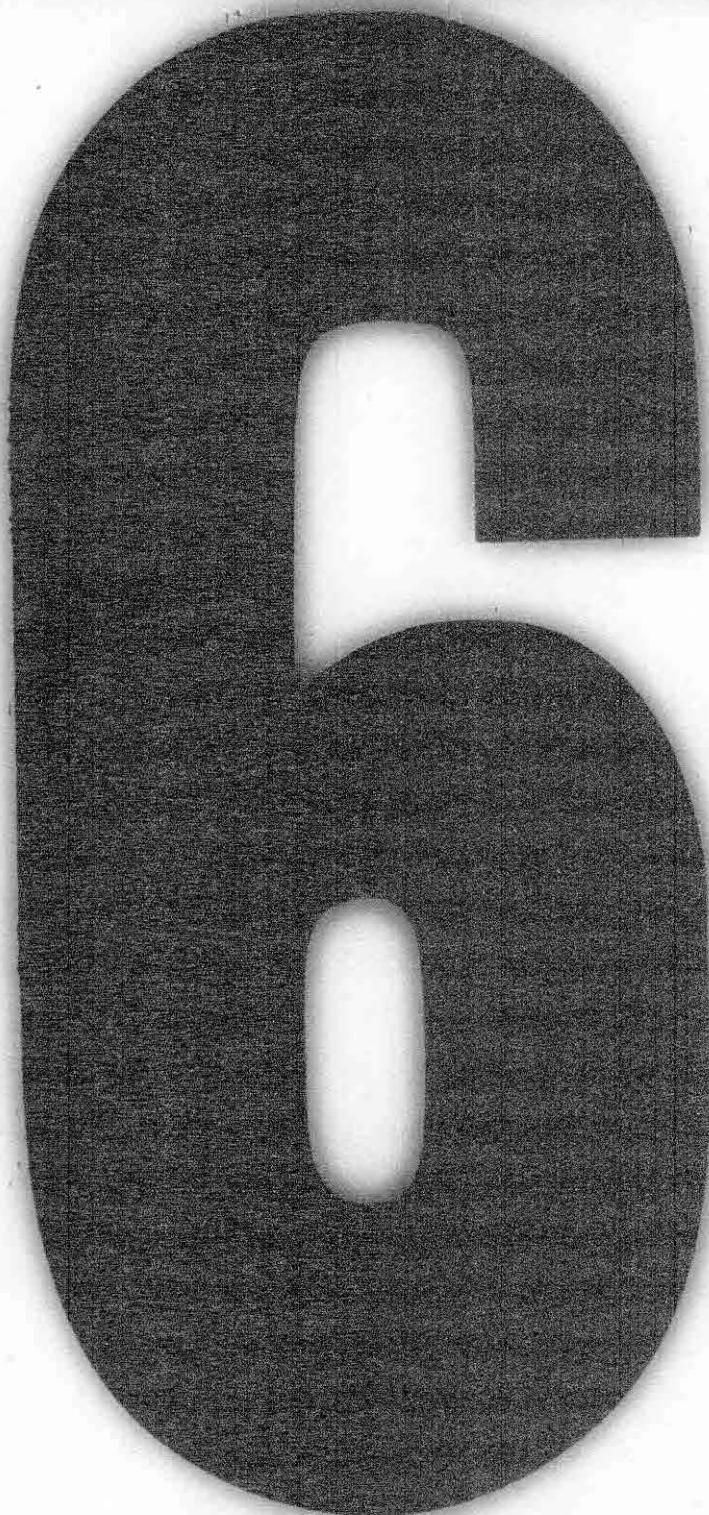


UNIT



PUBLIC ACTS

Gen. W. Jones PASSED AT

THE CALLED SESSION

OF THE

NINETEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

†

1832.

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PUBLIC ACTS

OF THE

STATE OF TENNESSEE,

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

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

BANKS.

CHAPTER I. An act to abolish the Bank of the State of Tennessee.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the President and Directors of the principal and branch Bank of the State of Tennessee to proceed, without delay, to wind up and close the affairs of the Institution by ceasing to make any further loans, and by making such calls on the outstanding debts, as will be most likely to ensure their collection in the shortest time practicable, agreeably to the laws now in force; and said President and Directors are hereby authorized and empowered to appoint such agents and attorneys, and to allow them such reasonable compensation as to them shall seem fit and expedient for carrying into effect the provisions and intentions of this act, and to require the persons thus appointed to enter into bond and security for the faithful discharge of their duty, whenever it shall be deemed necessary. Directors to close the affairs of the Bank.
Agents to be appointed.

SEC. 2. *Be it enacted*, That at any time after six months from the passage of this act, whenever the President and Directors of the principal Bank shall deem it expedient, they are hereby authorized and empowered to sell, at public vendue, all the real estate belonging to the Bank, except the banking-house and lot, in Nashville, on a credit of one, two, and three years, on the purchasers giving

ing approved security, and a mortgage on the premises to secure the payment.

Funds to be deposited in Union Bank.
SEC. 3. *Be it enacted,* That all the funds of the Bank of the State, not required to discharge its obligations, shall be deposited to the credit of the State in the Union Bank of Tennessee, whenever said Union Bank shall go into operation.

Further time given to unincorporated banking companies to close concerns.
SEC. 4. *Be it further enacted,* That where there is any banking company or association now in operation, not chartered by the laws of this State, said banking company or association shall have the further time of five years, in addition to that given them by the 95th chap. sec. 1st, of the acts of 1829, to wind up their concerns—but upon the following conditions, viz:—Such banking company or association shall pay, by way of tax to the State, the sum of five hundred dollars each and every year, commencing from the time above referred to, and shall be paid to, and accounted for by either of the Treasurers of this State; provided, that this act shall not be so construed as to release any tax heretofore paid by such company or association.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, October 19, 1832.

Speaker of the Senate.

CHAPTER II. An act to Charter the Union Bank of the State of Tennessee.

Bank established at Nashville.

Commissioners to open books

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That there shall be established a Bank at Nashville, the capital stock of which shall not exceed three millions of dollars, and shall be divided into shares of one hundred dollars each; and books for subscriptions therefor shall be opened on the first day of December next, at the following places, to wit: at Nashville, under the superintendence of Andrew Hynes, H. R. W. Hill, Harry L. Douglass, Francis Porterfield, and Robert H. M'Ewen; at Knoxville, under the superintendence of James Park, Luke Lea, H. A. M. White, James H. Cowan and Robert King; at Jonesborough, under the superintendence of Samuel B. Cunningham, Samuel Crawford, Samuel G. Chester, Daniel Kinney and Nathan Gammon; at Shelbyville, under the superintendence of N. E. Caldwell, Samuel Eskew, Jno. Eakin, Thos. Davis and Geo. Davidson; at Pulaski, under the superintendence of Thos. Martin, John Yerger, Samuel Kercheval, Andrew M. Ballen-

time and Joseph C. Rhea; at Columbia, under the superintendence of Edward B. Littlefield, James Walker, E. H. Chaffin, P. R. Booker and William M'Neill; at Huntingdon, under the superintendence of Ennis Ury, John M'Kernan, John Crockett, T. A. Young and John R. Clark; at Clarksville, under the superintendence of John H. Poston, A. M. Clayton, James M'Clure, William F. Gray and J. L. Watkins; at Jackson, under the superintendence of William E. Butler, James Elrod, A. L. Martin, John Lynch, James Meriwether, William Saunders, Adam Huntsman and James Vaulx; at Paris, under the superintendence of T. Cooney, James Cowan, William A. Tharp, H. Harris and Giles Cook; at Memphis, under the superintendence of Robert Lawrence, Isaac Rawlings, Marcus B. Winchester and David Dunn; at Covington, under the superintendence of Wm. Harper, Daniel A. Danham, Marcus Calmes, Thomas Moncrief and Robert Clarkson; at Athens, under the superintendence of William Lowry, N. Smith, John Crawford, William Hogan and John Matlock; at Brownsville, under the superintendence of Hiram Bradford, James Smith, W. H. Loving, Jo. Jones, Blackman Coleman and D. Cherry; at Franklin, under the superintendence of R. P. Currin, B. S. Tappan, John Watson, William E. Owen, Nicholas Perkins and William Maney; at Fayetteville, under the superintendence of Francis L. Kincannon, William F. Mason, Samuel E. Gilleland and William Dye; at Reynoldsburgh, under the superintendence of Thos. K. Willie, Stephen C. Pavatt and William H. Miller; at Gainesborough, under the superintendence of Andrew Whitley, Leroy B. Suttle, Thomas Smith and James T. Quarles; and any three of said commissioners at the places above mentioned, respectively, shall be sufficient to perform the duties of their appointments, and they shall keep the books open for subscription, at least, ten days; and the amount of the share or shares, so subscribed, shall be paid for in gold or silver, as follows: that is to say, ten dollars upon each share to the proper commissioners at the time of subscribing, and ninety dollars to the directors of the Bank for the time being, in such instalments as they may from time to time require.

SEC. 2. *Be it enacted,* That the subscribers to said Bank, their successors and assigns, shall be, and they are hereby created a body corporate and politic in law and in fact, by the name and style of *The President, Directors and Company of the Union Bank of the State of Tennessee*, and shall so continue until the first day of January 1863, and no longer; and by the name and style aforesaid, they shall be, and are hereby made able

Incorporating clause.

and capable in law, to have, purchase, receive, possess, enjoy and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding in the whole three millions of dollars, exclusive of the capital stock aforesaid; and the same to sell, alien, devise, grant or dispose of, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record or any other place whatsoever; and also, to make, have and use a common seal, and the same to break alter and renew at their pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government and management of said corporation, not being contrary to the constitution and the laws of this State or of the United States, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may and can lawfully execute.

Sec. 3. *Be it enacted*, That as soon as the subscriptions shall be closed at Knoxville, and the other places mentioned in this act, the commissioners appointed at those places shall respectively transmit and deliver to the commissioners appointed in Nashville, a list of the several subscribers at said places, together with the full amount of subscription money by the commissioners received as aforesaid, for which amount the receipt in writing of said commissioners appointed in Nashville, or a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same. But if on examination of the books, the whole amount shall not have been subscribed, said books shall be continued open at such times and places as the directors shall think proper until the same shall be subscribed for.

Sec. 4. *Be it enacted*, That for the due administration of the affairs of said Bank, there shall be fifteen directors, citizens of this State, ten of whom shall be elected annually, at the banking-house in Nashville, seven of which shall reside in Davidson county, on the first Monday in January, by the stockholders, and the other five in the manner hereinafter provided for; and the directors, at their first meeting after each election, shall appoint one of their body President of said Bank; and, provided, that if at any time it should so happen that an election of directors should not be made, upon any day, when, in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but it shall be lawful at any other time to make such election, within thirty days thereafter, in such manner as shall have been regulated by

Returns of subscriptions to be made to commissioners at Nashville

Directors to be elected.

the laws or ordinances of said corporation; and in case of the death, resignation or removal from the state of a director, elected by the stockholders, his place shall be filled by the remaining directors or a majority of them, until the next general election; and in case of a director on the part of the State, the Governor of the State shall fill such vacancy.

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

Directors to appoint officers.

Sec. 6. *Be it enacted*, That whenever there shall have been five thousand shares of the capital stock of said Bank subscribed, and the commissioners appointed in Nashville shall certify that fact in writing to the Governor of this State for the time being, he is thereupon authorized and required to subscribe on behalf of the State for five thousand shares of the capital stock of said Bank; and shall forthwith make and execute on behalf of the State, five hundred thousand dollars in bonds of one thousand dollars each, signed by him officially, and countersigned by the Secretary of State, and under the seal of the State, bearing five per centum per annum interest, which bonds shall be made payable to the President, Directors and Company of the Union Bank of the State of Tennessee, or assigns, at New York or Philadelphia, or at such place as the president and directors may direct, at the periods and in the proportions following, that is to say, one hundred and twenty-five thousand dollars, at the end of fifteen years; one hundred and twenty-five thousand dollars, at the end of twenty years; one hundred and twenty-five thousand dollars, at the end of twenty-five years; and one hundred and twenty-five thousand dollars, at the end of thirty years; and the interest upon said bonds to be paid half yearly; which bonds the Governor shall hand over and deliver to the President, Directors and company of the Union Bank of the State of Tennessee, in full payment for said stock; and shall have power, and it shall be the duty of the Governor for the time being, to appoint five directors for the management of said Bank, annually, on the first Monday of January in each and every year. And the legislature may at any subsequent time increase the stock of the State to an amount not exceeding one million of dollars.

Governor to subscribe on behalf of the state.

Governor to appoint Directors for the state

Profits on
state stock ap-
propriated to
use of common
schools.

SEC. 7. *Be it enacted*, That the profits, which may arise from the stock owned by the State in the Union Bank of the State of Tennessee, after the bonds of the State shall have been paid, and also the *bonus* agreed to be paid by the Bank to the State for the privileges conferred by this charter, and also the interest which may from time to time accrue upon the deposits of public money, by the treasurers of the State, shall be and they are hereby appropriated to the use of common schools in this State, to be divided among the counties in proportion to their white population, making no discrimination between counties having school lands and those which have none.

Election of Di-
rectors.

SEC. 8. *Be it enacted*, That so soon as five thousand shares of the capital stock of said Bank shall have been subscribed, exclusive of the amount taken by the State, an election shall be held for directors, the commissioners appointed in Nashville giving thirty days' notice in the Nashville newspapers, who shall proceed forthwith to organize said Bank, and continue in office until the next stated election, and until a new Board shall be formed.

Comm. School
Commissioners
&c. may sub-
scribe for stock

SEC. 9. *Be it enacted*, That the board of common school commissioners, or the county courts, as the case may be, or any literary institution or other corporation having the management and control of the funds in any of the counties in this State, be, and they are hereby authorized to subscribe stock in said bank under the same rules, regulations and restrictions of other stockholders under this act.

Fundamental
principles for
government of
Bank.

SEC. 10. *Be it enacted*, That the following shall constitute the fundamental articles of said corporation.

ART. I. All stockholders owning ten shares and under shall be entitled to one vote, and the owners of more than ten shares shall be entitled to one vote for every ten shares, so that the whole amount of votes of any one stockholder shall not exceed thirty; and it shall not be lawful for more than two thirds of the old directors to be re-elected and serve as directors two years in succession; but no vote shall be given by proxy, unless such proxy shall have been appointed one month before the election: provided, that nothing herein contained shall prevent the re-election of the president as a director; and, provided, also, that no director shall receive or vote as proxy for any stockholder.

ART. II. None but a stockholder, being a citizen of the State of Tennessee, shall be eligible as a director, except such citizens of the State as shall be appointed by the State; and no director in any other Bank, or the partner in trade of such director, nor two persons trading in partnership at the same time, shall be eligible or capable of serving as directors in this Bank.

ART. III. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting; but the directors for the time being shall have power to make such compensation to the President of said Bank, for his extraordinary attendance at the Bank and superintending its concerns, as shall to them seem reasonable.

ART. IV. Not less than five directors shall constitute a board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case a president *pro tempore* may be appointed by a majority of the directors present.

ART. V. A number of stockholders, not less than ten, holding at least five hundred shares, shall have power at any time to call a general meeting of the stockholders, as shall also a majority of the directors, for purposes relative to the institution, giving at least six weeks' notice in two newspapers of general circulation, specifying the object or objects of such meeting.

ART. VI. The Cashier of the Bank hereby established shall execute his obligation with good security, payable to the President and Directors of said Bank and their successors in office, for the faithful performance of his duty as Cashier, with such covenants and in such penalty as said President and Directors shall deem requisite and proper; and said President and Directors shall have full power to require like bond and security, from any other of the officers, with like conditions and covenants, if they deem it necessary.

ART. VII. The lands, tenements and hereditaments which it may be lawful for said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, for the transaction of the business of said corporation, and such as shall have been *bond fide* mortgaged to it by way of security, or conveyed to said Bank in satisfaction of debts previously contracted in the course of ordinary banking business, or purchased at sales upon judgments or decrees which shall have been obtained for such debts.

ART. VIII. The stock of said Bank shall be assignable and transferable only on the books of the company, according to such rules, ordinances, and regulations, as shall be prescribed by the President and Directors thereof; and it is hereby expressly provided, that any stockholder who shall transfer all his, her or their stock in said corporation, to any other person or persons whatsoever, shall immediately cease to be a member of said company; and that any person or persons whatsoever, who shall accept a transfer of any share or stock in the

said Bank, shall thereupon become members of said corporation, agreeably to the fundamental articles of the same, and this act of incorporation.

ART. IX. All bills, bonds, notes, and every contract or acquirement on behalf of the Company, shall be signed by the President, and countersigned and attested by the Cashier of the Company; and the funds of the Company shall in no wise be held responsible for any contract or engagement whatever, unless the same shall be executed as aforesaid.

