Intosh.

Nancy M'Clannathan.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act, Nancy M'Clannathan wife of Lewis M'Clannathan, may sue and be sued, plead and be impleaded, and that all the property she may acquire by purchase, gift or devise, shall not be liable to the debts, contracts, engagements or forfeitures of the said Lewis M'Clannathan, but shall enure to the said Nancy M'Clannathan and her heirs in the same manner as though she had never intermarried with the said Lewis.

Rebecca M'Intosh.

SEC. 2. *Be it enacted*, That Rebecca M'Intosh, wife of Nimrod N'Intosh of Hickman county, shall have the same privilege that is extended to Nancy M'Clannathan by this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 21, 1831.

CHAPTER XLVII.

AN ACT to establish a third battalion in the 82d regiment of the Militia of this State.

Be it enacted by the General Assembly of the State of Tennessee, That the commissioned officers of the eighty second regiment composed of the Militia of Weakley county in this State, at their next regimental court martial after the passage of this act, two thirds of said commissioned officers being present, be, and they are hereby authorized to lay off and establish a third battalion in said regiment, as a majority of said officers shall agree, any law, usage or custom to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 21, 1831.

CHAPTER XLVIII.

AN ACT to incorporate the inhabitants of the town of Randolph in the county of Tipton.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Randolph in the county of Tipton, and the inhabitants thereof, are hereby constituted a body politic and corporate by the name of the Mayor and Aldermen of the town of Randolph, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal property, or dispose of the same for the benefit of said town, and may have and use a town seal.

Incorporated.

SEC. 2. *Be it enacted*, That the corporation aforesaid, shall have full power and authority, to enact and pass such laws and ordinances necessary to preserve the health of the town, prevent and remove nuisances, to establish night watches or patrols, to ascertain when necessary the boundary and location of streets, lots and alleys, to establish new streets, lanes and alleys with the consent of the proprietors of the lots or houses adjoining such streets, lanes and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing, regulating or restraining theatrical or other public amusements within the town, to pave and keep in repair the streets, to pass all regulations necessary for the same, to establish necessary inspections within the

Power, authority and privilege.

town, to erect and regulate markets, to appoint a recorder and high constable, to provide for the licensing and regulating a fire company, the sweeping of chimneys by the neglect of which the town may be endangered, to establish and regulate fire wards and fire companies, to erect and regulate pumps on the public square, streets, lanes and alleys, or convey water from the vicinity into the town, to impose and appropriate fines, penalties and forfeitures for the breach of their by-laws or ordinances, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, to regulate and restrain tippling houses, and pass all laws and ordinances necessary to carry the intent and meaning of this act into effect; Provided, they are not incompatible with the constitution and laws of this State.

Of non-residents
of said town.

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

Recovery of fines
&c.

SEC. 4. *Be it enacted*, That all fines, penalties and forfeitures imposed by the by-laws and ordinances of said corporation, if not exceeding fifty dollars, shall be recovered before a single magistrate, and if exceeding that sum, then to be recovered by action of debt in the county court of Tipton, in the name of the corporation, and for the use of the town.

Election of Aldermen.

SEC. 5. *Be it enacted*, That the sheriff of Tipton county, shall hold an election within said corporation on the second Monday in December in each and every year, for the purpose of electing seven persons to serve as Aldermen of the corporation of said town of Randolph, for one year, commencing on the first of January next thereafter, and all persons owning a freehold within said town, and also all persons residing within said town, who would be qualified to vote for members of the General Assembly, shall be qualified to vote at said election for Aldermen, and no person shall be eligible to the appointment of Alderman unless he be a citizen and freeholder of said town of Randolph.

Election of Mayor—filling of vacancies &c.

SEC. 6. *Be it enacted*, That the seven persons qualified as aforesaid, having the highest number of votes, at any election held as aforesaid, shall be taken to be duly elected, and the sheriff of said county of Tipton, shall within two days thereafter certify the same to the recorder of the said corporation, who shall thereupon summon the said Aldermen to meet in said town on the Saturday next succeeding the day of their election, and the said Aldermen shall there meet as aforesaid, and any number

not less than five shall be a quorum, and they shall then proceed to elect by ballot one of their own members to be Mayor, and the person so elected shall accordingly be Mayor of said corporation for the same time for which the Aldermen were elected as aforesaid, and whenever any Mayor of said corporation shall die, remove out of said town, or resign, another election shall be made by the Aldermen in the manner aforesaid, of another person for the time then unexpired until the next general election of Aldermen, and whenever any Alderman shall die, remove or resign, such vacancy may be filled by the Mayor and Aldermen of said town at any regular meeting, and the person or persons by them appointed, shall serve until the next election.

SEC. 7. *Be it enacted*, That all laws and parts of laws heretofore made for the town of Randolph, be and the same are hereby repealed. Repealing clause

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

November 21, 1831.

CHAPTER XLIX.

AN ACT to authorize the Sheriff of Hardeman county to pay over certain money.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Sheriff of Hardeman county, be, and is hereby required to pay over all the moneys by him collected as taxes for the navigation of Hatchee river in said county, to West Harriss, Edmund D. Tarver and James Chisum, who are hereby appointed commissioners to receive the same and appropriate the same to the clearing out of said river; and that said commissioners enter into bond with security to the chairman of said county court in double the amount of said tax for their faithful performance. Commissioners to receive the money.

SEC. 2. *Be it enacted*, That if the Sheriff refuses to pay over the money as aforesaid, or produce a receipt for the same from some commissioner or commissioners heretofore appointed to receive the same, then it shall be the duty of said commissioners to collect by law the amount so retained by the aforesaid Sheriff; but if said Sheriff produces a receipt or receipts, for the amount so collected, or any part thereof, from any commissioner or commissioners heretofore appointed to receive the same, then and in that case, the aforesaid commissioners shall Duty of the commissioners.

take such receipts as money from said Sheriff, and receipt him for the same, and the aforesaid commissioners shall apply to such former commissioners for the amount of such receipt or receipts, and on refusal to pay over the same, the commissioners appointed by this act are authorized to sue for, and recover the same of said former commissioner or commissioners.

Their compensation.

SEC. 3. *Be it enacted*, That the commissioners appointed by this act, may retain one dollar each, for every day they may be engaged in the managing and appropriating the aforesaid money.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
November 28, 1831. Speaker of the Senate.

CHAPTER L.

AN ACT to establish a town in the county of Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Brown, James W. Taylor, Hannibal Harris, John W. Cook, George W. Terrell, Smith Palmer, Abner Potts, G. F. Clarke, Richard Clanswell, Julian Frazier and Jos. B. Dorlan, be and they are hereby authorized to lay off in town lots any number of acres of land not exceeding fifty, in the county of Henry, on a tract of land granted to Micajah Thomas, for the purpose of establishing a town to be called Naples.

To take deed of conveyance.

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

Manner and time of sale.

SEC. 3. *Be it enacted*, That as to the manner and time and regulations of the sale, it shall be at the discretion of said commissioners, and if one or more refuses to act, the balance shall be competent to do so.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
November 26, 1831. Speaker of the Senate.

CHAPTER LI.

AN ACT to authorize the Treasurer of East Tennessee to pay certain moneys.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee be and he is hereby authorized and required to pay William C. Mynatt attorney at law, twenty five dollars, for services rendered to the State in prosecuting a suit in equity against Thomas Chambers and James Smith, and the receipt of the said Mynatt shall be a sufficient voucher to the Treasurer in the settlement of his accounts.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
November 28, 1831. Speaker of the Senate.

CHAPTER LII.

AN ACT to alter the time of holding the county courts of Dyer and Obion counties, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the third section of an act entitled "an act to regulate the county courts of Dyer and Obion" passed the 13th day of January 1830, be and the same is hereby repealed.

Repealing clause.

SEC. 2. *Be it enacted*, That the county courts of Dyer county shall hereafter be holden on the second Mondays in March, June, September and December, and that the county courts of Obion county shall hereafter be holden on the first Mondays in January, April, July and October, and all process and proceedings returnable and to be had in said courts at a different time, shall then be returnable, and in all respects shall be deemed and held as good and valid as though no change had been made in said courts.

Time of holding county courts of Dyer and Obion.

SEC. 3. *Be it enacted*, That all proceedings had at the March term, one thousand eight hundred and thirty of Dyer county court, be and the same is hereby declared to be good and valid in all respects as though the word March had not been left out of the law heretofore appointing the time for holding said court.

Certain proceedings validated.

SEC. 4. *Be it enacted*, That this act shall be in force from and after its passage.

Act in force from passage.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
November 28, 1831. Speaker of the Senate.

CHAPTER LIII.

AN ACT to incorporate the Franklin Rail Road Company.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That all persons who shall become stockholders pursuant to this act shall be, and they are hereby constituted a body corporate by the name of the Franklin Rail Road Company.

Sec. 2. Be it enacted, That the said corporation be and they are hereby vested with the right to construct a single or double rail road between the towns of Franklin and Nashville, to transport, take or carry property and persons upon the same by the power and force of steam, of animals or of any mechanical or other power, or of any combination of them which the said corporation may choose to employ.

Sec. 3. Be it enacted, That if the said corporation shall not within three years from the passage of this act, commence, and within five years thereafter finish and put in operation the said rail road, then the said corporation shall from thenceforth and forever cease and this act be null and void.

Sec. 4. Be it enacted, That the capital stock of said corporation may be two hundred thousand dollars, and shall be divided into shares of fifty dollars each.

Sec. 5. Be it enacted, That Charles G. Olmstead, William B. McLellan, H. P. Bostick, John H. Eaton, Franklin L. Owen and James P. Maury of Franklin, and such person or persons, residing in Davidson county, as they may select, shall be commissioners to open books for receiving subscriptions to the capital stock of the said corporation. The said books shall be opened by one or more of the said commissioners, within six months after the passage of this act, at least at one of the said towns of Franklin and Nashville, and may be opened at such other place or places as the said commissioners shall deem expedient; seventy days notice shall be given by the said commissioners in one of the newspapers printed in each of the said towns, of the time and place of opening the said books, and as soon as a sufficient quantity of stock shall be subscribed, they shall give a like notice for a meeting of the stockholders to choose directors; at the time and place appointed, seven directors shall be elected by such of the stockholders as shall attend either in person or by lawful proxy; each share of capital stock entitling the owner to one vote. The said commissioners shall be inspectors of such election and shall certify what persons are elected directors and appoint the time and place of holding the first meeting of the directors—and by the

name of the President and Directors of the Franklin rail road company, may sue and be sued, plead and be impleaded, in any court either of law or equity, or before any Justice of the Peace for Williamson or Davidson county, and service of any warrant or other leading process on the President or any two of said Directors, shall be deemed and held as good and valid as though served on all of said Directors. Five directors shall form a quorum and be competent to transact all business of the corporation. A new election of directors shall be made annually, at such time and place as the stockholders at their first meeting shall designate; but if no election be made on the day appointed, such election may be entered into at any other time fixed upon by the by-laws of said corporation. The directors chosen at any election shall as soon thereafter as may be, choose out of their number one person to be president, and another to be treasurer of said corporation.

Sec. 6. Be it enacted, That the directors may require payment of the subscriptions to the capital stock, at such times, in such proportions and on such conditions as they shall deem fit, under penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the time when, and place where the same must be made, at least thirty days previous to the time of payment in one newspaper in each of said towns.

Sec. 7. Be it enacted, That the said corporation are hereby authorized to cause such examination and surveys to be made by their agents, surveyors and engineers, of the ground lying between the towns aforesaid, as shall be necessary to determine the most advantageous route whereon to construct the said rail road, and may also receive, take and hold, all such voluntary grants and donations of land and real estate as shall be made to the said corporation, to aid in the construction, accommodation and maintenance of said rail road. And it shall also be lawful for the said corporation to enter upon and take possession of all such land and real estate as may be indispensable for the construction and maintenance of said rail road, and the accommodations requisite and appertaining thereto, but all land or real estate thus entered upon, which are not donations shall be purchased by the said corporation of the owner or owners thereof, at a price to be mutually agreed upon between them; and in case of a disagreement as to the price, it shall be the duty of the Governor of this State upon notice given him by the corporation, to appoint three commissioners of whom one at least shall be of the county of Davidson, and one of the county of Williamson, who shall be persons not interest-

Land and real estate necessary for the construction of the road.

ed in the matters to be determined by them, to assess the damages which the owner or owners of the said land or real estate, so entered upon by the said corporation, has or have sustained by the occupation of the same, and upon payment by the corporation of said damages, then the said corporation shall be deemed to be seized and possessed of the fee simple of all such lands or real estate as shall have been appraised by the said commissioners, and it shall be the duty of the said commissioners to deliver to the said corporation a written statement signed by them or a majority of them, of the awards they shall make containing a description of the land or real estate appraised, to be recorded in the clerk's office of the county where the land or real estate may lie.

Width and dimensions;—Tolls &c.

SEC. 8. *Be it enacted*, That the said corporation shall have power to determine the width and dimensions of the said rail road, to regulate the time and manner in which goods and passengers shall be transported thereon, and the manner of collecting tolls for such transportation, and to erect and maintain toll houses, and other buildings for the accommodation of their concerns, as they may deem advisable for their interests.

Interferences with other roads &c.

SEC. 9. *Be it enacted*, That the said corporation may construct the said rail road across or upon any road, highway, stream of water or water course, if the same be necessary; but the said corporation shall restore such roads, highway, stream of water or water course thus intersected, to its former state, or in a sufficient manner not to have impaired its usefulness or value to the owner or to the public.

Rate of toll on carriage.

SEC. 10. *Be it enacted*, That the said corporation may demand and receive from all persons using or travelling upon said rail road, the following tolls, to wit: for every ton weight of goods, property, loading or freight of any description, one dollar and twenty five cents, for the whole distance between the two towns, and a ratable proportion for less than the whole distance, as also for any greater or less quantity than a ton; for the conveyance of a passenger the whole route, one dollar, and a ratable proportion for a less distance.

Of injuries to the road.

SEC. 11. *Be it enacted*, That if any person shall willfully and maliciously injure the said rail road, or any building, machine or other work of the said corporation, appertaining thereto, the person so offending shall forfeit and pay to the said corporation three times the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation with costs of suit in any court or before any Justice of the Peace having cognizance thereof.

SEC. 12. *Be it enacted*, That the commissioners to ap-

praise damages in pursuance of the 7th section of this act shall severally be entitled to charge and receive from the said corporation not exceeding two dollars per day, for every day they may be so employed.

Commissioners' compensation.

SEC. 13. *Be it enacted*, That the Franklin turnpike company may unite with and become part of the said corporation upon such terms as may be agreed on by the respective companies—and in that event the said turnpike company shall participate in all the privileges and be subject to all the liabilities prescribed in this act.

May unite with Franklin Turnpike Company.

SEC. 14. *Be it enacted*, That in no case shall the powers herein granted be construed to extend to or prohibit the courts of the counties through which said rail road shall pass, from constructing public roads crossing the same, at such places as may be deemed necessary by said courts for the utility of the public.

Cross roads.

SEC. 15. *Be it enacted*, That the powers, rights and privileges hereby invested and the incorporation hereby created, shall not continue for a longer or greater time than ninety-nine years.

Charter limited to 99 years.

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

November 12, 1831.

CHAPTER LIV.

AN ACT to authorize Jas. M'Kinley and Lewis Fletcher to open a turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jas. M'Kinley and Lewis Fletcher, be and they are hereby authorized to open a turnpike road from the White plains to Allen's Ferry on the Cumberland river.

Authority granted.

SEC. 2. *Be it enacted*, That the said road shall be twenty five feet wide where the ground is level, and where it is not level twenty feet wide, and the whole road shall be clear of stumps, grubs, roots, trees, rocks, runners or other obstructions, and where causeways may be necessary the same shall be at least twenty feet wide, made of durable materials.

Width and dimensions of the road.

SEC. 3. *Be it enacted*, That Simon Carlisle and Matthew Cowen of Jackson county, and Elijah Toney of Smith county be, and they are hereby appointed commissioners to view and lay off the ground for said road and see that the same is kept in repair when opened. And it shall be the duty of said Jas. M'Kinley and Lewis

Commissioners—their pay.

Fletcher, to pay to said commissioners the sum of one dollar each, for each day they may be engaged in said service.

SEC. 4. *Be it enacted*, That when said commissioners are satisfied that said road is opened as contemplated in this act, they shall view the same, and if they find it in complete repair, they shall and may authorize the said Jas. M'Kinley and Lewis Fletcher to erect a toll gate on the same, and receive from passengers the following toll and no more, viz: for each waggon if drawn by six horses, seventy five cents, if by a fewer number of horses, fifty cents; for each cart, thirty seven and a half cents; for each carryall, thirty seven and one half cents; for each pleasure carriage, seventy five cents, if four wheels, if only two wheels, thirty seven and one half cents; for each man and horse or mule, twelve and one half cents; for each loose horse, six and one fourth cents; for each head of cattle, two cents; for each hog, goat or sheep, one cent; for each waggon or carriage drawn by oxen, fifty cents.

SEC. 5. *Be it enacted*, That said commissioners, before they enter upon the duties of their appointment shall severally take and subscribe before some acting Justice of the Peace for Jackson county, an oath well, duly and without favour, affection or partiality, to execute the office and the duties of a commissioner of said road, according to the intent and meaning of this act, and it shall be their duty to view said road once in every two months, and when they shall find the same not in the repair pointed out by this act, it shall be their duty to open said gate, and said James M'Kinley and Lewis Fletcher, shall not be at liberty to collect or receive any toll at said gate, till said road is put in good repair again—nor shall they at any time receive any toll from any citizen of the counties of White, Overton, Jackson and Smith.

SEC. 6. *Be it enacted*, That said James M'Kinley and Lewis Fletcher, shall be entitled to keep said road for and during the term of twenty years; Provided, they have said road completed in two years from the passage of this act, if not this charter to be null and void.

SEC. 7. *Be it enacted*, That the said Jas. M'Kinley and Lewis Fletcher, be and they are hereby authorized to alter and straiten said road so as to shorten the distance or place it on better ground; Provided, that where said proprietors may wish to change said road, they shall notify all or any persons over whose land said alteration is run.

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

November 29, 1831.

Rates of toll.

Commissioners
to take oath; their
pay.

Charter limited
to 20 years.

Alteration of the
road.

CHAPTER LV.

AN ACT to extend the bounds of the town of Sparta.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nathan Haggard be, and he is hereby authorized to lay off in lots, streets and alleys, so much of his land adjoining the town of Sparta, as he may choose, and cause the same to be surveyed; and so soon as the said land is so laid off, and a plat or plan thereof registered in the Register's office of White county, said lots, streets and alleys, shall be a part of the town of Sparta.

SEC. 2. *Be it enacted*, That the commissioners of the town of Sparta, shall be and they are hereby authorized to build a market house in said town either on the public square or on any street thereof, as they may think best, and establish such rules and by-laws for the regulation of the market as they may from time to time direct.

SEC. 3. *Be it enacted*, That said commissioners shall and may lay and collect such tax as may be necessary for the carrying into effect the second section of this act.

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

November 28, 1831.

CHAPTER LVI.

AN ACT for the relief of the Surveyors General of the 13th and 11th districts in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the Western District, pay to John B. Hogg principal surveyor of the 13th district, the sum of fifty dollars on his furnishing satisfactory proof to said Treasurer that he has made out and completed a plan of the 13th district as required by the act of 1829, since the last session of the Legislature and that it is ready for inspection in his office.

SEC. 2. *Be it enacted*, That the principal surveyor of the 11th district, shall on or before the first day of April 1832, make out an additional general plan of his district, and lay down upon the same, all the surveys and entries whether general or occupant on record in his office, and shall file the same in his said office, for the inspection of any person who may wish to examine the same, and when he shall make proof before the treasurer of the Western

John B Hogg.

Surveyor of the
11th district.

District, that he has completed said plan, then he shall receive from said treasurer the sum of fifty dollars, of any money in the treasury not otherwise appropriated.

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

November 30, 1831.

CHAPTER LVII.

AN ACT to establish precinct elections at the places therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That precinct elections be and they are hereby established at the house of Alexander English in Greene county—at the house of James Grigg in M'Minn county—at Blain's cross roads in Grainger county—at Adam Caperton's in Franklin county—at John Brock's in Claiborne county—at Vaughn's store and at the Big Spring in Wilson county—at Solomon Owen's and James M'David's in Lincoln county—at John L. Smith's in White county—at Joseph Bryant's in Roane county—at the Cave Spring, and at Middleton in Rutherford county—at Morgan Moore's in Carroll county—in the town of Portersville in Tipton county—at Versailles in Williamson county—at John Gregory's in Bedford county—and at the muster ground of Captain Anderson in Anderson county—for the election of Governor, members to Congress, members of the General Assembly and electors of President and Vice President of the United under the same rules and regulations as other elections in this State.

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

November 30, 1831.

CHAPTER LVIII.

AN ACT to amend an act entitled "an act to compel the commissioners of the town of Lawrenceburg to close their business, and to appropriate the moneys in their hands to county purposes," passed December 7th 1829.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the present trustee of Lawrence

county, or his successor in office acting as sole commissioner of the town of Lawrenceburg, be and he is hereby authorized and empowered in all cases, when in his opinion the expense of a suit in equity to subject a lot or lots to sale upon which a lien is retained to secure the original purchase money, would exceed the value of said lot or lots, to make any compromise with the present owner or owners of said lot or lots, that he may deem right and proper to promote the best interest of the county; but if a compromise in such cases cannot be advantageously made, it shall be the duty of said trustee as commissioner forthwith to proceed to close the said business according to the true intent and meaning of the act, which this is intended to amend.

SEC. 2. Be it enacted, That John F. Vass is hereby authorized to lay off a town on his land in the county of Jackson, and when laid off, said town shall be known and established by the name of Celina.

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

November 30, 1831.

CHAPTER LIX.

AN ACT to authorize the drawing of a Lottery to clear out the obstructions to navigation in Obed's river and to build a bridge across the same.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Wm. Gore, Enoch Murfree, Benjamin Gabbert and George W. Seveir of Overton county, and Mounts Gore of Jackson county, or a majority of them, are hereby authorized to devise the scheme of a lottery, or cause it to be done, in as many classes as they think proper, by which a sum of money not exceeding ten thousand dollars may be raised for the purpose of improving the navigation of Obed's river in Overton and Fentress counties, also for the purpose of building a public bridge across said Obed's river, on the mail route from Monroe to Monticello in Kentucky. But before the aforesaid commissioners or a majority of them shall proceed to sell the tickets of said Lottery, they shall enter into bond with good security, to the chairman of Overton county court, in the sum of twenty thousand dollars, that the said Lottery shall be fairly and honestly conducted in all respects, as well in the drawing and paying over the prizes as in the faithful appropriation of the sum rais-

ed for the purposes aforesaid, and said commissioners shall be liable on their bond for any misconduct to any person who may be injured by the same.

SEC. 2. Be it enacted, That it shall be the duty of said commissioners to draw said Lottery or have the same drawn within two years from the time of selling the first tickets in said Lottery, or on failure, to repay the purchasers of tickets the money advanced by them.

SEC. 3. Be it enacted, That Robert Cannon, John Eakin, Samuel Philips, Jacob Greer and Richard Sims, or a majority of them, be authorized to raise by Lottery, a sum not exceeding five thousand dollars, for the purpose of building a bridge across Duck river, at or near Shelbyville in the county of Bedford; which sum when so raised, shall be faithfully appropriated to the building of said bridge; and that said Lottery shall be conducted in the same way, and under the same regulations, as is provided in the foregoing section of this act, for raising a sum of money to clear out obstructions in Obed's river.

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

November 29, 1831.

CHAPTER LX.

AN ACT to authorise Jose C. Dew and Company to build a toll bridge across the Falling Water in White County.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Jose C. Dew and company be, and they are hereby authorised to build a toll bridge across the Falling water in the county of White at or near Milledgeville; and that they may receive and collect the following rates of toll and no more, to wit: For each waggon if drawn by four or more horses 50 cents, and if by two horses 37½ cents; for each cart 25 cents—each four wheel pleasure carriage 37½ cents, if two wheels 25 cents, for each man and horse 12½ cents—each loose horse 6½ cents—each footman whether slave or freeman 6½ cents—each head of cattle, sheep, hogs or goats if in a drove one cent each.

SEC. 2. Be it enacted, That the citizens of the counties of White and Jackson, and the United States' mail stage may at all times pass over said bridge without paying toll: Provided the said Dew does not obstruct the ford in said river by the erection of said bridge.

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

December 1, 1831.

CHAPTER LXI.

AN ACT to incorporate the Tennessee Manufacturing company and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Robert Woods, John M. Bass, Thomas Yeatman, Henry Ewing, Joseph Woods, Jacob M'Gavock and Henry R. W. Hill, together with such others as may hereafter become subscribers to said company, be and they are hereby incorporated as a company by the name and style of the "Tennessee Manufacturing Company" for the purpose of erecting and carrying on a cotton factory and such other manufacturing establishment as may by them be deemed expedient for the period of twenty years from the passage of this act.

SEC. 2. Be it enacted, That the capital of said company shall consist of the sum of two hundred thousand dollars, to be divided into shares of \$500 each, and that Robert Woods, John M. Bass and Henry R. W. Hill be appointed commissioners for the purpose of receiving subscriptions for the stock and conducting the business of said company until the first regular election of Directors, and when the sum of thirty thousand dollars is subscribed, said company may commence operations under this charter.

SEC. 3. Be it enacted, That on the first Monday in January in each year after the stock is so subscribed, the stockholders in said company shall elect five persons, members of said company to act as Directors for the year next ensuing—one of whom shall be chosen by said directors as president, who, or a majority of them, shall have the entire management of said concern, and may appoint such officers or agents and at such compensation as they may deem expedient.

SEC. 4. Be it enacted, That said company shall have power to sue and be sued in their corporate name, to contract and be contracted with or to execute or receive notes, obligations or contracts as is customary with corporate bodies; and the stockholders therein shall be liable in their separate and individual capacity to the amount of the stock, over and above their capital in said company, to any person or persons having claims against said company.

SEC. 5. Be it enacted, That the business of said company shall be conducted in the name of the Tennessee Manufacturing Company, and all proceedings for or against said company shall be in the said name and style.

SEC. 6. Be it enacted, That Thomas Parks, Joseph L. Campbell and William Parks of the town of Franklin and county of Williamson, and such others as they may as-

sociate with them, be, and the same are in like manner incorporated as a company by the name and style of the Franklin Manufacturing Company, whose capital stock may be fifty thousand dollars, to possess the same powers and privileges, and be subject to the same liabilities as are prescribed in the foregoing sections of this act, for the regulation and government of the Tennessee Manufacturing Company.

Western Manufacturing Company.
SEC. 7. Be it enacted, That John C. Caldwell, George Davidson, Thomas Davis, Samuel Escue and Volney Steele, together with such others as may hereafter become subscribers to said company, be and they are hereby created a body politic and corporate under the name and style of the Western Manufacturing Company, for the purpose of carrying on a cotton, wool and hemp manufactory at the town of Shelbyville in the county of Bedford; and that said company shall have all the powers, privileges and immunities secured and vested in the company created by this act under the name and style of the Tennessee Manufacturing Company at Nashville, and in their corporate name, may hold and possess mixed and real estate, and shall have power to sell and dispose of the same.

President and Directors appointed.
SEC. 8. Be it enacted, That the business of said company be conducted for twelve months from the 1st day of January next by the said John C. Caldwell, George Davidson, Thomas Davis, Samuel Escue and Volney Steele or a majority of them, one of whom shall be president thereof, and until another board of directors shall be appointed, shall manage the affairs of said company agreeable to the provisions of this act.

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

December 1, 1831.

CHAPTER LXII.

A BILL to provide for the permanent establishment of the seat of Justice in Overton County.

Surveyor appointed.
SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Burchet Douglass of Wilson county, or in case said Douglass fails to attend, then Jonathan C. Davis, of White county, be, and he is hereby appointed surveyor to ascertain the centre of said county, agreeable to the plat of the survey of said county of Overton, made by the said Burchet Douglass in pursuance of an act of the

General Assembly, entitled "an act granting a re-survey of Overton county," passed December 30th, 1829.

To file plat of survey.
SEC. 2. Be it enacted, That it shall be the duty of the clerk of the county court of Overton county, to furnish said surveyor, on application, with the plat of the survey of said county as made out by Burchet Douglass, or a true copy thereof; and the said surveyor by this act appointed, so soon as he shall have ascertained the centre of said county, shall file with the county court of Overton county, three fair plats of the survey, designating the centre of said county, in said plats; one of which plats shall be considered a part of the records of said county, and the other for the use of the commissioners herein appointed.

Chain carriers.
SEC. 3. Be it enacted, That the chain carriers (if any should be necessary in centering the county) shall be disinterested persons of the counties of White or Jackson.

Survey to be made by June 1832.
SEC. 4. Be it enacted, That the survey aforesaid, ascertaining the centre of said county, shall be made and completed on or before the first day of June, 1832—and should the said Douglass fail or refuse to centre said county when called on by Enoch Murphree or John Mangold, of the said county of Overton, then it shall and may be lawful for the said Jonathan C. Davis of White county to proceed to ascertain the centre thereof.

Pay of Surveyor and chain carriers.
SEC. 5. Be it enacted, That the surveyor and chain carriers appointed by this act, shall receive the following compensation, viz: The surveyor three dollars per day, and five dollars for going to, and five dollars for returning from said county—and the chain carriers shall receive one dollar and fifty cents each per day.

County court of Overton to lay a tax.
SEC. 6. Be it enacted, That the county court of Overton county is hereby authorized and required to lay a tax, to pay the expenses of ascertaining said centre as required by this act, at their first court after the centre of said county shall have been ascertained.

Commissioners appointed,—their duty.
SEC. 7. Be it enacted, That Isham Perkins and John Cain of Warren county, William Simpson, Isaac Taylor, and Samuel Johnson of White county, and Richard F. Cook and David Apple of Jackson county, be, and they are hereby appointed commissioners, whose duty it shall be, or a majority of them, to examine said central point in Overton county, so soon as the centre is ascertained, and if it be a suitable place for a town, to report the same to the first session of the county court of Overton thereafter, and if the said central point be not a suitable place for a town, said commissioners shall select the most eligible situation, and as near the centre as practicable, so that they do not select a place at a greater distance from the centre than the town of Monroe now is, and report the same as aforesaid.

Sheriff of Overton county to hold an election for the county seat.
SEC. 8. Be it enacted, That the sheriff of Overton county is hereby authorized and expressly required, on the first Thursday and Friday in August, 1832, to open and hold an election, at the place selected by said commissioners, for the new court-house under the same rules, regulations and restrictions, as he is bound by law to hold other elections, for members to the General Assembly, Congress, Governor, President, &c. and all persons allowed by law, to vote for the above officers, shall be entitled to vote at said election; and the said sheriff shall put Monroe, the present place of holding court in said county, and a new court-house in nomination on the day of election, and the free electors of Overton county, shall vote for the places so nominated, and when the votes for the whole county are counted out, in the same manner as is provided for in other elections, if a majority should be in favour of moving the seat of Justice to the place selected by the commissioners as aforesaid, by giving the greatest number of votes to the new court-house, then, and in that case, it shall be the duty of the county court of Overton, at their first session after said election, a majority of the Justices of the Peace being present, to appoint seven Commissioners of said county whose duty it shall be to procure from any person or persons who own the land where the site of said town is so settled, a good and sufficient title for forty acres of land, for the purpose of laying off said town, which said commissioners shall do accordingly; provided that no person who is not a resident citizen of Overton county shall be entitled to vote at said election.

Judges and clerks of said election.
SEC. 9. Be it enacted, That it shall be the duty of the sheriff of Overton county, to appoint five freeholders for Judges and three Clerks of said election, who shall take the same oath that clerks and judges of elections for members to the General Assembly are now required by law, to take, and the Sheriff shall administer the oath accordingly.

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

Building a court house and jail.
SEC. 11. Be it enacted, That it shall be the duty of said commissioners, or a majority of them, to contract with some suitable person or persons to build a court-

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

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

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

To appoint chairman.
SEC. 14. Be it enacted, That said commissioners shall appoint one of their own body as chairman, and shall take all notes, bonds &c. in his own name as chairman aforesaid.—And in case of death, resignation or removal, of any of said commissioners, or refusal to act, it shall and may be lawful for the said county court of Overton, to fill up such vacancy, and when so appointed and sworn they shall be as competent to act, as if they had been first appointed.

County Papers &c. to be moved to new C. house.
SEC. 15. Be it enacted, That when the court house shall be erected and received by said commissioners, as contemplated by this act, the Justices of the county court for said county of Overton, shall adjourn said court and all the proceedings and causes both in the circuit and county court, to the same; and all causes, papers, re-

cords or documents of said courts, of any kind whatsoever, shall be conveyed by the clerks of the respective courts to the new court house, and all the recognizances, subpoenas, bonds or process of any kind, which may be entered into or issued at or from Monroe, shall be made returnable to the town of Livingston, at the time appointed by law, for holding courts in Overton county.

Trial of causes.
SEC. 16. *Be it enacted,* That all causes either civil or criminal, so adjourned, shall be heard and determined in the town of Livingston in the same manner, and under the same rules and regulations, as they might or could have been determined at the court house in the town of Monroe, before the passage of this act.

Holding elections.
SEC. 17. *Be it enacted,* That all elections now required by law to be holden in the town of Monroe, shall from and after the adjournment of the courts to the town of Livingston, be held in the said town of Livingston under the same rules, regulations and restrictions as other elections are held and conducted.

Monroe to remain the county seat in a certain event.
SEC. 18. *Be it enacted,* That when the county is centered, if an eligible situation cannot be found nearer the centre than Monroe, then, and in that case, Monroe shall continue to be the seat of Justice for said county.

Pay of Commissioners.
SEC. 19. *Be it enacted,* That the commissioners appointed by this act to ascertain the centre of said county, shall receive two dollars per day, for each day which they may be engaged in ascertaining the centre of said county, and two dollars for every twenty five miles which they may have to travel in going to and returning from said centre, to be paid by the county trustee out of the tax laid for paying for ascertaining the centre of said county.

Pay of county commissioners.
SEC. 20. *Be it enacted,* That the county commissioners appointed by this act, shall receive such compensation as the county court of Overton county may allow, out of the monies aforesaid.

Of failure of Sheriff to hold an election.
SEC. 21. *Be it enacted,* That if the Sheriff of Overton county, shall fail or refuse to open and hold an election as required by this act, he shall forfeit and pay the sum of one thousand dollars, one half to the use of said county, and the other half to the use of the person or persons suing for the same, to be recovered before any tribunal having cognizance thereof—and shall moreover be subject and liable to removal from office for such failure or omission; Provided, nevertheless, that if the centre of said county should not be ascertained, or report thereof made by the commissioners herein appointed as required by this act, then, and in that case, it shall not be necessary for said sheriff to open and hold said election.

SEC. 22. *Be it enacted,* That the town to be laid off for the seat of Justice as herein provided for, shall be known and called **LIVINGSTON**, in honor of the Hon. ^{Town to be called Livingston.} Edward Livingston.

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

December 5, 1831.

CHAPTER LXIII.

AN ACT for the benefit of Nathaniel B. Butler.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of West Tennessee, he and he is hereby authorized and required to pay to Nathaniel B. Butler, eighteen dollars and fifty cents, out of any money in the treasury not otherwise appropriated. ^{Nathaniel B. Butler.}

SEC. 2. *Be it enacted,* That John B. Rodgers and Archibald C. Rodgers, be allowed to obtain a license ^{John B. and Archibald C. Rodgers.} from the clerk of Fentress county court, to cover the time which they have sold merchandize in said county, and said clerk may dismiss a suit brought against said John for his failure to obtain said license; Provided, said Rodgers shall pay all cost.

SEC. 3. *Be it enacted,* That the clerk of the county court of Grainger, be and he is hereby authorized to issue to Craighead and Massengill, merchants of Grainger county, on application for the same, a license to retail merchandize in said county for the term of five months without paying any State tax therefor. ^{Craighead and Massengill.}

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

November 15, 1831.

CHAPTER LXIV.

AN ACT to establish an office in the county of Knox for the purpose of receiving and keeping all the returns of the proceedings of Justices of the Peace, who may resign, remove or otherwise vacate their office.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That William Montgomery, be and he is hereby appointed a commissioner to receive all the papers ^{Commissioner appointed.}

of any Justice of the Peace who has resigned, removed or died, or who may resign, remove or die, or otherwise vacate his appointment in the county of Knox, and that said office shall be kept in the town of Knoxville; and should a vacancy by any means happen in the office hereby created, the county court of Knox county, shall elect some suitable person to fill the same.

His authority and duty.
SEC. 2. *Be it enacted,* That said officer in said county, shall take an oath and the same be entered of record, well and honestly to execute the duties of his office; and shall have full power and authority to issue all necessary process on unsatisfied judgments, at the instance of the party interested, to give copies of proceedings of Justices filed with him and in his office, which transcripts under the hand and seal of said officer, when his official character is certified by the clerk of said court, under the seal of said court, shall be received in evidence in all tribunals having cognizance thereof.

Process to be executed before.
SEC. 3. *Be it enacted,* That all officers shall be bound to execute said process and make return thereof, before said commissioners, in the same manner, and under the same penalties they are now bound by law to make return of process issued by Justices of the Peace, except where persons are garnisheed, and then the process shall be returned before any Justice of the Peace for said county, and the same proceedings had thereon, as it is sued by said Justice.

Execution of process.
SEC. 4. *Be it enacted,* That process may issue by said commissioner, to any county in this State, his official character being thereon certified by the clerk of Knox county, when the process is directed to an officer of any county except Knox, and be returned within thirty days from the time it comes to the hands of the officer, to the office whence it issued, and the moneys levied thereon paid over under the penalties imposed on other failures of a similar nature.

Fees of Commissioners.
SEC. 5. *Be it enacted,* That said commissioner shall be allowed the same fees now allowed to clerks for similar service—for a search, twelve and a half cents; for issuing process of execution &c. twenty five cents; for a certified transcript of the proceedings in a cause, fifty cents; for a certified copy of a single paper, affidavit &c. twenty five cents.

How the fees are to be taxed.
SEC. 6. *Be it enacted,* That the fees hereby allowed, shall be paid by the party at whose instance the service is performed, and the same taxed on the process, and be collected by the officer into whose hand the process may come, and be paid over to the party paying the same as other monies levied.

SEC. 7. *Be it further enacted,* That when executions

are levied on lands, the officer levying the same, shall make return thereof to the said office, and the process with the original papers be filed in the county court of Knox county, and the same proceedings be had in ordering a sale, as are now provided by law, when executions are issued by Justices of the Peace.

Returns of executions.
SEC. 8. *Be it further enacted,* That Justices resigning or removing from said county, or their representatives, on the decease of any Justice, shall file the papers belonging to their office with said commissioner, and that all laws requiring the clerk of Knox county, to receive said papers, be repealed.

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

November 26, 1831.

CHAPTER LXV.

AN ACT to amend an act entitled "an act to extend the corporation of the town of Brownsville, and for other purposes," passed Dec. 23, 1829.

Name substituted.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the name of Allen J. Barbee, be substituted in place of Allen J. Barker as in an act entitled "an act to extend the corporation of the town of Brownsville," passed Dec. 23, 1829.

Certain acts legalized.
SEC. 2. *Be it enacted,* That the acts of William H. Loving and Allen J. Barbee, acting as trustees as prescribed in said act, above recited, be and they are hereby made legal to all intents and purposes.

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

November 16, 1831.

CHAPTER LXVI.

AN ACT to exempt the militia of the 58th regiment in the county of Morgan from attending battalion musters.

Be it enacted by the General Assembly of the State of Tennessee, That the militia of the county of Morgan composing the 58th regiment of T. M. be, and are hereby exempted from attending battalion musters in said regi-

ment, and that all laws or parts of laws now in force requiring them to attend said musters, be and the same are hereby repealed.

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

November 26, 1831.

CHAPTER LXVII.

AN ACT to authorize a Lottery for the continuation of Union street in the city of Nashville.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Mayor of the city of Nashville, Robert Woods, John P. Erwin, Henry R. Cartmell and John M. Bass, be and they are hereby appointed trustees with full power and authority to manage and superintend the drawing of a Lottery for the purpose of raising a sum of money not exceeding seventeen thousand dollars, to be applied to the opening of a street in the city of Nashville, from College street to Market street, being a continuation of Union street, upon such scheme in one or more classes as they or a majority of them may think best.

SEC. 2. *Be it enacted,* That the said trustees are hereby authorized and empowered to make sale of the tickets of said Lottery or to deposit the same with any person for sale or to farm, let out, or sell one or more classes in said Lottery; and to take bonds from persons to whom such sales or deposits may be made or intrusted; and in case of a failure to comply with said bonds they or the survivors of them may enforce the same by law—and to do and transact all things necessary and proper to carry into effect the provisions of this act.

SEC. 3. *Be it enacted,* That the said trustees shall appropriate the proceeds of said Lottery when drawn, or a sufficient sum when raised after defraying the necessary expenses of said Lottery, to the purchase from the owners of the property necessary for the opening of said street, or to the payment of damages assessed to said owners by opening said street in pursuance of an act of the Legislature of this State, passed November 14, 1827, entitled "an act to authorize the circuit court of Davidson county, to order the opening of any new street, lane, or alley, in the town of Nashville."

SEC. 4. *Be it enacted,* That the said trustees before they enter upon the duties assigned to them by this act,

shall each take an oath before some Justice of the Peace for this State, for the faithful and impartial management of said Lottery, and discharge of their said duties; and a majority of said trustees shall constitute a quorum to do and transact any business necessary and proper to be done, to carry the provisions of this act into effect; and the said trustees or a majority of them, shall have power to fill any vacancy that may occur in said board by death or otherwise.

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

November 5, 1831.

CHAPTER LXVIII.

AN ACT to incorporate the Franklin and Columbia Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate by the name of the Franklin and Columbia Turnpike Company, and shall so continue and have succession for ninety nine years.

SEC. 2. *Be it enacted,* That the corporation hereby created, shall possess all the powers and privileges, and be subject to all the liabilities which are enjoyed and incurred by the Franklin Turnpike Company, as prescribed in an act incorporating said company, passed December 31st 1829, except so far as the same shall be altered by this act.

SEC. 3. *Be it enacted,* That the capital stock of the said corporation, shall consist of four thousand shares, of twenty five dollars each share; and Richard Swanson, Andrew Campbell, Matthew D. Thompson, Wm. E. Owen and Peter R. Rison of Williamson county; and James Walker, Thomas J. Porter, Abram Looney and James R. Plummer of Maury county; and G. W. Campbell and Robert Woods of Davidson county, shall be the commissioners to receive the subscriptions for said stock.

SEC. 4. *Be it enacted,* That Mansfield House, Spencer Buford, James Swanson and Jesse Bumpass of Williamson county, and James Black, Thomas Mahon, Thomas Brown, Thomas Gregory, Lucius J. Polk and Nathaniel Cheers of Maury county, shall be commissioners to designate the route along which said road shall run; Provided, that it be the shortest and best route between the towns of Franklin and Columbia.

SEC. 5. *Be it enacted,* That the said corporation may establish toll gates, not exceeding five, but no toll gate shall be erected within less than two miles of the said towns of Franklin and Columbia.

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

November 18, 1831.

CHAPTER LXIX.

AN ACT to authorize precinct elections to be held in the counties of Fentress and Franklin.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall hereafter be lawful for the proper officer to open and hold a precinct election at Rodgers' store in Poplar Cove in the county of Fentress, for the purpose of electing field officers in said county, in addition to the places now prescribed by law.

SEC. 2. *Be it enacted,* That it shall hereafter be the duty of the proper officer to open and hold a precinct election at the muster ground of Captain Richardsons' company, in the county of Franklin on Crow creek, for the purpose of electing field officers in said county in addition to the places now established by law, under the same regulations that the other precincts in said county are held.

SEC. 3. *Be it enacted,* That the citizens living on Crow creek shall compose one militia company and muster on Crow creek; and the citizens living in the Sinking Cove and Round Cove, shall compose one other company, and hold their company musters in the Sinking Cove.

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

November 18, 1831.

CHAPTER LXX.

AN ACT to establish a town in the county of Greene.

Whereas, an act was passed at Nashville on the 30th October 1829, entitled "an act to establish a town in the county of Greene," and whereas, said act was not published according to law, and the original is not to be found among the records of the State.—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That a town shall be, and hereby is established in the county of Greene, on the land of Michael James and Newton Woods, on Nolichucky river, and John Grigg, Michael Woods, Alexander Hall, Adam Wilson and Th. M. Gill, are hereby appointed commissioners of said town with full power and authority to survey and lay the same off into lots, streets, lanes and alleys of convenient size, length and breadth, which town shall be called and known by the name of Woodsville; and said commissioners, if they deem it expedient, may pass rules and regulations for the government of said town; Provided, the same are not inconsistent with the constitution of the United States, or of the laws and constitution of the State of Tennessee.

SEC. 2. *Be it enacted,* That a precinct election shall be held at said town, for elections in Greene county, under the same rules and regulations, of other precinct elections in this State for all officers, either civil or military, authorized by the laws of this State or the constitution thereof.

SEC. 3. *Be it enacted,* That all the acts and proceedings of the commissioners aforesaid, in laying off and selling lots in said town, and in regulating the government and police thereof, and all elections heretofore opened and held in said town, according to the provisions now prescribed in this act, shall be valid and binding to all intents and purposes.

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

November 19, 1831.

CHAPTER LXXI.

AN ACT for the relief of George W. Churchwell.

Be it enacted by the General Assembly of the State of Tennessee, That either of the Treasurers of this State, be required to pay to George W. Churchwell the sum of seventy five dollars, for services rendered the State as an attorney at law, out of any money in the Treasury not otherwise appropriated.

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

November 12, 1831.

CHAPTER LXXII.

AN ACT to compensate jurors in the county of Sullivan.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Sullivan county, at the first court to be held in each and every year, a majority of the acting Justices being present, shall allow the jurors summoned to attend the circuit or county courts, and talismen jurors, when they have to attend more than one day, the sum of one dollar per day for their services.

Compensation.

County court to levy tax.

SEC. 2. *Be it enacted*, That the county court shall and they are hereby authorized and required to levy and collect a tax, that shall be sufficient to pay said jurors.

Duty of the clerk.

SEC. 3. *Be it enacted*, That it shall be lawful for the talismen jurors to prove their attendance before the clerk of the court in which they may serve, and it is hereby made the duty of the clerk to give them a certificate of their attendance, free of charge, and also, to the jurors of the original pannel.

Jurors' certificate.

SEC. 4. *Be it enacted*, That the jurors' certificates shall be received by the Sheriff of Sullivan county in payment of the county tax, or other county dues for the full amount expressed in them.

To be received in payment of county tax.

SEC. 5. *Be it enacted*, That the county trustee of Sullivan county, is hereby authorized and required to receive the jurors' certificates of the Sheriff or other holder thereof, in the payment of county tax, and they shall be good vouchers in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 26, 1831.

CHAPTER LXXIII.

AN ACT to enable the citizens of Dickson county to erect a Court House in said county, and for other purposes.

Whereas, providence hath been pleased in its dispensations on the night of the 30th May 1830, to visit with a desolating storm the town of Charlotte in the county of Dickson, and in the progress of which the public as well as almost every private building in said town was demolished.—And whereas, the damage sustained not only by the citizens of said town, but a number of the good citizens of the county, who came within its compass, have

been so impaired in their circumstances as to render the collection of a necessary tax for the erection of a court house oppressive in the extreme.—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the entire State tax for the years 1832 and 1833, may be collected by the Sheriff or Collector, and the clerks of the county, circuit and chancery courts respectively of the county of Dickson, be and the same is hereby remitted to said county to enable the citizens thereof, to build a court house in said county.

State tax remitted for 2 years.

SEC. 2. *Be it enacted*, That the Sheriff and Collector and the clerks of the above named courts respectively, are hereby authorized and directed to pay over to the commissioners appointed by the county court of said county, to superintend the erection of said building, the amount of State tax hereafter to be collected for the years 1832 and 1833, and their receipt shall be a good voucher for him or them, in a settlement with the Treasurer of this State.

To be paid over to commissioners

SEC. 3. *Be it enacted*, That the entire State tax of the county of Bedford, which may hereafter be collected for the year 1832, by the Sheriff and Collector of public tax, and the clerks of the circuit and county courts of said county, be and the same is hereby remitted to said county, to be applied in part to the building of the court house in said county.

State tax in Bedford County remitted for 1 year.

SEC. 4. *Be it enacted*, That the Sheriff and Collector and the clerks of the aforesaid courts respectively, are hereby authorized and required to pay over to the commissioners appointed by the county court of the county aforesaid, to superintend the erection of said court house, the amount of the State tax which may hereafter be collected for the aforesaid 1832 as aforesaid, to be by the said commissioners applied as aforesaid; and the receipt of said commissioners shall be a good voucher to him or them in a settlement with the Treasurer of Middle Tennessee.

To be paid over to commissioners

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 1, 1831.

CHAPTER LXXIV.

AN ACT for the benefit of Jesse Savage of Warren county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the passage of this act,

Exemption.

Jesse Savage be exempted from paying tax for his turnpike road for the term of two years.

May alter turnpike road.
SEC. 2. *Be it enacted*, That said Savage shall have full power and authority to turn or alter said turnpike road for the advantage of the same or for the benefit of travellers.

Commissioners appointed.
SEC. 3. *Be it enacted*, That Charles Cagle Jun'r. be appointed a commissioner to view said road in place of Isaac Hill, heretofore appointed and who refused to serve.

John Witt.
SEC. 4. *Be it enacted*, That from and after the passage of this act, John Witt of Hamilton county, be and he is hereby exempt from paying tax on his turnpike road for the term of two years.

Adam W. Caldwell.
SEC. 5. *Be it enacted*, That Adam W. Caldwell, be and he is hereby appointed a commissioner on Bailey's turnpike road, to fill the vacancy of William T. Gillanwaters, and shall be entitled to the same pay for his services.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
November 1, 1831.

CHAPTER LXXV.

AN ACT to establish a new militia company in the county of Wilson, and for other purposes.

Company established.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the citizens included or that may hereafter become residents within the bounds hereinafter mentioned, be and they are hereby constituted a militia company in the county of Wilson, and shall be entitled to all the benefits and privileges of other militia companies in this State.

Boundaries thereof.
SEC. 2. *Be it enacted*, That the boundaries of said company shall be, beginning at Philip Shore's and running north with the Lebanon road to the second creek, being a branch of Round Lick creek, thence to include Elijah Wommack's farm, thence to include William Shank's farm, thence to include Joseph Morley's farm, thence to include William Donnell Sen's farm, thence to include Capt. William Donnell's farm, thence with the meanderings of Spring creek to include Notty W. Matlox's farm, thence to include George Donnell's farm, thence with the main ridge dividing the waters of Spring and Fall creeks, to the ridge dividing the waters of Round Lick creek, and thence with said ridge to Mount

Defiance, thence in a direct course to the Lebanon road, the place of the beginning.

SEC. 3. *Be it enacted*, That the citizens included within the bounds prescribed in the second section of this act, be and they are hereby attached to the 17th regiment T. M. and are hereby required to do and perform the duties as prescribed by law to other militia companies in this State, and are hereby exempt from further duty in other companies, battalion or regimental musters in said county.

Attached to the 17th regiment.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
November 5, 1831.

CHAPTER LXXVI.

AN ACT to authorize the construction of a bridge across Cumberland river at Nashville above the mouth of Broad street.

Subscribers incorporated.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Woods, Anthony W. Johnson, H. R. W. Hill, Moses Norvell, John M. Bass, Henry Ewing, James Walker, Joseph T. Elliston, together with such others as may hereafter become subscribers thereto, be, and they are hereby incorporated as a company by the name and style of the Broad Street Bridge Company, possessing all the powers and incurring all the liabilities vested in or imposed on the company heretofore incorporated, called the Nashville Bridge Company.

Capital Stock.
SEC. 2. *Be it enacted*, That the stock of said company shall consist of fifty thousand dollars, to be divided into shares of one hundred dollars each.

Authority given.
SEC. 3. *Be it enacted*, That said company shall be authorized to construct a bridge across Cumberland river, at any point above the mouth of Broad street in Nashville, first obtaining the consent of the owners of property at the location thereof, on each bank; said bridge to be so constructed as not to obstruct the navigation of the principal current of said river; and provided, that in the erection of said bridge there shall not be more than one pier placed in the stream of the river for the support of said bridge.

Commissioners appointed.
SEC. 4. *Be it enacted*, That Robert Woods, H. R. W. Hill, Anthony Johnson, Moses Norvell, John M. Bass, James Walker and Joseph T. Elliston, be and they are hereby appointed commissioners to open books of subscription for the stock of said bridge and to select a site

for the location thereof, and they shall act as managers of said company until the election of a board of directors.

Election of President and Directors.

SEC. 5. *Be it enacted*, That when said stock is subscribed, an election shall be held on the first Monday in January thereafter of seven directors to serve for one year, one of whom shall be selected by said board as president, who shall be styled the President and Directors of the Broad street Bridge; and they shall have the entire management of said Bridge and its concerns, with power to appoint such agents or officers, and to pay such salaries to the same as they may deem expedient.

Rate of toll.

SEC. 6. *Be it enacted*, That the rate of tolls at said Bridge when completed, shall be the same as provided by law for the regulation of the Nashville Bridge.

Time of commencement and completion.

SEC. 7. *Be it enacted*, That said Bridge shall be commenced within five years, and completed within eight years from the passage of this act, otherwise this charter shall be considered as void and of no effect.

Voting for Directors.

SEC. 8. *Be it enacted*, That in the election of Directors by the stockholders, each share of stock shall be entitled to one vote.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 1, 1831.

CHAPTER LXXVII.

AN ACT to incorporate a Female Academy at Athens.

Trustees appointed and incorporated.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That James S. Bridges, Solomon Bogart, Wm. Hogan, Onslow G. Murrell and Wm. Lowry, be and they are hereby constituted a body politic and corporate by the name of the Trustees of the Athens Female Academy, and by that name shall have succession for fifty years, and a common seal, and the said Trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold to themselves and their successors forever, or for any less estate any lands, tenements, goods or chattels, which shall be given granted or devised to them, or purchased by them to the use of said Academy, and to use and dispose of the same in such manner as to them shall seem most advantageous for the use of said Academy, and said Trustees and their successors by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity of this State or elsewhere.

SEC. 2. *Be it enacted*, That the said Trustees and their successors, shall have power to hold a meeting whenever convened by any two of said Trustees, at any place said Trustees may appoint, but not less than three members may constitute a Board, which board or a majority of them, shall have power to appoint a President, Secretary and Treasurer of said Board, and to transact all business of every description relating to the interest, government and management of said Academy, in such manner as to them shall seem expedient and necessary; that upon the death, resignation or removal of any of said Trustees or their successors, the county court of M'Minn county, shall fill such vacancy; Provided, said Board of Trustees shall not have power to make any by-laws, rules or regulations, which shall be inconsistent with the laws of the United States or of the State of Tennessee.

Power and authority.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 2, 1831.

CHAPTER LXXVIII.

AN ACT to incorporate the town of Cornersville in the county of Giles.

Be it enacted by the General Assembly of the State of Tennessee, That the town of Cornersville and the inhabitants thereof, residing in the following bounds, viz: Beginning at Sarah Cox's line, where Mulberry street intersects said line, thence south including said street, to the Pulaski road, thence east to James C. Haynes' line, thence north to Baldrige's south west corner, thence east to said Baldrige's south east corner, thence north to Hollman R. Fowler's line, thence with said Fowler's and said Sarah Cox's line to the beginning, be and they are hereby constituted a body politic and corporate by the name of the Mayor and Aldermen of the town of Cornersville, under the same rules, regulations and restrictions, and to possess the same powers and privileges as the town of Pulaski in the county of Giles; Provided, always that said corporation shall from time be subject to all such laws as shall be passed by the General Assembly to regulate its concerns.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER LXXIX.

AN ACT to extend the time allowed by law for the erection of certain turnpikes and bridges in the Western District, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joab Wilson the undertaker of the turnpike and bridge authorized by law to be erected across Hatchee bottom and river, in a direction from Denmark to Memphis, be allowed until the first day of December 1833, to complete the same.

Further time to
Joab Wilson.

SEC. 2. *Be it enacted*, That during the time said Joab Wilson is engaged in erecting said bridge and turnpike, his hands shall be exempted from working on the public roads of Madison or Haywood counties.

His hands not
to work on roads.

SEC. 3. *Be it enacted*, That Daniel Cherry of Haywood county, be allowed the further time of four years, to complete the bridge and turnpike authorized by law to be by him erected across Forked Deer river, at Harrisburg, Haywood county.

Further time to
Daniel Cherry.

SEC. 4. *Be it enacted*, That John F. Fielts and Robert Burns, be and they are hereby appointed commissioners to examine and superintend the erection and keeping in repair said turnpike.

Commissioners
of his turnpike.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 2, 1831.

CHAPTER LXXX.

AN ACT for the relief of Albert Thomas.

Be it enacted by the General Assembly of the State of Tennessee, That Albert Thomas of the county of Weakley, shall have all the rights and privileges in relation to his occupant claim, near the mouth of Thomas' creek which may be or have been extended to the occupants in the Western District, and the same shall be exempt from entry by others as other occupant claims may be; Provided, that the same shall not interfere with any other occupant claim or claims.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER LXXXI.

AN ACT to amend an act entitled an act to incorporate the Gallatin Turnpike Company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when five hundred shares shall be subscribed, the commissioners shall call a meeting of the subscribers, by causing notice of the time and place of meeting to be published in some newspaper or papers in general circulation in the places in which the books shall have been opened, and the stock subscribed for, thirty days next preceding such time of meeting and on such notice being given, the stockholders shall meet at the time and place appointed, and when so assembled, may proceed to elect directors, and adopt such rules and regulations for the government of the corporation as are lawful and expedient; the stockholders may vote in person or by proxy, and for each share such stockholder may possess, he shall be entitled to one vote.

Meeting of the
stockholders pro-
vided for, elec-
tion of directors.

SEC. 2. *Be it enacted*, That in case said turnpike road shall not be commenced within two years from the first day of January next, and finished as far as from Nashville to the fork of the road beyond Morgan's, within five years from the said first of January, all privileges hereby granted shall forever be null and void.

Commencement
and completion.

SEC. 3. *Be it enacted*, That the 4th and 14th sections of the above recited act, be and they are hereby repealed.

Repealing clause

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER LXXXII.

AN ACT appointing the time of holding regimental musters in the 99th regiment T. M.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter the 99th regiment T. M. in the county of Carroll, shall hold their regimental muster on the first Thursday in September annually.

99th Regiment.

SEC. 2. *Be it enacted*, That the 106th regiment of the militia of this State, shall hereafter hold regimental musters on the second Saturday in September in each and every year.

106th Regiment.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER LXXXIII.

AN ACT to amend an act entitled 'an act to dispose of certain lands in Hawkins county, commonly called Sims' big survey.

Repealing clause. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the third section of the above recited act, be and the same is hereby repealed.

Entry of lands. SEC. 2. *Be it enacted,* That the lands remaining in said Sims' survey not entered under the provisions of the above recited act, on the first day of July 1832, shall in all respects become liable and subject to the general laws for entering vacant and unappropriated lands north and east of the Congressional reservation line, and as such may be entered in said special office, and the Entry Taker of said special office is hereby required to pay over all monies by him collected for entries made in said office in manner as pointed out in the above recited act.

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

November 28, 1831.

CHAPTER LXXXIV.

AN ACT for the benefit of the heirs and creditors of James Peak deceased, late of White county.