ART. X. The bills obligatory and of credit under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees successively; and shall enable such assignee or assignees, to bring and maintain on action, and recover thereon, in his, her, or their own names; and bills or notes which may be issued by order of said Corporation, signed by the President, and countersigned by the Cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or the bearer, though not under the seal of said Corporation, shall be binding and obligatory upon the same, in like manner, and with like effect, as foreign bills of exchange now are; and those payable to bearer shall be negotiable and transferable by delivery thereof only; and all bills and notes, whether under seal or otherwise, at any time discounted by said Corporation, shall be, and they are hereby placed upon the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof, against the drawer or drawers, endorser or endorsers, and with like effect, except so far as relates to damages, any usage, law, or custom to the contrary notwithstanding.

ART. XI. The said Corporation shall not directly or indirectly demand, take, or receive, by way of discount or for interest, a greater sum or sums than the following rates: that is to say, for all paper discounted by said Bank, having not more than 90 days to run until due and payable, shall be discounted at six per centum per annum; over ninety days, and under six months to run until due and payable, not more than at the rate of seven per centum per annum; and for all paper discounted, having more than six months before due and payable, not more than at the rate of eight per centum per annum: and said Corporation shall not, under any pretence, discount any paper which does not fall due within twelve months from the time when such paper may be offered for discount; provided that this article shall not be con-

strued so as to prevent the said Bank from demanding and receiving a reasonable premium for exchange, in addition to the interest upon bills or notes payable at a point beyond the limits of this state.

ART. XII. No stockholder in said Bank shall be entitled to any other or greater accommodation in said Bank, by pledge of his stock, than any other individual not a stockholder.

ART. XIII. Half yearly dividends shall be made of so much of the profits as shall appear to the Directors advisable; and once in every year, at the meeting to be annually held for the election of Directors, there shall be exhibited an exact and particular statement of the general accounts of the said Corporation; and if any stockholder shall be in default or shall have failed to pay any part of the sum or sums, by him, her, or them subscribed, the party failing shall forfeit all payments previously made to the Bank, together with any dividend which may have accrued, should the Board of Directors so direct.

ART. XIV. It shall be the duty, as soon as practicable, of the said President and Directors, to establish one office in East Tennessee, and another in the Western District, and one at Columbia in the county of Maury, for the purposes of discount and deposit only, and upon the same terms and in the same manner, as shall be practised at the principal Bank, and to commit the management of said offices, and the making of said discounts, to such persons, under such regulations as they shall deem proper, not being contrary to law or the fundamental articles of the Bank.

ART. XV. The said Corporation shall not at any time suspend or refuse payment of any of the notes, bills or obligations thereof; nor of any money received upon deposit in said bank, when demanded by the holder or depositor, at the place where the same is made payable, in gold or silver; and in case of such refusal, the holder of such note, bill or obligation, or the person or persons entitled to receive such money as aforesaid, shall be respectively entitled to recover interest from the time of such demand and refusal, at the rate of ten per centum per annum, until paid.

SEC. 11. *Be it enacted*, That in consideration of the privileges granted by this Charter, the Bank agrees to pay Bonus paid by the Bank to the state annually, one half of one per cent on the amount of the capital stock paid in by stockholders other than the state.

SEC. 12. *Be it enacted*, That the bills which it shall be lawful for said Corporation to issue, shall not be for a less sum than five dollars. Not to issue bills for less than five dollars.

Minutes of
proceedings.

SEC. 13. *Be it enacted*, That the Directors shall keep fair and regular minutes of their proceedings, and on any question, where one Director shall require it, the yeas and nays of the members voting shall be duly entered.

Appointment
of Directors.

SEC. 14. *Be it enacted*, That there shall be annually appointed by the Board of Directors of the Union Bank of the State of Tennessee, to administer the affairs of said offices of discount and deposit, twelve Directors, citizens of this state, eight of whom shall reside within the counties in which said offices shall be established, five of whom shall constitute a quorum to do business; and said Directors shall choose from among themselves a President, and shall be subject to all such rules and regulations as may be adopted by the Mother Bank, for the government of said offices, not inconsistent with the provisions of this Charter.

Cashiers.

SEC. 15. *Be it enacted*, That there shall be appropriated for each of the aforesaid offices of discount and deposit, by the Board of Directors of the Mother Bank, one Cashier, who shall give such security as may be required by the Directors of said Union Bank.

May issue
bills and notes.

SEC. 16. *Be it enacted*, That the said Union Bank may issue bills or notes, payable on demand, at either of said offices of discount and deposit, and also at such Banks of respectable standing in any other state of this Union, as the Board of Directors may deem expedient and proper.

Offices may
be abolished.

SEC. 17. *Be it enacted*, That either of said offices of discount and deposit, may be withdrawn by the Mother Bank, when they cease to be profitable or badly managed.

Funds of the
State to be de-
posited therein.

SEC. 18. *Be it enacted*, That the bills or notes of said Corporation, originally made payable, or which shall become payable upon demand, in gold or silver coin, shall be receivable in all payments to the State of Tennessee; and the public moneys of the state, as well as those of any Corporation for public purposes hereafter constituted by authority of the State, shall be constantly deposited in the Union Bank of the State of Tennessee, or either of its offices of discount and deposit, whenever lying inactive, so long as said Bank shall continue to redeem its notes in gold or silver upon presentation, and interest shall be paid on such deposits, at such rate as may be agreed upon by the Bank and the Treasurers of the State.

Statements to
be furnished the
Legislature.

SEC. 19. *Be it enacted*, That the said Corporation, by the President and Directors, for the time being, on the requisition of the Legislature, shall furnish statements of the amount of capital stock of said Corporation; amount of real estate; the amount of funds upon hand;

and the amount of debts due said Bank; and also the amount of notes, bills or obligations due from said Bank; and the amount of money upon deposit; and the Legislature shall have a right, by joint committee, to examine the books and bills receivable; and also, count the funds upon hand, so as to ascertain that such statement is correct: and shall, moreover, have power to examine all the private accounts of said Bank.

SEC. 20. *Be it enacted*, That it shall be lawful for any one or more of the Directors of said Bank, or of any of the offices of discount and deposit, which shall be established as provided in this act, to examine and inspect the books and accounts of said Bank, and of the offices of discount and deposit of which he or they may be Directors, at any time, whether the Board of Directors to which he or they may respectively belong, be in session or not; and it shall also be lawful for the President or any one or more of the Directors of the principal Bank, to examine and inspect any of the books and accounts of any of the offices of discount and deposit which may be established, at any time, whether said Board of Directors of such office be in session or not. Directors may inspect acct's.

SEC. 21. *Be it enacted*, That the bills and notes issued by this Bank, payable either at the principal Bank or either of its offices, shall in no case exceed one hundred per cent above the amount of the capital stock paid in. Amount of issues.

SEC. 22. *Be it enacted*, That if the Cashier or any other of the officers, agents or servants of said Corporation, shall embezzle, and without authority from the President and Directors of said Bank, appropriate any of the funds of said Corporation to his own use, with intent to cheat and defraud the President, Directors and Company of said Bank, or shall fail to make correct entries, or shall make false entries upon the books of said Bank, with intent to defraud said Bank or any other person whatsoever, said officer, agent or servant of said Bank shall be held and deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this state, for a period not less than five nor more than twenty years. Penalty for embezzling, &c.

SEC. 23. *Be it enacted*, That whenever the Legislature may be of opinion that the Charter of the Corporation hereby granted, shall have been violated, and that the same has been forfeited, it may be lawful by joint resolution, to direct a *scire facias* to issue from the Supreme Court of Errors and Appeals, in the name of the State of Tennessee, calling upon said Corporation to show cause why the Charter, hereby granted, shall not be declared forfeited; and service of said *scire facias* upon Proceedings upon forfeitures of Charter.

the President or any two of the Directors shall be deemed a sufficient service upon said Corporation, and it shall be lawful for said Court, and they shall have full power, upon the return of the *scire facias* being made known, to examine into the truth of such alleged violation; and if such violation be made to appear, then to pronounce and adjudge that the said Charter is forfeited and annulled; *provided*, however, that the said *scire facias* shall specify with precision, the nature of the complaint, and grounds upon which the forfeiture is claimed; and every issue of fact which may be found between the State and said Corporation, shall be tried by a jury to be empaneled by said Court for that purpose.

Liability of
Directors and
Stockholders.

SEC. 24. *Be it enacted*, That if at any time it shall be made to appear by *scire facias* or any other judicial proceedings in any of the courts of record in this State, that the said Corporation shall have violated this Charter, by exceeding the amount of issues herein authorized to be made, or by extending or giving to stockholders discounts or other banking accommodations by virtue of their stock, beyond what is extended or given to others, not being stockholders, then, and in either of the above cases, the Directors voting for, or who may have sanctioned such violations of their Charter, shall be responsible in their private property for any loss or damage which may be sustained by any person in consequence of such violation, and in case that the property real and personal of such Directors may not be sufficient to compensate for the injuries which may have thus been sustained by noteholders or others, then, and in that case, the stockholders shall be liable in their property, both real and personal, to an amount equal to the stock by them respectively held, to make up such deficiency; *provided*, however, that said individual liability shall not be enforced against either Director or stockholder, so long as said Bank shall continue to redeem its notes or pay its debts at its usual place of doing business, nor until judgment shall have been regularly first obtained against said Bank, and execution shall have been duly returned unsatisfied, and that no property of said Corporation can be found to satisfy the same.

Obligations
of Cashier, &c.

SEC. 25. *Be it enacted*, That the obligation required in the ninth section of this act, to be taken from the Cashier and other officers of said Bank, shall be placed in the hands of the Secretary of State, and shall be good and sufficient in law or equity, to enable said Bank to recover of and from said Cashier or other officer and their securities, all sums of money which may come to their hands in the discharge of their official duties, and for any default, neglect, fraud or failure on the part of said

officers, suits may be brought on said bond or bonds, obligation or obligations, from time to time, and recoveries thereon had for all sums due on account of any default, neglect, fraud, failure or delinquency on the part of said Cashier or other officer, without regard to the amount of any penalty that may be mentioned in said bonds or obligations.

SEC. 26. *Be it enacted*, That the Branch Bank in the Western District, shall be established and commence business as early as practicable after the time the principal Bank is put in operation.

Branch in
West. Dist.

SEC. 27. *Be it enacted*, That an act passed the 20th day of December, 1831, entitled an "Act to incorporate the subscribers to the Bank of Tennessee," be, and the same is hereby repealed.

Repealing
clause.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, Oct. 18, 1832.

Speaker of the Senate.

CLERKS.

CHAPTER III. An act to compel Clerks to do their duty.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the clerks of the several courts in this State, at all times hereafter, to issue to the plaintiff or his attorney of record or agent, if demanded, an execution on any judgment that may have been rendered, or that may hereafter be rendered in their respective courts, in all cases where the plaintiff may be entitled to the same.

Issuance of ex-
ecutions.

SEC. 2. *Be it enacted*, That if any clerk of any of the courts of record in this State, shall fail or refuse to issue an execution and deliver the same to the plaintiff or his attorney of record or agent, when required upon any judgment that may have been rendered, or that may be rendered in the court of which he may be clerk, in any case in which the plaintiff shall be entitled to such execution, he shall forfeit and pay the sum of five hundred dollars, to be recovered by an action of debt before any court having cognizance thereof, to the use of the person suing for the same, and shall also be liable to an action on the case, at the suit of the plaintiff for any damages he may have sustained in consequence of such failure or refusal, and shall further be deemed and held guilty of a misdemeanor in office, and be subject to indictment in the circuit court of the county in which he

Penalty for re-
fusing to issue
execution.

shall reside, and upon conviction shall be removed from office.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CONGRESSIONAL DISTRICTS.

CHAPTER IV. An act to divide the State of Tennessee into districts, for the election of Representatives to the Congress of the United States.

Districts laid off. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the counties of Carter, Greene, Washington, Cocke and Jefferson shall compose the first Congressional District. The counties of Sullivan, Hawkins, Grainger, Claiborne and Campbell shall compose the second district. The counties of Anderson, Knox, Sevier, Blount and Monroe shall compose the third district. The counties of Morgan, Roane, McMinn, Rhea, Hamilton, Bledsoe and Marion shall compose the fourth district. The counties of Fentress, White, Overton, Warren and Franklin shall compose the fifth district.—The counties of Jackson, Smith and Sumner shall compose the sixth district. The counties of Wilson and Davidson shall compose the seventh district. The counties of Rutherford and Williamson shall compose the eighth district. The counties of Bedford and Maury shall compose the ninth district. The counties of Lincoln, Giles, Lawrence, Wayne and Hardin shall compose the tenth district. The counties of Robertson, Montgomery, Stewart, Humphreys, Hickman and Dickson shall compose the eleventh district. The counties of Haywood, Madison, Dyer, Obion, Gibson, Weakley, Henry and Carroll shall compose the twelfth district. And the counties of Perry, Henderson, McNairy, Hardeman, Fayette, Shelby and Tipton shall compose the thirteenth district.

Duty of sheriffs. SEC. 2. *Be it further enacted,* That the several sheriffs in the different counties in this State shall on the day next succeeding the second day of election of members to Congress in the several districts, as organized in the first section of this act, make out triplicate certificates under their hands of the number of votes for each candidate—one of which shall be retained by the sheriffs respectively, and the other two certificates shall be by said sheriffs transmitted by different mails immediately

thereafter, to the Governor, who upon the receipt of the returns thus certified, shall deliver to the candidates having the highest number of votes in their respective districts, a certificate of their election as representatives to the Congress of the United States.

Penalty for failure.

SEC. 3. *And be it enacted,* That if any sheriff shall fail, neglect or refuse for the space of twenty days, to perform any of the duties required of him in this act, such sheriff so failing, refusing or neglecting, shall forfeit the sum of five hundred dollars, to be recovered by action of debt by any person, who may sue for the same—and shall moreover be held and deemed guilty of a misdemeanor in office, and subject to indictment before the circuit court of the county where such delinquency may happen.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 1, 1832.

COSTS.

CHAPTER V. An act to provide for the collection of costs in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That whenever a cause at law or equity shall be brought up, or attempted to be brought up from an inferior to a superior court, and the superior court shall dismiss it, or determine that the cause has never been regularly transferred to said court, or that the court has no jurisdiction thereof, it shall be the duty of the court to render judgment for the costs against the party so attempting to bring the cause into said court.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 15, 1832.

COSTS—CRIMINAL.

CHAPTER VI. An act prescribing the mode of taxing costs in criminal prosecutions.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That hereafter it shall be the duty *Mode pointed out.*

of all jailers in this State, to make out a bill of costs in all State prosecutions, where the same is to be paid out of the Treasury, and produce the same in open court, first having the same certified by the Solicitor General, and have the same certified by the clerk as is now prescribed by law, which said bill of costs shall be paid by any Treasurer in this State—and the receipt of the jailer is hereby declared to be a good voucher in the settlement of the accounts of said Treasurer, any law, usage or custom to the contrary notwithstanding.

Duty of clerks
in recording
proceedings.

SEC. 2. *Be it enacted*, That in all cases hereafter, where an appeal or writ of error may be taken from the circuit to the supreme court, where in such case the clerk of the circuit court was directed by law to record the proceedings in a well bound book, it shall be the duty of the clerk of the supreme court, provided the judgment shall be affirmed and finally disposed of, to record the proceedings in a well bound book, kept for that purpose, and all laws requiring the clerks of the circuit court to record the record and proceedings or allowing any fees therefor, in the cases provided for by this act, be repealed, and that the clerks of the supreme court have the same fee now allowed to the clerks of the circuit court for the performance of the same duties in this act mentioned, and no more; provided, that no suit shall be more than once recorded, and then only in the court where the suit is finally determined and disposed of.

Residence of
clerks.

SEC. 3. *Be it enacted*, That an act passed at the present session of the General Assembly, requiring clerks to reside within the counties where their offices are required to be kept, shall not be so construed as to extend to the clerk of the supreme court held at Nashville, nor to the clerk of the chancery court at Franklin.

Sam. G. Smith

SEC. 4. *Be it enacted*, That the Bank of the State of Tennessee, pay to Samuel G. Smith, seventy-five dollars for extra services in refunding moneys for lands taken by Kentucky under the act of 1825, while acting as Bank Agent for Jackson county.

Certified copy
of bill of
costs.

SEC. 5. *Be it enacted*, That a certified copy of the judgment and bill of costs only shall be required by the Treasurer, for the payment of costs in such cases as the State is bound by law to pay; provided, that all certificates now required shall be required.

Tax fees of
Attorney Generals.