Real estate may be sold. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the county court of White county, on the joint petition of the heirs by their guardian and the administrator of the said James Peak, setting forth that the personal estate of the said James Peak is exhausted, and setting forth and shewing the particular judgments which are still unpaid against the said administrator, it may be lawful for said court to order said guardian to sell so much of the real estate at a credit of six months, taking bond and security for the purchase money as will satisfy the same.

To be advertised. SEC. 2. *Be it enacted,* That before the said guardian shall proceed to sell the real estate aforesaid, he shall advertise the same at the court house in said county, at least four months before the day of sale, and at two other public places in said county.

Deed from guardian. SEC. 3. *Be it enacted,* That a deed or deeds made by said guardian by virtue of this act, shall be good to pass the title; Provided he shall not be compelled to warrant the same.

SEC. 4. *Be it enacted,* That this act shall take effect on condition that the creditors will consent to wait the time therein mentioned, and that the said heirs and ex-
Conditions as
posed. cutors also state in their said petition to said court the amount and particular debts due from said estate, and further that said court shall be of the opinion that the granting the same will be of advantage to the estate of said heirs.

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

December 5, 1831.

CHAPTER LXXXV.

AN ACT for the benefit of the purchasers of lots in the town of Sommerville.

Be it enacted by the General Assembly of the State of Tennessee, That all deeds signed by Daniel Johnston, as one of the commissioners and secretary to the board of commissioners appointed by law to dispose of the public lots in the town of Sommerville and county of Fayette, which have been proved and registered according to law, be and the same are hereby declared as good and valid in law, and shall be read in evidence in any court of law or equity, and shall vest the title in the grantee as fully and effectually, as though said deeds were signed by all said commissioners.

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

December 7, 1831.

CHAPTER LXXXVI.

AN ACT for the relief of Wilson Sanderlin and others.

Be it enacted by the General Assembly of the State of Tennessee, That Wilson Sanderlin, Ezekiel Sanderlin and John Ferguson of Montgomery county, be and they are hereby entitled to avail themselves, for the space of nine months from and after the passage of this act, of all the rights, privileges and advantages, and under the same rules, regulations and restrictions, that are provided by the acts of 1825 and 1827, for the relief of the citizens

who entered lands ceded to Kentucky under the acts of 1823 and 1825, making provision for entering lands at twelve and a half cents, and one cent per acre.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 7, 1831.

CHAPTER LXXXVII.

AN ACT for the benefit of William Moore of Gibson county.

Be it enacted by the General Assembly of the State of Tennessee, That William Moore of Gibson county, be and he is hereby exempted from the operations of an act of the last session of the General Assembly of this State, chapter 66, section first, which requires that all persons who have or may hereafter build mills west of the Tennessee river to remove or otherwise destroy all timber subject to decay in consequence of being flooded by the waters of such mill pond, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 2, 1831.

CHAPTER LXXXVIII.

AN ACT to authorize the administrator of the estate of Samuel Hannah to convey a certain tract of land to the person therein named.

Be it enacted by the General Assembly of the State of Tennessee, That Matthew P. Hannah administrator of Samuel Hannah deceased, convey by deed in fee to William S. Watterson a certain tract of land purchased by said Watterson of said Samuel Hannah deceased, during his lifetime, containing three hundred acres lying on M^r-Bride's creek in Bedford county, the same as conveyed to Samuel Hannah by John O. Johnson by deed bearing date the day of

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 7, 1831.

CHAPTER LXXXIX.

AN ACT to authorize Cain Broyles of the county of Greene to open and establish a turnpike road across Paint Mountain.

Sac. 1. Be it enacted by the General Assembly of the State of Tennessee, That Cain Broyles of the county of Greene, is hereby authorized to open and cut a turnpike road across Paint Mountain in said county, commencing at the North Carolina line, and from thence across said Mountain, by the way of Hixons Gap, so as to intersect the old Baker's ferry road, leading up Sherill's Cove, and said road where the nature of the ground will admit shall be twenty feet wide, clear of all obstructions and fourteen feet wide where side digging is required, and if any part of said road pass through solid rock, he is required to cut it ten feet wide, and said road shall not ascend in any case more than one foot perpendicular height for every eight feet, and if there shall be any creek or creeks that from their nature shall require it, there shall be good substantial bridges built, and if there are any swamps over which the road may be taken, it shall be the duty of the proprietor of said road to cause-way the same with either rock or wood to be made at least eleven feet wide, clear of stumps and other obstructions.

Width, description &c. of the road.

Sac. 2. Be it enacted, That said road shall always be kept in repair, and if it should be permitted to be and remain out of repair for ten days at any one time, after the road is opened and established by the commissioners hereafter appointed by this act, it shall be the duty of said commissioners to open said turnpike gate and keep the same open until the said road shall be by them adjudged to be in repair—during which time said road may be out of repair the proprietor shall not exact directly or indirectly any toll under the penalty of twenty five dollars, to be recovered before any jurisdiction having cognizance thereof.

To be kept in repair,—penalty for failure.

Sac. 3. Be it enacted, That George T. Gillespie, Wm. M. Crawford and Andrew Patterson, are hereby appointed commissioners, whose duty it shall be, to examine said road so soon as the same may be opened, and if in their opinion the road is in the repair contemplated by this act, it shall be their duty to grant a license under their hands and seals to said proprietor to erect thereon a gate, who shall by this act, be authorized to receive the following rates of toll, viz: for each waggon and team, seventy five cents, for each two wheeled carriage, fifty cents, for a man and horse twelve and a half cents, for each pack horse, twelve and a half cents, for loose

Commissioners—rates of toll &c.

cents each, and for hogs and sheep, one cent each, for four wheeled carriages of pleasure, one dollar, and for chairs, gigs, sulkies or dearbons with one horse therein, fifty cents.

Commissioners to take oath—their compensation.
SEC. 4. *Be it enacted*, That it shall be and it is hereby made the duty of the aforesaid commissioners, when called on by said proprietor to view said road; but before entering upon the duties of their appointment they shall take the following oath before some Justice of the Peace in Greene county: "I do solemnly swear that I will well and truly perform the duties enjoined on me by this act according to the best of my knowledge and ability—So help me God." And the said commissioners or a majority of whom may attend, shall be entitled to receive at the rate of one dollar and fifty cents for each and every day they may attend in viewing said road to be paid by said proprietor, and it shall be the duty of said commissioners to view said road twice in each year, and oftener if required.

Penalty for keeping Road out of repair.
SEC. 5. *Be it enacted*, That if any part of said road shall be out of repair at any time after it is received by said commissioners, and by reason of which any person or persons, shall sustain any damage either in person or property, he, she or they may have and sustain an action on the case against said proprietor as the case may be.

Evasions of toll.
SEC. 6. *Be it enacted*, That if any person or persons shall arbitrarily pass said gate or within one mile thereof, for the purpose of evading the toll, such person or persons shall forfeit and pay for every such offence to said proprietor the sum of twenty five dollars, to be recovered before any jurisdiction having cognizance thereof.

Limitation of charter.
SEC. 7. *Be it enacted*, That the charter to the said turnpike road is hereby given and granted to the said Cain Broyles, and he is hereby authorized to enjoy the benefits of the same, for the term of forty years from and after the passage of this act.

Erection of toll gate.
SEC. 8. *Be it enacted*, That the said proprietor shall have liberty to set his toll gate on any part of said road, one half mile from where it intersects the old Paint Mountain road leading up Sherill's Cove, and that he shall not interrupt any traveller who shall see proper to go either Ball's, Houston's and Reynolds' or Daniel and James Allen's turnpike roads.

Proprietor to give bond.
SEC. 9. *Be it enacted*, That the proprietor of said road, before receiving any toll thereon, shall give bond and security in the sum of one thousand dollars, payable to the chairman of the county court of Greene and his successors in office, conditioned for the true and faithful discharge of all the duties enjoined on him by this act,

which bond shall be lodged in the clerk's office of said county.

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

November 28, 1831.

CHAPTER XC.

AN ACT to appoint commissioners upon Hail's turnpike road in White and Bledsoe counties.

Commissioner appointed.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Gillentine is hereby appointed commissioner upon the turnpike road leading from the foot of Cumberland Mountain near Crow's in White county, to the foot of the same mountain near Pikeville, and has power to open the gate when he shall find the road out of repair, and receive one dollar and fifty cents per day, for the time he may necessarily be employed in attending to the duties upon said road.

Of closing and opening toll gate.
SEC. 2. *Be it enacted*, That if said proprietor shall refuse to comply with the orders or shall receive toll after said gate is opened with the approbation of said commissioner, he shall pay to said commissioner twenty five dollars for every offence, recoverable before any Justice of the Peace for Bledsoe or White counties.

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

November 28, 1831.

CHAPTER XCI.

AN ACT for the benefit of the Quorum court of Williamson county.

Their compensation.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Justices of the Peace who now, or hereafter may constitute the quorum court of Williamson county, be and the same are hereby authorized at the end of each year of their service, to draw the compensation severally allowed them by law, or any portion thereof, out of any moneys in the county treasury not otherwise appropriated; Provided, that the tax suits imposed for the benefit of Justices of the quorum, be not at the time aforesaid, collected in sufficient amount to satisfy such claims.

*Greinger Quo-
rum Court repea-
led.*

SEC. 2. *Be it enacted,* That all laws authorizing the county courts of Grainger county to hold quorum courts, be and the same are hereby repealed.

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

November 28, 1831.

CHAPTER XCII.

AN ACT to authorize Timothy Dotson to build a bridge across Stone's river at or near the ford at Clover Bottom.

Authority granted.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Timothy Dotson, be and he is hereby authorized to build a bridge across Stone's river, at or near the ford upon the road now leading to Lebanon, where it crosses said river at Clover bottom, in the county of Davidson; Provided that said bridge shall not be so erected as to stop up or injure the ford or navigation of said river.

County court to fix the rate of toll—may be abated.

SEC. 2. *Be it enacted,* That so soon as the said bridge shall be finished, the said Timothy Dotson shall apply to the county court of Davidson, a majority of the Justices of said county being present, which said court shall be, and is hereby empowered to fix the rate of toll which said Dotson may receive for crossing said bridge, and if the said Dotson shall by himself or any other person or persons whatsoever, demand or receive more than is allowed by said court for crossing said bridge, he shall be liable to pay the sum of twenty five dollars for each and every such offence, the one half to the use of him, her, or them, who will sue for the same, and the other half to the use of the county, recoverable before any tribunal having cognizance thereof; Provided always, that the said Timothy Dotson and all subsequent purchasers of said bridge shall be liable to all damages sustained by any person or persons, detained, delayed or injured in ascending or descending said river, with boats or rafts; and provided further, that on satisfactory proof made before the county court of Davidson, that the navigation of said river is materially injured by said bridge, may order and compel said Dotson or other owner thereof, to pull down the same, or make such alteration thereon as may remedy the evil complained off.

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

November 30, 1831.

CHAPTER XCIII.

AN ACT for the relief of William Pope.

Be it enacted by the General Assembly of the State of Tennessee, That William Pope, be and he is hereby authorized to retail any goods, wares and merchandize except spirituous liquors, in the county of Smith without obtaining any license therefor.

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

November 28, 1831.

CHAPTER XCIV.

AN ACT to encourage the manufacture of Iron in this State.

SEC. 1, *Be it enacted by the General Assembly of the State of Tennessee,* That Wallace Dixon may enter and lay down on the general plan of the eighth surveyor's district, in one or more tracts, any quantity of vacant and unappropriated land unfit for cultivation, including any bank or banks of iron ore, east of Tennessee river in the county of Perry, not exceeding five thousand acres, that said entry or entries may be made so as to include any occupant claim or claims, which have or may be, legally and for a valuable consideration assigned to him, but shall in nowise interfere with a preference already granted without first obtaining an assignment, and said Dixon shall enjoy the same rights and privileges, as other occupants, subject nevertheless, to the same rules, regulations and restrictions as govern occupants south and west of the Congressional reservation line; Provided, however, that the said Dixon, shall only be entitled to the benefits and privileges of this act, on condition that he shall, within three years from the first day of January next, erect and put into operation, in said county of Perry, works for the manufacture of iron; but should he fail so to do, then and in that case, any entry or entries, made under the provisions of this act, shall be null and void to all intents and purposes, as though they never had been made.

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

December 10, 1831.

CHAPTER XCV.

AN ACT for the relief of the creditors of Anthony Gilliam dec'd.

Whereas, Anthony Gilliam a free negro, departed this life in Franklin county, *intestate* and without heirs, and administration of his estate was granted to Mark M. Harris, and the said Anthony died seized and possessed of a small piece of ground in the town of Winchester, being a part of two lots, and a portion of the debts of said Anthony still remain unpaid and there is no assets in the hands of the administrator to pay them, and the creditors cannot make their debts out of the real estate of said Anthony because he has no heirs or devisees.—Wherefore,

Be it enacted by the General Assembly of the State of Tennessee, That the administrator of Anthony Gilliam dec'd. is hereby authorized to make sale of the real estate of said decedent, as though it were personal property, and in like manner shall be held accountable for the proceeds as though it were personal property; Provided, that this act shall not be construed to authorize said administrator to sell the real estate if said Anthony has or ever had any heirs or devisees in being.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER XCVI.

AN ACT for the benefit of Richard C. Napier.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Richard C. Napier may enter and cause to be granted to him in one or more tracts, a quantity of vacant and unappropriated land unfit for cultivation including any bank or banks of iron ore, in the counties of Perry, Hardin and McNairy, and that said entries may be made so as to include any occupant claim or claims, which have or may be assigned to him for a valuable consideration, but shall in no wise interfere with any occupant claim without first obtaining an assignment—said entries to be made in the surveyor's office in the district in which they may be, upon any good and valid warrant; Provided, that said Napier shall only be entitled to the benefit and privilege granted to him by this act on con-

May enter land and obtain grants on certain conditions.

dition that he shall within two years from the passage hereof, erect and put in operation, in one of said counties works for manufacturing of iron, and should the said Napier fail or refuse within two years from the passage of this act, to put iron works in operation in any of the counties aforesaid, any grant or grants, entry or entries made by virtue of this act shall be void and of no effect.

SEC. 2. Be it enacted, That the surveyor in whose district the said Richard C. Napier may wish to make his entry or entries by virtue of the aforesaid first section hereof, shall receive said entries and survey the same, and the register shall issue a grant to him according to former laws in force on the subject of appropriating lands in said counties: Provided, nevertheless, that said entries shall not be made on any vacant land within five miles of any site already selected for iron works.

Entry to be received, surveyed, and registered.

SEC. 3. Be it enacted, That in making the entries above specified, said Napier shall confine himself to a distance not greater than five miles from the said ore bank or banks, and that he shall only have permission to erect one set of works.

Limitation.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate

November 28, 1831.

CHAPTER XCVII.

AN ACT to repeal an act, passed October 8, 1825, entitled "an act for the benefit of Jotham Brown of Greene county.

Be it enacted by the General Assembly of the State of Tennessee, That the above recited act, be and the same is hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

November 28, 1831.

CHAPTER XCVIII.

AN ACT to provide for the divorce of Maria Harp from her husband Nathaniel Harp, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for Maria Harp of Da-

Maria Harp.

horses or mules, six and a fourth cents, for cattle, two vidson county, to file her petition for a divorce from her husband Nathaniel Harp, in the Circuit court of said county of Davidson at the first or any subsequent term of said court, and if the said Maria shall prove by one or more credible witnesses, that the said Nathaniel Harp has, for the last three years past removed himself from this state, and has failed to provide for the support and maintenance of his said wife Maria, and her two children, it shall be the duty of said court to decree a dissolution of the bonds of matrimony now existing between them, any law, usage or custom to the contrary notwithstanding.

Elizabeth Evans. SEC. 2. *Be it enacted,* That it shall be lawful for Elizabeth Evans of Humphreys county, to file her petition for a divorce from her husband Alfred Evans, in the Circuit court of said county of Humphreys, and if the said Elizabeth shall prove by one or more credible witnesses, that the said Alfred Evans has for the last two years past, removed himself from this state, and has failed to provide for the support and maintenance of his said wife Elizabeth, it shall be the duty of the said court to decree a dissolution of the bonds of matrimony now existing between them, any law to the contrary notwithstanding.

Julia Jones. SEC. 3. *Be it enacted,* That it shall and may be lawful for Julia Jones, to file her petition for a divorce from her husband Dempsey Jones in the circuit court of Davidson county, and if it shall appear to the satisfaction of said court by the evidence of two or more credible witnesses, that he, the said Dempsey Jones has voluntarily abandoned the said Julia Jones without any just cause, and has been absent for more than two years and still absents himself, it shall be the duty of said court to decree a dissolution of the bonds of matrimony now existing between the said Julia Jones and her husband Dempsey Jones, at the first or any subsequent term of said court, any law to the contrary notwithstanding.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
December 9, 1831.

CHAPTER XCIX.

AN ACT to provide for the appointment of a County Surveyor for the county of Monroe.

Be it enacted by the General Assembly of the State of Tennessee, That the county of Monroe shall be entitled to a county Surveyor, who shall be appointed in the same

manner, and shall be entitled to the same fees, rights, privileges and immunities, that other county surveyors North and East of the congressional reservation line have and enjoy.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
December 9, 1831.

CHAPTER C.

AN ACT for the benefit of Overton county.

Whereas the county court of Overton county, at their January session of said court 1824, made an order on an affidavit alone, allowing the former county Trustee the sum of about fifteen hundred dollars, as a credit in the settlement of his account with the commissioners of the county.—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it be, and is hereby made the duty of the Attorney General, prosecuting for the county of Overton, to file with the Judge of the circuit court, for said county, a petition showing the facts of the allowance made to the former trustee of Overton county or an affidavit showing that he had lost certain papers or vouchers necessary to show his credits with the county commissioners, upon which said Judge shall order up to his court immediately a copy of all the proceedings in the court below, and shall open and investigate the same in his court, and it shall be the duty of the Judge to allow said trustee a credit for all, each and every item, he shall make it appear that he is entitled to by disinterested evidence: which evidence shall show the amount of each claim lost, the kind and nature of the claim, to whom payable, the number and when filed.

SEC. 2. *Be it enacted,* That the trustee's recordbook, in which he listed said claims as the law directs, shall be evidence sufficient of the amount of the respective claims, their nature and to whom payable, and a well authenticated affidavit of the person receiving the same, sworn to before any judge or justice of the peace, shall be admitted as evidence, provided nevertheless, that if the witness cannot attend said court, it shall be sufficient to show the court, that the payment of the claim was made to him, her or them.

SEC. 3. *Be it enacted,* That the trustee's record book, in which he listed said claims, shall be sufficient evidence

to show the number of said claims, when and by whom filed.

Duty of County Court. SEC. 4. *Be it enacted,* That if the said trustee shall fail to make it appear to the court, that he is entitled to a credit for the amount claimed and specified in the order aforesaid of the county court, then and in that case, it shall be the duty of said court to enter up judgment for the balance against said former trustee and his securities with interest at the rate of six per cent per annum from the date of the making of said order in the county court, upon which execution may issue as in other cases.

Trustee may appeal. SEC. 5. *Be it enacted,* That if the said trustee shall be dissatisfied with the decision of the circuit court, it shall and may be lawful for him to take an appeal to the court of errors and appeals to be decided as in other cases.

Attorney General may appeal. SEC. 6. *Be it enacted,* That if the attorney general shall be of opinion, that there is error in the judgment of the circuit court, it shall and may be lawful for him to pray for and take an appeal in the name of said county of Overton to the court of errors and appeals to be decided as in other cases.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
December 9, 1831.

CHAPTER CI.

AN ACT for the relief of Edmond Bean, a citizen of the county of Rhea.

Be it enacted by the General Assembly of the State of Tennessee, That Edmond Bean, a citizen of the county of Rhea, be and he is hereby released from the payment of the sum of sixty five dollars, it being the amount of three several fines assessed against him by a regimental court martial, held for the 30th Regiment Tennessee Militia on the 25th day of November 1830, on his paying all costs of any suit or suits which may have been prosecuted to recover the same.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
December 8, 1831.

CHAPTER CII.

AN ACT for the benefit of Custis O'Neal.

Be it enacted by the General Assembly of the State of Tennessee, That the register of the Western District be, and he is hereby authorized and required to issue grants to Custis O'Neal on Entries No. 1433 dated the 15th day of June 1824 for twenty acres, and 1434 of the same date for fourteen acres, both entries being made in the 9th district, range 3 and section 9, upon the production of a plat and certificate of said surveys, and satisfactory proof that the said Custis O'Neal is the real owner of said entries, and that they are founded on good and valid warrants which have been lost, after they were taken out of the Surveyors office, with an indorsement of appropriation in the face of said warrants for the purpose of procuring grants thereon.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Speaker of the Senate.
December 12, 1831.

CHAPTER CIII.

AN ACT for the benefit of Joseph Davy.

Be it enacted by the General Assembly of the State of Tennessee, That Joseph Davy of Hickman county, be and he is hereby authorized to convey all the right, title, claim and interest, that he or his wife Hannah Davy may have to a certain tract or piece of land containing about twenty five acres, on the waters of of the Sugar fork of Bigby in Maury county, it being a moiety of land which descended to said Hannah Davy from her father late John Griffith of said county of Maury, and any conveyance made by said Davy as husband aforesaid, shall be as good and valid in law and equity as if made and signed by his wife according to the law regulating conveyances from feme coverts, 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 8, 1831.

CHAPTER CIV.

AN ACT for the benefit of Feild Farrar.

Be it enacted by the General Assembly of the State of Tennessee, That the treasurer of this state be, and he is hereby authorised and directed to allow as a credit in his settlement for the present year with Feild Farrar, clerk of the court of pleas and quarter session for Dickson county, the sum of forty dollars, it being the amount of taxes collected and deposited in his office, and blown away by the hurricane in May 1830, and which said amount has been paid by said Farrar to said treasurer in his former settlement with him.

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

December 8, 1831.

Speaker of the Senate

CHAPTER CV.

AN ACT to release Hale's turnpike from the payment of a State tax.

Be it enacted by the General Assembly of the State of Tennessee, That the turnpike road at present owned by John Hale leading from Pikeville across Cumberland Mountain on the direction to Sparta, be and the same is hereby released from the payment of any tax whatever, including the tax for the present year should the same not have been already paid.

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

December 8, 1831.

CHAPTER CVI.

AN ACT requiring the Entry Taker of Bedford county to record certain entries.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Sutton Entry Taker of Bedford county, or his successor in office, be and he is hereby required to record all the entries on file in said office, which

Entries to be
recorded.

were received by James R. White former Entry Taker of said county, and which entries the said White failed to record.

SEC. 2. *Be it enacted,* That said entries shall be numbered, where that has not been done, and recorded in a well bound book, agreeably to the provisions of the law now in force pointing out the duties of Entry Takers.

To be numbered
in a book.

SEC. 3. *Be it enacted,* That the entry Taker shall be entitled to receive twelve and a half cents for recording each entry, to be paid by the Trustee of Bedford county out of any money in the county treasury not otherwise appropriated, and the receipt of said Sutton or his successor, shall be a good voucher in the settlement of his accounts; Provided, however, that the Entry Taker shall produce to said Treasurer the certificate of the clerk of the circuit court of the aforesaid county, specifying the number of entries by the said Entry Taker recorded—under the provisions of this act.

Entry Taker's
fee.

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

December 8, 1831.

CHAPTER CVII.

AN ACT for the relief of John R. Charter of Hickman county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John R. Charter of the county of Hickman, be and he is hereby released and forever discharged from the payment of a certain judgment rendered against him in the circuit court of Hickman county, at the September term of said court in the year 1830, as appearance bail of Franklin Weaver and Addison Weaver, at the instance and in behalf of the State, on the payment by the said Charter of the costs accrued thereon; and on the production of a certified copy of this act to the judge of said court at the March term 1832, the said judge is hereby commanded to dismiss such further proceedings now pending in said court, founded on said judgment at the costs of said Charter.

Judgment against
to be dismissed.

SEC. 2. *Be it enacted,* That James Rose, Lewis Smith and others against whom a judgment has been rendered in the circuit court of Monroe county, upon a recognizance by them forfeited as the appearance bail of Hiram M. Murray in a State prosecution against him in said court, be and they are hereby released from the payment of said judgment; Provided, that said bail shall not here-

Bail of Hiram
M. Murray released.

by be released from the costs of said judgment; and provided, said bail shall make oath that they have received no indemnity from the said Hiram M. Murray.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 1, 1831.

CHAPTER CVIII.

AN ACT for the relief of Mary Guest, widow and Relict of Joshua Guest deceased, late jailor of Maury county.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of Middle Tennessee, pay to Mary Guest, widow and relict of Joshua Guest deceased, late, jailor of Maury county, the sum of two hundred and twenty three dollars and fifty cents, for keeping Benjamin W. and William Hardin in the jail of said county, charged with the murder of Isaac N. Porter, and her receipt shall be a good voucher in the settlement of said Treasurer's accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 12, 1831.

CHAPTER CIX.

AN ACT for the benefit of Robert Jetton and John Elliott.

Be it enacted by the General Assembly of the State of Tennessee, That Robert Jetton and John Elliott, be and they are hereby authorized to have surveyed and entered on the general plan of the twelfth surveyor's district, one thousand acres of land adjoining the Sandy Bridge and causeway in Carroll county owned by said Jetton and Elliott under the same rules, regulations and restrictions that govern other occupant claimants, south and west of the Congressional reservation line.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 12, 1831.

CHAPTER CX.

AN ACT to authorize the register to issue a certain Grant.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the register of West Tennessee, is hereby authorized to issue a grant to James R. Dickey for twenty five acres of land by virtue of an entry No. 1777, founded on certificate No. 39, for twenty five acres of land, assigned by the register of the Western District, and entered on 23d of May 1826, in the 7th surveyor's district; Provided, that the issuance of said grant shall not affect the right of any other person or persons whatsoever claiming said land.

Grant to issue to Jas R. Dickey

SEC. 2. Be it enacted, That Gilbreath F. Semantan and M. H. Buchanan may have surveyed and laid down on the general plan of the 7th district, fifty three acres of vacant and unappropriated land adjoining their mill tract in Lawrence county, the mills being commonly known by the name of Bailie's mills, and the said Semantan and Buchanan, are hereby granted a preference of entry to said land for the use of said mills and may enter the same or any part thereof, upon any good and valid warrant; Provided, that said entry does not interfere with any occupant claim or claims; and provided, that said mill tract is not thereby increased to more than two hundred acres.

Preference of entry to Semantan and Buchanan.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 12, 1831.

CHAPTER CXI.

AN ACT to amend an act entitled an act to authorize Allen M'Donald to open a turnpike road.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Michael Robbins, be allowed the term of one year from the passage of this act, to open and complete a turnpike road granted to Allen M'Donald by an act of 1829, and said Michael Robbins, be and he is hereby authorized to make such alterations in said road as he may deem most advantageous to public convenience.

Michael Robbins to complete said road.

SEC. 2. Be it enacted, That said Michael Robbins be entitled to all the rights, privileges and emoluments for opening and completing said road that was granted to Allen M'Donald by the said act of 1829, and that he the

Privileges granted to.

said Michael Robbins, shall be bound by the same rules, regulations and restrictions that were imposed on Allen M'Donald by the said act of 1829.

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

December 8, 1831.

CHAPTER CXII.

AN ACT for the relief of the Covington Sentinels.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Covington Sentinels, a volunteer company in the town of Covington in this state, shall be entitled to all the rights, privileges and capacities that the Franklin Independent Blues by law possess.

SEC. 2. *Be it enacted,* That the volunteer company of the county of Hickman, lately known by the name of the Houston Guards, be hereafter known by the name of the Union Guards, and shall by that name have all the rights and privileges of a volunteer company, and thirty volunteers shall be a sufficient number to constitute said company.

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

December 8, 1831.

CHAPTER CXIII.

AN ACT to improve the navigation of Obed's river in Overton and Fentress counties, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Jesse Cobb, David Beaty, Person Miller, William Travis and John Richardson of Fentress county, be constituted a board of internal improvement for Fentress county.

SEC. 2. *Be it enacted,* That so soon as they shall give bond and security to the chairman of the county court of said county, in the sum of fifteen hundred dollars, they shall be entitled to receive the sum of six hundred dollars out of that portion allowed to Middle Tennessee by the act of 1829 for internal improvement.

SEC. 3. *Be it enacted,* That the said board shall employ

some suitable person to clear out the rocks and other obstructions in Obed's river in said county, and upon said person executing bond and security for all or such part as he may undertake, pay over to him such money as they may contract to pay.

SEC. 4. *Be it enacted,* That said board shall open a book for subscriptions and appropriate all such appropriations to said stream as directed by this act.

SEC. 5. *Be it enacted,* That the President and Directors of the Bank of the State, shall comply with the directions of this act in paying over to them the said sum of money.

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

December 9, 1831.

CHAPTER CXIV.

AN ACT to authorize Thomas Tipton and Zachariah Clarke of Blount county to open a turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Thomas Tipton and Zachariah Clarke of Blount county, be and they are hereby authorized to cut out and open a road from some convenient point on Crooked creek in the county of Blount, through the mountains by the way of Cade's Cove to the Equanuckly Gap, thence down Eagle creek to intersect at some convenient point, the North Carolina turnpike road leading to Macon in the State of North Carolina, under the same rules, regulations and restrictions, that are imposed on Daniel D. Foute by an act entitled an act to authorize Daniel D. Foute of Maryville Blount county, to open a turnpike road, passed at Nashville on the 4th day of January 1830, so far as the same is consistent with the provisions of this act.

SEC. 2. *Be it enacted,* That William Wallace and Andrew Cowan of Blount county, shall be and they are hereby appointed commissioners of said road with the same powers, duties and emoluments to which the commissioners appointed by the second section of the act recited in the first section of this act, are entitled.

SEC. 3. *Be it enacted,* That at the toll gate to be erected under the provisions of this act, the said proprietors shall be entitled to receive at the following rates, to wit: for each waggon and team, seventy five cents; for each four wheel pleasure carriage, one dollar; for each two

wheel pleasure carriage, seventy five cents; for each cart and driver, thirty seven and a half cents; for a man and horse, twelve and a half cents; for each loose horse or mule not in a drove, six and a fourth cents; for each horse or mule in a drove, two cents; for each head of cattle, two cents; and for each head of hogs or sheep, one cent.

Limitation of
Charter.

Sec. 4. *Be it enacted*, That the proprietorship of said road and the right to collect toll thereon, under the provisions of this act, are hereby secured to the said Thomas Tipton and Zachariah Clarke and their heirs exclusively, for the term of twenty five years; and that the proprietors of said road shall not be required to pay any tax thereon, until otherwise provided for by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 12, 1831.

CHAPTER CXV.

AN ACT for the relief of persons who are about to be injured by the loss of papers, records &c. by the hurricane at Charlotte in 1830.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the Sheriff of Dickson county, in all cases wherein he is satisfied, that sales were by him or his predecessor made of any lands, slaves or other property in said county by virtue of any writ of fieri facias or execution from any of the courts of said county upon judgments thereof, the record evidence of which sales has been lost by the hurricane, to execute deed or deeds conveying the same property to the purchaser or purchasers, or their assignee or assignees, or persons redeeming under the laws of this State, which conveyance when made shall be as good and valid in law and equity, to pass the title to such purchaser or purchasers, assignee or assignees, redeemer or redeemers as if said record and execution with the Sheriff's endorsement of sale were regularly produced.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 8, 1831.

CHAPTER CXVI.

AN ACT for the relief of Cullen and Wyly Bayliss, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of the Western District, be authorized and required to pay to Cullen and Wyly Bayliss the sum of thirty six dollars and seventeen cents, it being the excess by them paid to the State for merchant license, the above named sum of money, to be paid out of any money in the treasury not otherwise appropriated.

Relief granted.

Sec. 2. *Be it enacted*, That Martin Thomas lately a retail merchant at Nashville, and who took license in Davidson county, but who has removed his whole unsold stock of goods to Clarksville in Montgomery county, may continue to retail under his said license at Clarksville, until the expiration of his said license to retail without paying to the State any additional tax.

Martin Thomas

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 8, 1831.

CHAPTER CXVII.

AN ACT to authorize William Simpson to open and establish a toll bridge and turnpike road across Hatchee river and bottom.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Simpson of Hardeman county, be and he is hereby authorized to open and establish a toll bridge and turnpike road across Hatchee river and bottom, at the place where said William Simpson now has a ferry on said river, which said road and toll bridge shall be built and constructed upon the plan and in a similar manner, of the toll bridge and levee lately built on said Hatchee river near Boliver.

Authority granted.

Sec. 2. *Be it enacted*, That said toll bridge and road shall be kept in good and complete repair by said proprietor, and if the same should at any time be permitted to remain out of repair for the space of one month after the same has been received by the commissioners hereafter to be appointed, said commissioners are hereby directed and required to open the gate hereafter allowed to be kept on said road, and all persons shall be permitted to pass upon said bridge and road toll free, so long as said road remain out of repair.

To be kept in good repair.

SEC. 3. *Be it enacted,* That Wm. L. Duncan, John Prassan and Benjamin Ingram, are hereby appointed commissioners, whose duty it shall be, when said road proprietor shall notify them that said road has been completed according to the provisions of this act, it shall be their duty to proceed to examine said road and toll bridge, and if in their opinion it has been constructed and completed in a good and substantial manner, as is contemplated in this act, they shall license said proprietor in writing to open and keep a toll gate on the most convenient part of said toll bridge for said proprietor, and he shall then be permitted and entitled to the same rates of toll that the proprietor of the turnpike road or toll gate across Hatchee river near Bolivar now is authorized by law to receive.

SEC. 4. *Be it enacted,* That said commissioners appointed by this act, shall before they enter into the duties of their appointment, before some Justice of the Peace for Hardeman county, take and subscribe the following oath: I do solemnly swear that I will well and truly execute the duties of commissioner to said road, to the best of my skill and ability—So help me God.—And said commissioners shall be entitled to receive from said proprietor the sum of one dollar per day each, for their services as commissioners.

SEC. 5. *Be it enacted,* That said road and bridge shall be completed by the first day of January 1837, and said proprietor shall be entitled to keep the gate on said toll bridge for the term of sixty year, after the same has been received by said commissioners, unless said proprietor suffer and permit the same to remain out of order for the space of one year at any one time, in which event this charter shall be forfeited.

SEC. 6. *Be it enacted,* That all the citizens of Hardeman county, shall at all times be permitted to pass said toll bridge and road toll free, on their way going to or returning from elections, musters, courts, mill and blacksmith's shop or preaching, and that the same privileges shall be extended to all the citizens of M'Nairy county, going to and returning from elections for Governor, members to Congress and to the General Assembly, to mill, blacksmith's shop or preaching, and if any person not authorized by this act, shall arbitrarily pass said toll bridge and gate, for the purpose of evading the payment of the toll at such gate, such person or persons shall forfeit and pay said proprietor the sum of twenty dollars, to be recovered before any jurisdiction having cognizance thereof.

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

CHAPTER CXVIII.

AN ACT to incorporate the Clarksville and Russellville rail road company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all persons who shall become stockholders pursuant to this act, shall be and they are hereby constituted a body corporate by the name of the Clarksville and Russellville Rail Road Company, and shall have succession for ninety nine years.

SEC. 2. *Be it enacted,* That the said company or corporation, be and they are hereby vested with a right to construct a single or double rail road from Clarksville in Montgomery county, as far as the Kentucky line, in the direction of Russellville, Kentucky.

SEC. 3. *Be it enacted,* That the capital stock of said company may be one hundred thousand dollars, and shall be divided into shares of fifty dollars each.

SEC. 4. *Be it enacted,* That John H. Poston, James B. Reynolds, Joel C. Rice, Andrew Vance, Wm. F. Gray, James M'Clure and such other persons as they may select in Montgomery county, Tennessee, or Logan and Todd counties Kentucky, shall be commissioners to open books for receiving subscriptions to the capital stock of said corporation; the books to be opened by one or more of said commissioners in twelve months from the passage of this act, at such place or places as said commissioners may appoint.

SEC. 5. *Be it enacted,* That said company or corporation as to the articles to be transported, the manner thereof, the time of commencing the construction and completion of said road, of receiving subscription, of electing directors, the number thereof, and the manner of electing the same, their powers, liabilities and manner of organization, laying out, constructing and surveying said road, and all other rules, powers, privileges, conditions and restrictions, granted to and vested by an act of this session of the General Assembly, to the Franklin rail road company or corporation, be and is hereby adopted and vested in the Clarksville and Russellville rail road company so far as the same is not inconsistent with the provisions of this act, and the interest of this company.

SEC. 6. *Be it enacted,* That the Governor in making appointment of valuers, as prescribed in the charter of the Franklin rail road company, to value and assess damages to lands over which said road shall pass, shall appoint citizens of said county of Montgomery.

SEC. 7. *Be it enacted,* That said company when said road or any part thereof, shall be completed, may have

and charge tolls as follows: for every ton weight of goods, property, loading or freight, at the rate of six cents per mile, and at a rateable proportion for any greater or less quantity than a ton; for the conveyance of a passenger at the rate of five cents per mile.

Corporate powers & liabilities.
 SEC. 8. *Be it enacted*, That all the corporate powers to sue or be sued, to protect the interest of said company from any injury, and to be liable to any damages by them done to others or the community, and all privileges and rights secured to the citizens or public against said corporation, granted, vested or restricted and retained in the said charter to the Franklin rail road, are hereby secured, granted, retained and restricted to the Clarksville and Russellville rail road company;—and should the State of Kentucky charter a company to meet this road in Kentucky, this company may and shall have power to unite with said company if to them it shall seem proper and right, and upon such terms as may be agreed on by them.

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

December 8, 1831.

CHAPTER CXIX.

AN ACT to repeal all laws heretofore passed incorporating the town of Athens in the county of M'Minn and for other purposes.

Repealing clause of power of the Commissioners.
 SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all laws heretofore passed incorporating the town of Athens is hereby declared to be repealed, and that from and after the passage of this act, the commissioners of the seat of justice and town of Athens in the county of M'Minn, shall have full power and authority to pass bye laws and regulations necessary for the security and preservation of the court house, jail and public square, in said town not inconsistent with the constitution and laws of this state, provided that no by-law or regulation inflicting a penalty for a breach of the same shall be in force until public notice shall have been given at least thirty days in the Hiwassee and Athens Gazette.

SEC. 2. *Be it enacted*, That all fines and forfeitures inflicted by virtue of this act, shall be recoverable by action of debt before any justice of the peace, or tribunal having cognizance thereof, in the name of the chairman of said board of commissioners for the use of repairing

and keeping in repair the court house, jail and public square in said town.

SEC. 3. *Be it enacted*, That the chairman and board of commissioners of the corporation of the town of Athens shall pay over and deliver to the commissioners of the seat of justice in the county of M'Minn, all monies, books, papers and other effects in their hands by virtue of any former laws passed for the benefit of said corporation.

Corporation to deliver up books and papers &c.

SEC. 4. *Be it enacted*, That the commissioners of the seat of justice aforesaid and their successors in office, shall have full power to make deeds of conveyance to all persons on the production of the original certificate for a lot or lots in said town and out lots adjoining said town of Athens, and to vest a good title, it shall be necessary for a majority of five of said board of commissioners to sign said deed of conveyance in their official capacity, and all deeds of conveyance issued in pursuance of this act, recorded and registered as required by law, shall be read in evidence on the trial of any cause where the right of said lot may be in issue.

Deeds of conveyance by commissioners.

SEC. 5. *Be it enacted*, That said board of commissioners shall keep a well bound book, in which they shall record the number and date of all deeds by them issued, and shall keep on file all certificates on which deeds of conveyance may have issued.

To be recorded.

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

December 8, 1831.

CHAPTER CXX.

AN ACT for the benefit of Joseph Vincent.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Joseph Vincent of Weakly county may lay down on the general plan of the 13th surveyor's district, first range and fifth section, any quantity of vacant unappropriated land not exceeding two hundred and acres unfit for cultivation, including a site for a mill on Spring creek, and enter the same by warrant or otherwise as may be directed by law,—Provided said Vincent erects and puts into operation said mill within two years from the passage of this act.

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

December 12, 1831.

CHAPTER CXXI.

AN ACT to exonerate all persons living on Walden's ridge near Gordon's road in Rhea County from mustering.

Be it enacted by the General Assembly of the State of Tennessee, That all persons living on Walden's ridge in Rhea county near Gordon's road be, and they are hereby exempted and discharged from attending all musters, unless in case of insurrection or invasion, any law to the contrary notwithstanding.

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

December 8, 1831.

CHAPTER CXXII.

AN ACT for the benefit of Unice Cummings.

Be it enacted by the General Assembly of the State of Tennessee, That Unice Cummings, wife of John B. Cummings of Redford county, shall from and after the passage of this act, possess and enjoy all the rights, privileges and immunities of a feme sole, except that of intermarrying with another man; and no property acquired by her by inheritance, devise, gift, contract or in any other way shall be subject to the control or to the payment of the debts of the said John B. Cummings.

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

December 12, 1831.

CHAPTER CXXIII.

AN ACT to authorize the sheriff of Jackson and other counties to appoint three deputies, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the sheriffs of Jackson, Cocke, Monroe, Knox and Lawrence counties are hereby authorized to appoint three deputies, who shall be subject to the same laws, rules and regulations that deputy sheriffs are now subject, any law to the contrary notwithstanding.

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

December 12, 1831.

CHAPTER CXXIV.

AN ACT to change the time of holding muster in the 116th regiment.

Be it enacted by the General Assembly of the State of Tennessee, That the 116th regiment of Humphreys county hold a regimental muster on the first Saturday of October in each and every year, subject to the same rules, regulations and restrictions as though the time of holding the same had not been changed.

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

December 12, 1831.

CHAPTER CXXV.

AN ACT to dispose of the public square and lots, and other public property in Old Montgomery, the former county seat of Morgan county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee, That Thomas S. Lea, Jacob Simmons and Levi Truchitt be, and they are hereby appointed commissioners to sell and dispose of the public land and property in Old Montgomery, the late county seat of Morgan.* Commissioners appointed.

SEC. 2. *Be it enacted, That said commissioners shall after giving thirty days notice, in each captain's company in the county of Morgan, proceed to sell the public square and all lots and other public property in said former town of Montgomery and county aforesaid, to the highest bidder on a credit of twelve months, and it shall be the duty of said commissioners, a majority of whom shall be competent to do all things herein required of them, to take a bond from the purchaser or purchasers, with good and sufficient security, and to execute a deed or deeds of conveyance in the usual form to such purchaser or purchasers.* Their duty.

SEC. 3. *Be it enacted, That the commissioners hereby appointed, shall before they proceed to the discharge of the duties therein required of them, enter into bond jointly and severally in the sum of five thousand dollars, payable to the chairman of the county court of Morgan county, for the faithful discharge of the duties herein required of them. And it shall be the duty of said commissioners to pay over the monies arising from such sale to the coun-* To enter into bond.

ty trustee, to be disposed of as the county court of Morgan county shall direct.

Old Court house
in Jefferson to be
sold.

Sec. 4. *Be it enacted*, That John R. Wilson, William Thompson, G. W. L. Hardeman, Williamson Smith, R. L. Weakly and R. M. Gregg be, and they are hereby appointed commissioners to sell the old court house in the town of Jefferson, and it shall be the duty of said commissioners after giving forty days notice, to proceed to sell the same at public sale, for cash; and the proceeds thereof shall be applied to the improvement of the public square and the streets of the town of Jefferson.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 10, 1831.

CHAPTER CXXVI.

AN ACT to extend the limits of the corporation of the town of Knoxville.

Boundaries de-
scribed.

Be it enacted by the General Assembly of the State of Tennessee, That the corporation of the town of Knoxville, shall be extended to the following limits: beginning at the south east corner of lot No. 1. in the first division of Knoxville, thence in the direction of the eastern boundary of said lot to a point on the river bank, below the ferry landing, thence down the river, to the mouth of Second creek, thence up Second creek to the main road, a continuation of main street, thence along the boundaries of the East Tennessee College lands, so as to include Hugh M'Clung's brick house and lot, bought of M'Bath, Rutherford's real property and Bosworth's, thence up Second creek to a point that a direct line will include the street, that bounds the second Presbyterian church on the north, and continue eastwardly said direct line to the road leading into Knoxville from Messrs. Kennedy's upper mills, and with said road south to lot No. 1. in the second division of Knoxville, owned by the late William Morrow.

Authority of the
Corporation ex-
tended over the
new limits.

Sec. 2. *Be it enacted*, That the aforesaid corporation shall have all the rights and powers to the above described limits which said corporation now possess to its present bounds; provided however, that any white person now residing or owning real property, within the bounds hereby added to the corporation, shall have six months from the passage of this act to register their names with the clerk of the corporation, and those persons who may own any

real property in the bounds hereby added, shall have the same length of time to register their names and the lots or houses, or the number of acres they own in said bounds, and it is hereby made the duty of the clerk of the corporation to enter their names and property, in a book to be kept by him for that purpose, and said persons and property shall not be subject to any law, rule, ordinance or tax of said corporation but in case any such person should hereafter move into the present limits of the corporation, then they shall be liable to all the laws and ordinances of said corporation.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

CHAPTER CXXVII.

AN ACT for the benefit of Joseph Hicks jailor of Hawkins county.

Relief granted.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of East Tennessee pay Joseph Hicks, Jailor of Hawkins county, fifty five Dollars out of any money in the treasury not otherwise appropriated, for the keeping of William Crutchfield in the jail of the county aforesaid, and his receipt shall be a good voucher in the settlement of his accounts.

Sec. 2. *Be it enacted*, That the Treasurer of East Tennessee pay to Montgomery Irvine former jailor of Sullivan county, the sum of forty one dollars and thirty seven and a half cents, and to William Hartman, present jailor of said county, the sum of seventeen dollars and fifty cents out of any money in the treasury not otherwise appropriated for the keeping of Wm. Crutchfield in the jail of the county aforesaid, and their receipts shall be a good voucher in the settlement of his accounts.

Montgomery Ir-
vine and William
Hartman.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 8, 1831.

CHAPTER CXXVIII.

AN ACT to incorporate the Columbia Rail Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter R. Booker, John Brown Sam-

Commissioners
to open books &c

uel H. Williams, John Miller, Nathaniel Wellis, William E. Kenedy, William R. Miller, L. D. Brewster, Edward W. Dale, Allen Brown, Hillary Langhtrey, Henry Purney, James S. Walker and Willis H. Boddie, be and they are hereby appointed commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Columbia Rail Road company hereby incorporated, and they, or a majority of them, may cause books to be opened at such times and places as they may direct for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice by advertisement, for at least three successive weeks in the newspapers in Columbia and Nashville, of the times and places of opening the same. Upon the first opening of said books, they shall be kept open in the town of Columbia for at least six successive days from 10 o'clock in the forenoon to 2 o'clock in the afternoon, and if at the expiration of that time, such subscription to the capital stock of said company as is necessary to its incorporation, shall not have been obtained, the said commissioners or a majority of them may cause the said books at the town of Columbia and elsewhere, from time to time after the expiration of the said six days, for the space of three years after the passage of this act, or until the sum necessary to the incorporation of the company shall be subscribed, and if any of the said commissioners shall die, resign, or refuse to act during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners or a majority of them, it shall be the duty of said commissioners to open the books for subscription for the six days aforesaid in the town of Columbia within six months from the passage of this act.

Capital stock—
corporate powers

Sec. 2. *Be it enacted,* That the capital stock of the Columbia rail road company shall be nine hundred thousand dollars, in shares of fifty dollars each, which shares may be subscribed for by any corporation or individuals; so soon as four thousand shares of said capital stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby declared to be incorporated into a company by the name of the Columbia Rail Road company, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as the same shall be necessary for the purposes hereinafter mentioned, and shall have a corporation in and for the term of ninety nine years and by said corporate name may sue and be sued and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have,

enjoy and exercise all the powers, rights and privileges which other corporate bodies may lawfully do for the purposes mentioned in this act.

Sec. 3. *Be it enacted,* That if more than eighteen thousand shares shall be subscribed to the capital stock of said company, the said commissioners or a majority of them, shall reduce the subscription to eighteen thousand shares by striking off from the highest number of shares in succession, until the subscriptions are reduced to eighteen thousand, or all the subscriptions to one share each, and if there still be an excess, then lots shall be drawn by the commissioners to determine who are to be excluded; Provided, the stock may be increased to cover the over subscription, not to exceed one and a half million of dollars.

In case more
than 18,000 shares
are subscribed.

Sec. 4. *Be it enacted,* That there shall be paid on each share subscribed, (but not until four thousand shares shall have been subscribed,) such sum as the president and directors hereinafter named, or a majority of them may direct, in quarterly payments, and in such instalments not exceeding one third of the subscriptions in any one year; Provided, no payment shall be demanded, until at least thirty days notice of such demand shall have been given by the said president and directors of the company, in some newspapers printed in Columbia and Nashville, of the time and place of payment, and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded, for sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by said president and directors for the benefit of the company, but said president and directors may remit any such forfeiture on such terms as they may deem proper; and provided, they may waive such forfeiture, and sue or warrant the stockholders for the instalments due, before the expiration of the said sixty days, which if he fails to pay eventually after judgment, the stock shall be forfeited.

Of paying up
the shares sub-
scribed.

Sec. 5. *Be it enacted,* That if the subscription of four thousand shares herein made necessary to the incorporation of said company, shall not be obtained in five years from and after the passing of this act, the same and all the subscriptions under it, shall be null and void, except that the commissioners may collect the cash on each share subscribed as will make up the cash for the expenses of opening the books and other expenses incident to obtaining subscriptions.

Failures to sub-
scribed, 500 shares
in 5 years.

Sec. 6. *Be it enacted,* That at the expiration of the six days for which the books are first opened, the said thousand shares of said capital stock shall have been at least

Shooting of sub-
scribers and elec-
tion of President
and directors pro-
vided for.

bed, or if not, so soon thereafter as the same shall have been subscribed if within five years from and after the passage of this act, the said commissioners or a majority of them, shall call a general meeting of the subscribers at the town of Columbia, of which they shall give at least twenty days' notice in the newspapers printed in Columbia and Nashville, and at such meeting the commissioners shall lay the subscription book before the subscribers then and there present, and thereupon the said subscribers or a majority of them, shall elect thirteen directors by ballot to manage the affairs of said company, and said thirteen directors or a majority of them shall have power to elect a president of said company, from amongst said directors and of allowing such compensation for his services as they may deem just, that in said election and on all other occasions where a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her, up to ten shares, and one vote for each two shares over ten, and every stockholder may depute to vote and act for him, her or it, as its, his or her, proxy, the commissioners aforesaid or any three, or more of them, shall be judges of the first election of directors and any stockholder shall be eligible as president or director.

Thirteen directors to be chosen annually, of election time by them.

SEC. 7. *Be it enacted*, That to continue the succession of the president and directors of said company, thirteen directors shall be chosen annually, on the first Monday in October in every year, at the town of Columbia, by the stockholders of said company. The directors of said company or a majority of them shall have power to appoint judges of elections. The president of the board of directors shall be elected each year, within three days after the board is organized. If any vacancy shall occur by the death, resignation or refusal to act, of any president or director, before the year for which he is elected has expired, a person to fill such vacancy for the residue of the year, may be appointed by the president and directors of said company or a majority of them, and the president and directors of the company shall hold and exercise their office until a new election of directors, and until they are organized and have elected their president. All elections which are by this act, or by the by-laws of the corporation to be made on a particular time, if not made on such day or time, may be made at any time within thirty days thereafter.

Meeting of the stockholders to be held annually.

SEC. 8. *Be it enacted*, That a general meeting of the stockholders of said company shall be held annually at the time and place appointed for the election of president and directors of said company, and they may be called at any time during the interval between said annual

meetings by the president and directors or a majority of them, or by the stockholders, owning at least one third of the whole stock subscribed, upon giving at least thirty days notice in the newspapers aforesaid, of the time and place of holding the same; when the meeting is called by the stockholders, such notice shall specify the object of the call. If at such called meeting a majority of votes upon the whole stock are not represented in person or by proxy, the meeting shall be adjourned from day to day not exceeding three days, and if within said three days a majority of votes do not attend, the meeting shall be dissolved.

President and directors to make annual statements.

SEC. 9. *Be it enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, that at any called meeting of the stockholders, a majority of the votes present, may require a similar statement from the president and directors, whose duty it shall be to furnish it when thus required, and at all regular meetings of the stockholders, called or annual, a majority of the whole votes upon the stock subscribed may remove from office, any president or directors of said company, and appoint another in his stead.

To take oath of office.

SEC. 10. *Be it enacted*, That every president and director of said company, before he acts as such, shall before some judge or Justice of the Peace, take an oath that he will well and truly discharge the duties of said office, to the best of his skill and judgment.

President and directors to keep books.

SEC. 11. *Be it enacted*, That if any of said eighteen thousand shares of capital stock shall remain unsubscribed for, until the organization of said company, the president and directors or a majority of them, shall have power to open books and receive subscriptions for any of the stock of said company, which may remain unsubscribed for or sell or dispose of the same for the benefit of the company, for any sum not under par value, and the purchasers or subscribers of such stock, shall have all the powers, rights and privileges of original subscribers, and shall be subject to the same regulations.

To appoint officers, agents, etc.

SEC. 12. *Be it enacted*, That said president and directors, or a majority of them, may appoint all such officers, engineers, agents or servants whatsoever, as they may deem necessary for the transaction of business of the company, and may remove any of them at their pleasure, may or a majority of them, shall have power to make, by contract, the compensation of engineers, agents or servants, in the employ of said company, and to determine by their by-laws the manner of adjusting and set-

ting all accounts against the company, and also, the manner, effect and evidence, of transfers of stock in said company, and they or a majority of them, shall have power to pass all by-laws, which they may deem necessary or proper for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect; Provided, that such by-laws shall not be contrary to the laws of the United States, the laws of this State, or any of the provisions of this act.

Capital stock may be increased.

SEC. 13. *Be it enacted*, That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the president and directors, or a majority of of them from time to time to increase said capital stock, by addition of so many shares as they may deem necessary, not exceeding in amount one million and a half of dollars, for which they may at their option cause subscriptions to be received, giving notice in the manner herein before prescribed, the purchasers of which stock shall stand on the footing of original stockholders.

All powers and privileges granted necessary for constructing the road.

SEC. 14. *Be it enacted*, That the president and directors of said company, shall and they are hereby vested with all the rights and powers necessary for the construction and repair of a rail road, from the town of Columbia in the county of Maury, to the Tennessee river, which is to strike at some point north of the Alabama line, the ground over which said road is to lie, and the point of intersection of the Tennessee river, shall be determined by the president and directors of said company, the said road shall have as many set of tracts as said president and directors may deem necessary, but shall not be more than one hundred feet wide, to which width the company may purchase land, and cause land to be condemned for the use of said road, or to any less width, as the president and directors may deem expedient, and they may cause to be made, or contract with others for the making of said rail road or any part of it, and they or their agents, or those with whom they may contract for making any part of said road, or their agents, may enter upon and use and excavate any land which may be laid out for the site of said road or the erection of warehouses, stables, mechanics' shops or other works necessary to said road, or useful in the construction or repair thereof, or its works, they may fix scales and weights, build bridges, lay rails and may use any earth, timber, gravel, stone or other material, which may be wanted for the construction or repair of any part of said road, or the keeping of it in repair, and may construct or acquire all the apparatus necessary for transportation thereon.

SEC. 15. *Be it enacted*, That whenever it shall become

necessary, after said road is laid out, to subject the lands of individuals over which the road is laid out, to the use of said company, in opening and constructing the road through the same, and if the right of soil of the owner or proprietor cannot be had by purchase, it shall be lawful for the president and directors of said company, their agents, contractors, laborers and servants, to enter upon such lands and proceed in the opening and constructing of said rail road through the same; the pendency of any proceeding in court or before assessors or valuers, to ascertain the damages that will be sustained by the owner or proprietor of said land, by reason of opening said road, shall in no manner hinder or delay the progress of said work, and no order shall be made, nor shall any injunction be awarded by any judge or court to stay or delay the progress of said work, the true intent and meaning of this act, being that all injury that may be done to any land without the consent of the owners or proprietors thereof, by opening and constructing the rail road through the same, over and above the advantages of the road to the owners and proprietors of the lands, shall be fully and completely compensated for in damages when ascertained, so that the work may not be delayed by law suits.

Of using the land of individuals, their compensation.

SEC. 16. *Be it enacted*, That the president and directors of the rail road company, their officers, servants and agents, shall have full power and authority to enter upon all lands and tenements through which they may judge it necessary to make said road, and lay out the same according to their pleasure, so that neither the dwelling house, yard, garden or curtilage, be invaded without his consent; if the company and owner cannot agree as to the value of land, and the owner will not convey it in fee, either party may apply to the county court of the county where the land lies, on giving five days previous notice to the opposite party, if the owner of the lands resides in the county, if not such kind of notice as the county court may on application direct, for the valuers to condemn the land for the use of the road; when the court shall further appoint five impartial and disinterested freeholders of said county, to value the land, who shall take into consideration what damage the owner will sustain if any, by the location of the road over his land, always taking into the estimate, the benefit the road will be to the owner, and the freeholders, any three of them concurring, shall report to the court so soon as may be, said damages, if any, or if none are sustained, they shall report the fact which report shall be open to exception, when confirmed by the court, and if any damages are assessed, the money paid into court by the company; the fee simple of land valued, shall be vested in the company; the description

President and directors may enter upon all land they deem necessary for the construction of the road.

of the land, and the report shall be made a record of the county court, which, when registered, shall have the effect of a deed of conveyance in fee to the company. Said five commissioners whether they assess damages or not, shall be sworn that they will justly and impartially make such valuation.

May cut and quarry timber & stone &c.

Sec. 17. *Be it enacted*, That the president and directors, for the purpose of making said road or repairing the same after it shall have been made, shall be at liberty, by themselves their officers, agents or servants, at any time to enter upon any adjacent land, and to cut, quarry, dig, take and carry away therefrom any timber, wood, stone, gravel or earth which may be necessary; Provided, they shall not without the consent of the owner cut down any fruit trees, or trees preserved in any enclosure for shade or ornament, or take away any materials constituting any part of a fence or building. For all which materials, under the authority of this act, and for all incidental injuries done to grounds, woods, enclosures or crops in carrying them away, the said company shall make to the owner a fair and reasonable compensation, if said parties cannot agree upon the price, to be ascertained by three impartial freeholders, to be appointed by a Justice of the Peace at the application of either party, the opposite party having three days notice of the application to the Justice, the three freeholders shall be sworn to do impartial justice between the parties, by some Justice of the Peace; their award shall be returned to the Justice and shall stand as awards made by order of court, upon the rights of the parties, upon which the Justice may issue execution against the company if within his jurisdiction, to wit, under one hundred dollars; if over this sum he shall certify the proceedings to the next county court to be proceeded upon as upon an award made by order of court; Provided, either party shall have the power to have the proceedings corrected by the writ of certiorari, but not by appeal, either from the Justice or the county court; if the proceedings be quashed, the court may appoint other valuers, and cause justice to be done as by this act contemplated, before, and by order of this court.

May erect furnaces, forges &c.

Sec. 18. *Be it enacted*, That said rail road company shall have power to erect furnaces, forges, rolling mills and shops, for the manufacture of iron proper and necessary for the construction of said road, and keeping the same in repair, and to own, possess and enjoy, as the common stock of said company all the lands, tenements, goods and chattels, deemed necessary to carry on such works, including the land the road is laid upon.

May erect warehouses, stables & other buildings.