SEC. 6. *Be it enacted*, That the Attorney Generals in this State shall in all cases of a criminal nature, where by the laws of this State, the punishment is death, be entitled to a tax fee of twenty dollars—in all cases of perjury, fifteen dollars—and in all cases punishable by imprisonment in the Penitentiary, ten dollars; provided, al-

ways, where the defendant is acquitted, the Attorney General shall only be entitled to five dollars as a tax fee in such case.

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

Passed October 22, 1832.

CHAPTER VII. An act to provide for certifying bills of cost in criminal cases, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That where any criminal cause shall have been tried, or shall be tried in any circuit court in this State, and where the State by the laws now in force, is or may be liable for costs, it shall be lawful for any circuit Judge presiding in any of the courts in which such criminal cause may have been tried, or which may hereafter be tried, and he is hereby authorized and required, to make the certificate now required by law, to be made upon any bill of costs that shall have accrued in the court in which he may preside.

Judges to
make certifi-
cate.

SEC. 2. *Be it enacted*, That it shall be the duty of the clerks of the respective courts in this State, to reside in the county where the courts of which they are clerks respectively are held, and the non-residence of any such clerk shall be held and deemed an abandonment of his office, and it shall be the duty of such court to appoint a successor.

Residence of
clerks.

SEC. 3. *Be it enacted*, That the Hon. James C. Mitchell, one of the circuit Judges of the circuit courts of law and equity in this State, is hereby authorized at any time within six months from the passage of this act, in the exercise of his discretion as to the form and substance of the same, to sign a bill of exceptions, and grant an appeal in the nature of a writ of error, in the case of Norton Pryor and Joseph Anderson's lessee against James Walker, heretofore tried in the circuit court of Rutherford county before said Judge; provided, always, that nothing herein shall operate as a supersedeas of the judgment in said cause, unless the said Judge shall so order, or unless one or more of the Judges of the supreme court of errors and appeals, upon inspection of the record either in court or at their chambers, shall hereafter so order.

Special duty of
Judge Mitchell.

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

Passed October 13, 1832.

CHAPTER VIII. An act to amend and explain the several acts relating to costs in State cases.

Duty of clerks.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when an indictment shall be found against two or more persons for the same offence, it shall be the duty of the clerk of the court in which such indictment shall be found, to include all the defendants therein in the same capias—unless he shall be otherwise specially directed by the Attorney General, and such clerk shall not be entitled to a fee for more than one leading process, except where other process shall be directed by the Attorney General, as herein provided, in which case the clerk shall be entitled to a fee for each process he shall be so directed to issue.

In cases of nolle prosequi.

SEC. 2. *Be it enacted*, That in all prosecutions for offences subjecting the offender to confinement in the Jail and Penitentiary house of this State, in which a *nolle prosequi* shall be entered, or the defendant or defendants in such prosecutions shall be otherwise discharged, the cost of such prosecutions shall be paid by the State in the same manner and under the same provisions as in cases where the defendant or defendants may be acquitted by the verdict of a jury.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

ELECTORS.

CHAPTER IX. An act prescribing the mode of choosing Electors to vote for President and Vice President of the United States.

Manner of voting—duty of sheriffs.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the qualified voters for members of the General Assembly of this State, shall meet at their respective court houses, and other places appointed by law for holding elections in each and every county, on the first Monday and Tuesday in November next, and vote for fifteen electors of President and Vice President of the United States, as by the constitution and laws of the same, they are entitled to vote for; and that the Sheriff or Coroner, or any other person or persons, authorized by law to hold elections of each and every county in this State, shall, and are hereby required to appoint three Judges for every place of voting in

their respective counties, and a like number of Clerks, all of whom shall be sworn to conduct said election as herein required, and at which election, the same rules and regulations shall be observed by the several Sheriffs, Coroners, Clerks, Judges and others and voters, as are now provided by law in electing members of the General Assembly.

SEC. 2. *Be it enacted*, That the State shall be divided into fifteen districts, as follows: Districts laid off.

The counties of Carter, Washington, Greene and Jefferson, shall compose the first district.

The counties of Sullivan, Hawkins, Grainger and Claiborne, shall compose the second district.

The counties of Cocke, Sevier, Blount and Monroe, shall compose the third district.

The counties of Knox, Anderson, Campbell, Morgan and Roane, shall compose the fourth district.

The counties of M'Man, Rhea, Bledsoe, Marion and Hamilton, shall compose the fifth district.

The counties of Jackson, White, Overton, Fentress and Warren, shall compose the sixth district.

The counties of Smith and Wilson, shall compose the seventh district.

The counties of Sumner and Davidson, shall compose the eighth district.

The counties of Rutherford and Williamson, shall compose the ninth district.

The counties of Franklin and Bedford, shall compose the tenth district.

The counties of Lincoln, Giles and Lawrence, shall compose the eleventh district.

The counties of Maury, Hickman, Perry and Wayne, shall compose the twelfth district.

The counties of Robertson, Montgomery, Stewart, Dickson and Humphreys, shall compose the thirteenth district.

The counties of Hardeman, Hardin, Henderson, M'Nairy, Madison, Fayette and Shelby, shall compose the fourteenth district.

The counties of Henry, Weakly, Obion, Dyer, Gibson, Carroll, Tipton and Haywood, shall compose the fifteenth district.

That one elector and no more shall reside in each of the above districts, and, that every citizen of the State qualified by law, to vote for members to the General Assembly, shall be entitled to vote for the whole number of electors to be resident as aforesaid; and the fifteen persons aforesaid, receiving the highest number of votes in the whole State, shall be declared the electors. One elector to reside in each district.

SEC. 3. *Be it enacted*, That it shall be the duty of the

Duty of sheriff &c. Sheriff, Coroner or other person or persons, as the case may be, of the respective counties in this State, holding elections, to meet at the court house of the county in which they reside, on the day immediately succeeding said election, and compare the votes polled for electors as aforesaid, and make out a triplicate statement of the number of votes received by each person who may have been voted for as elector of President and Vice President of the United States, and deposit one of said statements regularly certified by the officer holding said election, in the office of the clerk of the county court, taking his receipt therefor, and to deposit one copy in the post office, at the court house of the county where said election may be held, directed to the Governor and Secretary of State, and to direct the other in the same way, by the next mail immediately thereafter, and take receipts of the Post Master for the same; and any Sheriff, Coroner, or other person or persons as the case may be, failing to comply with the provisions of this act, shall forfeit and pay five hundred dollars, to be recovered by action of debt, to any person who may sue for the same, before any tribunal having cognizance thereof.

Governor and Secretary of State to furnish certificate of election.

SEC. 4. *Be it enacted*, That the Governor and Secretary of State shall receive all the returns made by the officers holding said election, from the post office in Nashville, except from such officers as may choose to make return to the Governor and Secretary in person, immediately thereafter, and the same shall be as valid as if transmitted by mail as aforesaid; and it shall be the duty of the Governor and Secretary as aforesaid, on receiving said returns of the respective officers of the State, holding said election of electors for President and Vice President to compare the same, and upon ascertaining the fifteen persons receiving the highest number of votes in the whole State, resident as aforesaid, to furnish each person with a certificate of his or their election, and cause the same to be published in at least one newspaper published at the following places, to wit, Nashville, Knoxville and the town of Jackson, in the Western District.

Penalties.

SEC. 5. *Be it enacted*, That the several persons who shall be appointed to conduct the election of electors for President and Vice President of the United States, shall be liable to the same penalties and forfeitures, as are provided by law for the regulation of elections in this State.

Electors to give notice to Governor—vacancy how filled.

SEC. 6. *Be it enacted*, That each elector of President and Vice President of the United States, shall, before the hour of twelve o'clock, on the day next preceding the day fixed by the law of Congress, to elect a President and

Vice President of the United States, give notice to the Governor, that he is at the seat of Government, and ready at the proper time to perform the duties of an elector, and the Governor shall forthwith deliver to the electors present, a certificate of all the names of the electors, and if on examination thereof, it shall be found that one or more of said electors are absent, and shall fail to appear before nine o'clock in the morning of the day of election of President and Vice President, as aforesaid, the electors then present, shall immediately proceed to elect by ballot, in the presence of the Governor, any qualified resident citizen or citizens of the State, as the case may be, to fill such vacancy or vacancies as may have occurred through the non-attendance of one or more of the electors.

SEC. 7. *Be it enacted*, That the electors so elected, *Time of voting.* shall meet in the City of Nashville, on the first Wednesday in December, one thousand eight hundred and thirty-two, and vote for President and Vice President of the United States, and make return thereof, agreeably to the laws of the United States, in that case made and provided;—and each elector shall be allowed four dollars for every twenty-five miles he shall necessarily travel in going to, and returning from the seat of Government, and four dollars per day, whilst attending at the same as an elector, for which the Governor may issue his warrant to the Treasurer of West Tennessee.

SEC. 8. *Be it enacted*, That the Sheriffs or Coroners of each and every county in this State, immediately after receiving information of the passage of this act, shall advertise at the court houses, and in each Captain's company of their respective counties, the days on which said election of electors for President and Vice President shall take place. *Sheriffs to give notice.*

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

Passed September 14, 1832.

EXECUTORS AND ADMINISTRATORS.

CHAPTER X. An Act to amend an act passed December 19, 1831, entitled "an act to amend an act for the relief of Executors and Administrators."

Be it enacted by the General Assembly of the State of Tennessee, That the proviso contained in the 1st section of said act, be, and the same is hereby repealed—and

that hereafter in all the cases mentioned in said first section, no execution shall issue until after the expiration of twelve months from the granting of letters testamentary or of administration as the case may be.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 4, 1832.

Speaker of the Senate.

IMPRISONMENT FOR DEBT.

CHAPTER XI. An Act to amend an act entitled "an act to abolish imprisonment for debt except in cases of fraud"—passed December 14, 1831.

Bills of discovery.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That whenever an execution against the property of a defendant, shall have been issued on a judgment at law or a decree in equity, and shall have been returned unsatisfied in whole or in part, the party suing out such execution may file a bill in chancery against such defendant, and any other person or body corporate to compel the discovery of any Bank stock or other kind of stock, or of any property or thing in action due to him or held in trust for him, and to prevent the transfer of any such stock, property, money or thing in action, or the payment or delivery thereof, to the defendant except where such trust has been created by, or the fund so held in trust has proceeded from, some person other than the defendant himself, and is declared by will duly recorded or by deed duly proved and registered.

Powers of the courts of chancery.
SEC. 2. *Be it enacted,* That the court of chancery shall have power to compel such discovery and to prevent such transfer, payment or delivery, and to decree satisfaction of the sum due on such judgment or decree out of any property, stock, money or things in action belonging to the defendant or held in trust for him, with the exception above stated, which shall be discovered by the proceedings in chancery, whether the same were originally liable to be taken in execution at law or not; and the court shall have power to order such bond or other securities to be given by either plaintiff or defendant, as may be necessary to carry that jurisdiction into complete effect, and to order transfers of stock or other property or choses in action to be made according to the rules of law or equity.

SEC. 3. *Be it enacted,* That a judgment or execution

at law shall not bind equitable interest in real estate or other property or legal or equitable interests in stock or choses in action, unless a memorandum of said judgment stating the amount and date thereof, with the names of the parties, be registered in the Register's office of the county where the real estate is situated, in cases where real estate is to be subjected, and in all other cases in the county where the debtor resides, within sixty days from the time of the rendition of said judgment, and the lien shall cease unless the bill in equity to enforce said lien is filed within ten days from the time of the return of the execution unsatisfied.

Jurisdiction of the courts of equity.
SEC. 4. *Be it enacted,* That in all cases where personal service of process cannot be made at law, and where no original attachment at law will lie and no judgment at law can be obtained, and also in cases where the demand is purely of an equitable nature, a court of equity shall have jurisdiction to subject legal and equitable interests in every species of stock and other property, with the exception herein before stated, and also in real estate; provided, that in case of legal demand the amount due shall be ascertained by the verdict of a jury summoned in the same manner as for other trials of issues in fact before a court of chancery—the lien in the cases provided for in this section to commence from the time of filing the bill, if the facts therein stated are verified by affidavit, and an injunction be granted by a judge or chancellor upon the complainant giving bond and security.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER XII. An Act to amend the Act of 1831, abolishing imprisonment for Debt.

Sheriffs' fees.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Sheriffs and other officers of this State, shall be entitled to the same fees for executing a summons, when the same is the leading process in any suit, under the act which this is intended to amend, as such officers were entitled to for serving the leading process, in any suit or suits, prior to the passage of said act.

Construction to be given to act of 1831.
SEC. 2. *Be it enacted,* That nothing in said act contained shall be so construed as to apply to any contracts entered into prior to the first day of March, 1832.

Further construction of said act.

Sec. 3. *Be it enacted*, That the provisions of the act which this is intended to amend, shall not be construed to change the laws or process heretofore in use, and in force previous to the passage of said act, on account of any debt or demand, due and owing prior to said first day of March, 1832—nor the issuance of a *capias ad satisfaciendum* to render bail liable under said contracts, but in all cases wherein bail may have been taken before the passage of said act, and since, under the provisions of said act, as well as for contracts entered into before the first day of March, 1832, such proceedings may be had as heretofore—and in all cases, wherein by the provisions of said act of 1831, any plaintiff was unable to prosecute his *capias ad satisfaciendum*, and to render bail for appearance liable, the statute of limitations shall not bar, provided such plaintiff prosecute his suit by such *capias* within six months from the passage of this act.

Extension of the act of 1831.

Sec. 4. *Be it enacted*, That the provisions of the act which this is intended to amend, shall extend to all civil actions, whether founded upon contract or otherwise, without regard to the form of action or the nature of the demand, provided that nothing herein contained shall be construed to extend to any demand or cause of action accruing before the first day of March, 1832.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

INTERNAL IMPROVEMENT.

CHAPTER XIII. An Act to amend an Act, passed the 26th day of November, 1831, entitled "An Act to incorporate and establish a Board of Internal Improvement in that part of the State, east of Cumberland Mountain.

Certain contracts made valid.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the contracts recently let out and entered into, to wit: on twentieth day of August last, for the removing obstructions to navigation in the Tennessee river, at the points denominated the Pan, the Pot, the Suck, at a point half a mile above the Suck, and at the Tumbling Shoals, under the direction of the Board of Internal Improvement for East Tennessee, be, and the same are hereby declared to be as effectual and obligatory on the parties to said contracts, both in law and equity, as if said Board had required, and taken personal secu-

rity for the performance of said contracts, as directed and required by the third section of the act which this is intended to amend.

Sec. 2. *Be it enacted*, That in all contracts hereafter entered into for removing the obstructions to navigation in the Tennessee river, under the provisions of the above recited act, the Commissioners of said Board are hereby authorized and directed to stipulate and agree with the undertaker, specially to be set forth in the bond, that an amount, in no case to be less than twenty-five per cent on the estimated value of the contract, shall be retained in the hands of the President of said Board, in lieu of personal security as the work progresses, for the faithful performance of the contract; but no part of said estimated value of the contract shall be paid by said Board, to any undertaker or undertakers, until the work contracted to be done has progressed, agreeably to the stipulation set forth in the bond of such undertaker or undertakers, to at least one fourth of the estimate value over the sum so paid him or them, and on the completion of the contract, the sum or sums so retained in the hands of the President aforesaid, shall be paid over to the undertaker or undertakers, in addition to the sum or sums paid as the work progressed: *Provided*, however, that the undertaker or undertakers shall in all cases be the lowest bidder, as is provided by the act which this is intended to amend, and all moneys drawn for or paid over by said Board, shall be in strict conformity to the directions of the above recited act, except in the cases hereinafter to be provided for; and provided further, that in all cases of failure, or refusal to prosecute the contract to completion, the undertaker or undertakers shall forfeit to the Internal Improvement fund the one fourth so retained in the hands of the President, of the estimated value of the contract, and shall moreover be liable to an action for damages, in the name of the Board of Internal Improvement for East Tennessee.

Manner of making contracts pointed out.

Sec. 3. *Be it enacted*, That when the Board of Internal Improvement shall have advertised for contract, any part or parts of the river intended to be improved, as provided in the act this act is intended to amend, and there shall be no bids therefor, or if the lowest bids therefor that shall be made, shall be higher than in the opinion of said Board ought to be accepted, it shall be lawful for said Board to let out by private contract, such part or parts of said rivers offered for contract, as aforesaid; provided that in no case shall said Board let out the same at private contract, unless at a price not exceeding the estimate made for the removal of such obstructions, by the civil engineer who surveyed said rivers

Board may make private contracts.

and made said estimates, but where there shall have been no bids, after advertisement as aforesaid, said Board is hereby authorized to make such contracts as in their discretion, they may deem right and proper, provided the prices given shall not exceed the estimate thereof of said engineer.

Or appoint
agents to re-
move obstruc-
tions.