Sec. 19. *Be it enacted*, That the rail road company shall have power to acquire and own, as common stock of

said company, lands near to and lands connected with said road, on which to erect warehouses, stables and other buildings necessary for the purpose of constructing said road for keeping it in repair when constructed, and for the convenience of transportation thereon, which improvements they are hereby authorized to construct. If the company cannot agree with the owners of the soil for the necessary land, they may have it condemned in the same manner as the land over which the road is laid out, may be condemned by the 16th section of this act, which condemnation shall have the same effect; Provided, that not more than one acre shall be taken at any one place, except by agreement.

Of the proper holders by the company.

Sec. 20. *Be it enacted*, That the whole stock and property of said company real, personal and mixed, and the issues, profits and proceeds thereof, shall be holden in law, and are hereby declared to be personal property, and that the same shall be governed by the rules and laws governing personal property in all cases, and the said property and the profits arising thereon, shall be vested in the respective shareholders of the company forever, in proportion to their respective shares.

Of crossing other roads.

Sec. 21. *Be it enacted*, That whenever, in the construction of said rail road it shall be necessary to cross or intersect any established public way or road, it shall be the duty of the president and directors, so to construct the rail road across the way or road already established or hereafter to be established by law, as not to impede the passage or transportation of persons or property along the latter, and when it shall be necessary to pass through the land of any individual, it shall also, be the duty of the company to provide for such individual, proper wagon ways across the said rail road from one part of his land to another.

Commencement and completion.

Sec. 22. *Be it enacted*, That if the president and directors shall not begin said work within three years from and after the passage of this act, or shall not complete the same within ten years thereafter, the interest of said company in said rail road, shall be forfeited and cease, and also all right to take tolls.

Section of toll gates, gates of toll and carriage.

Sec. 23. *Be it enacted*, That so soon as a section of ten miles of said road shall be completed, and as often thereafter as the like length of any other section shall be completed, the president and directors shall transport all produce, persons and commodities, that shall be deposited conveniently to said rail road, and which they shall be required to transport to any point to which said road may have been completed, in the order of priority in which said company shall be required to transport the same, so that equal and impartial justice may be done to

persons, and to all owners of produce, or other commodities in the transportation thereof by the company; Provided, however, that persons or owners of produce or other commodities, shall pay or tender to said company at one of their toll gates, the toll due by virtue of this act, for transporting said persons or goods, and it shall be lawful for said company to erect toll gates on such sections, where there shall be lawful scales to weigh the burthen of any waggon, carriage, machine or other vehicle, transporting produce and commodities along said road, as also to weigh all produce and commodities intended for transportation by the carriages of the company, said company shall be entitled to demand and receive a sum not exceeding ten cents per ton per mile, for transporting produce or other commodities on said road, and for each passenger they shall receive five cents per mile.

Declaring of dividends.

Sec. 24. *Be it enacted*, That so soon as said rail road shall be completed, the president and directors or a majority of them shall semi-annually declare and make such dividend of net profits from the tolls herein granted, as may be deemed advisable to be divided among the proprietors of the stock of said company, in proportion to their respective shares.

Not to refuse to transport any person.

Sec. 25. *Be it enacted*, That if after any portion of said rail road shall be put into operation, the company shall fail or refuse to transport any person, produce or commodity deposited convenient to said road, the toll being tendered, for every such failure, the company shall be liable to pay ten dollars, and also be liable at the suit of the party injured; Provided, the road be out of repair before the first twenty miles be finished, the company shall not be subject to forfeiture, but after twenty miles thereof be finished and when the whole road is completed, the same being out of repair shall be no excuse, but the damages shall be recoverable notwithstanding; Provided, further, that the company in this respect shall be liable for the conduct of its servants and agents. If any toll gatherer shall demand and receive more than the toll due, it shall be deemed extortion, and he shall be liable to refund said toll and pay five dollars for each offence, to be recovered before any jurisdiction having cognizance thereof, and if he prove insolvent the company shall be subject to satisfy said judgment; said toll-gatherer shall also be subject to indictment for said offence and on conviction be punished as for extortion.

Of injuries to the road.

Sec. 26. *Be it enacted*, That if any person shall wilfully by any means injure, impair or destroy any part of said road constructed under this act, or any of the necessary works, buildings, machines, waggons, vehicles or carriages, such persons shall be subject to be indicted and

on conviction, shall be fined and imprisoned at the discretion of the court and jury; he or she shall also be subject to pay a penalty of one hundred dollars, and to be sued in a different action for any damages the company may sustain by reason of said injury.

F. W. HULING,

Speaker of the House of Representatives,

BURCHET DOUGLASS,

December 13, 1831.

Speaker of the Senate

CHAPTER CXXIX.

AN ACT authorizing the county court of Giles to grant permission to Elijah Anthony of Giles county to build a mill.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Giles county at its first or at any subsequent term of said court, a majority of the justices being present, may and are hereby authorized to appoint three discreet and impartial commissioners to examine that part of Richland creek, at which Elijah Anthony proposes building a mill on the plan of John E. Holden, and if said commissioners shall report, and thereupon the court, a majority of the justices of said county being present, shall be of opinion that said mill can be so constructed as not to interrupt or materially injure the navigation of said creek, then the said court is hereby authorized to grant permission to build the same, in such manner and imposing all such restrictions, as said court may believe to be necessary, to preserve the navigation of said creek uninjured.

F. W. HULING,

Speaker of the House of Representatives,

BURCHET DOUGLASS,

December 10, 1831.

Speaker of the Senate

CHAPTER CXXX.

AN ACT for the relief of Nathan Jobe.

Be it enacted by the General Assembly of the State of Tennessee, That Nathan Jobe of Lawrence county, be and he is hereby released and forever discharged from the payment of the balance of a judgment rendered against him in the circuit court of Lawrence county, upon a forfeited

recognizance for the appearance of James M'Millan in the case of the State vs. said James M'Millan, for petit larceny and upon the production of a copy of this act, it shall be the duty of the clerk of the circuit court of Lawrence county, to enter on the execution docket of said court, a release for so much of said judgment as now remains unpaid.

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

December 13, 1831.

CHAPTER CXXXI.

AN ACT to appoint trustees of Mount Cumberland Academy of Fentress county.

Trustees appointed. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph H. Schooler, Wm. H. M'Gee, Hannibal Clemmins, William B. Richardson, Wm. Chilton Jun'r. James Campbell, Wm. H. Atkinson, John B. Rogers and A. C. Rogers, be and they are hereby appointed trustees of Mount Cumberland Academy, of Fentress county, subject to the same rules and regulations, perform the same duties in all respects, as is required by the second, third and fourth sections of an act, entitled an act to incorporate the Mount Cumberland Academy in the county of Fentress, passed on the 9th day of December 1826.

Repealing clause. SEC. 2. *Be it enacted,* That the first section of the before recited act which appoints certain persons as trustees of said academy, be and the same are hereby repealed.

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

December 14, 1831.

CHAPTER CXXXII.

AN ACT to prevent non-residents from grazing their stock in the counties of Claiborne and Campbell.

Prohibition. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That no citizen or citizens, whether inhabitants of this state or elsewhere not being inhabitants of

the counties of Claiborne and Campbell, shall after the first day of March 1832, drive into or permit their stock of any kind or description, either whole or in part to graze or range upon or into the lands of said counties of Claiborne and Campbell, and any person or persons, their agents or abettors, so offending shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, in the name and for the use of him, her or them who will sue for the same.

SEC. 2. *Be it enacted,* That nothing contained in this act shall extend to, or have any effect on the citizens of Grainger and Hawkins counties. *Exception.*

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

December 15, 1831.

CHAPTER CXXXIII.

AN ACT to alter the time of holding Regimental musters in the 32d regiment Tennessee Militia.

Whereas it is represented to this General Assembly that it would be greatly to the convenience of the citizens of Franklin county, composing the 32d regiment of Tennessee militia, to hold their regimental musters on the 4th Saturdays in October instead of the 3d.

Be it enacted by the General Assembly of the State of Tennessee, That the 32d regiment of Tennessee Militia shall hereafter hold their regimental musters on the fourth Saturday in October annually, any law to the contrary notwithstanding.

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

December 15, 1831.

CHAPTER CXXXIV.

AN ACT for the benefit of John Jett, John Chisum, Thomas Bounds and John Lyon.

Whereas the state recovered a judgment against John Jett, John Chisum, Thomas Bounds and John Lyon for the sum of about sixteen hundred dollars as security for Joel D. Mitchell, late entry taker of White county, for

Relief granted.

which a suit is now pending in the chancery court at M'Minville, and the parties being desirous to put an end to litigation: Therefore,

Relief Granted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That John Chisum, John Jett, Thos. Bounds and John Lyon, or any three of them, shall have the privilege to give their notes and approved security to the president and directors of the Bank of the State of Tennessee, for the amount or any part of the amount of a judgment or decree which has or may be decreed against them in the chancery court at M'Minville, in a suit pending against them as the security of Joel D. Mitchell, former entry taker of White county, which notes shall be payable in three annual instalments with interest thereon.

Receipt from Bank. SEC. 2. *Be it enacted,* That the receipts of the president and directors of said bank, that said notes have been deposited in the bank according to the first section of this act, shall be a discharge for the amount therein stated against the aforesaid decree.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXXXV.

AN ACT for the benefit of Elizabeth C. Bell and others.

Privileges of a feme sole. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter Elizabeth C. Bell of Sumner county, wife of Joseph M. Bell, shall be able to contract and be contracted with, sue and be sued, and to hold property and in all respects to trade and manage for herself, and to have and to enjoy all the rights and privileges of a single woman, except that of intermarrying with another man.

Rhoda Murphree and Sarah Griffin. SEC. 2. *Be it enacted,* That Rhoda Murphree, wife of Nimrod Murphree of Carroll county, and Sarah Griffin, of Henry county, wife of Jesse W. Griffin, shall have and enjoy all the rights and privileges extended to Elizabeth C. Bell by the first section of this act.

Margaret C. Key. SEC. 3. *Be it enacted,* That Margaret C. Key of Sumner county, wife of Strother Key, be and she is hereby entitled to all the rights, privileges and immunities granted to Elizabeth C. Bell in the first section of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXXXVI.

AN ACT for the benefit of Elisha Askew.

Be it enacted by the General Assembly of the State of Tennessee, That Elisha Askew shall be entitled to a preference of entry or right of occupancy to any quantity of vacant and unappropriated land not exceeding two hundred acres, lying on Lick creek in the county of Henry in the 12th surveyor's district, and adjoining B. Ferrell's 640 acre entry on the west, for the purpose of building a mill, provided the same shall in no wise interfere with any prior occupant.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXXXVII.

AN ACT for the relief of Orange Ham of Williamson county.

Be it enacted by the General Assembly of the State of Tennessee, That Orange Ham be, and he is hereby exonerated from the payment of the value of a sword and pair of horseman's pistols received by him as a member of Captain Reese's troop of cavalry from the public arsenal, said sword and pistols having been destroyed in the conflagration of the house and furniture of said Ham.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXXXVIII.

AN ACT to amend an act entitled an act, to keep in repair the ford road in Hawkins and Sullivan counties.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the solicitor General of the first and second solicitorial districts in this state to give in charge to the grand jury at each and every county and circuit courts of Hawkins and Sullivan counties, to enquire if overseers have been and are regularly appointed on the ford road near Frederick A. Ross' bridge in

said county, and it shall be the duty of said grand jury to make presentment of the facts as the case may be, to their respective courts, and that said road is hereby declared to be a public road of the second class.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate

December 15, 1831.

CHAPTER CXXXIX.

AN ACT to appoint additional trustees for the Bolivar Female Academy in the county of Hardeman.

Trustees appointed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Lea, Carter C. Colier, William W. Berry, Francis Shoemaker, Alexander Kirkpatrick and Valentine D. Barry be; and they are hereby appointed additional trustees for the Bolivar Female Academy, in the county of Hardeman, and shall have the same power and privileges and perform the same duty and be under the same rules, regulations and restrictions, as the trustees appointed under the act which this is intended to amend.

Five to make a quorum.

SEC. 2. *Be it enacted*, That any five of the trustees of said academy shall be a quorum fully competent to the transaction of any business relating to said institution, provided the president of the board be one of that number.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXL.

AN ACT to repeal an act authorizing the mayor and aldermen of the town of Huntingdon to sell certain alleys 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 of eighteen hundred and twenty nine, chapter one hundred and thirty three and section four, which authorizes the mayor and aldermen of the corporation of the town of Huntingdon in the county of Carroll, to sell certain alleys, be and the same is hereby repealed.

SEC. 2. *Be it enacted*, That the mayor and aldermen of said town are authorized and empowered to pay over to any person or persons who have bought alleys under the act of 1829, and have not received a title by deed, bond or other conveyance from the mayor and aldermen of said town, the amount of money they have paid to said mayor and aldermen for any alley or alleys, with legal interest from the time such money was so paid out, until refunded back by said mayor and aldermen to original payor, or his assigns, any law to the contrary notwithstanding.

Mayor and Aldermen may refund certain money.

SEC. 3. *Be it enacted*, That nothing herein contained shall be so construed as to affect any lawful purchase or purchases of any alley or alleys or parts thereof, made under, or by the authority of said act, which this is intended to repeal.

Construction of the act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXXI.

AN ACT exempting citizens of Marion county attached to a troop of cavalry, from attending regimental musters.

Be it enacted by the General Assembly of the State of Tennessee, That the troop of cavalry in the county of Marion, be and is hereby exempt from attending regimental musters on the first Thursday in October annually as prescribed by law: but in lieu of attending regimental musters, said troop of cavalry is required to attend battalion musters in said county of Marion.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXLII.

AN ACT to appoint Hugh Houston a commissioner for the town of Rutlege.

Be it enacted by the General Assembly of the State of Tennessee, That Hugh Houston be, and he is hereby appointed a commissioner for the town of Rutlege, in the coun-

ty of Grainger in the place of Frederick Mayers deceased, and that he have the same power to act that the said Mayers had.

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

December 15, 1831.

CHAPTER CXLIII.

AN ACT to establish an Independent Volunteer Company in Knoxville.

- Authority granted.** SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for a Volunteer Company to be raised out of the 10th and 40th regiments of Tennessee Militia by voluntary enrolment for five years, to consist of not less than thirty nor more than one hundred men, to be called the Knoxville Guards.
- Election of officers.** SEC. 2. *Be it enacted,* That so soon as thirty men shall have enrolled themselves, they shall have power to elect out of their own body, a captain, one first, one second and one third Lieutenant (the third Lieutenant to perform the duties of ensign) who shall be commissioned by the Governor; and a majority of the commissioned officers shall have power to appoint four sergeants and four corporals, who shall hold their appointments during the pleasure of the captain.
- Courts Martial.** SEC. 3. *Be it enacted,* That any three of the commissioned officers of said company, shall constitute a court martial to try all delinquents and other offenders against the by-laws of said company.
- Judge Advocate.** SEC. 4. *Be it enacted,* That the first Sergeant shall act as Judge Advocate, shall have power to issue executions on judgments for fines, shall keep a record of the proceedings of the court martial, and also the by-laws of the company and shall be sworn faithfully to perform said duties.
- Rules and by-laws.** SEC. 5. *Be it enacted,* That a majority of said commissioned officers shall have power to pass rules and by-laws for the regulation of the company not incompatible with the laws and constitution of this State, to be in force when approved of by a majority of the company.
- Fines.** SEC. 6. *Be it enacted,* That no commissioned officer shall be fined less than one nor more than twenty dollars, and that no non-commissioned officer, musician or private shall be fined less than fifty cents or more than five dollars.

SEC. 7. *Be it enacted,* That all fines collected by said company, shall be applied by the order of the commissioned officers thereof, to the use and for the benefit alone of the company in the procurement of music, &c.

SEC. 8. *Be it enacted,* That the muster ground of said Knoxville Guards shall be in Knoxville and its vicinity, as may be agreed upon by a majority of the commissioned officers thereof, and that the officers, non-commissioned officers, musicians and privates, shall be exempt from all militia duty in the 10th and 40th regiments.

SEC. 9. *Be it enacted,* That the said Knoxville Guards when organized shall have power to select their own uniform.

SEC. 10. *Be it enacted,* That the Knoxville Guards shall be required to muster at least six times in each year, to wit: on the first Wednesday in each of the months of April, May, June, July, August and September, and as much oftener as may be required by the by-laws of said company.

SEC. 11. *Be it enacted,* That the officers, non-commissioned officers, musicians and privates, of the Knoxville Guards, shall be authorized to vote for field officers of the regiments in which they reside, and shall be attached to the 40th regiment.

SEC. 12. *Be it enacted,* That the Governor of the State of Tennessee shall furnish to the Knoxville Guards, when organized, such public arms in his possession as may be required for the use of said company, the captain thereof, giving the customary bond for the same.

SEC. 13. *Be it enacted,* That the Knoxville Guards shall be considered as a Volunteer Company, subject to be called into actual service as a company when required by the Governor, but shall not at any time, when in service be attached to other companies.

SEC. 14. *Be it enacted,* That the Rutherford Independents in the 45th regiment of this State, shall have the same rights and privileges, and be governed by the same regulations and restrictions, as the Knoxville Guards.

SEC. 15. *Be it enacted,* That the Governor of the State of Tennessee, shall furnish the Rutherford Independents, such arms as may be required, upon the captain giving the customary bond for the same.

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

December 14, 1831.

CHAPTER CXLIV.

AN ACT for the benefit of Daniel Madding.

- Relief granted.** SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of the Western District, be authorized and required to pay to Daniel Madding, Sheriff of Madison county, sixteen dollars and seventy five cents, which said Madding expended in keeping a convict and guard in Nashville two days in January last, said sum of money to be paid out of any money in the Treasury not otherwise appropriated.
- Robert C. and Wm. Williams.** SEC. 2. *Be it enacted,* That it shall and may be lawful and is hereby made the duty of the Sheriff of Gibson county, upon the heirs of Robert C. Williams and William Williams dec'd. or their agent, making payment of all arrearages of single taxes due on any lands in said county of Gibson, belonging to said heirs, and any costs for reporting and which may have been heretofore sold for taxes to common schools, to receive said taxes and costs and give a release to said heirs or their assignees, which said release shall vest in said heirs or their assignees any and all title they had or would have if said sale for taxes had not taken place.

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

December 15, 1831.

CHAPTER CXLV.

AN ACT to incorporate the stockholders of the City Hotel in the city of Nashville, in the State of Tennessee.

- Shareholders incorporated.** SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the share holders of the City Hotel stock, be and the same are hereby constituted a body politic and corporate by the name and style of the "City Hotel Company," and shall have succession for twenty years by their corporate name, may sue and be sued, plead and be impleaded, purchase and dispose of real or personal property, for the benefit of said corporation, and may have and use a corporate seal.
- Election of President and Directors.** SEC. 2. *Be it enacted,* That the members of said corporation shall have full power to elect on the first Monday of January in each and every year, a board of directors who shall elect from out of their own body a president to serve during said year. The said president and

directors shall have power to pass all by-laws necessary for the government and management of said corporation, and shall appoint a secretary and treasurer, and require bond and security from the treasurer, and should vacancies occur, the said president and directors shall appoint some one to fill it until the next election after such vacancy or vacancies may occur.

SEC. 3. *Be it enacted,* That a majority of said directors shall constitute a quorum to do business, and in the absence of the president, any director nominated by him shall fill his place, and if he has not nominated one, the said directors shall nominate one from among themselves, who for the time being shall possess all the powers and privileges of the president under this act, said board of directors shall have power to meet upon their own adjournments, and should a called meeting or meetings at any time be necessary, a majority of the shareholders shall request the president or in his absence the secretary, and in his absence any one of said directors to call said board together, which request shall be in writing, and the said president or said member or secretary when so requested, shall notify the members of said board and state the time and object of the meeting.

SEC. 4. *Be it enacted,* That the directors shall be elected by the votes of the stockholders, one share shall be entitled to one vote, from one to four shares to two votes, from four to seven shares, to three votes, from seven to ten shares, to four votes, from ten to fifteen shares, to five votes, from fifteen to twenty shares, to six votes, from twenty to thirty shares, to seven votes, from thirty to forty shares, to eight votes, from forty to fifty shares, to ten votes, and for each five shares above fifty, to one vote, and no stockholder shall in his own right be entitled to more than twenty votes for any number of shares, or shall be entitled to more than twenty votes as proxy; at any election of directors the nine persons receiving the highest number of votes shall be considered elected, whether the number of votes given for any of them amount to a majority of the votes given or not.

SEC. 5. *Be it enacted,* That the board of directors shall have power to determine what buildings and improvements shall be erected on said premises, to prescribe the plan thereof, to contract for the construction of the same, to lease the same when completed, to collect the rents and to superintend and make contracts for the necessary and convenient repairs of the premises from time to time during their occupation as the property of the company. But in any contract which the board of directors may make, either for building the houses or for the repair of them, they are not to exceed

the amount of one half of the stock, that is twenty thousand dollars, and any sum which may be due or on hand arising from rent—it being expressly understood that the other half of the stock is to be exclusively applied to the purchase of the ground, constituting the site of the City Hotel and of the improvements and materials at present thereon.

SEC. 6. *Be it enacted,* That the board of directors shall not have power by any act or contract of theirs to bind any stockholder beyond the amount of his stock, and the issues and profits thereof.

SEC. 7. *Be it enacted,* That it shall be the duty of said board of directors to effect from year to year an insurance of the said City Hotel against fire, winds and other casualties.

SEC. 8. *Be it enacted,* That it shall be the duty of said board of directors to make semi-annual dividends of the profits of the establishment among the stockholders in proportion to the amount of stock held by each.

SEC. 9. *Be it enacted,* That it shall be the duty of the board of directors to institute suits for all debts or demands due to the company unless the same is paid within six months from the time they fall due. But if any shareholder has heretofore failed or refused or should hereafter fail or refuse to pay any instalment due for his share or shares within ninety days from the time the same is due and payable, the said directors may cause an action at law to be commenced for the same, in the name of said corporation; or they may at their election cause the stock of said delinquent stockholder to be forfeited to the corporation; Provided, however, that when said board of directors shall deem it proper to order an instalment of the capital stock to be paid in fulfilment of any contract &c. the calls on each share shall be equal, and notice of the call, and the time when to be paid, shall be published in some one of the newspapers in Nashville, four weeks successively; and provided also, that the time limited for the payment of said call, shall not be less than ninety days from the date of the first advertisement.

SEC. 10. *Be it enacted,* That no share or shares of said stock shall be transferable without the assent of the board of directors thereto, unless the whole amount of said share or shares is paid, and said corporation shall have a lien upon the stock of any stockholder for any debt or demand against him due to said corporation, and the share or shares of any stockholder may be sold by execution at law upon any judgment obtained in favor of said corporation, and the purchaser shall hold the same, with all the incidents and privileges attached thereto, in the hands of the original holder.

SEC. 11. *Be it enacted,* That when said corporation are sued, process executed upon the president or if he is out of the county, any one of the directors shall be sufficient.

SEC. 12. *Be it enacted,* That a general meeting of the stockholders may be called on the requisition of thirty stockholders, holding together fifty shares, or by the directors when they may deem it expedient and of such meetings, twenty days notice shall be given in one of the newspapers printed in Nashville; Provided, nothing in this act contained shall be construed to exempt said corporation from the payment of the State tax for tavern license when the building shall be used as a public house.

SEC. 13. *Be it enacted,* That the town of upper Elkton in the county of Giles, and the inhabitants residing within the bounds thereof, are hereby incorporated in as full and ample a manner as the town of Pulaski, and may exercise the same powers, and be subject to the same restrictions, and the inhabitants thereof, may hold their elections and appoint their officers at any time after the first day of January next, to serve for twelve months thereafter, and until another election shall take place; Provided, always, that in laying of streets and making orders concerning them, any house or houses already built on the same, shall not be interrupted or required to be pulled down or removed without the consent in writing of any person or persons owning the same.

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

December 12, 1831.

CHAPTER CXLVI.

AN ACT to restore James Carroll of Campbell county to legal privileges.

Be it enacted by the General Assembly of the State of Tennessee, That James Carroll convicted of petit larceny in the court of said county, shall be and he is hereby restored to all the legal capacities and privileges of which he was deprived in consequence of said conviction of infamy.

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

December 15, 1831.

CHAPTER CXLVII.

AN ACT to incorporate the town of Liberty in Smith county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Liberty in the county of Smith and the inhabitants thereof, are hereby constituted a body politic and corporate by the name of the Mayor and Aldermen of the town of Liberty, under the same rules, regulations, restrictions and privileges as are prescribed for the town of Carthage by an act passed October 29, 1819, entitled "an act to incorporate the inhabitants of the town of Carthage in the county of Smith, and for other purposes."

SEC. 2. *Be it enacted,* That any Justice of the Peace for Smith county, may hold elections for Aldermen for said town of Liberty, which shall be held at the times and under the same rules and regulations as are prescribed by the above recited act, and said Justice shall in all respects possess the powers, and perform the duties required by said act of the Sheriff of Smith county.

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

December 15, 1831.

CHAPTER CXLVIII.

AN ACT for the benefit of Richard Locke.

Whereas, it appears to this General Assembly that on the 13th day of April 1818, the State of Tennessee issued to Richard Locke a grant for twenty seven acres of land in Jackson county, by No. 11470, and that the then Secretary of State failed to countersign, and the Register of West Tennessee failed to record and certify the same.—Therefore,

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the present Secretary of State to sign, and of the Register of the Mountain District to record and certify the same, and the same shall be good and valid as if signed, recorded and certified by the former officers, 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 CXLIX.

AN ACT to set apart twenty five acres of land for a School House in Henderson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Charles Austin, Jonathan Duck and Matthew Jones, may enter as an occupant claim, twenty five acres of land lying and being in Henderson county, 9th Surveyor's District, 7th range, and 7th section, so as to include a School House by them and others erected.

SEC. 2. *Be it enacted,* That the said commissioners are hereby authorized and empowered to survey and lay down on the general plan of the 9th Surveyor's District, the aforesaid twenty five acres of land; Provided, the same does not interfere with any other occupant claim and that the same is unfit for cultivation.

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

December 15, 1831.

CHAPTER CL.

AN ACT to compensate Samuel G. Smith for services performed and moneys expended in the service of the State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel G. Smith, appointed at the last session of the General Assembly a commissioner to examine the Bank agencies and Entry Takers' offices in West Tennessee and the Western District, to settle with each Agent and Entry Taker, and report thereon to the present General Assembly, be allowed the sum of eight hundred and fifteen dollars and ninety three cents, for moneys by him expended in the purchase of books for the benefit of the State, in the payment of travelling and boarding bills, during four hundred and sixty eight days employed in the service aforesaid, and that he be allowed the further sum of one thousand dollars as a compensation for his services performed as commissioner as aforesaid for the State, and that he draw upon the Treasurer of Middle Tennessee for each of the aforesaid sums, and his receipt for the same shall be a good voucher in the settlement of his accounts.

SEC. 2. *Be it enacted,* That William Clark be allowed the sum of two hundred and forty six dollars as clerk to the commissioner mentioned in the first section of this

William Clark.

act, and that he draw upon the Treasurer of Middle Tennessee for the same and the receipt of the said Clark shall be to the said Treasurer a good voucher in the settlement of his accounts.

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

December 16, 1831.

CHAPTER CLI.

AN ACT for the benefit of James Childress.

Be it enacted by the General Assembly of the State of Tennessee, That it may be lawful for the county court of Rutherford county, or the corporation of the town of Murfreesboro' at their discretion to pay or cause to be paid, to James Childress of Madison county, such sum or sums of money not exceeding three hundred dollars, for labor done on a public well in said town of Murfreesboro'; Provided, that said court or corporation be satisfied that his claim is just and ought to be paid.

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

December 16, 1831.

CHAPTER CLII.

AN ACT to allow the Sheriffs of Obion and Dyer counties longer time for the payment of certain taxes, and for other purposes.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Joel S. Enloe, Sheriff of Obion county, and John P. Byrn Sheriff of Dyer county, be and they are hereby allowed the further time of one year from and after the 31st day of December 1831, for the payment of the taxes on all tracts of land by them reported for taxes for the years 1829 and 1830, any law, usage or custom to the contrary notwithstanding.

SEC. 2. Be it enacted, That Jephtha Gardner security of John D. Calvert late Sheriff of Weakley county, have the further time of one year from and after the first day of January next, to settle and pay over the State and county taxes of Weakley county, that yet remain due and unpaid by the said Calvert.

Further time of
two years allow-
ed.

Jephtha Gardner.

SEC. 3. Be it enacted, That it shall be the duty of the Sheriff of Greene county, by himself, deputy, or some sworn officer of said county, to open and hold an election at the house of Jacob Broyles on Horse creek in said county, on the days appointed by law for holding elections, to elect a Governor, members of the General Assembly, members to Congress, and electors to elect a President and Vice President, under the same rules, regulations and restrictions, that similar elections are held in this State.

Election precinct
in Greene co'ty.

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

December 16, 1831.

CHAPTER CLIII.

AN ACT to alter the line between Overton and Fentress counties.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the line dividing Overton and Fentress counties, shall be so altered as to make Willis Huddleston a citizen of Overton county. That the line shall run as follows: beginning where the county line now crosses the old path leading from said Huddleston's house to his cotton gin, running one hundred and twenty five poles east, thence south with the variation of the county line the same distance, thence west to the line run by Burchet Douglass; and from and after the passage of this act, the lines herein described, shall be the true line between said counties.

Bounds of altera-
tion.

SEC. 2. Be it enacted, That James Bright of Lincoln county and John T. Neal of Bedford county, be and they are hereby appointed commissioners to run and mark so much of the dividing line between the counties of Bedford and Lincoln, as they may find necessary to establish the true boundary of the same and which line when run shall be the established line of the same.

Bedford and Lin-
coln counties.

SEC. 3. Be it enacted, That the county trustees of said counties respectively, pay their said commissioners such compensation as the county courts of said counties may direct for said services.

Duty of Trust-
ees of.

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

December 16, 1831.

CHAPTER CLIV.

AN ACT to regulate receiving toll at Robert Jetton's and John Elliott's turnpike gate at Sandy bridge in Carroll county.