SEC. 4. *Be it enacted*, That the said Board are hereby authorized to make contracts for the work, or to appoint agents to superintend the removal of obstructions, and to procure tools and other materials and provisions necessary to a vigorous execution of said work, or any of the rivers designed to be improved by the act this act is intended to amend, without advertising the same for contract, provided said Board, in their discretion, shall be of opinion that said obstructions are of so small and unimportant a character, as will not be likely to engage competition in bidding for the same, and provided said Board shall be also of opinion that such obstructions can be thus removed by a more economical expenditure of the Internal improvement fund set a part for East Tennessee, and provided that such expenditures shall not exceed the estimate of the engineer.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER XIV. An Act to amend an Act entitled, "An Act to establish Boards of Internal Improvement in the several counties of this state, lying West of Tennessee river, and for other purposes, passed Dec. 1831.

Boards of
Int. Imp. to be
elected.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the county courts of the counties of Henry, Carroll, Gibson, Weakly, Obion and Dyer, at their first, or any subsequent term after the passage of this act, to proceed to elect Boards of Commissioners of Internal Improvement in their respective counties, under the same rules, regulations and restrictions, and possessing the same powers as prescribed by the act which this is intended to amend.

County court
of Perry to e-
lect a Board.

SEC. 2. *Be it enacted*, That it shall be the duty of the county court of Perry county, at their first court after the first day of January in each and every year, if necessary, (a majority of the justices being present) to proceed to elect three suitable persons, resident in said county, who shall constitute a Board of Internal Im-

provement Commissioners in that part of the county lying east of Tennessee river, and said court shall have power to fill vacancies that may happen in said Boards by death, resignation, removal or otherwise; and that it shall be the duty of the Cashier of the Bank of the State of Tennessee, to pay over to the said Commissioners, the proportion of the sixty thousand dollars appropriated for Internal Improvement in Middle Tennessee, which said county of Perry is entitled to, on the east side of Tennessee river; and the Commissioners thus appointed shall have all the powers, privileges and immunities, (subject, however, to all the rules, regulations and restrictions,) that the Commissioners west of the river in said county are subject to, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER XV. An Act to amend an Act, passed the 17th day of December 1831, entitled "An Act to establish a Board of Internal Improvement in the counties therein mentioned, and for other purposes."

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be the duty of the Governor to subscribe to the Nashville, Murfreesborough and Shelbyville turnpike road, the whole of the interest which is due upon the amount of the Common School fund, to which the counties of Davidson and Rutherford are entitled; after which it shall be the duty of the Cashier of the State Bank to pay over to the Commissioners of said Company, the amount so subscribed, upon application. Duty of Governor.

SEC. 2. *Be it enacted*, That the Commissioners of said Company shall pay semi-annually to the Board of Commissioners for Common Schools in said counties of Davidson and Rutherford, so soon as such Commissioners may be appointed, six per cent. per annum upon the interest so subscribed. Payment of interest.

SEC. 3. *Be it enacted*, That it shall be lawful for the Commissioners of said turnpike road, to erect toll gates so soon as the same shall be graded thirty feet, and gravelled with rock twenty feet wide, six inches thick; and they are authorized to have a toll gate upon any section of five miles, so soon as such section is completed as above. Toll gates.

Proceedings
for damages oc-
casioned by
said road.

SEC. 4. *Be it enacted*, That any person or persons who may conceive themselves injured by the location of said road through their lands, or by the gravel, earth or timber which may be taken therefrom, shall give five days' notice to the superintendent of said section of the road, that they will apply to some justice of the peace, naming the justice, and the time and place they will apply, to have a jury to assess damages; and thereupon the superintendent may procure any other justice of the peace in said county to act with the justice selected by the applicant, and it shall be the duty of said two justices thus selected, if they can agree; and if not, the two are to select a third, who shall summon five freeholders, unconnected with the parties, and who are wholly uninterested; said jury, thus summoned, shall view the ground, gravel, rock, earth or timber, taking into view the benefit of the road to the person or persons applying, and if said jury disagree as to the amount, the decision of the majority shall govern, and thereupon the justice or justices summoning said jury, shall enter a judgment against said Company for the damages thus assessed; and said justices and jury thus appointed, shall constitute a court and shall have exclusive jurisdiction to decide upon controversies between the Company and the owners of land, gravel, earth or timber; provided that either party shall have a right to appeal from such judgment, to the circuit court of the county, within two days after the rendition of the judgment, which shall be prosecuted and tried before a jury as other appeals.

SEC. 5. *Be it enacted*, That in case a vacancy shall happen in the Board of Commissioners, at any time, by death, resignation, refusing to accept, or any other cause, the Commissioners of the Company shall immediately fill such vacancy by electing some other stockholder in his or their places.

SEC. 6. *Be it enacted*, That none but stockholders shall be elected Commissioners of said Company, and in elections for Commissioners of said Company, none but stockholders shall vote, and they may vote either in person or by proxy; the said Board of Commissioners to adopt the form of proxy.

SEC. 7. *Be it enacted*, That if any Commissioner shall sell or transfer his stock, he shall *ipso facto* cease to be a Commissioner, and his vacancy shall be filled as directed in the fifth section of this act.

SEC. 8. *Be it enacted*, That if any person or persons shall pass through any of the gates that may be established on said road, without paying the toll allowed by law, or shall leave the road and pass round any gate into the road, and thereby avoid the payment of the toll, such

person or persons, for every such offence, shall forfeit and pay to the Company, to be recovered by warrant before any justice of the peace as follows, to wit: a wagon and team, five dollars, a four wheeled carriage, five dollars, a two wheeled carriage, five dollars, a man and horse five dollars.

SEC. 9. *Be it enacted*, That all hands who are employed in working upon this turnpike road shall be exempt, for the time being, from working upon any other road.

SEC. 10. *Be it enacted*, That it shall not be lawful for the President and Board of Commissioners of said road to make any dividends of profits to stockholders, until said road be completed and finished.

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

Passed, October 13, 1832.

Speaker of the Senate.

CHAPTER XVI. An Act to amend an Act entitled, "An Act to establish a Board of Internal Improvement for the Mountain District," passed Dec. 17, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alvin Cullom, William Dale and George W. Sevier, shall constitute a Board of Internal Improvement for the county of Overton; and that Bailly Butler and Henry Sadler, shall constitute a Board of Internal Improvement for the county of Jackson; and they shall be governed by the provisions of the act this is intended to amend.

SEC. 2. *Be it enacted*, That the county court of Jackson county is hereby vested with power to make an order, a majority of said court being present, directing the Board of Internal Improvement for said county, to pay over to the School Commissioners for the benefit of Schools in said county, the funds appropriated for the purposes of Internal Improvement, and the receipt of said Commissioners or their treasurer, shall be a good voucher for the same.

SEC. 3. *Be it enacted*, That so much of said act as establishes a joint Board for the counties of Overton and Jackson as aforesaid is hereby repealed.

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

Passed October 20, 1832.

Speaker of the Senate.

Proceedings
for damages oc-
casioned by
said road.

SEC. 4. *Be it enacted*, That any person or persons who may conceive themselves injured by the location of said road through their lands, or by the gravel, earth or timber which may be taken therefrom, shall give five days' notice to the superintendent of said section of the road, that they will apply to some justice of the peace, naming the justice, and the time and place they will apply, to have a jury to assess damages; and thereupon the superintendent may procure any other justice of the peace in said county to act with the justice selected by the applicant, and it shall be the duty of said two justices thus selected, if they can agree, and if not, the two are to select a third, who shall summon five freeholders, unconnected with the parties, and who are wholly uninterested; said jury, thus summoned, shall view the ground, gravel, rock, earth or timber, taking into view the benefit of the road to the person or persons applying, and if said jury disagree as to the amount, the decision of the majority shall govern, and thereupon the justice or justices summoning said jury, shall enter a judgment against said Company for the damages thus assessed; and said justices and jury thus appointed, shall constitute a court and shall have exclusive jurisdiction to decide upon controversies between the Company and the owners of land, gravel, earth or timber; provided that either party shall have a right to appeal from such judgment, to the circuit court of the county, within two days after the rendition of the judgment, which shall be prosecuted and tried before a jury as other appeals.

Vacancy in
the Board of
commissioners

SEC. 5. *Be it enacted*, That in case a vacancy shall happen in the Board of Commissioners, at any time, by death, resignation, refusing to accept, or any other cause, the Commissioners of the Company shall immediately fill such vacancy by electing some other stockholder in his or their places.

None but
stockholders to
be elected Com-
missioners.

SEC. 6. *Be it enacted*, That none but stockholders shall be elected Commissioners of said Company, and in elections for Commissioners of said Company, none but stockholders shall vote, and they may vote either in person or by proxy; the said Board of Commissioners to adopt the form of proxy.

Sale of stock.

SEC. 7. *Be it enacted*, That if any Commissioner shall sell or transfer his stock, he shall *ipso facto* cease to be a Commissioner, and his vacancy shall be filled as directed in the fifth section of this act.

Penalties for
failing to pay
toll.

SEC. 8. *Be it enacted*, That if any person or persons shall pass through any of the gates that may be established on said road, without paying the toll allowed by law, or shall leave the road and pass round any gate into the road, and thereby avoid the payment of the toll, such

person or persons, for every such offence, shall forfeit and pay to the Company, to be recovered by warrant before any justice of the peace as follows, to wit: a wagon and team, five dollars, a four wheeled carriage, five dollars, a two wheeled carriage, five dollars, a man and horse five dollars.

SEC. 9. *Be it enacted*, That all hands who are employed in working upon this turnpike road shall be exempt, for the time being, from working upon any other road. Privilege of hands working on the road.

SEC. 10. *Be it enacted*, That it shall not be lawful for the President and Board of Commissioners of said road to make any dividends of profits to stockholders, until said road be completed and finished. No dividends until completion of road.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, October 13, 1832.

Speaker of the Senate.

CHAPTER XVI. An Act to amend an Act entitled, "An Act to establish a Board of Internal Improvement for the Mountain District," passed Dec. 17, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Alvin Cullom, William Dale and George W. Sevier, shall constitute a Board of Internal Improvement for the county of Overton; and that Bailly Butler and Henry Sadler, shall constitute a Board of Internal Improvement for the county of Jackson, and they shall be governed by the provisions of the act this is intended to amend. Overton and Jackson counties.

SEC. 2. *Be it enacted*, That the county court of Jackson county is hereby vested with power to make an order, a majority of said court being present, directing the Board of Internal Improvement for said county, to pay over to the School Commissioners for the benefit of Schools in said county, the funds appropriated for the purposes of Internal Improvement, and the receipt of said Commissioners or their treasurer, shall be a good voucher for the same. Internal Imp. fund for Jackson county.

SEC. 3. *Be it enacted*, That so much of said act as establishes a joint Board for the counties of Overton and Jackson as aforesaid is hereby repealed. Repealing clause.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER XVII. An Act concerning a part of the Internal Improvement fund of Humphreys county and for other purposes.

Humphreys county. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That so much of the said fund as was set apart for said county, west of the Tennessee river, shall hereafter be under the control and subject to be appropriated by the county court of Humphreys county, either by adding the same to the Common School fund in said county, or to purposes of Internal Improvement, as in their discretion they may think proper, a majority of the acting justices of said county being present, and concurring in the disposition of said fund as aforesaid.

Duty of President and Directors of State Bank. SEC. 2. *Be it enacted,* That the President and Directors of the Bank of the State of Tennessee, shall pay over to the order of said court, either to the Commissioners of Internal Improvement, or to the Treasurer of the Common School Commissioners, as the case may be, of Humphreys county, the amount said county is entitled to by the act of 1831, chap. 54, sec. 8, so soon as said Board or Treasurer aforesaid, has executed a bond to the Chairman of the county court, as by law in such case provided, in the sum of two thousand dollars upon the production of the certificate of the clerk of the order of said court, and also, that the bond, by this act required, is filed in his office, with good security, approved by the court.

Stewart county. SEC. 3. *Be it enacted,* That the President and Directors aforesaid, pay over to the Clerk and Treasurer of the Board of Common School Commissioners in Stewart county, that portion of the sixty thousand dollars appropriated for Internal Improvement in Middle Tennessee, to which Stewart county may be entitled by apportionment agreeable to the free white population in said county, compared with the whole number of free white inhabitants in Middle Tennessee, for the use of Common Schools in said county.

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

Passed October 22, 1832.

CHAPTER XVIII. An Act to encourage the manufacture of Iron in this State.

Privileges granted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Rogal Ferguson, Geo. R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, may jointly enter and lay down on the general plan of the eighth Surveyor's district in the counties of Hardin or Wayne, in not exceeding two different tracts, any quantity of vacant and unappropriated land unfit for cultivation, including any bank or banks of iron ore; and the said Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, shall and may enjoy the same rights and privileges which are secured to other occupants of the Western District, subject, nevertheless, to the same rules, regulations and restrictions, which govern south and west of the Congressional reservation line; provided, however, that they shall only be entitled to the benefits and privileges of this act, on condition that they shall, within the period of two years from the first day of January next, erect and put into operation in one or both of said counties, works for the manufacture of iron; and should they fail to do so, 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.

Duty of Surveyor. SEC. 2. *Be it enacted,* That the Surveyor of the district in which the lands may be so entered by virtue of the provisions of the first section of this act, shall receive the entry or entries of said Rogal Ferguson, Geo. R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, and survey the same, and upon the plat and certificate of said Surveyor so made out, it shall be the duty of the Register of the district in which the land lies, upon satisfactory proof being made to him, that valuable works for the manufacture of iron have been erected, and are in full and complete operation on said land, to issue a grant or grants for the tract or tracts of land, on which said iron works may be situated, provided said entry or entries be founded on a good, and valid warrant or warrants.

Further privileges conferred. SEC. 3. *Be it enacted,* That Madison C. Napier and Eppe Jackson be, and they are entitled to enter and jointly lay down, in the eighth Surveyor's district in Hickman county, south and west of the Congressional reservation line, in not more than five different tracts, five thousand acres, under all the other provisions and restric-

tions of the first and second sections of this act; and that William B. Ross and William Dickinson shall have the privilege of entering jointly, not exceeding five thousand acres, in the counties of Wayne, Perry and Hardin, in the seventh, eighth or ninth Surveyor's district, under the same provisions and restrictions which are secured to said Rogal Ferguson, George R. Craft, James S. Walker, Evan Young, Adly O. Harris and James Walker, as provided in the first and second sections of this act.

Extension of
the privilege

SEC. 4. *Be it enacted*, That Augustine W. Bumpass and Douglass H. Stockton be, and they are hereby entitled to enter and jointly lay down, on the general plan of the eighth Surveyor's district, in not more than five different tracts, five thousand acres of land lying in Lawrence county, under all the other provisions and restrictions of the first and second sections of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 28, 1832. *Speaker of the Senate.*

JUDICIARY.

CHAPTER XIX. An Act to alter the times of holding the several District Chancery Courts therein named.

Times of
holding chan-
cery courts.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the chancery courts in the eastern division of the State of Tennessee, be holden as follows, to wit: the district chancery court at Rogersville, on the first Mondays of May and November; the district chancery court at Greeneville, on the second Mondays of May and November, and shall continue in session two weeks, should the business on the docket of said court so require; the district chancery court at Madisonville, on the fourth Mondays of May and November; the district chancery court at Kingston, on the second Mondays of June and December; the district chancery court at Monroe, in the county of Overton, on the third Mondays of June and December; the district chancery court at M'Minnville, on the fourth Mondays of June and December, and shall continue in session two weeks or more, should the business on the docket of said court so require; the district chancery court at Carthage, on the third Mondays of January and July, and shall continue in session two weeks, should the business of said court so require; and the district chancery court at Knoxville, on the third Mondays of April and October.

SEC. 2. *Be it enacted*, That all writs and other process which have been issued, or which may be issued, before notice of this act, and made returnable to any of the courts, the times of holding of which have been altered by this act, shall be returned to the respective courts to which the same may be returnable at the several times respectively, as provided in this act, and the same shall be as good and effectual, and shall be proceeded on in the same manner, as if made returnable on the face thereof, as herein pointed out.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, September 11, 1832. *Speaker of the Senate.*

CHAPTER XX. An Act to change the time of holding the courts of the third Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the County courts State of Tennessee*, That the following courts shall hereafter be held at the following times, to wit: the county courts for the county of Fentress shall be held on the fourth Mondays of January, April, July and October; the county courts for the county of Overton, on the 5th Mondays of January, April, July and October, where a 5th Monday occurs, and where such an event does not occur, the said courts shall be held on the first Mondays of February, May, August and November;—and the county courts of the county of Jackson, on the 2nd Mondays of February, May, August and November.

SEC. 2. *Be it enacted*, That the circuit courts for the county of Fentress, shall hereafter be held on the 3rd Mondays of February and August; the circuit courts for the county of Overton, on the 5th Mondays of February and August, where a fifth Monday occurs, and where such an event does not occur, the said courts shall be held on the first Mondays of March and September; the circuit courts for the county of Jackson, on the 3rd Mondays of March and September; and the circuit courts for the county of White, on the 3rd Mondays of May and November.

Circuit courts.

SEC. 3. *Be it enacted*, That the chancery court at Monroe in the county of Overton, shall hereafter be held on the third Mondays in June and December; and the said courts herein enumerated shall be continued in session, by the Judges or Justices who may hold the same, until all the business therein shall be disposed of, or until another court of the same kind shall interfere.

Chancery court
at Monroe.

Duty of certain clerks.

SEC. 4. *Be it enacted*, That it is hereby expressly made the duty of the clerks of the county courts of White, Fentress, Overton and Jackson on the first day of January next, to advertise at the court house door of their respective counties, the several times of holding the courts as prescribed by this act.

Return of process.

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

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

Passed October 19, 1832.

CHAPTER XXI. An Act changing the time of holding the supreme court at Jackson.

Supreme court at Jackson.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the supreme court now authorized to be held at Jackson on the second Monday in May, shall hereafter be held on the first Monday in February, annually.

Return of process.

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

County courts of Dyer and Gibson.

SEC. 3. *Be it enacted*, That the county courts of Gibson county shall hereafter be held on the third Monday in March, June, September and December; and that the county courts of Dyer county shall hereafter be held on the fourth Monday in March, June, September and December—and

Return of process.

Be it further enacted, That all process or writs returnable at the December terms of Gibson and Dyer counties as heretofore held, shall be returnable as provided by this act.

Appeals from Smith county.

SEC. 4. *Be it enacted*, That all appeals from any court of Smith county to the supreme court shall be taken to the court held at Nashville.

Chancery court at Carthage and Charlotte.

SEC. 5. *Be it enacted*, That the chancery court at Carthage shall sit on the 2nd Mondays in July and January; and at Charlotte on the third Mondays in May and November.

County courts of Wayne.

SEC. 6. *Be it enacted*, That the county courts of Wayne county shall hereafter be held on the first Monday in March, June, September and December, and that all

process or writs returnable at the next December term of Wayne county court as heretofore held, be returnable on the first Monday in December as provided in this act.

SEC. 7. *Be it enacted*, That the supreme court at Sparta shall be held on the third Monday in October in each year, and all process, records and proceedings shall be returned and filed accordingly, without prejudice to the parties; that said court shall continue until all causes in said court shall be disposed of.

Supreme court at Sparta.

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

Passed October 22, 1832.

CHAPTER XXII. An Act giving the circuit court jurisdiction of Misdemeanors.

Be it enacted by the General Assembly of the State of Tennessee, That where any person shall hereafter be indicted for an assault with intent to kill, or commit any other felony, it shall be lawful, in case the jury cannot find such person guilty as charged, of the intent to commit such felony, to find him guilty of such assault or assault and battery, as the case may be, and judgment shall be pronounced by the court as upon an indictment for such inferior offence.

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

Passed October 22, 1832.

CHAPTER XXIII. An Act authorizing the circuit courts to take jurisdiction of issues "devisavit vel non."

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That when an issue devisavit vel non, to try the validity of any last will and testament, may have heretofore or hereafter may be made up, in any of the county courts of this State, it shall and may be lawful for the parties, at the term at which the said issue may be made up, or any other session of the court to transfer the same by agreement to the circuit court for trial—and that the circuit courts shall and may take jurisdiction of all such issues, transferred to said courts for trial, and hear and determine the same, subject to

Authority given.

the right of appeal to the supreme court as in other cases.

Duty of clerk. **SEC. 2.** *And be it further enacted,* That upon the final determination of any such issue in the circuit or supreme court, it shall be the duty of the clerk of either court to certify the same to the county court of the county in which the cause may have originated.

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

Passed October 20, 1832. *Speaker of the Senate.*

JUSTICES OF THE PEACE.

CHAPTER XXIV. An Act to amend an act entitled "an act further to define and extend the jurisdiction of Justices of the Peace."

Be it enacted by the General Assembly of the State of Tennessee, That the third section of the before recited act, passed December 1831, chapter fifty-nine, be and the same is hereby repealed.

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

Passed October 22, 1832. *Speaker of the Senate.*

KENTUCKY LINE.

CHAPTER XXV. An Act to amend an act entitled "an act making compensation to certain enterers and grantees for their improvements between the two Kentucky lines"—passed the 4th November 1831.

Duty of President and Directors of State Bank. **SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee,* That where the Bank agency has been discontinued by law, or the order of said Bank, it shall be the duty of the President and Directors to appoint some competent agent to perform the duties required by this act, and the act which this is intended to amend in all claims hereafter preferred to the Bank or Bank agent.

Oath to be taken. **SEC. 2.** *Be it enacted,* That before any order shall issue to take the valuation of any improvement as provided in the second section of the before recited act, the persons making such application shall make oath in writ-

ting before some Justice of the Peace, which oath shall be filed and accompany the probate of valuation, that the land upon which such improvement is made, has been entered under the authority of Kentucky, without his consent or request, and that he or she has surrendered the same accordingly, and that he, she or they has not sold or in any manner whatever received compensation for said improvement.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed October 22, 1832. *Speaker of the Senate.*

LAND.

CHAPTER XXVI. An Act to amend an act entitled an act giving further time for surveying entries and obtaining grants thereon.

Be it enacted by the General Assembly of the State of Tennessee, That the third section of said act shall not extend or be construed to render any Surveyor liable to its penalties unless the fees of office and other lawful fees shall be paid or tendered by the person wishing such survey.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed October 4, 1832. *Speaker of the Senate.*

CHAPTER XXVII. An Act prescribing the duty of Surveyors in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That where by the change of any county line, land entered in one county is thrown into another before it is surveyed, it shall be the duty of the Surveyor of the county in which the land was entered, to survey the same, and return plats and certificates as required by law, upon which grants shall issue as in other cases; for which he shall receive the same compensation, and be under the same rules, regulations and restrictions as are prescribed by law.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed September 19, 1832. *Speaker of the Senate.*

LAND WARRANTS.

CHAPTER XXVIII. An act referring certain land claims for adjudication.

Robert L.
Cobbs.

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 as land commissioner, to issue to Robert L. Cobbs a certificate warrant for ten acres and another for 64 acres, on his being satisfied that the land called for by grant No. 25379 and 25378 has been lost by due course of law, and that said grants issued on warrants of the above sizes, and that they were good and valid warrants.

Isaiah Cotes.

SEC. 2. *Be it enacted*, That the Register of West Tennessee shall issue to Isaiah Cotes a grant for three hundred and fifty acres of land, in conformity with an entry made by the said Cotes, in the office of the eighth Surveyor's district, on the 5th March 1823, by entry No. 1066, founded on Register of West Tennessee warrant No. 3669, for 350 acres, upon its being made satisfactorily to appear to said Register that the said warrant is genuine and that the same is mislaid, lost or stolen.

Duty of Registers

SEC. 3. *Be it enacted*, That it shall be the duty of the different Registers north and east of the Congressional reservation line on application, to issue to the person or persons entitled to the same, a certificate or certificates for his or their respective interests in any warrant or certificate remaining unsatisfied and ungranted in said offices until it shall appear from their books, that the whole of the original warrants or certificates are satisfied by grants or certificates or by both, and said Registers shall endorse upon the face of the original warrants or certificates, satisfied, and sign their names officially thereto.

Evidence on
which to issue
certificates.

SEC. 4. *And be it enacted*, That the certificate of the persons having the custody of the books of the several Surveyors' offices north and east of the Congressional reservation line setting forth, that it appears from the books and records in their offices that any person or persons have an interest in any warrant or certificate vested in him or them by assignment or otherwise, shall be sufficient evidence of right thereto, to authorize the Register to issue to such person or persons applying for the same, a certificate or certificates for the unsatisfied balance on any original warrant or certificate so certified; provided, the same be ungranted or unsatisfied in said Register's office, provided the original warrant or certificate be in said Register's office.

SEC. 5. *Be it enacted*, That any original warrant or

certificate now remaining in the Registers' offices, or the Surveyors' offices north and east of the Congressional reservation line, ungranted and unsatisfied where the same belong to any one individual, it shall be delivered by said Registers to the person in whom the interest thereof is vested, and should the warrant or certificate belong to more than one person, it shall be the duty of said Register to issue to each individual owning an interest therein, a certificate for the quantity to which they shall be respectively entitled, under the rules and regulations prescribed in this act.

Issuance and
adjudication of
certificates.

SEC. 6. *Be it enacted*, That all certificates issued by the Registers or commissioner as provided in this act, shall be filed with and adjudicated by the commissioner, and if the same is good and valid, may be entered on any vacant and unappropriated land south and west of the Congressional reservation line as in other cases.

Entry No. 1113
to be made void

SEC. 7. *Be it enacted*, That the Surveyor of the 12th district, be permitted at the request of the owner of the warrant, to make void an entry No. 1113, made in the name of the heirs of David McDowell for six hundred and forty acres of land in said Surveyor's district, range 6, section 9, and founded on warrant No. 5052—the same having been upon an occupant claim that had been settled before the passage of the occupant law of 1819, and that the owners of said warrant be authorized to locate the same upon any vacant and unappropriated land south and west of the Congressional reservation line; provided, they do not interfere with any occupant; and provided, further, that no warrant shall issue for more than the quantity of land interfered with by said occupant.

Grant No. 315
referred.

SEC. 8. *Be it enacted*, That grant No. 315, to James Miller by the State of North Carolina for 640 acres of land in the county of Knox be referred to the Secretary of State as commissioner of land claims for adjudication, and if it shall satisfactorily appear to said commissioner, that said grant issued upon a good and valid warrant, and that the whole or any part thereof, has been taken by older and better title, it shall be the duty of said commissioner to issue to the person entitled to the same, a certificate for so much of said grant as shall be taken by older and better title as aforesaid, which shall be located south and west of the Congressional reservation line as in other cases.

Entry No. 1964

SEC. 9. *Be it further enacted*, That the Surveyor of the 9th district, be permitted at the request of the owner of the warrant to make void entry No. 1964 in said 9th district, range 3, and section 11, entered in the name of John Antery, for one hundred and fifteen acres of land,

founded upon part of warrant No. 2817 for six hundred and forty acres, which said 115 acres was entered on an occupant, and said John Antery be authorized to locate and enter the same upon any vacant and unappropriated land south and west of the Congressional reservation line, or upon any occupant claimed by said Antery; provided he does not interfere with the rights of any other person.

Entry No 3338. **SEC. 10.** *Be it enacted*, That the Register of West Tennessee be required to issue a grant to Reuben Burnett, upon entry No. 3338 in the first district founded on certificate warrant No. 44 for 70 acres, being the balance of the warrant unappropriated.

Register of the Hiwassee District to issue a certain grant. **SEC. 11.** *Be it enacted*, That the Register of the Hiwassee District is hereby authorized and required to issue to the heirs of James Torbett dec'd. a grant to the north west quarter of section twenty-seven in fractional township number three, east of the meridian in the Hiwassee District; that this act shall be his warrant for so doing; provided, the purchase money on said quarter section of land has been paid or shall be paid on or before the first day of January 1834 under the rules, regulations and restrictions, prescribed by an act entitled "an act providing for the entry of the forfeited lands in the Hiwassee District"—passed the first day of December 1831.

Grants Nos. 407 and 366. **SEC. 12.** *Be it further enacted*, That the Secretary of State as commissioner of land claims shall issue to the heirs of John W. Hambleton a certificate warrant for one hundred and sixty acres part of grant No. 407, and also a certificate warrant for six hundred and forty acres on grant No. 366; provided said grants are founded on good and valid warrants.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

LAND WARRANTS AND OCCUPANTS.

CHAPTER XXIX. An Act for the relief of the occupants South and West of the Congressional Reservation Line, and for other purposes.

Claims to be adjudicated. **SEC. 1.** *Be it enacted by the General Assembly of the State of Tennessee*, That it shall and may be lawful for the Secretary of State, as Commissioner of land claims, to receive and file for adjudication, until the first day of September 1833, all claims for interference, original military John Armstrong warrants, not heretofore adjudica-

ted; all claims north of the Kentucky line; all claims lying south of Walker's and north of Matthews' line, located since the first day of March 1820; all claims for grants lying south of French Broad and Holston, founded on good and valid warrants, as provided for by the land law of 1829; all Registers' and Commissioners' certificates, not heretofore adjudicated; all balances which may appear to be due on original warrants, not heretofore appropriated; all claims for deficiency of boundary, where the original survey has been made under the authority of this state; all claims for lost lands lying north and east and south and west of the Congressional reservation line, which cannot be identified, and which were entered previous to the passage of the occupant law of 1819; provided, the applicant in the last mentioned case makes the necessary proof as required by the sixteenth section of the land law of 1807, chap. 2, in second volume of Cobbs' and Haywood's Revisal, and that notice shall be given by the applicant, by publication for four successive weeks in some newspaper printed in Nashville, previous to the time of making such application; provided, nothing in this act contained shall be construed to authorize the holder of any warrant which may issue under this act, any right to have the same located on any vacant land, except that which lies south and west of the Congressional reservation line.

SEC. 2. *Be it enacted*, That said applicant shall be bound to pay the same fees, and in the same manner, as ^{Fees for adjudication.} is prescribed in the act of the twenty-second October 1811, and that the Commissioner shall not deliver any warrant or warrants, unless it be to the proper owner or owners, or his, her or their agent or agents, or some person who may have an interest in the same; and that the Secretary of State, as Commissioner, shall be governed by the same rules, regulations and restrictions in the adjudication of claims, as are prescribed in the act of 1825, and the acts therein referred to.

SEC. 3. *Be it enacted*, That in case it shall appear to the Commissioner of land claims, that an entry has been made in the office of John Armstrong, and the consideration money of said entry paid, in case a warrant has been issued on said entry, and said warrant has by any means been lost, or so mislaid that the same cannot be found, it shall and may be lawful for the Secretary of State, as Commissioner, to issue a duplicate warrant to said person making said entry, or his representative or assignee, or the person rightfully entitled to the same, which said warrant shall be signed by said Commissioner, and be recorded in his record book, with other warrants issued from said office and adjudged valid; provided,

that in each case, evidence shall be adduced to show, that no grant ever issued on said entry, or on a warrant from said entry.

Grants to issue on copies of warrants in certain cases.

SEC. 4. *Be it enacted*, That in all cases where surveys have been made on genuine warrants, plats and certificates made out, and with the warrants sent to and filed in the Secretary's office of North Carolina, for the purpose of obtaining grants thereon, and where no grants have issued, and where the Secretary will not deliver the warrant to the owner, it shall and may be lawful for such person or persons, to procure certified copies of said warrants from said Secretary's office, and produce said copies so certified, to said Commissioner, whose duty it shall be to examine the same, in the same manner, and by the same rules and regulations, prescribed for adjudicating the validity of original warrants, (if produced) and if said Commissioner is satisfied that said warrant is in the Secretary's office of North Carolina, and that the same is good and valid, and that no grant ever issued thereon, or any duplicate thereof, then said Commissioner may determine that said copy is a valid claim against the State, and shall file the said copy in his office, and issue a duplicate in the same manner, as if the original warrant had been filed.

Owners of warrants may obtain grants.

SEC. 5. *Be it enacted*, That from and after the first day of January 1833, the owner or owners of any good and valid warrant or warrants, or certificates, as well as those which may be issued under the present act, as those issued under former acts and not heretofore satisfied, he, she or they may enter and obtain grants therefor, for such quantity of land as such warrant or certificate may call for; provided the same shall be entered on vacant and unappropriated land, under all the provisions of the occupant law of 1829; and provided also, that in making said entry, said warrant holder does not interfere with the claim or claims of any occupant or occupants hereby and heretofore provided for, and any entry made upon an occupant without his, her or their consent in writing, the same is hereby declared null and void to all intents and purposes.

Right of occupancy extended.

SEC. 6. *Be it enacted*, That the right of occupancy is hereby extended to each and every bona fide occupant resident, who may have settled on any vacant and unappropriated land, south and west of the Congressional reservation line, north of Winchester's line, since the passage of the occupant law in 1831, up to the passage of this act, under all the regulations and restrictions that govern occupants south and west of said line; and it shall and may be lawful for the occupants hereby and heretofore provided for, to make their entries jointly or

severally, on a warrant of any size; provided, that the whole of said warrants, so intended to be divided for the benefit of said occupants, shall be appropriated in the same Surveyor's district by occupants.