Be it enacted by the General Assembly of the State of Tennessee, That the clerk of the county court of Carroll county, be and he is hereby required to furnish to Robert Jetton and John Elliott on application, a list of the free taxable inhabitants of Carroll county, for the year for which services the said Jetton and Elliott shall pay said clerk a reasonable compensation, for the purpose of preventing frauds and imposition in crossing the toll bridge on Sandy river commonly called Jetton's bridge.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

CHAPTER CLV.

AN ACT for the benefit of John Sanford and Stanly Mitchell, and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall and may be lawful for John Sanford and Stanly Mitchell to lay down upon the general plan of the 13th district, one hundred acres of vacant and unappropriated land in range 2, and section 7, so as to include their mill seat on the middle fork of Obion river, adjoining the lands of George W. Howard and John Thomas, and the said Sanford and Mitchell shall have the same right to said land that other occupants have and enjoy to their occupancies in the Western District; Provided, the said survey does not interfere with any other occupant, and that the said Sanford and Mitchell shall complete their mills in two years from the passage of this act, and in case of failure their right of occupancy shall cease and expire.

Certain privileges allowed to.

SEC. 2. *Be it enacted,* That John Bullock of Hickman county, be and he is hereby authorized and permitted to enter, by virtue of occupancy upon the general plan of the 8th District, any quantity of vacant and unappropriated land not exceeding one hundred and fifty acres on Lankford's branch of Swan creek for the purpose of building a mill, and the erection of such other machinery as he may think proper, beginning at the lower end of the first waste field below the head of said branch and

running up said branch, so as to include the first falls on the first fork of said branch above said waste field; and that the said Bullock shall have until the first day of April next, to put the same on the general plan of the District in which said land lies; Provided, however, that said Bullock shall build a grist mill or saw mill on said land, within the period of eighteen months from the passage of this act, and that the said land vacant and the calls herein made do not interfere with the claim of any other person—otherwise the claim to said land shall be void and of no effect, as if this law had not been passed. And the said John Bullock shall have the same right and enjoy the same privileges, that other occupants have and enjoy to their occupancies in the Western District.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

CHAPTER CLVI.

AN ACT for the relief of Jonas B. Lillis of Obion county.

Be it enacted by the General Assembly of the State of Tennessee, That Jonas B. Lillis of Obion county, be and he is hereby entitled to all the rights and privileges, subject however to the same regulations and restrictions, to which sundry individuals are entitled by act of Assembly passed at Nashville on the 7th day of January 1830, chapter 217.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

CHAPTER CLVII.

AN ACT for the relief of the citizens of Kingsport in Sullivan county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That all the unimproved lots lying and being in the town of Kingsport in Sullivan county, shall hereafter be taxed as other land, and not as town lots as heretofore.

Taxation of town lots.

SEC. 2. *Be it enacted,* That when one, all or any part

of the aforesaid lots, shall be improved as town lots, then such part thus improved, shall be taxed as town lots and not before.

Sec. 3. Be it enacted, That town lots in the town of Morgantown in Blount county, shall hereafter be taxed as other lands in said county, and not as town lots.

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

December 16, 1831.

CHAPTER CLVIII.

AN ACT to provide for the payment of the expenses incurred in the trial of Joshua Haskell.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of West Tennessee pay to Thomas Claiborne, Chairman of the committee, forty nine dollars and forty four cents for expenses incurred in the impeachment of Judge Haskell for records, messengers, horse hire and postage, and that said sum be paid out of any money not otherwise appropriated.

Thomas Claiborne.

Geo. W. Wood.

Sec. 2. Be it enacted, That there shall be paid to George W. Wood by said Treasurer for his services as sergeant at arms, the sum of four dollars per day from his appointment till the adjournment of the court of Impeachment, to be ascertained by the certificate of the clerk of the court aforesaid, in full compensation for all his services.

Wm. K. Hill.

Sec. 3. Be it enacted, That the sum of one hundred dollars, be allowed to William K. Hill, clerk to the court of Impeachment for postage and other services in said court, which allowance is extra of his pay as clerk to the Senate.

R. E. C. Dougherty.

Sec. 4. Be it enacted, That the Treasurer of Middle Tennessee, pay to Robert E. C. Dougherty the sum of ten dollars, to be detained in the hands of said Treasurer out of the allowance hereby made to George W. Wood, for services rendered the State as deputy sergeant at arms on the trial of Judge Haskell, whose receipt shall be a good voucher in the hands of said Treasurer on the settlement of his accounts.

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

December 16, 1831.

CHAPTER CLIX.

AN ACT to repeal an act entitled an act to provide a permanent office for the public papers of the State.

Be it enacted by the General Assembly of the State of Tennessee, That an act to provide a permanent office for the public papers of the State, passed on the 1st January 1830, be and is hereby repealed.

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

December 15, 1831.

CHAPTER CLX.

AN ACT for the benefit of the estate of Robert V. M'Gimsey.

Whereas, William M'Gimsey departed this life in the latter end of the year 1830, or in the beginning of the year 1831, in the county of Burk, in the State of North Carolina, possessed of a large estate both real and personal situated in said State; and whereas, the said William M'Gimsey made his last will and testament, wherein and whereby he appointed Charles M'Dowell and John Rutherford Jun'r. of said county, and John W. P. M'Gimsey and Col. James Dobbins of Maury county in the State of Tennessee, the executors of said will, with a request that the two former should perform the trusts therein to be executed in North Carolina, and the two latter, to perform the trusts out of said State; and whereas, the said John W. P. M'Gimsey was by said will appointed Guardian of said testator's son, Robert V. M'Gimsey; and whereas there is no law of this State authorizing a copy of a last will and testament made in another State and proven agreeably to the laws of the same, to be admitted to record in this State.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the county court of Maury, upon a copy of the said William M'Gimsey's will being produced, authenticated in the manner which has been prescribed by the Congress of the United States, for authenticating the records and judicial acts of any one State in order to give them validity in any other State, to order said copy to be recorded and to qualify the executors named therein or either of them if one should refuse to act, as in other cases—and if both

Provision for recording a will.

8

should refuse to qualify, then it shall be lawful for said court to grant letters of administration on said estate with said will annexed, upon the person or persons so appointed giving bond and security as is required in other cases for his or their faithful administration of said estate; and the said executor or executors, administrator or administrators, as the case may be, shall possess the same powers and shall be subject to the same duties and liabilities as other executors or administrators have and possess, and are subject to by the laws of this State, where the intestate or testator was at the time of his death a citizen of this State.

John W. P. M'Gimsey.

Sec. 2. Be it enacted, That if said John W. P. M'Gimsey should refuse to qualify as executor of said testator, it shall and may be lawful for him after said will shall be recorded as aforesaid, to act as guardian of said Robert V. M'Gimsey agreeably to the provisions of said will; Provided, that said John W. P. M'Gimsey shall give to the said county court of Maury, bond and security as is required of Guardians in other cases, in such sum as said court may require.

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

December 16, 1831.

CHAPTER CLXI.

AN ACT for the benefit of the former jailor of Marion county.

Be it enacted by the General Assembly of the State of Tennessee, That the trustee of Bledsoe county, is hereby directed to file in his office, the claim of Daniel Riggle of one hundred and twenty five dollars and fifty cents, for keeping John Holeman eleven months in the jail of Marion county, after his conviction in the circuit court of Bledsoe county, for the crime of manslaughter; which claim said trustee is hereby directed to pay to said Riggle, his assignee, or order, in the same order of time in which he pays other county claims filed in his office—and for which he shall be allowed a credit in the settlement of his accounts with the commissioners of the county revenue.

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

December 14, 1831.

CHAPTER CLXII.

AN ACT relative to the registration of deeds and mesne conveyances.

Be it enacted by the General Assembly of the State of Tennessee, That all deeds of conveyance and other instruments of writing heretofore registered in the counties of Greene, Sevier, Cock, Washington, Hawkins, Carter, Grainger, Claiborne, Campbell, Jefferson, Blount, Monroe, M'Minn, Morgan, Roane and Sullivan, although the certificates on the same may not specify that said deed or deeds, powers of attorney or other instruments of writing required by law to be registered, were acknowledged by the grantor or bargainor, or were proved by the subscribing witnesses thereto, yet the same shall be as good and valid in law and equity as if the same had been indorsed and certified in the most formal and legal manner, and the same shall be read in evidence on trials at law or in equity, in all cases hereafter; Provided, that nothing herein contained shall in any wise effect any suit or suits, which are now pending in any of the courts of law or equity in this State.

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

December 16, 1831.

CHAPTER CLXIII.

AN ACT to prevent trespasses upon school lands in Warren county.

Be it enacted by the General Assembly of the State of Tennessee, That if any person shall enter upon and take possession, of any school lands in the county of Warren, or shall retain possession of the same, contrary to law, such person shall be liable to pay five hundred dollars, to be recovered by action of debt, before any jurisdiction having cognizance thereof, one half to the informer who will sue for the same, and the other half for the benefit of common schools.

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

December 15, 1831.

CHAPTER CLXIV.

AN ACT to authorize the commissioners of the Bean Station turnpike road to pay interest on certain moneys.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles M'Anally, William Graham and Sanford Johnson, commissioners of Bean Station turnpike road, be and they are hereby authorized to borrow from individuals any amount of money that they may think proper under one thousand dollars, for the purpose of appropriating the same on said turnpike road—and

Loan authorized.

Payment thereof.

SEC. 2. *Be it further enacted*, That the said commissioners are hereby authorized to collect from the said turnpike gate, so much money as they may have or hereafter may borrow with lawful interest, and pay over to the individuals according to contract.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXV.

AN ACT for the benefit of James Drennon of Wilson county.

Be it enacted by the General Assembly of the State of Tennessee, That James Drennon, be and he is hereby released from the payment of a judgment entered against him in the Wilson county court, at the September term 1831, of said court: Provided, said James Drennon shall pay the cost of said prosecution, and the tax imposed by law on merchants in this State for the year 1831.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 14, 1831.

CHAPTER CLXVI.

AN ACT to amend the laws now in force regulating the town of Jonesborough in the county of Washington.

Election of a town constable—his compensation

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Mayor and Aldermen of the town of Jonesborough, in the county of Washington, are here-

by authorized and empowered to appoint a town constable who when appointed and qualified, shall be authorized to discharge all the duties, within and for said corporation, that are usually discharged by such officers, and subject to the same rules and restrictions, and the said Mayor and Aldermen may at their discretion lay and collect a tax within said corporation, under the same rules and restrictions as they lay and collect taxes for other purposes, to be used for the purpose of making compensation for the services of said constable, which shall not exceed one hundred dollars per annum, they may also allow him fees which in no case shall exceed the fees usually allowed to the constables of the county for similar services.

SEC. 2. *Be it enacted*, That the said Mayor and Aldermen are hereby authorized to appoint and regulate patrols within the limits of the corporation, who shall possess the same powers and be subject to the same penalties, that other patrols are in this State, and all fines and forfeitures to which any patrol may be liable for neglect or refusal, shall be tried and assessed by the Mayor of said town according to the laws regulating patrols, and all such fines when assessed shall be collected by the town constable and be used by said Mayor and Aldermen for the purpose of hiring patrols or watchmen for the safety and benefit of said corporation.

Appointment of patrols.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 14, 1831.

CHAPTER CLXVII.

AN ACT for the benefit of Azer Wyley.

Be it enacted by the General Assembly of the State of Tennessee, That Azer Wyley of Carroll county, shall be and he is hereby exempted from the obligations of a conditional bond executed by him to the state of Tennessee for thirty dollars given by said Wyley in consideration of the loan of a gun that belongs to the state aforesaid, loaned to him by the state of Tennessee as a member of the Carroll Guard, in Carroll county, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 14, 1831.

CHAPTER CLXVIII.

AN ACT for the relief of Eliza Ditmore.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be authorized and required to pay to Eliza Ditmore widow of John Ditmore deceased, the sum of ten dollars, it being the amount paid by her husband in his lifetime as general enterer on north east quarter of section twenty six, of township five, range first, east of the meridian in the county of McMinn, Hiwassee District, which land was then held by an occupant, the said sum of money to be paid out of any money in the Treasury not otherwise appropriated.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXIX.

AN ACT to explain and amend an act entitled "an act to incorporate a company called the Franklin Turnpike Company and for other purposes" passed December 31, 1829.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said company shall be and are hereby authorized and empowered to erect four toll gates on said road, to wit: the toll gate nearest the town of Nashville to be erected at the turn of said road around the lower point of a rocky hill nearly opposite to the late dwelling house of Joseph W. Horton in his plantation, being about a mile and a quarter from broad street in the town of Nashville, that the toll gate nearest Franklin as specified in said act, shall be at least two miles from the town of Franklin, and the other two gates shall be fixed at such places between the two above mentioned gates, as Maj. Thomas Edmonson the superintendent of said road shall designate and who shall designate and fix the site for the toll gate next the town of Franklin.

Number and
location of toll
gates.

SEC. 2. *Be it enacted,* That instead of seventy five thousand dollars, as specified in the 1st section of said act, subscriptions may be received to the amount of ninety thousand dollars.

Capital stock
enlarged.

SEC. 3. *Be it enacted,* That so much of the first section of the aforesaid act, as requires the subscribers to the stock of said company to elect seven directors, be and

Number of Di-
rectors.

the same is hereby repealed; and in lieu thereof, the said subscribers shall elect nine directors under the same stipulations, provisions and duties as are required in the above recited act.

SEC. 4. *Be it enacted,* That the said board of directors shall have power to ordain, establish, alter or amend, such regulations or by laws as they may think expedient, (not inconsistent with the laws and constitution of this State, or of the United States, or of the articles of incorporation) for the government of said company, its officers, servants and affairs, and for the preservation of said road and the prevention of injury thereto, with the power of imposing fines and penalties for the violation of said regulations or bylaws—recoverable forthwith upon information and proof before any Justice of the Peace of the county in which said violations of said regulations or bylaws may have taken place—the bylaws or regulations above alluded to must be enacted when at least two thirds of the directors are present.

Regulations and
by-laws.

SEC. 5. *Be it enacted,* That so much of said act, as comes within the meaning and purview of this act, shall be and the same is hereby repealed.

Repealing clause

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 13, 1831.

CHAPTER CLXX.

AN ACT for the relief of the securities of Joseph Stone formerly a citizen of Robertson county.

Be it enacted by the General Assembly of the State of Tennessee, That Joseph Wemberly, George S. Wemberly, Daniel C. Johnson, George C. Conrad, James Gooch, Enoch Stone and Milton Bourne, be and they are hereby released from the payment of five hundred dollars—which amount was taken against the above named individuals, as a forfeiture as the securities of Joseph Stone on an appeal from the circuit court holden in the county of Robertson, for his personal appearance before the supreme court to be holden in the town of Nashville at the January term 1831; Provided, said securities shall pay all costs which have or may accrue in the case.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

CHAPTER CLXXI.

AN ACT for the benefit of James Johnston.

Be it enacted by the General Assembly of the State of Tennessee, That James Johnson shall be entitled to a preference of entry, or right of occupancy to fifty acres of vacant and unappropriated land lying on Beech river in Perry county, in the ninth surveyors district, range eight and section nine, so as to include a mill seat on said river, for the purpose of building a mill provided the same shall not interfere with any prior occupant, provided also, that if the said Johnson shall not put a mill in operation upon the same within three years, the privilege hereby granted, shall be void.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate

December 15, 1831.

CHAPTER CLXXII.

AN ACT for the relief of Anny Wherry.

Be it enacted by the General Assembly of the State of Tennessee, That Anny Wherry wife of Simeon Wherry may contract and be contracted with, sue and be sued, plead and be impleaded in the name of Anny Wherry, and that all the estate that the said Anny Wherry may hereafter acquire, both real and personal, by descent, purchase, devise or otherwise, shall not be liable or subject to the debts or contracts, forfeitures or incumbrances of her husband Simeon Wherry, but that she may enjoy the same in the same manner as though she had never intermarried with said Simeon Wherry.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXIII.

AN ACT for the benefit of Isaac West of Henderson county, and for the encouragement of Iron Works in the Western District.

Be it enacted by the General Assembly of the State of Tennessee, That Isaac West shall have a preference of entry

for a tract of land not exceeding five thousand acres, within five miles of the site where he may commence erecting Iron Works, and said West shall have the same surveyed and designated on the general plan of the District where the same may be located; Provided, he shall not interfere with any bona fide occupant; and Provided, he shall, within two years from the first of January next, enter the same with a good and valid warrant or warrants or parts of warrants; and Provided, farther, that said land shall in the opinion of the Surveyor General be unfit for cultivation, in Henderson county, west of Tennessee river.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

CHAPTER CLXXIV.

AN ACT for the relief of Dempsey Corbet, Christopher Corbet and others.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of West Tennessee, be authorized and required to pay to Dempsey Corbet, Christopher Corbet, Buckley Walker, Jason Thompson and Thomas Dilworth, the sum of fourteen dollars each, for services rendered as guards in the year 1819, in conveying John York from the jail in Nashville to Sparta, out of any moneys in the Treasury not otherwise appropriated.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXV.

AN ACT to repeal part of an act entitled an act to make two regiments by a division of the fifth regiment passed Oct. 12, 1830.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That so much of the before recited act as requires the new regiment laid off in Carter county, now the one hundred and nineteenth regiment, to hold their battalion musters at the house of Thomas Johnson Sen'r.

Repealing clause.

and their courts martial the following Friday after each muster, be and the same is hereby repealed.

Time of mustering.
SEC. 2. *Be it enacted,* That the officers of the said one hundred and nineteenth regiment, shall hold their drill and other musters and courts martial under the same laws, rules and regulations that other regiments are by law required.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate

December 15, 1831.

CHAPTER CLXXVI.

AN ACT for the benefit of Thomas Travis of Fentress county.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the mountain district, issue to Thomas Travis a grant for sixteen acres of land in said county of Fentress, according to a plat and certificate made for John Brown, 29th April 1816.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXVII.

AN ACT for the relief of Charles M'Nally of M'Minn county.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Charles M'Nally is hereby restored to all the rights, credit, privileges and advantages of a citizen of this State, in as full manner as though a conviction for larceny had never been had against him in any of the courts of this State.

SEC. 2. Be it enacted, That Jonathan Crawford of Rhea county, be and he hereby is restored to all the rights, privileges and immunities of which he was deprived by operation of his conviction of larceny in the circuit court of said county of Rhea, on a change of venue from Bledsoe county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXVIII.

AN ACT to authorize Andrew Taylor Jr. to build a fish Trap.

Be it enacted by the General Assembly of the State of Tennessee, That Andrew Taylor Jr., be and he is hereby authorized to build a fish trap in Watauga river, Carter county, on his own part of the river; Provided, he does not thereby obstruct or injure the navigation thereof; and provided, always, that he shall be liable for all damages that may happen to boats by his said trap or dam.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXIX.

AN ACT for the relief of James H. Mosly.

Be it enacted by the General Assembly of the State of Tennessee, That James H. Mosly be released from the payment of a fine of thirty dollars, except the sum of five dollars, imposed upon him in the circuit court of Warren county, founded on the statute of gaming, on a bet with William Rutlage, upon the said James H. Mosly paying the cost of the prosecution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXX.

AN ACT to distribute the Infantry Tactics for the use of the militia.

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.

Distribution provided for.

C. M'Nally restored to privileges.

Jonathan Crawford restored to privileges.

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 CLXXXI.

AN ACT for the benefit of John B. Rodgers and Archibald C. Rodgers of Fentress county.

Be it enacted by the General Assembly of the State of Tennessee, That the clerk of the county court of Fentress county, issue to John B. Rodgers and Archibald C. Rodgers, a license to retail merchandize in said county from the first of July 1830; Provided, said Rodgers will pay said clerk the tax required by law, and the said clerk shall dismiss a suit now pending in said county against said John B. Rodgers, on his paying all costs.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXII.

AN ACT to amend the laws now in force in relation to the turnpike road across Cumberland Mountain of which Samuel Harris is proprietor.

Amendatory provisions.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no person shall obstruct the turnpike road leading across Cumberland mountain, from the foot of said mountain on the east side, at Sims' on Battle creek, to the foot of said mountain on the west side at Bowen's. Nor shall any person put or continue any nuisance in said road or adjacent thereto, so as to annoy travellers—and in all instances where the lands on both sides of said road shall be enclosed or fenced up, it shall be the

duty of the person who shall make or cause such fence or enclosure to be made, to leave the road or lane, at least thirty feet wide, and no person shall turn or alter said road without the assent in writing of the proprietor of said turnpike; and if any persons shall violate any of the provisions of this section, such person shall, for each violation, forfeit and pay the sum of twenty dollars, to be recovered by action of debt before any justice of the peace, by any person who will sue for the same: proviso, if any nuisance or obstruction in or adjacent to said road shall not be removed by the person putting it there, within twenty four hours after he is served with process agreeable to the above provision; or if any fence or lane shall be made in violation of this act and shall not be removed within twenty four hours after such person is served with process, such continuance of the nuisance, obstruction or fence shall be considered a second violation of this act for which he shall incur the foregoing penalty: And in all instances where fences, obstructions or nuisances shall have been heretofore made, contrary to the provisions of this act, by any person or persons, such person shall be allowed three months from the passage of this act to remove such nuisances, or obstructions, or to make their lanes thirty feet wide, as the case may be, and if they shall fail to do so, they shall in like manner incur the above penalty as though it was a new fence, obstruction or nuisance; and no warrant or summons shall be issued under the provisions of this act but at the instance of Samuel Harris, or the proprietor of said turnpike, or some person acting or applying for said Harris or such proprietor.

Commissioner appointed.

Sec. 2. *Be it enacted*, That Obadiah Bean be, and he is hereby appointed commissioner of said Turnpike in the room of Daniel Miller removed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

CHAPTER CLXXXIII.

AN ACT to establish a town on the lands of Robert Robson in Hardeman county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Robert Robson of the county of Hardeman, be and he is hereby authorized to lay off into lots of such size, as may to him seem most expedient, thirty acres of the tract of land on which he now lives, including

Van Buren established.

the Cross Roads in said county; and that the same be established as a town, to be known by the name of Van Buren.

Streets, alleys
and public ways
opened.

SEC. 2. *Be it further enacted*, That the necessary streets, alleys and other ways usual and necessary, shall be by him left upon the plan of said town, and be held by him in trust for the purchasers of lots in said place forever.

Charleston es-
tablished.

SEC. 3. *And be it further enacted*, That Samuel Charles of White county, be allowed to lay off a town upon his land in said county, to be known by the name of Charleston; and that Benjamin P. Tyson, be allowed to lay off a town upon his land in Gibson county, to be known by the name of Winton, under the same rules and regulations prescribed in the first and second sections of this act.

Winton estab-
lished.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXIV.

AN ACT supplementary to an act passed December the 6th 1825, entitled an act to authorize William Reynolds of the county of Greene to open and establish a turnpike road across Paint Mountain.

Turnpike estab-
lished.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Reynolds, Lewis Ball and William Houston, are hereby authorized to cut a fork out of said Warrinsburg road, turning off on the top of Paint mountain, from thence down said mountain by Ball's house the nearest and best way down Sherrill's Cove to where Cain Broyle's turnpike road intersects the same, but no further, which road when completed shall be considered a branch of the Warrinsburg turnpike road, to be opened in the same manner, kept in the same repair, subject to the inspection and examination of the same commissioners and in all respects to be governed by the same rules and regulations which govern the aforesaid road granted to William Reynolds by an act of 1825, chapter 334, which shall continue a branch of said road until the expiration of the present charter, and it shall not be lawful for said proprietors to set up their toll gate on any part of said road so extended north of the house where Lewis Ball now lives, but they shall continue their toll gate south of said Ball's house.

SEC. 2. *Be it enacted*, That it shall not be lawful for

said proprietors in extending said road as pointed out by the first section of this act to interfere with either Cain Broyles, or James and Daniel Allen's turnpike road.

Not to interfere
with other roads.

SEC. 3. *Be it enacted*, That John Parsons and Barnabas G. Myers be, and they are hereby appointed commissioners of said turnpike road, who shall be entitled to the same powers and compensation as other commissioners of said road.

Commissioners
appointed.

SEC. 4. *Be it enacted*, That Enoch Murphy be appointed a commissioner of the turnpike road owned by Robert Cicer, running through Overton and White counties in the place of Samuel Johnson, and that he perform the same duties and have the same fees; and that David Hastings be appointed commissioner of the turnpike road owned by Hale, leading from White county to Bledsoe, and have the same fees and perform the same duties required by the commissioners appointed in 1829.

Commissioner of
R. Cicer's road.

Commissioner of
Hale's road.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 14, 1831.

CHAPTER CLXXXV.

AN ACT authorizing George W. Wood to open a turnpike road.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That George W. Wood of Marion county, be and he is hereby authorized to open and establish a turnpike road commencing at the foot of the Cumberland mountain at or near the place where the old turnpike trace ascends said mountain in Marion county, running the nearest and best way across said mountain, descending the same at or near the place where said trace descends the same in Franklin county, which turnpike road shall extend to the foot of said Cumberland mountain at the above described place—which road shall be opened in the same manner, kept in the same repair, and the proprietor thereof entitled to the same toll, rights, emoluments and privileges, and in all respects subject to the same rules, regulations and restrictions, as a road, and the proprietors thereof, are entitled and made subject to by an act passed in the year 1829, entitled "an act authorizing James Doran and William Gibson to open a turnpike road."

Road authori-
zed.

SEC. 2. *Be it enacted*, That John Kelly and Daniel Rankin of Marion county are hereby appointed commis-

Commissioners
appointed.

sess the same powers and privileges, be entitled to the same compensation, and subject to the same restrictions, that are by the above recited act prescribed for the commissioners of said Doran and Gibson's turnpike road.

Sec. 3. *Be it enacted*, That the charter of said road is hereby granted to the said George W. Wood, his heirs or assigns for the term of twenty five years from and after the passage of this act.

Charter granted
to Wood.

Witt and Walker's
road extending
across Sequatchee
river.

Sec. 4. *Be it enacted*, That the turnpike road, being across Walden's ridge, owned by John Witt and Walker, shall by them be kept up to the south bank of Sequatchee river near the cross roads.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXVI.

AN ACT for the benefit of Thomas H Fletcher and Dempsey Powell

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of West Tennessee be, and he is hereby authorized to pay to Thomas H. Fletcher one hundred and thirty eight dollars and ninety cents, it being for office rent for the Secretary of State's office from the first day of September 1830 to the 10th day of October 1831, being at the rate of one hundred and twenty five dollars per annum.

Compensation
for Secretary of
State's office.

Sec. 2. *Be it enacted*, That said Treasurer is hereby authorized to pay to Dempsey Powell ten dollars, it being for the value of a gun pressed from him by order of William Carroll during the late war.

Dempsey Powell
paid for gun.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXVII.

AN ACT for the benefit of Joseph Dwyer.

Be it enacted by the General Assembly of the State of Tennessee, That Joseph Dwyer of Gallatin, Sumner county, be and he is hereby exempted from the payment of a tax for retailing merchandize in said county, from the

day of April 1830, up to the passage of this act, and that the clerk of said county, shall not be accountable for the same in his settlement with the Treasurer of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXVIII.

AN ACT to amend the act incorporating the town of Bolivar in Hardeman county.

Be it enacted by the General Assembly of the State of Tennessee, That hereafter in all elections for Mayor and Aldermen of the town of Bolivar that all free male persons owning a lot in said town shall be entitled to vote for said Mayor and Aldermen.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CLXXXIX.

AN ACT for the benefit of Thomas L. Gray of Haywood county.

Whereas, Thomas L. Gray purchased one hundred acres of certificate No. 333 for 623 acres, issued by the commissioners of West Tennessee, on the 20th of October 1809 to Anthony Sharp and Thomas Dugan, which certificate was filed in the office of the surveyor of the second district and is now on file in the Register's office of West Tennessee.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the register of West Tennessee to issue to the said Thomas L. Gray a certificate for one hundred acres of certificate No. 333 for 623 acres: provided there remains that much of said certificate in his office yet unsatisfied, and if not that much, he shall issue so much as there remains unsatisfied to said Gray, provided said Gray makes it appear he is entitled to the same, and has never entered on said certificate in the office of the second district, which certificate said Gray may enter on any vacant and unappropriated land in the

Grant to issue
to Thos L. Gray.

Western District, provided he does not interfere with any occupant or occupants, unless by his, her or their consent in writing.

Andrew Goff.

SEC. 2. *Be it enacted*, That if Andrew Goff shall make it satisfactorily appear to the surveyor of the 10th district that by mistake in surveying a part of the land on which grant No. 17745 issued lies within the bounds of the 11th surveyor's district, it shall be the duty of said surveyor upon the application of said Goff, to resurvey the same, commencing on the true meridian line between said districts and run out the same so as to include seventy five acres, provided the same does not interfere with any other title or occupant claim, and the same laid down upon the general plan of his district.

Register to issue grant.

SEC. 3. *Be it enacted*, That it shall be the duty of said surveyor to make out a plat and certificate of the same, upon which the register of Middle Tennessee shall issue a grant for the same upon the surrender of the former grant.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 15, 1831.

CHAPTER CXG.

AN ACT for the benefit of Lucinda Allen, widow and relict of William Allen dec'd, and the heirs and representatives of said decedent.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the Hiwassee District be, and he hereby is authorized and directed to issue to the minor heirs and legal representatives of William Allen deceased, late a soldier in Captain King's company of the regiment commanded by Colonel Dougherty, a grant for the south west fractional quarter, section seven, in fractional township one, and range one, east of the meridian in the Hiwassee District, containing twenty seven acres, the same having been purchased at the land sales at Knoxville, and forfeited under the provisions of the act of 1819, providing for the sales of the Hiwassee lands: Provided, however, that the said widow, Lucinda Allen, shall be entitled to dower in said twenty seven acres of land hereby granted, as other widows are now entitled by the existing laws.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

CHAPTER CXCI.

AN ACT for the relief of Larkin H. Bowling of Anderson county.