SEC. 7. *Be it enacted*, That from the first day of January 1833, until the first day of January 1835, the privilege is hereby secured to the occupants residing south and west of the Congressional reservation line, or their assignees, to enter their occupancies by virtue of any good and valid warrant or warrants, and to obtain a grant for said occupant claim or claims, which have been extended to them by this and former acts.

Farther time allowed to occupants.

SEC. 8. *Be it enacted*, That when any occupant claim or claims are of less quantity than two hundred acres, as laid down on the general plan, he, she or they, owning the same, shall have the right of increasing the same to that amount; provided, he, she or they, do not interfere with any other occupant claim or claims; and the owner, by entry, grant or deed, of a less quantity of land than two hundred acres, shall have the right of increasing the same to that amount; provided, he, she or they, do not interfere with any other occupant claim or claims; and in making such entries shall be governed by the provisions of the act of 1829, for the relief of occupants; and all persons who may have a reservation or occupancy for the purpose of building mills, or the promotion of public or manufacturing improvements, shall be entitled to all the benefits of this act.

Quantity of land occupants may enter.

SEC. 9. *Be it enacted*, That the several Surveyors offices south and west of the Congressional reservation line, shall be open for the reception of entries, and the laying down on their general plan, the surveys on the same, from and after the first day of January next, and that from and after the first day of January 1835, the several offices south and west of said line, shall be forever closed, and all persons failing to present their claims and make their entries thereon, on or before the said first day of January 1835, shall be forever thereafter barred.

Surveyors of area to close in 1835.

SEC. 10. *Be it enacted*, That the different Surveyors south and west of said line, shall be governed in their duties by all the provisions in the act of 1829, not inconsistent with this act.

Duty of Surveyors.

SEC. 11. *Be it enacted*, That nothing herein contained, shall be so construed as to authorize the settlement of any occupant claim south of Winchester's line, and any person making said settlement, the same shall be void to all intents and purposes.

No settlement south of Winchester's line.

SEC. 12. *Be it enacted*, That no warrant or certificate shall be allowed to be entered south of Winchester's line.

No warrants to be entered there.

line, until the section lines of the different Surveyors districts, have been, by law, extended to the true 35th degree of north latitude, nor until, by authority of the Legislature, they are permitted to do so; and should any person or persons, contrary to law, make said entry or entries, the same shall be null and void to all intents and purposes, as though the same had never been made.

Transfer of entries.

SEC. 13. *Be it enacted*, That hereafter it may be lawful for any enterer to transfer his entry by assignment, and the assignee may obtain a grant in his own name, and have power to survey the same, and do all things which the original enterer could do.

Act of 1829.

SEC. 14. *Be it enacted*, That the seventh section of an act of 1829, chap. 22, be, and the same is hereby revived.

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

BURCHET DOUGLASS,

Passed October 19, 1832. Speaker of the Senate.

LOTTERIES.

CHAPTER XXX. An Act to repeal the laws allowing Lotteries to be drawn in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That from and after the first day of January 1833, all laws heretofore passed in this state, authorizing the drawing of any lottery, the sale of tickets in any lottery, for any purpose whatever, be, and the same shall stand repealed; and any person or persons presuming to sell tickets and carry on a lottery, by virtue of any lottery charter, heretofore passed, after the said first day of January 1834, shall be liable to all the pains, liabilities and penalties that he or they would have been under, had no such charter or law been passed.

SEC. 2. *Be it enacted*, by the authority aforesaid, that any person or persons, or body politic, selling or vending any lottery ticket or tickets, not authorized by the laws of this state, or of the United States, and which is prohibited by the act of 1829, chap. 73, shall, (in addition to the penalties prescribed by said act,) upon conviction, be imprisoned in the jail of the county in which said offender or offenders are convicted, for a term not less than three nor more than six months; and upon conviction for a second offence, shall be confined in the jail and penitentiary house of this State, for a term not less than six, nor more than twelve months.

Penalties for vending foreign tickets.

SEC. 3. *Be it enacted*, That it shall be the duty of the different attorneys general and circuit judges of this State, to give the act of 1829, chap. 73, and the foregoing section of this act, in charge to the different grand juries of the State.

To be given in charge to Grand Juries.

SEC. 4. *Be it enacted*, That it shall be the duty of the different grand juries of this State, when they are informed, or know of any person or persons offending against the provisions of said act, to issue subpoena or subpoenas, for any person or persons, whom they may believe can give them any information, or evidence against said person or persons; and said person or persons so subpoenaed, shall be compelled to give evidence in like manner that persons are compelled to give evidence in cases of common gaming; provided, that nothing herein contained shall be construed to extend to an act authorizing a lottery to extend Union Street in the town of Nashville, passed 1831, or to any others passed by this state, the scheme of which has been bona fide sold before the passage of this act.

Duty of Grand Juries.

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

BURCHET DOUGLASS,

Passed October 19, 1832. Speaker of the Senate.

LUNATIC HOSPITAL.

CHAPTER XXXI. An Act to establish a Lunatic Hospital in this State.

Whereas, the great and increasing number of lunatics in this State, has made it necessary, to the safety and well being of society, as well as for the comfort and security of those unfortunate beings, whom Providence has visited with the most severe of all earthly afflictions, that a suitable hospital should be erected in this State, therefore:

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a lunatic hospital shall be and is hereby established in this State, to be located in the county of Davidson, and within or near the town of Nashville; and that Francis Porterfield, Joseph Woods, Henry R. W. Hill, James Roane, Felix Robertson and Samuel Hogg, be appointed Commissioners, to purchase a suitable site or piece of ground for the purpose, having reference to healthiness of situation, convenience to water and other advantages.

Commissioners appointed.

Site and edi-
fice.

SEC. 2. *Be it enacted*, That said Commissioners, as soon as convenient, after the passage of this act, proceed to make said purchase, and cause to be erected, suitable and convenient buildings of stone or brick, or both, sufficient for the care and safe keeping of at least two hundred persons, having due regard to their comfort as well as safe keeping, and constructing the same on the most approved and advantageous plan.

Appropriation.

SEC. 3. *Be it enacted*, That the sum of ten thousand dollars be appropriated out of the funds composing the Bank of the State, not otherwise appropriated, to be paid from time to time on the order of said Commissioners, or a majority of them; but said Commissioners shall only give said order at such times, and on such conditions, as will ensure the speedy and faithful execution of the work.

Commission-
ers to report.

SEC. 4. *Be it enacted*, That said Commissioners shall make report to the next General Assembly, of all their proceedings in the premises, in order that all necessary regulations may be prescribed by law, as to the admission and management of lunatics and the general government of said institution.

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

Passed October 19, 1832. *Speaker of the Senate.*

MERCHANTS.

CHAPTER XXXII. An Act explanatory of an Act, passed Dec. 14, 1831, entitled, "An act to equalize the tax on wholesale and retail Merchants, Jewelers, Grocers and Auctioneers."

Construction
of said act.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the provisions of said act shall not be so construed, as to extend to the articles of salt and iron, but the same shall be sold and vended free of taxation.

Further con-
struction of the
act.

SEC. 2. *Be it enacted*, That the provisions of said act shall not be so construed as to repeal the fourteenth section of the nineteenth chapter of an act of the General Assembly, passed in the year one thousand eight hundred and twenty-one, which authorizes the farmers residing in this state, to exchange produce by them taken to market, either in or out of this State, for groceries, not exceeding in amount five hundred dollars for one whole year, without obtaining license therefor.

SEC. 3. *Be it enacted*, That the provisions of the act

referred to, in the first section of this act, shall not be so construed as to allow persons obtaining license under its provisions, (by the payment of one hundred dollars,) to sell goods at more than one place.

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

Passed October 16, 1832. *Speaker of the Senate.*

OFFICERS OF COURT.

CHAPTER XXXIII. An Act explanatory of the law of 1829, prohibiting certain officers of courts, from trading in county claims.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That so much of the law of 1829, ch. 28, and section 1, prohibiting certain officers of the court from trading in county claims, shall not be so construed as to make any person liable to the penalties thereof, who may receive those claims at their nominal value, any law to the contrary notwithstanding.

SEC. 2. *Be it enacted*, That said act of 1829, ch. 28, sec. 1, shall extend to state as well as county claims.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed October 14, 1832. *Speaker of the Senate.*

ORDINANCES.

CHAPTER XXXIV. An Act to amend and explain an Act entitled, "An Act to tax the retailers of spirituous liquors, and appropriate the moneys arising therefrom, to the use of Common Schools," passed 15th Dec. 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That no public house keeper, or other person whatever, shall hereafter retail spirituous liquors in less quantities than one quart, unless he shall first obtain a license for that purpose, as provided in the act which this act is intended to amend.

SEC. 2. *Be it enacted*, That it shall not be lawful for any clerk in this State, to issue a license to any person applying for the same, unless such person shall first take and subscribe the following oath or affirmation: "I, A. B.

do solemnly swear, (or affirm, as the case may be,) that I will not, under the license I am about to obtain, retail any spirituous liquors, to any slave, nor permit the same to be done, unless by the permit of the master or overseer of the slave in writing, so help me God"—which oath or affirmation so taken and subscribed, the clerk shall file in his office.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 15, 1832.

POOR.

CHAPTER XXXV. An Act to amend and explain an Act entitled, "An Act more amply to provide for the poor," passed Nov. 15, 1827.

Whereas, different opinions prevail in regard to the construction of said act, by means of which, much litigation seems likely to arise, for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That said act shall hereafter be construed, so as to include hogs that have been fattened for pork and not killed, as well as those that have been actually slaughtered and converted into the same; provided, that three hundred weight only of such fat hogs, shall be exempt from execution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 16, 1832.

REAL ESTATE.

CHAPTER XXXVI. An Act to explain and amend an act entitled "an act to prevent a sacrifice of real estate, and for other purposes"—passed 28th July 1820.

Whereas doubts have arisen and continue to exist whether the provisions of the act which this act is intended to amend, extend to the redemption of lands or real estate sold in the execution of decrees in chancery—Therefore,

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

State of Tennessee, That the act which this act is intended to amend, shall hereafter be deemed and held to extend to the redemption of lands in all cases in which lands may have been sold, or may be sold under any decree, judgment or order of any court of chancery in this State. *Construction of the act.*

SEC. 2. *Be it enacted,* That any real estate sold by virtue of any order, judgment or decree in chancery upon foreclosure of mortgages, or deeds of trust, or any other decree or order of any of the courts in this State, shall be redeemable in the same time and manner, and by the same persons and under the same rules and regulations as are provided, authorized and directed by the provisions of the act, this act is intended to amend, in relation to the redemption of real estate sold under execution. *Redemption of real estate.*

SEC. 3. *Be it enacted,* That all lands granted by the State of North Carolina, or by this State, situated in the Lakes on the Mississippi river, and at all times inundated, be and the same are hereby forever released from the payment of the State and county taxes—any law to the contrary notwithstanding. *Inundated land exempt from taxation.*

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 19, 1832.

REGISTRATION.

CHAPTER XXXVII. An Act to amend an act passed December the 20th 1831 entitled "an act to amend the registration laws of this State, and for other purposes."

Be it enacted by the General Assembly of the State of Tennessee, That the above recited act shall be in force and take effect from and after the first day of March next.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 22, 1832.

SCHOOLS.

CHAPTER XXXVIII. An act to provide for the collection of the school tax.

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

Sheriffs to give bond. *State of Tennessee.* That the sheriffs of the respective counties in this State, before entering upon the collection of the taxes, shall give bond with two or more securities which the county court shall approve of in double the amount of the school tax to be collected in said county, payable to the chairman of the Board of school commissioners thereof, for the time being, and his successors in office, conditioned for the collection and payment to the Treasurer of said Board.

Funds to be paid over. *SEC. 2. Be it enacted,* That it shall be the duty of the collector of the public taxes to pay over to the Treasurer of the Board of school commissioners on the first day of January in each and every year, all the school tax by him collected for the preceding year, or for which he is accountable, and upon failure of any such collector, it is hereby made the duty of the Treasurer of the Board of school commissioners, to proceed against him by motion, in the name of the chairman of such Board, which proceedings shall be governed by the same rules and regulations prescribed for the collection of the county taxes.

Collector to procure receipts. *SEC. 3. Be it enacted,* That no collector shall be eligible to the office of sheriff until he first procure the receipts for the school tax by him collected and paid over.

Disposition of the school tax. *SEC. 4. Be it enacted,* That the school tax paid to the Board of common school commissioners, shall constitute a part of the school fund and used in like manner, and that all laws authorizing it to be paid to the Bank of the State are hereby repealed.

Duty of the Treasurer of the Board. *SEC. 5. Be it enacted,* That it shall be and is hereby made the duty of the Treasurer of the Board of school commissioners, in the respective counties, to call upon the clerks of the county courts for information, and if upon examination it should appear that any school tax heretofore collected or due, has not been legally paid over, then it shall be the duty of such Treasurer to proceed to collect the same, under the laws heretofore in force upon that subject, and when collected to receive and receipt for the same.

Duty of the sheriff. *SEC. 6. Be it enacted,* That when it shall so happen that no Board of common school commissioners shall have been organized in any county, it shall be the duty of the sheriff to pay over the tax by them collected for the benefit of common schools as heretofore provided for by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER XXXIX. An act prescribing the manner in which the school funds north and east of the Congressional reservation line shall be collected.

Duty of the Attorneys General. *SEC. 1. Be it enacted by the General Assembly of the State of Tennessee,* That it shall be, and hereby is made the duty of the several Attorneys General of this State in their respective districts, to commence suit and prosecute to final issue either in law or equity against each and every county Surveyor or Entry Taker and their securities, who have heretofore, or may hereafter fail to pay over the common school funds by them respectively collected according to the laws now in force and use on that subject.

Duty of Surveyors and Entry Takers. *SEC. 2. Be it enacted,* That it is hereby made the duty of the several Surveyors and Entry Takers aforesaid to exhibit their books to the Attorneys General at such times as they may think proper to make the call, and such books when so delivered shall be read as evidence in any court in which suits as aforesaid may be brought; and when it shall so happen that the regularly appointed Attorney General may be absent, then it shall be the duty of the court in which such cause or causes may be commenced or pending to enjoin upon, and make it the duty of the Attorney acting as Solicitor, under a temporary appointment from said court to attend to and prosecute the same; and bonds given in or out of court or informally given shall be entitled to have a recovery.

Money to be paid over. *SEC. 3. Be it enacted,* That the sheriff or other officers who have or may have collected or received from those who have or may collect any moneys due to the common school commissioners shall be liable to suit as provided for by this act, if they have or may fail to pay over such moneys to the common school commissioners in their respective counties; and it shall be the duty of the sheriff or other collectors of the taxes or moneys due to said county common school commissioners, to furnish on the first day of January in every year, a list of moneys due to the Board of common school commissioners in each county, and pay over the same at said time.

Tax fee of Attorney General. *SEC. 4. Be it enacted,* That the Attorney General shall be entitled to a tax fee to be taxed against the defendant in case of conviction or recovery under the provisions of this act, twenty-five dollars as a tax fee; provided, the State or county shall not be liable to pay said fee in any event.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

SCHOOLS COMMON.

CHAPTER XL. An act to amend the common school laws of this State.

Election of Commissioners

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all elections of county common school commissioners as provided for in the second section of the act of 1831, chapter 16, where less than a majority of chairmen of the trustees of the school districts attended, shall be as good and valid, as if a majority of said chairmen had been present and voted in said elections.

To be held annually.

SEC. 2. *Be it enacted*, That elections shall be held annually for trustees in the several school districts in this State, as directed in the second section of an act passed January 14th 1830, but trustees once elected shall hold their appointment until other trustees are elected in their stead.

Duty of Justices.

SEC. 3. *Be it enacted*, That whenever any Justice of the Peace, in whose hands has been placed a list of heads of families or householders, shall be about to remove or resign, it shall be his duty, to hand over said list to some other Justice of the Peace residing in or convenient to the school districts.

New districts.

SEC. 4. *Be it enacted*, That whenever an entire new school district shall be made by the trustees, or a majority of the trustees of any two adjoining districts, as provided for in the first section of the act of 1831, chapter sixteen, it shall be the duty of the trustees making such new district to furnish a list of the householders or heads of families residing in said new district to some Justice of the Peace residing therein, and in case there shall be no resident Justice of the Peace, then to the next nearest Justice, whose duty it shall be to hold an election for trustees in said new district as is now prescribed by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832. *Speaker of the Senate.*

CHAPTER XLI. An Act authorizing the Trustees of school land to establish additional school districts.

Authority given.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That each Board of Trustees of school land in M'Minn and Monroe county, shall be, and they are hereby authorized, where they may think it ne-

cessary, to establish not exceeding two school districts in addition to the number heretofore established by law, subject to the same rules and regulations prescribed for the government of schools therein.

SEC. 2. *Be it enacted*, That there shall be laid off and established a common school district of four miles square, to be known and designated the Spartan school district, including the school house known by that name on Spring Creek where the line dividing the counties of Henry and Weakley crosses said creek, as near in the centre as practicable.

Spartan school district.

SEC. 3. *Be it enacted*, That Trustees for said district shall be chosen in the same manner, exercise the same powers, enjoy the same privileges and be governed by the same rules and regulations as other trustees are.

Election of Trustees.

SEC. 4. *Be it enacted*, That the Trustees of the different school tracts of land in the county of Bedford be authorized to erect such number of school houses in their respective townships as they may think expedient and proper, provided, that not more than four be erected in any one township.

School houses in Bedford county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 28, 1832. *Speaker of the Senate.*

SCHOOL LANDS.

CHAPTER XLII. An Act in relation to suits for the recovery of school lands.

Be it enacted by the General Assembly of the State of Tennessee, That wherever any suit has been or shall hereafter be brought for the recovery of school lands in this State at the instance of one set of commissioners and the same shall not be determined until such commissioners shall go out of office and other commissioners appointed, it shall be the duty of the court on the application of the commissioners then in office, to permit them to be made plaintiffs or the lessors of the plaintiff in the room and stead of the former commissioners; on such persons so being made plaintiffs or lessors of the plaintiffs giving security for costs; and such former commissioners and their securities shall thereupon be released from all liability for costs and all power or authority over such suit.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832. *Speaker of the Senate.*

RESOLUTIONS.

NUMBER I.

A Resolution in relation to the communication of Mitchell King, Esq. on behalf of the Union party of South Carolina.

The communication is made by Mitchell King, as a Delegate from the *Union and State Rights party* of South Carolina, soliciting the Legislature of Tennessee to co-operate with several other States of the Union, in sending representatives to what they call "*a Southern Convention*." Under ordinary circumstances, they believe that no legislative action should be predicated on the application of any self-constituted body or party of men, unknown to, and unrecognized by the existing laws of a sister State. But the intrinsic importance of the *subject matter* of the communication, confirmed, as it is, by the public history of the politics of that state, has induced this Committee to waive the unofficial character of Mr. King, and respectfully to all parties concerned, make known their opinions on the important subject of his communication.

The Committee cannot disguise to their own hearts, and will not attempt to disguise to the General Assembly, that in their opinion, a crisis has arrived which threatens a dissolution of the Union, more difficult and dangerous, than any that has occurred since the adoption of the Federal Constitution.

In the history of our country heretofore, all struggles for political power, all conflicts of factions, and all contests for principle, have passed away, without impairing the confidence and faith of the people in their institutions, or lessening in any degree, that devoted attachment to the Union and our common country, which has so eminently distinguished the citizens of the *American Republic*. Your Committee have observed with pain and mortification, that this has not been the result of the contest about the *Tariff of eighteen hundred and twenty-eight*. Since the passage of that act, a growing spirit of discontent, deepening into a loss of confidence in the capacity of our institutions to protect the interest of the minority, and of disaffection to the Union, has manifested itself particularly in the South, and in some, though in a very small degree, in the south west. This disaffection has shown itself chiefly in the new and dan-

gerous doctrine of *Nullification*, by which South Carolina claims the right, whilst remaining a member of the Confederacy, to render void and of no effect, within its limits, the Tariff laws of the General Government.

Your Committee believe, that under the Constitution, no such right exists, and that if it did, the existing laws on that subject furnish no sufficient occasion for exercising it—more especially, since the recent legislation of Congress, and the known wishes of the present administration, still further to reduce the amount of duties to the ordinary expenditures of the government, as soon as it is practicable to do so. Whilst we thus distinctly declare our dissent from this dangerous doctrine, we cannot refrain from expressing our liveliest sympathies for the sufferings of South Carolina, and our earnest hope that she will calmly review its tendencies, and that she will do nothing (at all events, at the present,) calculated to endanger the integrity of the Union.

As to the proposition of the Union and State Rights party, for the call of a Southern Convention, your Committee are of opinion, that a Convention of all the States, is the only one known to the Constitution as authorized to be called by the legislatures of the different States, and they believe no sufficient case for extra constitutional action, has yet occurred. Conventions, though emanating from the people, if not provided for by the Constitution, as they confer power without imposing responsibility, ought not to be frequently or lightly convoked. Yet your Committee admit, that should a convention of the States aggrieved by the protective system, be convoked, Tennessee can hardly remain an uninterested or careless spectator. Her position, her feelings, and the pursuits of her population, all constitute her essentially, one of the Southern States, and nothing materially affecting them, can fail to be more or less injurious to her. Hence she will always feel that her destinies are embarked in the same vessel with theirs, and that the storms and tempests that wreck them will most probably destroy her. It is this very identity of interest which should induce us to act in concert in calling a convention of the States agreeably to the Constitution, and admonish each member and partner in suffering, not to venture singly and alone upon a contest, which must ultimately result in the discomfiture of all.

Whilst we thus decline recommending to the legislature, to appoint delegates to the proposed Convention, we do not mean to commit our constituents from sending them, on the further development of events, if they should think proper to do so, on a call of such a Convention by the other Southern States. We have no authority so to commit them. Nor do we wish to be regarded as insensible to the pure and patriotic motives of the Union party, in making this application to this General Assembly. Differing only as to the means, we most heartily concur with them in the end and purpose of this mission—the preservation of our heretofore happy and glorious Union.

Your Committee entertaining these opinions, recommend the adoption of the following resolution:

Resolved by the General Assembly of the State of Tennessee, That whilst they duly appreciate the patriotic motives of the Union and State Rights party of South Carolina, and in common with them, deprecate the doctrine of nullification now inculcated by the dominant party of that State—yet they do not believe it to be proper, and therefore decline the appointment of delegates, by this Legislature to attend said proposed Convention.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Adopted October 22, 1832.

NUMBER II.

Resolution approving the Veto on the Bill re-chartering the Bank of the United States.

Whereas, according to usage, long sanctioned and approved by the people, it has become customary on the part of the Legislatures of the several States composing the Union of the United States, from time to time, in the form of resolutions, to express to their constituents, and to the world, their approval or disapprobation of the measures and policy pursued by the General Government, for the time being, and especially of the administration of the executive department thereof; and whereas this General Assembly, in these times of party strife and excitement, feeling it to be a paramount duty which Tennessee, in the present momentous posture of public affairs, as a sovereign member of the confederacy of the States of the Union, owes to herself, to stand forth and cordially and openly avow to her patriotic sister states, and to the people of the United States her undisguised views and opinions of the public measures and policy of the present national administration; and whereas, this General Assembly most anxiously and ardently desires to see the happy union of the States, peaceably preserved from danger of disruption for all time to come, if possible, and to see the Constitution preserved from every violation and encroachment; and at the same time feeling the most unlimited confidence in the patriotism and talents of the President of the United States, and most cordially approving of the acts, policy and measures which he has heretofore pursued in relation both to foreign and domestic affairs; and whereas, this General Assembly is fully impressed with the belief, that as great a share of public good and private happiness will ultimately accrue to the United States, and to the people at large, from the constitutional rejection by the President of the bill lately passed by Congress, to re-charter the Bank of the United States, as has ever resulted from any act or measure of any branch of the Federal Government, since the Declaration of Independence. Being impressed with these views, it is therefore,

Resolved by the General Assembly of the State of Tennessee, That this General Assembly, does cordially approve of the measures of policy heretofore recommended and pursued by the present administration of the General Government of the United States.

Resolved, That this General Assembly does most cordially approve of the veto of the bill lately passed by Congress, to re-charter the Bank of the United States, and that this General Assembly will sustain the President in the views which he has taken of the same, in every manner, and by every honorable means which may properly pertain to the constitutional scope of its legislative action.

Resolved, That the Governor be respectfully requested to furnish and transmit to the President of the United States, a copy of the foregoing preamble and resolutions.

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

Adopted 25th September, 1832.

NUMBER III.

Resolution in relation to the dividing line between the States of North Carolina and Tennessee.

Whereas, by an act of the General Assembly, passed on the fourth day of November 1805, Commissioners were appointed to settle and designate the true line between the States of Tennessee and North Carolina, from the top of the Bald Mountain, to the Painted Rock, on French Broad river, thence along the highest ridge of said mountain, to the top of the Iron Mountain, which is, now called the Great Rich Mountain; And whereas, it is believed that in running the said line from the top of the Bald Mountain so as to strike the top of the Iron Mountain, a mistake was committed in running by the way of the Painted Rock, below the Warm Springs, by reason of which Tennessee has been deprived of a portion of territory, to which she is justly and rightfully entitled: Therefore,

Resolved by the General Assembly of the State of Tennessee, That the Governor be, and he is hereby authorized and requested, to open a correspondence with the Governor of North Carolina, upon the propriety of appointing Commissioners on the part of each State, to run and mark said line, according to the true intent and meaning of the compact aforesaid.

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

Adopted September 21, 1832.

NUMBER IV.

Resolution directory to the Keeper of the Penitentiary.

Resolved by the General Assembly of the State of Tennessee, That the Keeper of the Penitentiary be directed to have repaired any of the public arms of this State, should they, in the opinion of the Governor, require repairing.

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

Adopted October 16, 1832.

I have carefully examined the foregoing Public Acts and Resolutions, and find them to be true copies of the originals now on file in my office.
November 7, 1832.

SAM. G. SMITH,
Secretary of State.

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PRIVATE ACTS

PASSED AT

THE CALLED SESSION

OF THE

NINETEENTH GENERAL ASSEMBLY

OF THE

STATE OF TENNESSEE.

HELD AT NASHVILLE.

1832.

PUBLISHED BY AUTHORITY.

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PRIVATE ACTS
OF THE
STATE OF TENNESSEE,

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

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

CHAPTER I.

An Act for the relief of Joseph Black and John M. Brown.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph Black, convicted of petit larceny in the county court of Cocke, be, and he is hereby restored to all the rights, privileges and immunities of which he was deprived, in consequence of said conviction. Joseph Black

SEC. 2. *Be it enacted,* That John M. Brown, convicted of petit larceny in the circuit court of Madison county, be, in like manner, restored to the privileges and immunities of citizenship. John M. Brown

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

Passed September 14, 1832. *Speaker of the Senate:*

CHAPTER II.

An Act to authorize Henry Ripley, of the county of Greene, to emancipate his slave William.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for the said Henry

court of Greene, at any time hereafter, upon the petition of Henry Ripley, of said county, setting forth that he is desirous that his slave William may be emancipated, to order the same to be done accordingly; provided, that before the emancipation of said slave, the said Ripley shall give bond with good and sufficient security, payable to the Chairman of said court, in a sum equal to the value of said slave, conditioned to indemnify each and every county in this state, against the maintenance of said slave so emancipated, and also for his good behaviour.

Privilege of residence. Sec. 2. *Be it enacted*, That said slave, when so emancipated, shall have the liberty of residing in any county in this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 17, 1832. *Speaker of the Senate.*

CHAPTER III.

An Act for the relief of Martha Falls.

Be it enacted by the General Assembly of the State of Tennessee, That Martha Falls, of the county of Roane, wife of Thomas Falls, may contract, be contracted with, sue and be sued, plead and be impleaded, in the name of Martha Falls; and that all the estate which the said Martha Falls may have acquired and possessed, since the said Thomas Falls, her husband, left her, as well as that which she may hereafter acquire, both real and personal, by purchase, descent, devise or otherwise, shall be enjoyed by the said Martha, in the same manner as though she had never intermarried with the said Thomas Falls, and shall not be liable or subject to the debts or contracts, forfeitures or incumbrances of her said husband, Thomas Falls.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 18, 1832. *Speaker of the Senate.*

CHAPTER IV.

An Act to amend an Act for the benefit of John Walters and others, of Smith county, passed Dec. 17, 1831.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be the duty of the Treasurer of West Tennessee to pay to John Walters, Hazard and Green, Richard Barkley, of the late firm of Barkley and Foster, Thomas A. Lancaster, G. & N. Tubb and Samuel O. Quarles, each, the sum of fifty dollars, it being one half of the sums collected from the respective persons by the clerk of Smith county court, for selling goods in said county; provided, however, the persons for whose benefit this act is intended, shall first produce to the Treasurer aforesaid, the certificate of the clerk of Smith county court, shewing that the respective sums have not been paid by said clerk, in pursuance of the directions of the act which this is intended to amend; and the receipt of the respective persons, shall be a good voucher with the Treasurer, in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 18, 1832. *Speaker of the Senate.*

CHAPTER V.

An Act to authorize Joshua Shipley, of Sullivan county, to raise his Mill Dam, on the South Sluice of Holston River.

Be it enacted by the General Assembly of the State of Tennessee, That Joshua Shipley, of Sullivan county, be, and he is hereby authorized, to raise his mill dam, on a south sluice of Holston river, which mill is now authorized by law; provided the north sluice of said river, at said point, shall be reported sufficient for the purposes of navigation by three Commissioners, to be appointed by the county court of Sullivan county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 18, 1832. *Speaker of the Senate.*

CHAPTER VI.

An Act to amend and explain an Act entitled, "An Act for the benefit of Lucinda Allen, widow and relict of William Allen, and the legal heirs and representatives of said dec'd." passed the 22d December 1831.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the Hiwassee District, be, and he is hereby authorized and directed to issue to the legal heirs and representatives of William Allen, deceased, a grant for the *south east* fractional quarter section, of section seven, fractional township one, and range one east of the meridian; and that so much of the above recited act, as grants the *south west* quarter of section seven, in the first fractional township, and range first, east of the meridian, to Lucinda Allen, widow and relict of William Allen, deceased, and the legal heirs and representatives of said decedant, be, and the same is hereby repealed.

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

Passed September 18, 1832. Speaker of the Senate.

CHAPTER VII.

An Act to establish the 127th Regiment of Militia in this State.

Regiment established. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the militia of Tipton county, who reside north of Hatchie river, be, and are hereby constituted the 127th regiment of militia of this state, and shall hold their regimental musters on the first Thursday in October, and their battalion musters on the first and second Fridays in April, in each year, and the courts martial, the following Friday after each muster.

Election of officers. SEC. 2. *Be it enacted,* That such officers of the 87th regiment, as may fall within the bounds of the 127th regiment aforesaid, shall retain their command in the same; and the commanding general of the 14th brigade, shall issue his writs of election to officer both regiments, so far as vacancies may be occasioned by the establishment of said new regiment, which officers, when elected, shall be commissioned as in other cases.

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

Passed September 18, 1832. Speaker of the Senate.

CHAPTER VIII.

An Act to authorize Abraham Keener, of Knox county, to erect a Mill Dam, or keep erected a Mill Dam, on French Broad river.

Be it enacted by the General Assembly of the State of Tennessee, That Abraham Keener, of Knox county, be, and he is hereby authorized to erect a mill dam, or keep erected a mill dam, on French Broad river, adjoining his own land, on the left or south sluice of said river, at a place called the "Seven Islands," provided said dam does not obstruct the navigation of said river, and provided said Keener shall be liable for damages to private individuals, from the erection of said dam; provided, further, he shall have obtained in writing, the consent of the Board of Internal Improvement, or the President thereof, east of Cumberland Mountain.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed September 18, 1832. Speaker of the Senate.

CHAPTER IX.

An Act for the benefit of James Hendricks, Silas Grider and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That James Hendricks and Silas Grider, be authorized to have surveyed and entered upon the general plan of the ninth surveyors' district, five hundred acres of land, situated upon Piny Creek, in Henderson county, convenient to the mills of said Hendricks and Grider; and that they have all privileges and advantages in securing a title to the above named land and premises, that occupants have; provided they do not interfere with any other occupant.

Hendricks and Grider.

SEC. 2. *Be it enacted,* That John R. Shouse, be authorized to have entered, upon the general plan, one hundred acres of unappropriated land in Perry county, on the west-side of Tennessee river, and upon White's Creek, adjoining the lands of Harmon Murphy and others, for the purpose of building a mill; and that said Shouse be entitled to all the privileges that other occupants are entitled to by law.

John R. Shouse

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed September 18, 1832. Speaker of the Senate.

CHAPTER X.

An Act to authorize the building of Mills on Richland Creek, in the county of Giles.

Authority given.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all persons who may desire to build mills on that part of Richland Creek, in the county of Giles, which is declared by law to be navigable, shall be, and are hereby authorized to build the same, provided the navigation of said creek shall not be obstructed thereby; and provided also, that all persons desirous of building mills on the creek aforesaid, shall first obtain leave in writing, from the Board of Internal Improvement, for the county of Giles, and cause the same to be proven and recorded in the county court of Giles county.

Bond and security to be given.