Be it enacted by the General Assembly of the State of Tennessee, That Larkin H. Bowling of the county of Anderson be and he is hereby released and discharged from the payment of the sum of one hundred and twenty five dollars, the amount of a judgment rendered against him, as appearance bail of a certain Edward Williams, by the circuit court of Anderson county at the August term 1831, on his paying the costs that have accrued in the cases, the State against said Edward Williams and the State against said Larkin H. Bowling; Provided, said Bowling take and subscribe an oath before the clerk of the circuit court of Anderson county, that he has not received any money or other thing from the said Williams or any other person to enable him to pay the aforesaid sum of one hundred and twenty five dollars.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 17, 1831.

CHAPTER CXCL.

AN ACT to establish and incorporate a female academy in the town of Columbia.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Peter R. Booker, James Walker, Patrick M'Guire, J. W. P. M'Gimpsey, S. D. Frierson, E. W. Dale, A. O. Harria, A. O. P. Nicholson, C. C. Mason, Wm. M'Neal and John B. Hays be, and they are hereby constituted a body politic and corporate by the name of the Columbia Female Academy, and by that name shall have succession for the term of fifty years, and shall have and use a common seal, and the Trustees and their successors by the name aforesaid, shall be capable in law to purchase, receive and hold to themselves and the stockholders of said academy and their successors any lands, tenements, goods or chattels to the amount of sixty thousand dollars, which may be given, granted, or devised to them or purchased by them for the use of said academy, as to them may seem best, and the said trustees by the name aforesaid, may sue and be sued, plead and be impleaded in any court of law in this state or elsewhere.

Incorporated.

Election of Trustees.

SEC. 2. *Be it enacted*, That the stockholders of said academy may meet on the premises on the first Monday in each and every year to elect their trustees who shall hold their offices one year until others are elected.

Election of officers.

SEC. 3. *Be it enacted*, That a majority of the trustees, when convened, shall constitute a board whose duty it shall be to appoint a president, secretary and treasurer, who shall hold their offices one year, or for such time as may be pointed out by the board, who may be established by said board of trustees.

May make by-laws.

SEC. 4. *Be it enacted*, That the board shall have power to establish such by-laws as to them may seem best for the government and interest of said institution, which shall not be inconsistent with the laws of the United States or the laws of this state.

Denmark academies incorporated.

SEC. 5. *Be it enacted*, That Josiah W. Fort, Theophilus Sanders, James H. Walker, James Meriwether, George Williamson, David Jarrett, Thomas J. Vader, Matthew Clanton, and S. W. Vaughn be, and they are hereby constituted a body politic and corporate by the name of the trustees of the Denmark Male and Female academies, under the same rules, regulations and restrictions as contained in an act entitled "An act to incorporate the Harpeth Female academy in the eastern part of Williamson county" passed October 26, 1829.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 17, 1831.

Speaker of the Senate.

CHAPTER CXCH.

AN ACT for the benefit of John McCrosky, former Sheriff of Monroe county.

Be it enacted by the General Assembly of the State of Tennessee, That John McCrosky, former Sheriff of Monroe county, be allowed two years from and after the passage of this act, to wind up and complete the business of his former Sheriffship, with all the powers, emoluments and privileges that Sheriffs now enjoy.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

December 17, 1831.

Speaker of the Senate.

CHAPTER CXCV.

AN ACT for the benefit of John Walters of Smith county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the clerk of Smith county court to refund to John Walters, to Hazard and Green, to Bazley and Foster, to Thomas A. Lancaster, to G. and M. Smith, and to Samuel A. Quarles of Smith county, the sum of fifty dollars, each firm, it being one half the same collected of them respectively, by suit, for failing to take out store licenses for the year 1830.

Money to be refunded.

SEC. 2. *Be it enacted*, That the clerk of the county court of Carroll county, is hereby required to dismiss a suit heretofore brought against Thomas Crawford for the recovery of the State tax on a store, upon the payment of all costs by said Crawford, any law to the contrary notwithstanding.

Suit against Thomas Crawford to be dismissed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 17, 1831.

CHAPTER CXCV.

AN ACT for the relief of Thomas Fite and Septha Billingsly.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the Western District, be and he is hereby required to issue to such person or persons as may be entitled thereto, a grant for five and three fourth acres of land entered in the 13th district in Gibson county, 2d range and 2d section by entry No. 704, dated Dec. 17, 1822, founded on warrant No. 4360, issued by the Register of West Tennessee, for five and three fourth acres, and surveyed 24th December 1824, by John Parker, deputy surveyor; Provided, however, that such person or persons as are entitled to said grant, shall make proof to said Register, that said land warrant is lost or mislaid, and that the warrant had written on the face thereof "and recorded in my office" and signed by the proper person.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 17, 1831.

CHAPTER CXCVI.

AN ACT for the relief of Nathan Haggard and Nimrod Dodson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nathan Haggard, be allowed the sum of seventy five dollars, for attending to a suit in the Warren circuit court, and the supreme court at Sparta, on the part of the school land commissioners in the case, Nimrod Dodson, school land commissioner vs. William Stroud, and it shall be the duty of the Treasurer of West Tennessee, to pay to the said Haggard the above amount out of any money in the Treasury not otherwise appropriated.

Fee to N. Haggard.

Compensation Nimrod Dodson.

SEC. 2. *Be it enacted*, That it shall be the duty of the Treasurer of West Tennessee to pay to Nimrod Dodson the sum of two hundred and ninety dollars, by him expended as school land commissioner in a suit the commissioners aforesaid instituted against William Stroud of Warren county, for the recovery of a tract of school land, and the receipt of the said Dodson shall be a good voucher to the said Treasurer in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS.

Speaker of the Senate.

December 17, 1831.

CHAPTER CXCVII.

AN ACT for the benefit of John Sharp.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of East Tennessee, pay to John Sharp the sum of sixteen dollars, the value of a gun, out of any unappropriated moneys; and the receipt of said sharp shall be a good voucher upon settlement in the hands of said Treasurer.

John Sharp paid for a gun.

SEC. 2. *Be it enacted*, That the Treasurer of East Tennessee, shall pay to Daniel Davis, twenty five dollars for a gun which was pressed and lost in the late war; that being the amount said gun was valued to; and the receipt of said Davis shall be a good voucher to the Treasurer in the settlement of his accounts.

Daniel Davis paid for a gun.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 16, 1831.

CHAPTER CXCVIII.

AN ACT to repeal an act passed in the year 1827, authorizing Isaac and Lewis Miller to erect a mill dam on Clinch river.

Be it enacted by the General Assembly of the State of Tennessee, That an act passed in the year 1827 authorizing Isaac and Lewis Miller to erect a mill dam on Clinch river, be and the same is hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

December 17, 1831.

CHAPTER CXCIX.

AN ACT to authorize the county court of Knox county, to lay a tax to aid in erecting a new court house in said county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for the county court of Knox county, at the sessions of said court when the county and poor taxes in said county are laid, or at any other session of said court, a majority of the acting Justices being present, to lay and assess an additional tax, for the purpose of aiding in the erection of a new court house, and to aid in procuring more ground adjoining the lot on which the court house now stands, if the same should be deemed advisable by the commissioners appointed by said court to superintend the work.

Court may as-
sess and lay
tax.

SEC. 2. *Be it enacted*, That said court shall have full power and authority to vest a right in said commissioners to use the materials of the present court house in such manner as they may deem best in the erection of a new court house.

Materials of
old Court house
may be used.

SEC. 3. *Be it enacted*, That it shall be lawful for the courts now by law held in Knoxville, while the said new court house is building, and until it is completed, to be held in any house in said town, which said county court may select and procure for that purpose.

Courts may be
held in any house
in Knoxville.

SEC. 4. *Be it enacted*, That the tax to be laid under the provisions of this act, shall be collected and accounted for as other public taxes.

How tax shall
be collected.

SEC. 5. *Be it enacted*, That the aforesaid commissioners shall have the right to sell and convey all or any of the ground or lot on which the old court house now stands; Provided, that the county court, appointing said com-

Power of com-
missioners.

missioners shall enter on the record of their court, that they have given such power to said commissioners—and should said lot or any part be sold, or the power given to sell as aforesaid, it shall be lawful for said commissioners to purchase any lot or part of a lot or lots, within the corporation of Knoxville, on which to erect the new court house.

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

December 16, 1831.

CHAPTER CC.

AN ACT for the relief of Miller Isbell, and others therein named.

Whereas, it is represented to this General Assembly that, in an act passed at the session of the General Assembly of 1827, entitled "an act for the relief of Thomas White and others therein named," a mistake was made in the quantity of land for which the money received from the State was designed to be refunded to the persons mentioned in said act. That Miller Isbell, as a purchaser under the State, was entitled to have refunded the sum by him paid the State for one hundred and twenty nine acres, instead of one hundred and fourteen acres, as provided in said act. That Edward Ragsdale was entitled to have refunded the sum by him paid the State for fifty three acres, instead of thirty eight acres as provided in said act. That Thomas White was entitled to have refunded the sum of seventy four dollars and forty two and one half cents, instead of sixty six dollars and seventy three cents, for costs of suit as provided in said act.—Therefore for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee, be and he is hereby directed to refund to Miller Isbell the balance of the money, together with the interest thereon, by him paid the State for one hundred and twenty nine acres of land, after deducting the amount he has already received; and to Edward Ragsdale the amount of money, together with the interest thereon, by him paid the State for fifty three acres of land, after deducting the amount he has already received; Provided the said Miller and the said Edward shall first make satisfactory proof to said Treasurer, that the quantities of land by them respectively purchased from the State are within the

Treasurer to refund money.

bound of a reservation lately recovered in the circuit court of Monroe county, in an action of ejectment wherein Willioah Maw's heirs' lessee were plaintiffs and Thomas White defendant.

SEC. 2. *Be it enacted,* That the Treasurer of East Tennessee, be and he is hereby directed to pay to Thomas White the balance of the sum of seventy four dollars and forty two and a half cents, with the interest thereon, since the time it shall be made appear the same was paid by said White, after deducting therefrom, the amount that has been already refunded for costs of suit in the cause mentioned in the first section of this act, in which Willioah Maw's heirs' lessee was plaintiff and said White defendant; Provided, said Treasurer shall be satisfied by the certificate of the clerk of said court that the bill of costs of said suit amount to the said sum of seventy four dollars and forty two and a half cents; and that said Treasurer of East Tennessee, be directed to pay the said Thomas White the further sum of fifty dollars by him paid his counsel to defend his claim under the State against the claim of the heirs of said reservee.

Thomas White to be paid.

SEC. 3. *Be it enacted,* That the Treasurer aforesaid, make the payments provided in the first and second sections of this act, out of any moneys by him collected from the purchasers of land in the Hiwassee District.

Directory to the Treasurer.

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

December 15, 1831.

CHAPTER CCL.

AN ACT to amend an act entitled an act to establish Turnpike Bridges in the Western District passed at Nashville October 16, 1829, chapter 12.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners appointed by the seventh section of the before recited act, be and they are hereby authorized and empowered to let out said bridge and causeway, allowing to the undertaker or undertakers thereof double the toll and emoluments allowed to the proprietors of the bridge and causeway south of Jackson, across the south fork of Forked Deer river, for ten years, and after the expiration of ten years, the toll to be reduced one fourth of the rates allowed for the first ten years which shall be the rate of toll for the next five years, and after the expiration of said term of five years

Commissioners to let out the work; rates of toll.

the toll shall be the same as allowed at the Jackson bridge and causeway alluded to. To the person or persons who will undertake the construction of said bridge and causeway for the shortest number of years, subject to the foregoing regulations, and in all other respects said commissioners shall be governed in the discharge of their respective duties by the provisions of the above recited act.

Compensation of Commissioners.
 SEC. 2. *Be it enacted*, That the county courts of Gibson and Obion counties, a majority of the justices being present, may at their discretion make an allowance to said commissioners as they shall think reasonable for their services and expences heretofore rendered or that may hereafter be performed or expended by them in carrying the provisions of the foregoing act into effect.

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

December 16, 1831.

CHAPTER CCII.

AN ACT for the relief of Wesley Simmons and others of Claiborne County.

Fine released.
 SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Wesley Simmons, Isham Simmons, John Day and William Day of Claiborne county, be and they are hereby released from the payment of thirty nine dollars of a fine imposed on each of them for forty dollars, at the April term of the circuit court of said county in the year 1831.

Fine and costs.
 SEC. 2. *Be it enacted*, That the clerk of said court shall not issue an execution against said parties for more than one dollar of said fine and costs as taxed against each one of said defendants.

Fine if collected to be refunded.
 SEC. 3. *Be it enacted*, That if the sheriff of said county has collected of either of said defendants more than the costs for which he may have been liable and one dollar fine, he shall refund to such person or persons, the amount of such fine above one dollar, and his or their receipts shall be a good voucher to said sheriff for the same.

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

December 17, 1831.

CHAPTER CCIII.

AN ACT for the relief of Peter North of Jefferson county.

Be it enacted by the General Assembly of the State of Tennessee, That Peter North be, and he is hereby released from a forfeiture of recognizance which was entered against him in the Circuit Court of Jefferson county for the sum of five hundred dollars as security for the appearance of James North on an indictment for a riot, provided nothing in this act contained shall be so construed, as to release said Peter North from the payment of the costs of said prosecution, and provided he has received no indemnity therefor.

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

December 17, 1831.

CHAPTER CCIV.

AN ACT for the relief of Joseph P. Neally and Jane C. Neally of the county of Jackson.

Whereas it appears to this General Assembly that William D. Griffith did in the year of 1827, assign and transfer for value received to Joseph D. Neally and Jane C. Neally a plat and certificate of survey by virtue of entry No. 923, dated 4th April 1826 for forty acres of land in Jackson county, and that a short time after said assignment, said plat and certificate of survey was exhibited in court, and the execution of said assignment and transfer was proven by the subscribing witnesses thereto, since which time said plat and certificate of survey, with the assignment aforesaid, has been lost.—For remedy whereof.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it is hereby made the duty of the Register of the Mountain District, upon the production of a true copy of said plat and certificate of survey to issue a grant for the same, to the said Joseph P. Neally and Jane C. Neally, assignee of William D. Griffith, and said grant shall vest as good a title in the said Joseph P. Neally and Jane C. Neally as though it had been originally issued to them.

Grant to issue.

SEC. 2. *Be it enacted*, That the Secretary of State issue to Elkana Sullivant a certificate warrant for fifteen

Elkana Sullivant.

acres issued by the late Secretary on the 28th day of June 1830, provided the said Sullivan shall prove to the satisfaction of the secretary that the said warrant was lost by being enclosed to said Sullivan by the late secretary after he had adjudicated the same, and that the said warrant is unappropriated.

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

December 16, 1831.

CHAPTER CCV.

AN ACT for the relief of William Anderson, clerk of Sullivan Circuit Court.

Relief granted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee is hereby required to pay to William Anderson, clerk of Sullivan circuit court, the sum of seventy one dollars for his, the sheriff's and state's witnesses' cost in the case of the state against James Harron on a charge of murder, out of any moneys not otherwise appropriated.

Duty of William Anderson. SEC. 2. *Be it enacted,* That it shall be the duty of the said William Anderson, when he receives said moneys to pay them over to those entitled to receive them.

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

December 17, 1831.

CHAPTER CCVI.

AN ACT to authorize the commissioners of the Western District Turnpike Road to rescind the contract existing between said Commissioners and John Thomas jun. and for other purposes.

Authority granted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the commissioners appointed by the legislature of 1827, chapter forty four, be and they are hereby authorized and empowered to rescind a contract for constructing a turnpike road from Dresden, Weakly county to the state line in a direction to Mills' Point on the Mississippi river, heretofore entered into between said commissioners and John Thomas Jun., undertaker of said turnpike road.

SEC. 2. *Be it enacted,* That said commissioners shall

proceed to advertize and let that part of said road lying between a point lying one hundred feet south of the south bank of the north fork of Obion river at Finche's bridge to the Obion county line, under the same rules and regulations as it was heretofore let, when said Thomas became undertaker, except that there shall be but one toll gate erected on said road to be located at such place as said commissioners shall specify. *Commissioners to let out work.*

SEC. 3. *Be it enacted,* That Albert G. Bondurant be appointed a commissioner instead of Robert Powel removed, and that Jacob Yocham be appointed a commissioner instead of Jacob Tokum. *Commissioners appointed.*

SEC. 4. *Be it enacted,* That said commissioners shall have power to make such stipulations or agreement with any undertaker or undertakers under this act as to them shall seem right and proper in relation to the labor heretofore done on said road by the former undertaker, and for said undertaker's benefit, and said commissioners shall in all respects enjoy and exercise the same powers and privileges as were enjoyed by the commissioners heretofore appointed on said road. *Power of.*

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

December 16, 1831.

CHAPTER CCVII.

AN ACT to extend the Lynchburg and New River Rail Road to Knoxville.

Whereas, on the 5th day of April in the year 1831, the General Assembly of the Commonwealth of Virginia passed an act entitled an act to incorporate the Lynchburg and New River Rail Road Company, which act is in the words and figures following, to wit:

"AN ACT to incorporate the Lynchburg and New River Rail Road Company passed April 5th 1831.

"1. *Be it enacted by the General Assembly,* That it shall be lawful to open books in the town of Lynchburg, under the direction of ——— in Richmond under &c. in Norfolk, Petersburg, Salem, Pattonsburg, Christianburg, Giles court house, Wythe court house, Abingden, Charlestown, Newbern, Stoney Fork, Grayson court house, Lebanon, Tazewell court house, Liberty—for receiving subscriptions to the amount of six hundred thou-

said dollars, divided into six thousand shares of one hundred dollars each, to constitute a joint capital stock for the purpose of making a rail road from Lynchburg to New river, with one or more rail tracts; the time of opening said books of subscription, shall be published in some newspaper convenient to the place of opening the same, and three or more of the commissioners, at the respective places, shall be sufficient to superintend the opening of the same, and to perform any other duties required of said Board of commissioners.

"2. The said Rail Road shall be divided into two sections, as follows: the first or eastern section shall embrace all of said road from Lynchburg to some suitable point in the vicinity of Little Roanoke, or one of its forks, and convenient for the navigation of said stream when the Roanoke company shall improve the navigation to such point, and the second or western section, shall embrace all of said road from thence to New river, and the commissioners at the several places herein before named, shall receive if requested, conditional subscriptions to the stock of said company; such condition to be, that the stock so subscribed shall be exclusively applied to the eastern or western section of said rail road, as the subscribers then prefer and direct; and in the event of any such subscription being made, all sums paid thereon, shall be applied to the section of the road designated at the time of subscription, but in all other respects, the stock so subscribed shall constitute part of the general stock of the company, and entitle the stockholders subscribing the same, to the same rights and privileges, and subject them to the same obligations with those whose subscriptions are general; the said company is also hereby authorized by and with the consent of a majority in interest of its stockholders, expressed at a general meeting called for that purpose, to provide for the transportation of produce, merchandize and persons, on or along New river or any part thereof, by constructing improvements on the bed of said river, and independent canal or rail road, or any or all of them; and the General Assembly will authorize the collection by said company, its officers and agents, of such tolls for the transportation of property or carriage of persons thereon, as from the accommodation furnished and expense incurred shall be reasonable and proper; should the said company undertake such improvements on or along New river, that portion shall constitute another section, and be designated as the third or New river section; and conditional subscriptions may be made for said third section as are herein before provided, for the first and second sections; Provided, however, that nothing herein contained shall deprive the

General Assembly of the right, to construct or authorize the construction of any works of improvement on or along New river at any time hereafter.

"3. The several books for receiving subscriptions, shall not be closed in less than thirty days from the time of opening them respectively; if it shall appear, on the expiration of thirty days, that more than six thousand shares have been subscribed for, the respective Boards of commissioners shall reduce and proportion them among the subscribers, in fair and equal proportion to the amount of capital stock required; but if the whole number of shares shall not be subscribed for within the period aforesaid, the said commissioners may continue the books open for such longer time as they shall deem reasonable, and when one thousand shares shall be subscribed, the subscribers their executors, administrators and assigns, shall be and they are hereby declared to be incorporated into a company, by the name and style of "the Lynchburg and New river rail road company," and by that name may sue and be sued, plead and be impleaded, and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law, and may make all such by-laws, rules and regulations not inconsistent with the constitution and laws of this State, or of the United States, as shall be necessary for well ordering and conducting the affairs of the company.

"4. Upon every subscription there shall be paid to the commissioners or their agents, the sum of two dollars for each share; and the residue thereof shall be paid in such instalments, and at such times, as it shall be required by the president and directors of said company. The said commissioners and their agents shall forthwith, after the election of president and directors pay over to said president and directors, all moneys received by them; and on failure therein said president and directors may recover the amount due from them or either of them, or their or his personal representative, by motion in the superior or inferior court of the county wherein such defendant may reside, ten days previous notice thereof having been given said defendant, and the clerk of said court shall endorse on every execution issued on said judgment, that no security shall be taken, and the Sheriff or other officer shall govern himself accordingly.

"5. When one thousand shares or more stock, shall have been subscribed, public notice of that event shall be given by any three or more of said commissioners, who shall have power at the same time to call a general meeting of the subscribers at such convenient place and time as they shall name in said notice; to constitute any such meeting a number of persons entitled to the majority of all the votes

which could be given upon all the shares subscribed, shall be present either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend, shall have power to adjourn from time to time until a meeting shall be formed.

"6. The subscribers at their general meeting before directed, and the proprietors of the stock at every annual meeting thereafter, shall elect a president and five directors, who shall continue in office unless sooner removed until the next annual meeting after their election, and until their successors shall be elected, but the said president or any of the directors, may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of the votes given at any general meeting; the president, with any three or more of the directors, or in the absence of the president, any four or more of the directors, who shall appoint one of their own body president pro tempore, shall constitute a board for the transaction of business; in case of vacancy in the office of president or any director, happening from death, resignation, removal or disability, such vacancy may be supplied, by appointment of the board, or by the proprietors in general meeting.

"7. The president and directors of said company, shall be, and they are hereby invested with all the rights and powers necessary to the construction repair and maintaining of a rail road, to be located as aforesaid, with as many sets of tracks as they, or a majority of them may deem necessary and may cause to be made; and also to make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of the said rail road.

"8. The president and directors of said company, shall have power to make contracts with any person or persons on behalf of said company for making the said rail road and performing all other works respecting the same, which they shall judge necessary and proper; to require from the subscribers from time to time, such advances of money on their respective shares, as the wants of the company may require, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers giving one month's notice thereof, in one of the newspapers printed in the town of Lynchburg; to appoint a treasurer, clerk and such other officers as may be necessary; to sign and settle all accounts, and to transact all the business of the company during the interval between the general meetings of the same.

"9. If any stockholder shall fail to pay the sum required of him by the president and directors, or a majority

of them, within one month after the same shall have been advertised in one of the newspapers printed in the town of Lynchburg, it shall and may be lawful for the president and directors, or a majority of them, to sell at public auction, and to convey to the purchaser the share or shares of such stockholders, so failing or refusing, giving one month's previous notice of the time and place of sale as aforesaid; and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the president and directors may recover the balance from the original proprietor or his assignee or the executor or administrator of either of them, by motion on ten days notice, before the court of that county of which he is an inhabitant, or by warrant before a Justice of that county, and any purchaser of the stock of the company, under sale by the president and directors, shall be subject to the same rules and regulations as the original proprietor.

"10. The president and directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements, through which they may judge it necessary to make the said rail road and lay out the same according to their pleasure, so that neither the dwelling house, garden, orchard, yard or curtilage of any person be invaded without his consent. If the president and directors cannot agree with the owner of the land on the terms upon which the said rail road shall be opened, it shall be lawful for them to apply to the court of the county in which the land lies; and upon such application, it shall be the duty of the court to appoint five discreet, intelligent, disinterested and impartial freeholders, to assess the damages to such land which will result from opening the said rail road through it; no such appointment, however, shall be made, unless ten days' previous notice of the application shall have been given to the owner of the land, or guardian if the owner be an infant, or to the committee, if the owner be non compos mentis, if such owner, guardian, or committee can be found within the county; or if he cannot be found, then such appointment shall not be made, unless notice of such application shall have been published at least one month next preceding in some newspaper published nearest said land, and shall have been posted at the door of the courthouse, on the first day at least of the next preceding term of the said court; a day of the meeting of the freeholders to perform the duties assigned them, shall be designated in the order appointing them, and any one

or more of them attending on that day, may adjourn from time to time until their business shall be finished; of the five freeholders so appointed, any three or more of them may act after being sworn or solemnly affirmed, before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land from opening the said rail road through the same, and that they will truly report their proceedings thereupon to the court of the said county.

"11. It shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land through which the rail road is to be opened; and after viewing the same, and hearing such proper evidence as shall be offered by either party, to ascertain according to the best of their judgment, the damages which the proprietor of the land will sustain by opening the rail road through the same; in performing this duty, they shall consider the proprietor as being the owner of the whole fee simple interest; they shall take into consideration the quantity and quality of the land, which the rail road will occupy; the additional fencing and gates which will be required thereby, and all other inconveniences which will result to the said land from the opening of the said rail road; and shall combine therewith a just regard to the advantages which the owner of the land will derive from the opening the rail road through the same.

"12. When the said freeholders shall have agreed upon the amount of damages they shall forthwith make a written report of their proceedings under their hands and seals in substance as followeth: We, freeholders, appointed by an order of the county court of ——— for the purpose of ascertaining the damages which would be sustained by ——— the proprietor of certain lands in the said county, through which the Lynchburg and New river rail road company propose to open a rail road, do hereby certify that we met together on the land aforesaid on the ——— day of ——— the day appointed for that purpose by the said order, and that having been first duly sworn (or affirmed) and having viewed the premises, we proceeded to estimate the quantity and quality of the land aforesaid, which would be occupied by the said rail road; the quantity of additional fencing that would probably be required thereby; and all other inconveniences which seemed to us likely to result therefrom to the said land; that we combined with these considerations, as far as we could, a just regard to the advantages which would be derived by the proprietor of the said land from the opening of the aforesaid rail road through the same; that un-

der the influence of these considerations, we have estimated and do hereby assess the damages aforesaid, at the sum of ——— given under &c.

"At the foot of the report so made, the magistrate, before whom the said freeholders were sworn, shall make a certificate in substance as follows: ——— county to wit, I ——— a Justice of the Peace for said county, do hereby certify &c. (then follows the substance of the oath required by this act.)

"The report of the freeholders so made, together with the certificate of the magistrate as aforesaid, shall be forthwith returned by the said freeholders to the court of said county, and unless good cause be shown against the report, it shall be affirmed by the court, and entered on record. But if the said report should be disaffirmed, or if the said freeholders being unable to agree, should report their disagreement, or if from any other cause they should fail to make a report within a reasonable time after their appointment, the court may at its discretion, as often as may be necessary, supersede them, or any of them, appoint others in their stead and direct another view and report to be made in the manner above prescribed; on the affirmance of any such report, and on the payment or tender, to the proprietor of the land, of the damages so assessed, or the payment of said damages into court, when for good cause shewn, the court shall so have ordered it, the president and directors shall be at liberty to open the said rail road upon the ground viewed and assessed by the freeholders as aforesaid.

"13. Whenever it shall become necessary to subject the lands of individuals to the use of the said company in opening and constructing the said rail road through the same, and the consent of the proprietor or proprietors cannot be obtained, it shall be lawful for the president and directors of said company, and for their superintendants, agents, contractors, labourers and servants, to enter upon such lands, and proceed in opening and constructing the said rail road through the same; the pendency of any proceedings in court or before assessors, or valuers, to ascertain the damages that will be sustained by the proprietor or proprietors of any such land from opening and constructing the said rail road shall in no manner hinder or delay the execution of the said work; and no order shall be made, nor shall any injunction be awarded by any judge or court to stay or delay the progress of the said work, the true intent and meaning of this act being, that all injury which may be done to any land without the consent of the proprietor or proprietors thereof, by opening and constructing the said rail road through the same, over and above the advantages of the

said road to the proprietors of such land, shall be fully and completely compensated for, in damages, when ascertained; for such damages, when the same shall be ascertained by a confirmation of the report of the assessors or valuers, by the respective county courts, if they be not paid to the party or parties entitled to the same, nor into the court by the president and directors, during the term at which the report shall be confirmed, the clerk of the court shall at any time after the adjournment of the court on the application of the party or parties entitled to the said damages or his or their attorney, issue any execution for the amount of the said damages, against the said company, which may be legally issued against a corporation on a judgment for money, and the clerk shall endorse on such execution that no security of any kind is to be taken.

"14. If the president and directors of the said company shall not obtain the consent of the proprietors of any land through which they may propose to open and construct the said rail road, and shall not apply to the said county court, and procure assessors or valuers to be appointed, to ascertain the damages which will result to the proprietor or proprietors of any land from opening and constructing the said rail road through the same, within forty days from the time the said president and directors their superintendants, agents, contractors, labourers or servants, shall commence opening and constructing the said rail road through such land, then it shall be lawful for the proprietors of such land, at any time previous to an application for the appointment of assessors being made by the said rail road company, giving the said company ten days' previous notice, by serving the same on the president or any one or more of the directors of said company to apply to the said county court, and upon such application it shall be the duty of the said county court to appoint five discreet, intelligent, disinterested and impartial freeholders to assess the damages that will result to the proprietor or proprietors of such land, by opening and constructing the said rail road through the same, who shall be qualified in the same manner and shall, upon the same principles and in the same manner in all respects, proceed to assess, and report to the court the damages that will result to the proprietor or proprietors of such land, as if they had been appointed on the motion of the said company, and if the said company shall not pay to the proprietor or proprietors of such land, nor into the said court the damages assessed during the term of said court, at which the report thereof shall be confirmed, at any time after the adjournment of the court, on the like application the clerk shall issue the like execution for the amount of damages against the said company, with the like endorsement thereon.

ution for the amount of damages against the said company, with the like endorsement thereon.

"15. The said president and directors for the purpose of making the said rail road, or of keeping the same in repair after it shall have been made, shall also be at liberty, by themselves, their officers, agents and servants, at any time, to enter upon any adjacent lands and to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel or earth which they may deem necessary; Provided, however, that they shall not, without the consent of the owners, cut down any fruit tree or trees preserved in any field or lot for shade or ornament, or take any timber, gravel, stone or earth constituting any part of any fence or building. For all wood, stone, gravel or earth, taken under authority of this act and for all incidental injuries done to the enclosures, crops, woods or grounds, in taking or carrying the same away, the said president and directors, shall make to the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by any three impartial, intelligent and disinterested freeholders, who being appointed for that purpose by any Justice of the Peace, thereto required by the owner, shall be sworn or affirmed by the Justice, and shall then ascertain the compensation upon their own view for the wood, stone, gravel or earth taken, and for the injury done as aforesaid in taking them.

"16. Whenever in the construction of the said rail road it shall be necessary to cross or intersect any established road or way, it shall be the duty of the president and directors of said company so to construct the rail road across any road, or way already or hereafter to be established by law, as not to impede the passing or transportation of persons or property along the latter, and when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon ways across the said rail road from one part of his land to another.

"17. The said president and directors, or a majority of them, shall have power to purchase with the funds of said company and place on the rail road constructed by them under this act, all machines, waggons, vehicles, carriages and teams of any description whatsoever, which they may deem necessary or proper for the purposes of transportation.

"18. All machines, vehicles, waggons and carriages, purchased as aforesaid with the funds of the company, and all their works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective shareholders of the company for ever, in proportion to their respective shares; and the

same shall be deemed personal estates and shall be exempt from any public charge or tax whatsoever.

"19. So soon as a section of ten miles shall be completed of the said road, and as often thereafter as any other section of the like length shall be completed, the said president and directors shall transport all produce or other commodities that shall be deposited convenient to the said rail road, and which they shall be required to transport to any point to which the said rail road may have been completed in the order in which the company shall be required to transport the same, and after it shall have been deposited convenient to the said rail road, so that equal and impartial justice shall be done to all the owners of produce or other commodities, in the transportation thereof by the company, provided the owner of the produce or other commodities required to be transported by the said company on the said rail road, shall pay or tender to the said company, at their toll gate or gates, the tolls due upon such produce, or other commodities under this act.— And it shall be lawful for the president and directors of the said company, and they are hereby authorized to erect on such section or sections, a toll gate or gates, and to demand and receive the following rates of toll, viz: On all goods, produce, merchandize or commodities of any description whatever, a sum not exceeding eight cents per ton per mile, and for the transportation of passengers, a sum not exceeding ten cents per mile, for each passenger, and when the said rail road shall be completed, a sum not exceeding fifteen dollars a ton on all goods, produce, merchandize or other commodity, and five dollars for each passenger for the whole length of the said rail road, until the nett profits received shall amount to a sum equal to the capital stock expended with six per centum per annum interest thereon from the time the money was advanced by the stockholders, until received back in nett profits. But when the nett profits received as aforesaid, from the tolls aforesaid, shall have amounted to a sum equal to the capital stock expended as aforesaid, with six per centum per annum interest thereon as aforesaid, then the tolls which the said President and Directors shall be entitled to demand and receive for the said rail road, shall be fixed and regulated from time to time by the president and directors of the board of public works, or by any other body to whom the legislature may assign this duty, so as to make them sufficient in their estimation, to yield a nett profit equal to six per centum per annum on the capital stock expended in making and completing the said rail road, over and above what may be necessary for the repairs and renewal of the same. The president and directors of the said company shall, at the end of each year,

report to the board of public works, or to any other body to whom the legislature may assign this duty, a statement showing the whole amount of capital stock expended in the construction of the said rail road; the amount of tolls received during each year, the expenses and charges incurred during each year, and the annual profit or loss on the capital expended.

"20. It shall be lawful for the president and directors of the said company to erect scales at their toll gate or gates to weigh the burthen of any wagon, carriage, machine or other vehicle, used in transporting produce or other commodities along the said rail road.

"21. An annual meeting of the subscribers to the stock of the said company, shall be held at such time in each year as the stockholders at their general meeting, called by the president and directors, according to the provisions of this act, shall appoint; the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary either in person or by proxy properly authorized; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the directors as aforesaid, the proprietors who do attend, may adjourn from time to time until a general meeting shall be had.— In counting all votes of the said company, each member shall be allowed one vote for each share as far as ten shares, and one vote for every five shares above ten, by him held at the time in the stock of the said company; and the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the subscribers.

"22. So soon as the said rail road shall be completed the president and directors of the said company, or a majority of them, shall semi-annually declare and make such dividend of the nett profits from the tolls herein granted, as they may deem advisable, to be divided among the proprietors of the stock of the said company in proportion to their respective shares.

"23. It shall be lawful for the said company from time to time to increase the capital stock thereof by the addition of so many more whole shares of one hundred dollars each, not exceeding six thousand shares, as shall be judged necessary for carrying into effect the provisions of this act, at any general meeting of the said company.

"And the president and directors of said company or a majority of them, are hereby empowered, after giving at least one month notice in some newspaper published in the town of Lynchburg, to open books by themselves or their agents at the places herein before named, for receiving such additional subscriptions, in which the stock-

holders of the said company for the time being shall have the preference of all other persons for the first thirty days after the books shall be opened as aforesaid of subscribing for so many whole shares as any of them shall choose; and the said president and directors are hereby required to observe in all other respects, the same rules therein as are herein prescribed for receiving and adjusting the first subscriptions of the capital stock of the said company, and the subscribers for such additional shares of capital stock, are hereby declared to be thenceforward incorporated into the said company, with all the privileges and advantages and subject to all the liabilities of the original stockholders.

"24. After said rail road shall be completed and put into operation, if the said president and directors shall by reason of the said rail road being out of repair or from any other cause, fail or neglect to transport any produce or other commodities, which shall be deposited convenient to the said rail road, and which the said president and directors shall be required to transport as aforesaid, the toll for the transportation being tendered, as a penalty for such failure or neglect, the company shall be liable to the action of the party injured thereby.

"25. And if any toll gatherer, at any toll gate to be erected by authority of this act shall ask, demand or receive any other or greater tolls than are herein allowed, he shall forfeit and pay to the party aggrieved thereby, ten dollars for every such offence recoverable with costs by warrant, before any justice of the peace; and if such toll gatherer, being at the time of incurring such penalty in the service of the said company, shall be unable to pay the amount of the judgment thereupon recovered against him, the said company shall be liable to pay the same.

"26. If the said president and directors shall not begin the said work within three [years] after the passage of this act or shall not complete the same within ten years thereafter then the interest of the said company in the said rail road and the tolls aforesaid shall be forfeited and cease.

"27. The president and directors shall cause to be written or printed certificates for the shares of the stock in the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer to each person for every share subscribed by him, which certificate shall be transferable by him, subject however, to all the payments due, or to become due thereon; and such assignee having first caused the transfer or assignment to be entered in a book of the company to be kept for that purpose, shall thenceforth become a member of said company, and shall be liable to pay all sums due

or which shall become due, upon the stock assigned to him, provided however, that such assignment shall in no wise exempt the assignor or his representatives from their liability to the said company for the payment of all such sums, if the assignee or his representatives shall be unable or shall fail to pay the same.

"28. The powers given by this act to the president and directors of the board of public works may be at any time transferred by the legislature to any other corporate or natural body, and all returns hereby directed to be made to the board of public works may be hereafter in like manner directed to be made to any other body.

"29. If the president and directors or a majority of them cannot agree with the proprietor or proprietors thereof, for the purchase and sale of any such quantity of ground not exceeding one acre at any one place as may be necessary for the accommodation of a toll house, or a house to cover any stationary machine or engine, or for stables, it shall and may be lawful for the said president and directors to apply for, and obtain from the court of the county in which the land shall lie, a writ of *ad quod damnum*, upon which such proceedings and condemnation of an acre of land for the abatement of a mill dam in the act entitled "an act to reduce into one the several acts concerning mills, mill-dams and other obstructions to water courses" passed the second day of March 1819, so far as the provisions of that act may be applicable to this case, and upon payment of the value found by the jury upon such writ to the owner or the proprietor of the ground so condemned and located by the jury, or upon the payment thereof into court, when for good cause shown, the court shall so have ordered it, the said president and directors and their successors shall be and stand seized of the ground so condemned and located in fee simple.

"30. It shall be lawful for the said company to purchase land from the proprietors at each extremity of the said rail road, or in its vicinity, or the vicinity of any important intermediate point not exceeding ten acres to be used by them for all necessary purposes of said road, or to be disposed of when by them it shall be deemed proper.

"31. If any person or persons shall wilfully by any means whatsoever, injure, impair or destroy any part of any rail road constructed under this act, or any of their necessary works, buildings, machines, vehicles, waggons or carriages, such person or persons shall be punished according to the laws which may be in force in this commonwealth at the time for the protection of the public works or property of the commonwealth.

"32. Be it further enacted, That nothing in this act contained shall prevent the general assembly from incorporating hereafter, any company or companies to construct any description of improvement between the waters of the James, Roanoke and New rivers or the commonwealth from undertaking to do the same on her own account.

"33. This act and every part and provision thereof shall be subject to be altered, amended or modified by any future legislature as to them shall seem necessary and proper, except so much thereof as prescribes the rate of compensation or tolls allowed to the said company, and provided also, that the rights of property acquired by the said company under this act shall not be taken away or impaired by any future act of the legislature.

"34. This act shall be in force from its passage.

And whereas, it is in contemplation on the part of the said commonwealth of Virginia to pass a law to enlarge the powers and capital of the said Lynchburg and New river rail road company and to authorize said company to extend their railway from the New river to the Tennessee line, and whereas it is represented to this general assembly that it is the wish of a large number of the citizens of this state and of the said commonwealth, that the said rail road company should be authorized to extend their rail road to Knoxville or some other point or points west thereof in the state of Tennessee, with the privilege of constructing such lateral routes, arms and branches thereto as may be deemed necessary by the said company.—Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said Lynchburg and New river rail road company, be and is hereby authorized to extend their rail way from the Tennessee line to the town of Knoxville in the said state, and such other point west thereof as they may choose, with all the rights and privileges within the territory of Tennessee as are granted to said company in the before recited act within the territory of Virginia. The said company shall be subject to the same pains, penalties and obligations as are imposed by said act, and the same rights, privileges and immunities which are reserved to the state of Virginia or the citizens thereof, are hereby reserved to the state of Tennessee and her citizens.

SEC. 2. *Be it enacted,* That whenever the legislature of the commonwealth of Virginia shall by law authorize the said Lynchburg and New river rail road company to extend their rail way from New river to the Tennessee line, as contemplated by said company, with the power to en-

Extension of the
road to Knoxville

Provision for
opening books for
subscription in
Tennessee.

large the stock of said company, then and in that case, it shall be lawful for said company to open books and receive subscriptions for the enlarged amount of stock in said company, which books shall be opened under the direction of the following named persons, and at the places hereinafter mentioned, viz. at Knoxville, the Boat Yard, Rogersville, Jonesborough, Greenville, Rutledge and such other places as may be agreed on by the following named persons, who may act with such persons as may be appointed by the state of Virginia, giving forty days notice in the newspapers of Tennessee and Virginia, of the time and place at which such books shall be opened, Solomon D. Jacobs, William B. A. Ramsey, James Park, Ethelred Williams, James O'Brien, Hugh A. M. White, Samuel Roberts, Robert King, Richard G. Dunlap, William Swan, William B. Reese, Richard Woods, John A. M'Kinney, John G. Easton and Samuel Bunch, be and are hereby appointed commissioners to open said books under such rules and regulations as they and the commissioners to be appointed by the state of Virginia shall adopt.

SEC. 3. *Be it further enacted,* That the said company shall be authorized to construct any lateral rail way or rail ways within the territory of this state, and in connection with the main line as said company shall desire, and in the construction or repairs of the same, shall have, possess and may exercise all the rights and powers given them in order to the construction or repair of the main line of their rail way.

Lateral rail
ways.

SEC. 4. *Be it further enacted,* That the said company shall be authorized to demand and receive for the transportation of property, or conveyance of persons, on the said rail ways, the following tolls in lieu of the tolls allowed by the law of Virginia recited and copied, viz: on all goods, merchandize and property, of any description whatsoever transported by them, not exceeding six cents per ton per mile, except however, that salt, iron, lead, gypsum, flour and the mineral and agricultural productions of the United States shall not be charged with tolls exceeding three cents per ton per mile, and for the transportation of passengers not exceeding six cents per mile for each passenger.

Rates of toll.

SEC. 5. *Be it enacted,* That should the State of Tennessee or the citizens thereof, subscribe for shares in the stock of said rail road company, and shall manifest in said subscription a wish that the money subscribed shall be expended on the route designated by the engineers for said road from Knoxville to the Virginia line, that

Appropriation
of stock subscrib-
ed in Tennessee.

the money shall be expended between these two points under the direction of the company.

This act shall be in force from and after its passage.

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

December 16, 1831.

CHAPTER CCVIII.

AN ACT to alter the time of holding the regimental muster in the 112th regiment.

Be it enacted by the General Assembly of the State of Tennessee, That the regimental muster in the 112th regiment, shall be held hereafter on the third Saturday in October annually, any law to the contrary notwithstanding.

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

December 16, 1831.

CHAPTER CCIX.

AN ACT to authorize a division of the first regiment of Tennessee Militia in the county of Washington into two distinct regiments.

Be it enacted by the General Assembly of the State of Tennessee, That the officers of the first regiment of Tennessee Militia in the county of Washington, are hereby authorized and empowered at their discretion at any time within two years to divide the same into two distinct regiments, under the same rules, regulations and restrictions as are prescribed by the existing laws, except that they shall not be prevented from making such division on account of not having the number of companies required by the general law; Provided, also, that when said division shall be made, all the companies that belong to said regiment shall be represented.

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

December 17, 1831.

CHAPTER CCX.

AN ACT for the benefit of William Mothershead.

Be it enacted by the General Assembly of the State of Tennessee, That William Mothershead, be and he is hereby authorized and empowered to the exclusion of all other persons to have surveyed and spread on the general plan of the twelfth surveyor's district, any quantity of vacant and unappropriated land, not to exceed fifty acres, so as to enclose his mill, on Birdson creek in Humphreys county, and that he shall enjoy the same privileges and advantages, that by law is granted and secured to occupants, in the Western District; Provided, that he shall not interfere with any prior occupant.

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

December 16, 1831.

CHAPTER CCXI.

AN ACT to provide for the payment of the costs, in the suit, the State vs. Charles M^cNally.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, shall pay to the clerk of the supreme court at Knoxville, the sum of forty three dollars and forty one cents the amount of costs due the Sheriff, guards, jailor, clerk and attorney general of Knox county, for the removal of Charles M^cNally from the jail in M^cMinn county, and his trial in the supreme court at Knoxville, and it shall be the duty of the Treasurer to take the receipt of said clerk for the amount paid as directed by this act, which shall be a good voucher in his settlements.

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

December 19, 1831.

CHAPTER CCXII.

AN ACT for the relief of Mitchell and Banks.

Be it enacted by the General Assembly of the State of Tennessee, That Hezekiah B. Mitchell and James M. Banks,

be released from the payment of the balance of the State tax for merchants' license granted to them in the county of M'Nairy for one year, the said firm having already paid the full amount for the time they sold under said license, and also twenty five dollars as a county tax, and William S. Wisdom the clerk of the county court of M'Nairy county, is hereby required to release the said Mitchell and Banks from the demand against them for said tax.

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

December 20, 1831.

CHAPTER CCXIII.

AN ACT for the relief of Verdenburgh Thompson of Jefferson county, and for other purposes.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be and he is hereby required to pay to Verdenburgh Thompson, jailor of said county, the sum of eighteen dollars and sixty two and one half cents, for keeping Bolden Gaines in the prison of said county; and to L. D. Parrott the further sum of four dollars and eighty cents for his services as a guard, out of any money in the hands of said Treasurer not otherwise appropriated, and the receipts of said Thompson and Parrott shall be a good voucher to said Treasurer on the settlement of his accounts.

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

December 19, 1831.

CHAPTER CCXIV.

AN ACT to amend an act passed Oct. 9, 1817, regulating the town of Charlotte in the county of Dickson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be the duty of the Sheriff of the county of Dickson, by himself or his deputy, to open and hold an election at the court house in the town of Charlotte on the first Saturday in April next for the purpose of electing seven commissioners of said town agree-

Election of com-
missioners.

ably to the provisions of the first section of the before recited act.

SEC. 2. *Be it enacted,* That a majority of said commissioners shall constitute a quorum to transact business, and whenever a vacancy shall happen by death, resignation or removal from said town, it shall be the duty of the chairman or clerk to said commissioners, or any three of said commissioners to notify the sheriff or his deputy of such vacancy, whose duty it shall be to open and hold an election to fill such vacancy at such time as may be required by such notice.

Filling of va-
cancies.

SEC. 3. *Be it enacted,* That the fourth section of the before recited act, be and the same is hereby repealed.

Repealing clause.

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

December 19, 1831.

CHAPTER CCXV.

AN ACT to amend an act passed at Nashville at the eighteenth General Assembly of the State of Tennessee A. D. 1829, chapter 280, entitled an act to establish the Hatchee turnpike company.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the citizens of the counties of Tipton and Haywood in the Western District of Tennessee, and other persons wishing to engage the same to erect a turnpike causeway across the overflowed land and other places on both sides of the Hatchee river, and also a bridge across the said river, at such place as the company now to be incorporated shall designate between the said towns of Brownsville and Covington, being in the counties of Haywood and Tipton, and also proper bridges, causeways and turnpikes across all sloughs, overflow or ponds within the above described limits, and also to remove all and every obstruction from and in the said causeway, turnpike and bridge, and subject to the resolutions hereinafter mentioned.

Authority to e-
rect bridges and
causeways.

SEC. 2. *Be it enacted,* That for the ease and convenience of the citizens of the State of Tennessee and for other persons—and that they may not be subjected to any taxation for which they may not possibly enjoy equivalent benefit, that so much of the overflow of the bottom of the said Hatchee river, as may be requisite, and other parts of the counties aforesaid—in manner as described in the first section of this act, and in a direction

Bottom to be
encouraged.

from Brownsville to Covington as aforesaid, shall be causewayed and turnpiked and a bridge erected across the said Hatchee river, in conjunction with the said turnpike and causeway, by the citizens of the said counties or any other persons willing to engage in the same by subscription or otherwise, in the manner hereinafter provided.

Capital of the Company.

SEC. 3. *Be it enacted*, That the capital of said company shall not exceed fifty thousand dollars, divided into five hundred shares of one hundred dollars each, to be subscribed and paid for by individuals, companies or corporations as hereinafter specified.

Where and when books to be opened.

SEC. 4. *Be it enacted*, That the subscription for the said fifty thousand dollars, shall be opened at Covington, under the superintendence of Edmund Booker, Samuel A. Holmes and William Harper; and at Brownsville, under the superintendence of Hiram Bradford and William H. Loving, Esq's. and such other persons citizens of Haywood county, as they may deem necessary to act with them, and shall continue open until the second day of January A. D. 1832; and then closed, but shall be again opened at the discretion of the directors; and also, that the sum of five dollars shall be paid at the time of subscribing upon each and every share, and the remaining ninety five dollars shall be paid in such time and in such proportion as the president and directors shall direct, and in default of which said payments the sum or sums so by him or her or them previously paid, shall be forfeited for the sole use and benefit of the fund aforesaid, and to be appropriated to the erection or improvement of the said causeway and bridge aforementioned.

Company incorporated, their privileges.

SEC. 5. *Be it enacted*, That the subscribers to the said turnpike and all such persons as they may permit to associate with them for the purposes aforesaid, shall be and are hereby created a body corporate and politic in fact, in and by the name and style of "the Big Hatchee Turnpike and Bridge company," and by that name they and their successors shall be, and are made capable to buy receive and possess real and personal property, and to sell alien and demise and dispose of the same, and shall have continual succession, and be capable in law and equity of suing and being sued, pleading and being impleaded, answering and being answered, unto defending and being defended in all courts and places whatsoever; and also, to ordain and establish and put into execution such by-laws, ordinances and regulations as shall from time to time to them seem necessary for the government of said company, not contrary to the constitution and laws of this State or of the United States.

SEC. 6. *Be it enacted*, That a general meeting of the

stockholders of said company shall be held at Covington thirty days after the second of January A. D. 1832 at which meeting shall be elected nine directors for the purpose of conducting the affairs of the company, who shall serve until the first day of January 1833, or until their successors in office shall be appointed, and they shall immediately elect from their own body a president who shall be the principal agent under their direction and control, for conducting the affairs of the company; and an annual election for directors shall be held at Covington (or such place as the board shall from time to time adjourn) on the first Monday in January in each and every year thence succeeding; and at the general meeting aforesaid, an election shall be held for secretary to the company, to be elected at the same time and in the same manner as the directors are elected, that is to say, that the election shall be by ballot, and that each stockholder be entitled to give one vote for each share, for as many as five shares and no more, and in case of unavoidable absence the said vote may be given by proxy.

Meeting of the stockholders to elect directors and secretary.

SEC. 7. *Be it enacted*, That the directors shall elect one of the stockholders of said company residing in either of the counties aforesaid, Treasurer, who shall serve twelve months from the day of his election and until another election is made; he shall keep the books of the company, which shall at all times be opened for the inspection of the directors, and shall exhibit a fair and correct statement of its receipts and expenditures; he shall collect of the stockholders the installments which may become due and transact all other business of that office. Before he commences the duties of his office he shall enter into bond with sufficient security, in such sum as the board of directors may require, conditioned for the faithful discharge of the duties thereof, which bond may be put in suit by the president and directors for any neglect or default, or misconduct in the discharge of those duties.

Directors to elect a Treasurer.

SEC. 8. *Be it enacted*, That five directors shall constitute a board, and shall have full power to manage all the concerns of the company in such manner as shall appear most conducive to its interest, and they shall report at each annual meeting of the company, all the transactions of the preceding year relative to the business thereof, each director and the secretary shall be a stockholder and resident in one of the counties aforesaid, and when he or they shall cease to be stockholders or residents as aforesaid, they shall no longer exercise the duties of directors or secretary. Vacancies in the board or secretaryship shall be immediately filled by the remaining directors, until the succeeding annual meeting.

Power and authority of the directors.

Sec. 9. Be it enacted, That the said company shall have a seal which they may alter or renew at pleasure, which shall be lodged in the hands of such officer as they may direct by which they shall be known; and which seal when attached to any obligation, contract or other instrument shall be good and sufficient evidence against them in any court of law.

Sec. 10. Be it enacted, That the directors of the company whenever they deem it expedient, shall have full power and authority to enter into any contract or contracts for the erection of the said turnpike causeway and bridge.

Sec. 11. Be it enacted, That it shall be the indispensable duty of said company and their successors within the limits aforesaid, at all times to keep the said turnpike, causeway and bridge in complete, thorough and proper repair, and in neglect or default thereof, it shall and may be lawful for any person or persons injured by reason of the said omission and neglect to institute a suit or suits against the said company in the circuit court or in the court of pleas and quarter sessions of the counties in which such injuries shall accrue, in which said suit or suits the party aggrieved shall recover such damages as he, she or they may have sustained, which said damages shall be assessed by a jury of the county as in other cases.

Sec. 12. Be it enacted, That it shall be lawful for the said turnpike and bridge company to demand and receive as reimbursement and compensation for their labour, trouble and expense, the following rates of toll, viz: for each horse and rider, eighteen and three fourth cents; for each waggon and team of four or more horses or other animals, one dollar and fifty cents; for each waggon drawn by two or three horses or other animals, one dollar; for each led or loose horse, mule or jack, six and one fourth cents; for each cart or drawer, thirty seven and one half cents; for each two wheeled pleasure carriage, seventy five cents; for each four wheeled pleasure carriage, one dollar and fifty cents; for each carryall, thirty seven and one half cents; for each head of cattle, hogs, sheep, goats &c. two cents; and for each foot passenger, six and one fourth cents; and at the rates aforesaid, at such place or places upon the said turnpike, causeway and bridge, and to such person or persons as may be authorized to receive the same by the said company.

Sec. 13. Be it enacted, That it shall be lawful for the said turnpike and bridge company to erect toll gates and houses upon the said turnpike and bridge for the purpose of collecting the tolls as aforesaid.

Sec. 14. Be it enacted, That if any person or persons,

having charge of any travelling or other vehicle with their horses or other animals as set forth in section 12, or they themselves, shall, contrary to the true intent and meaning of this act, fraudulently and willfully pass by the aforesaid places appointed by the said company for receiving toll without paying the same—that then it shall and may be lawful for the said company to institute suit or suits before any Justice of the Peace at any county where the offender or offenders may be found, and upon conviction thereof, he, she or they shall forfeit and pay the sum of twenty five dollars together with all costs of suit.

Sec. 15. Be it enacted, That if any holder or holders of a share or shares in the stock of said company, shall be desirous of selling said stock, it shall be lawful for him, her or them so to do, and the person or persons purchasing the same on producing such evidence of such purchase to the Treasurer as shall be required by the laws of the company, shall be enrolled as members of said company, and shall be thereafter entitled to all the rights, privileges and immunities of original subscribers; Provided, always, that no person desirous of making such sale, shall do so unless having first offered said share or shares for sale to the board of directors for the use of said company at such price or prices as he, she or they may be enabled to procure from other persons.

Sec. 16. Be it enacted, That it shall be lawful for the board of directors to purchase any share or shares of the stock of the company, which may be offered to them according to the provisions of the 15th section—the said purchase to be for the sole use and benefit of the company, and also to dispose of the same at any subsequent period as the interest of the company may require.

Sec. 17. Be it enacted, That no transfer shall be made of any share except upon the books of the company, and no share shall be transferred by any stockholder, who is indebted to the company, until such debt be paid, and all share or shares belonging to a stockholder shall always be held liable for the payment of any debt that may be due the company by any such stockholder and may be sold by the directors in such manner and under such regulations as they may establish.

Sec. 18. Be it enacted, That the directors of said company shall have power and authority to appoint such other officers and servants as may be deemed necessary, and to make a reasonable allowance for their services.

Sec. 19. Be it enacted, That the said turnpike and bridge company, are hereby authorized to appoint a suitable person or persons at such places as they may think proper for the purpose of receiving subscriptions or do

To have a common seal.

May make contracts.

Company to keep the road &c. in proper repair.

Rates of toll.

Toll gates and houses.

Punish for passing without paying toll.

Transfer of stock.

Directors may purchase stock for the use of the company.

Condition of transferring stock.

Directors to appoint the officers and servants.

May receive donations.

nations in addition to the funds to be raised for the purpose aforesaid under such rules and regulations as they may establish.

Funds to be invested.
SEC. 20. *Be it enacted,* That the directors of said company are hereby authorized and directed to pay out the money or property raised by subscription, donation or otherwise in the most economical and judicious manner, for the erection and completion of said turnpike and bridge, and the future interest and advantage of the company.

Of suits against the company.
SEC. 21. *Be it enacted,* That when any suit or process shall be issued against the company, it shall be the duty of the officer to whom it may be directed to serve the same on the president or in case of his absence on any two of the directors, which service shall be by exhibition of said process personally to him or them, or by delivering a written notice of said process being issued against them, and in no other manner whatsoever.

Of contracts by the directors.
SEC. 22. *Be it enacted,* That all contracts entered into by the board of directors, shall be signed by the president, and countersigned by the Treasurer, and in all contracts and engagements thus entered into it shall be expressly understood, that the capital stock of said company alone shall be liable for the payment, and in no instance shall individual property be liable for them.

Name and style of the company.
SEC. 23. *Be it enacted,* That all suits in which said company may be interested, shall be instituted and defended in the name of "the Big Hatchee turnpike and bridge company."

Protection against encroachments.
SEC. 24. *Be it enacted,* That no ferry, bridge or other crossing shall be established or kept open for the accommodation of travellers, within two miles on each or either side of the aforesaid turnpike and bridge, under the penalty of twenty five dollars for each and every offence, to be recovered as provided in section 14, for the recovering fines for passing without paying toll.

Repeal of the 11th Section of former bill.
SEC. 25. *Be it enacted,* That the section numbered 11, in the act passed at the last session of the Legislature, and of which this is an amendment, be and is hereby repealed, having provided for the same in the 11th section of this amendment.

Repeal of section 25 in former Bill.
SEC. 26. *Be it enacted,* That the section numbered 25 in the act passed at the last session of the Legislature, and of which this is an amendment, be and is hereby repealed.

Exempted from ever from paying tax.
SEC. 27. *Be it enacted,* That in consideration of the expenses which said company will necessarily incur in constructing said turnpike and bridge, and keeping the same in repair, the said turnpike and bridge, &c. &c. with all the appurtenances thereof, together with all

tolls and profits arising therefrom, are hereby vested in the said corporation, and the same shall be forever exempt and free from the payment of any tax, imposition or assessment whatsoever; provided, always, said corporation shall be subject to any future Legislature of the General Assembly regulating the tolls herein allowed and for the correction of any abuses, injurious to the public, which may take place under this charter; and provided, further, that no reduction of toll shall be made, so as to reduce the profits of said corporation below six per cent per annum.

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

December 17, 1831.

CHAPTER CCXVI.

AN ACT making the bridge at Shelbyville toll free, and for other purposes.

Bridge to be toll free.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the bridge authorized to be built at or near Shelbyville by an act of the present General Assembly be toll free forever, and that Jonathan Moseby be added to the commissioners of said bridge heretofore appointed, and that said commissioners procure a title to the land on which to build the same, before proceeding to contract for its building.

Precinct election at Beech Grove.
SEC. 2. *Be it enacted,* That the precinct election established at John Gregory's, be held at the Beech Grove in Bedford county, instead of said Gregory's under the same regulations as provided for holding elections at other precincts.

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

December 19, 1831.

CHAPTER CCXVII.

AN ACT to provide for the holding of a Chancery court at Knoxville and at Madisonville.

Records to be kept.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the chancellor of the Eastern division