SEC. 2. *Be it enacted*, That the Board of Internal Improvement, for the county of Giles aforesaid, are hereby authorized and required to take bond and security from all applicants aforesaid, with such conditions and covenants as to them shall seem fit for the prevention, as well as the removal of any dam, that shall obstruct the navigation of said creek.

To whom payable.

SEC. 3. *Be it enacted*, That all bonds or covenants, taken under the second section of this act, shall be payable to the President of the Board of Commissioners of Internal Improvement for the county of Giles, and his successors in office.

How recoverable.

SEC. 4. *Be it enacted*, That all bonds or covenants taken in pursuance of this act, shall and may be recoverable under the same rules, regulations and restrictions of other bonds or covenants, entered into by citizens of this state.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 18, 1832. Speaker of the Senate.

CHAPTER XI.

An Act for the relief of William S. Howell.

Relief granted.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the clerk of the county court of Knox county, be, and he is hereby authorized and directed to dismiss a suit now pending in the county court of Knox county, in the name of the State against William S.

Howell for selling certain jewelry as auctioneer in the town of Knoxville without having obtained a license from the State therefor.

SEC. 2. *Be it enacted*, That the Treasurer of East Tennessee shall pay all legal costs that may have accrued in said cause when the same is dismissed, and also the fee of the attorney General for attending to said suit, whenever the amount of said costs and fee is presented to him, and take receipts from said clerk and attorney general therefor, which shall be good vouchers for said Treasurer in the settlement of his accounts with the State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. Speaker of the Senate.

CHAPTER XII.

An Act directing the manner in which the court house tax in Rhea county shall be paid over by the tax collector.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the collector of the court house tax in Rhea county, shall on or before the second day of every county court in said county, report to said court the amount of tax by him collected, and pay over to the undertaker of the building of the court house in said county, whatever portion of said tax, he may previously have collected as reported, and on failure to do so the undertaker may on any day of that, or a subsequent term have judgment against him and his securities by motion in his own name for the amount collected and not paid over as required by this act, and said collector shall not pay over any portion of the court house tax to the Trustees of Rhea county, nor shall any per cent. be charged on said tax except the commission allowed by law to the collector.

Manner prescribed.

SEC. 2. *Be it enacted*, That said collector shall at the first court in each year be chargeable with the whole amount of said tax assessed for the preceding year, except what he may previously have paid over to the undertaker as above provided for, and what credits may have been allowed him by the court for insolvencies— and shall then be liable to judgment in the manner aforesaid, for the whole amount which should be in his hands, after deducting the credits and commission as aforesaid; provided, that on the second day of the term of any

Liability of collector.

county court as aforesaid, the said collector should fail to pay over to the undertaker whatever portion of said tax he may previously have collected as required by this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, September 19, 1832. *Speaker of the Senate.*

CHAPTER XIII.

An Act to repeal an act entitled "an act to appoint a commissioner on the turnpike road leading through Morgan county"—passed December 7, 1829.

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

Commissioner appointed. SEC. 2. *Be it enacted,* That Patrick Potts of White county, be appointed commissioner for the turnpike road leading through Overton and White counties, of which Robert Officer is proprietor, in the place of Enoch Murphey, and have the same pay and perform the same duties heretofore required by law for commissioners upon said road.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. *Speaker of the Senate.*

CHAPTER XIV.

An Act to enable the executors of Samuel Cutchin dec'd. to bring from the State of Virginia, a Grandson of said Cutchin.

Whereas, Samuel Cutchin dec'd. late of the county of Davidson and State of Tennessee, by his last will and testament among other things devised to two of his grandsons in Princess Anne county in Virginia, eight or nine hundred dollars; and, whereas, it is represented to this General Assembly, that one of said grand children is since dead, and that the other is unhealthy and entirely destitute of the means of coming to Tennessee to obtain his legacy, having no relation or friend where he is; and whereas, it is believed that the executors have no legal right to appropriate any part of his estate to such a purpose—for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Davidson county, nine of the acting Justices being present, shall be and is hereby authorized to allow to the executors of Samuel Cutchin dec'd. in the settlement of their accounts, any sum not exceeding one hundred dollars, to be expended by them in bringing from the county of Princess Anne in the State of Virginia, William Cutchin, the grandson of the said Samuel Cutchin deceased.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. *Speaker of the Senate.*

CHAPTER XV.

An Act appointing additional Trustees to the Female Academy at Athens.

Appointment made. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Nat. Smith, George Morgan, John K. Farmer and John W. Lyde of M'Minn county, be, and they are hereby appointed Trustees of the Female Academy at Athens, in addition to those heretofore appointed, and shall possess and enjoy all the rights and powers given to the former Trustees.

Sam. L. Story. SEC. 2. *Be it enacted,* That Samuel L. Story, be, and he is hereby appointed an additional Trustee for Lafayette Academy in the county of Bledsoe.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. *Speaker of the Senate.*

CHAPTER XVI.

An Act for the benefit of Montgomery Stewart.

Be it enacted by the General Assembly of the State of Tennessee, That the privileges heretofore by law granted to Samuel Mock in erecting and extending his dam in Nolichucky river in the county of Washington, be, and the same are hereby allowed and granted to Montgomery Stewart, provided he does not obstruct the navigation thereof.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. *Speaker of the Senate.*

CHAPTER XVII.

An Act reducing the sum of one hundred dollars now yearly appropriated by the county court of White county, to the keeping in repair the bridge across the Calf Killer at Sparta in said county to fifty dollars only.

Sam reduced. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall not be lawful for the county court of White county to lay a tax, or give a greater sum than fifty dollars per annum for keeping up the bridge over the Calf Killer at Sparta in White county.

Jas. P. Haynes. SEC. 2. *Be it enacted,* That the court of pleas and quarter sessions for the county of Roane, shall not in future allow James P. Haynes more than fifteen dollars per year, for keeping in repair the bridge over the Caney Creek above his mills in Roane county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 19, 1832. Speaker of the Senate.

CHAPTER XVIII.

An Act for the relief of Patrick M'Guire and John S. Shepherd.

Be it enacted by the General Assembly of the State of Tennessee, That Patrick M'Guire be permitted to have registered upon its present probate and authentication, a deed executed to him in Lion county, territory of Florida, by John S. Shepherd and his wife Maria M'Kinney Shepherd, for an undivided third part of one hundred and twenty-five acres of land lying in Maury county about two miles west of Columbia.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 25, 1832. Speaker of the Senate.

CHAPTER XIX.

An Act for the benefit of John Autry of Henderson county.

Be it enacted by the General Assembly of the State of Tennessee, That John Autry be authorized to have sur-

vayed and entered upon the general plan of the wine surveyor's district, one hundred acres of vacant and appropriated land lying upon the north Forked Bear river, adjoining the lands of said Autry, and convenient to his mills; and that he shall be entitled to all the privileges in procuring a right to the above mentioned land and premises that other occupants are by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 27, 1832. Speaker of the Senate.

CHAPTER XX.

An Act to authorize the Trustee of Claiborne county to pay over certain moneys therein mentioned.

Be it enacted by the General Assembly of the State of Tennessee, That Elias Harrison, Trustee of Claiborne county, be, and he is hereby authorized and required to pay over to Isom Simmons, Wesley Simmons and John Day of said county, each, the sum of thirty-nine dollars, out of any moneys collected by him for fines in the circuit court of said county, and amount of money having been paid by each of said persons by mistake, and their receipt to said Trustee shall be a good voucher in any future settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 27, 1832. Speaker of the Senate.

CHAPTER XXI.

An Act to authorize Aaron Armstrong to erect a mill dam on Holston river in Knox county.

Be it enacted by the General Assembly of the State of Tennessee, That Aaron Armstrong be and he is hereby authorized to erect a mill dam across the south sluice of Holston river in Knox county, from said Armstrong's land on the south side across to the island; provided said dam does not obstruct the navigation of said river; provided, that should said dam obstruct the navigation of the river, that said Armstrong shall be liable for the damages which may happen in consequence of such ob-

struction of the navigation of the river; and, provided, that said Armstrong shall first obtain the leave of the Board of Internal Improvement for East Tennessee, or the president thereof, before he shall erect said dam.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 27, 1832. *Speaker of the Senate.*

CHAPTER XXII.

An Act for the relief of Nathaniel Ragan.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, refund to Nathaniel Ragan of Blount county, the sum of thirty six dollars, being the excess by him paid, more than he was bound to pay, for a license to retail goods, wares and merchandize in the county of Blount since the passage of the act entitled "an act to equalize the tax upon wholesale and retail merchants, jewelers, grocers and auctioners"—passed 14th December 1831.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 3, 1832. *Speaker of the Senate.*

CHAPTER XXIII.

An Act to compensate William P. Smith.

Be it enacted by the General Assembly of the State of Tennessee, That the Cashier of the Branch Bank of the Bank of Tennessee, at Knoxville, be authorized and he is hereby directed, to pay William P. Smith, of Roane county, the sum of sixty dollars, as compensation for taking the enumeration of free white inhabitants residing in townships containing school lands, in the county of Roane, under an order of the county court of said county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 27, 1832. *Speaker of the Senate.*

CHAPTER XXIV.

An Act for the benefit of the Surveyor General of the 8th district.

Be it enacted by the General Assembly of the State of Tennessee, That John Brown, Surveyor General of the 8th District, be, and he is hereby permitted to keep his office at any place within one quarter of a mile of the seat of Justice for Maury county, the place at which said office is now required by law to be kept.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 3, 1832. *Speaker of the Senate.*

CHAPTER XXV.

An Act for the relief of Gabriel Fawls, late sheriff of Hickman county.

Be it enacted by the General Assembly of the State of Tennessee, That Gabriel Fawls late sheriff of Hickman county, be, and he is hereby authorized to collect in the same manner as other taxes are collected, any taxes that may be due and uncollected for and during the time that said Fawls was sheriff of Hickman county, and in all cases where taxes remain due on lands, it shall and may be lawful for the said Fawls to make report of said land to the county court of Hickman county, and it shall be the duty of said court to order and direct the said lands so reported for the non-payment of taxes to be sold by the present acting sheriff of said county to pay and satisfy said taxes costs and charges in the same manner that lands are sold for taxes when reported in delinquency.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed September 27, 1832. *Speaker of the Senate.*

CHAPTER XXVI.

An Act for the benefit of Anderson S. Beit.

Be it enacted by the General Assembly of the State of Tennessee, That Anderson S. Beit, be and he is hereby

authorized to have surveyed and laid upon the general plan of the eleventh surveyor's district, fifty eight acres of vacant and unappropriated land adjoining the lands of said Brit for the purpose of building a mill thereon, and that said Brit shall be entitled to all the advantages in procuring a right, that occupants are entitled to by law.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 2, 1832.

Speaker of the Senate.

CHAPTER XXVII.

An Act for the relief of James Hammonds.

Be it enacted by the General Assembly of the State of Tennessee, That James Hammonds of Giles county, may enter and obtain a grant for twenty-five acres of vacant land in the seventh district by virtue of a certificate warrant of twenty-five acres issued under the act of 1825, chapter 29, provided, however, that the said Hammonds shall prove to the satisfaction of said surveyor that the land directed to be appropriated by the assignment of the Register of the Western District, was not subject to appropriation; and, provided, also, that said entry shall be made under all the rules, regulations and restrictions provided by law for the protection of occupants.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1831.

Speaker of the Senate.

CHAPTER XXVIII.

An Act for the benefit of the Tipton county Troop.

Tipton Troop.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the company heretofore formed in Tipton county, commanded by William Harper, be called "The Tipton Troop" and that said company shall not consist of more than seventy-five men.

SEC. 2. *Be it enacted,* That the Tipton Troop are hereby authorized to pass all such by-laws, rules and regulations as they may deem necessary for their government, and more effectually to promote the object of the

Powers and
privileges of

association, said troop shall be authorized to meet at such times and place as shall be determined by a by-law to fix the amount and collect fines for delinquency in such ways as shall be deemed best by said company, and appropriate the same exclusively for the use of said troop.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CHAPTER XXIX.

An Act for the relief of the heirs of William Gant.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of Middle Tennessee is hereby authorized to issue a grant for two hundred and twenty-eight acres of land on warrant No. 3821, to the heirs of William Gant, provided the title so acquired shall not interfere with the title of any other bona fide purchasers of said warrant before acquired.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CHAPTER XXX.

An Act for the benefit of George Crockett, Bank agent for Sumner county, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That George Crockett, Bank agent for Sumner county, be, and he is hereby allowed in addition to his annual salary, the sum of seventy-five dollars for extra services in refunding moneys for lands entered at twelve and a half cents, and one cent per acre, and for payments made for improvements lying between Matthews' and Walker's lines in pursuance of an act passed November 4, 1831, and it shall be the duty of the President and Directors of the Bank of the State of Tennessee to allow said Crockett the aforesaid sum of seventy-five dollars in the settlement of his accounts with the Bank.

SEC. 2. *Be it enacted,* That the Bank agent for common schools, for the county of Giles, be allowed a salary of

Bank Agent
of Giles county

in the sum of one hundred and fifty dollars, to be paid out of the common school fund of Giles county for his services; and that the agent for said fund shall not be entitled to have a loan of five hundred dollars in exclusion of other persons.

Compensation
for taking cen-
sus.

Sec. 3. *Be it enacted*, That it shall be lawful for the Cashier of the Bank of the State of Tennessee, to pay the different persons appointed to take the census of the townships having school lands in this State, such compensation as the county courts of the respective counties may declare to be just and right; provided, however, that such compensation shall in no case exceed one dollar and fifty cents for every hundred persons so taken.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CHAPTER XXXI.

An Act for the relief of Elihu Leffew.

Be it enacted by the General Assembly of the State of Tennessee, That Elihu Leffew of Grainger county, be, and he is hereby released and discharged from the payment of a forfeiture taken against him in the circuit court of Grainger county, as the appearance bail of Tarlton M'Carroll; provided the said Elihu Leffew will make affidavit in and before the circuit court of said county, that the said Tarlton M'Carroll left the country without his aid, consent or procurement, and that he has no knowledge of his place of residence; and provided further, that the said Elihu Leffew shall pay all the cost accrued in said suit.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 4, 1832.

Speaker of the Senate.

CHAPTER XXXII.

An Act making compensation to Miller Francis, Treasurer of E. Tennessee.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be

allowed the sum of seven hundred and eighty-three dollars, to be paid out of the common school fund of the State of Tennessee, for his services in and about the sale of the lands in the Hiwassee District, sold by virtue of the act of the 15th November 1831, disposing of the lands in the Hiwassee District, in full compensation for all services performed by said Treasurer in advertising and selling said land, and making out a transcript of all the lands bought in for the use of the State and for furnishing a copy of said transcript to the Entry Taker of the Hiwassee District.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 13, 1832.

Speaker of the Senate.

CHAPTER XXXIII.

An Act to incorporate the town of McMinnville and Fosterville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of McMinnville, in the county of Warren, and the inhabitants thereof, and here by constituted a body politic and corporate by the style and name of the Mayor and Aldermen of the town of McMinnville, 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 said town; and may have and use a town seal.

McMinnville
incorporated.

Sec. 2. *Be it enacted*, That the corporation aforesaid, shall have full power and authority to enact and pass such laws and ordinances as are necessary and proper to preserve the health of the town, prevent and remove nuisances, to provide for the regulation and control of the town, to regulate or restrain the trade or other public amusements and shows within the bounds of the corporation, to restrain and punish gaming, to catch and night watchmen and patrols, to erect and maintain 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 on which such streets, lanes and alleys are to be laid out, to purchase and hold real and personal property, to erect and maintain necessary bridges and public buildings, to erect

Powers and
privileges.

and regulate markets, to provide for the establishment and regulation of a fire company, and the sweeping of chimneys, to procure water on the public square by digging wells or otherwise, to erect and regulate pumps, to impose and appropriate fines, penalties and forfeitures for a breach of their by-laws or ordinances, to appoint a recorder and town constable, to lay and collect taxes for the purpose of carrying the necessary measures into operation for the benefit of said town, to restrain tippling houses, and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect; provided, they are not incompatible with the constitution and laws of this State.

Forfeitures and penalties. Sec. 3. *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 an action of debt in the county court of Warren county, in the name of the corporation, and for the use and benefit of the town.

Election of Aldermen. Sec. 4. *Be it enacted*, That the sheriff of Warren county shall, himself, or by one of his deputies, hold an election at the court house in the town of Mⁱⁿnnville, on the first Monday in January, and on the same Monday in each and every succeeding year thereafter, for the purpose of electing seven persons to serve as aldermen of the corporation of the said town of Mⁱⁿnnville, for one year, commencing on the first Monday next succeeding their election, and all persons owning a freehold, and all persons residing within the limits of said corporation and adjoining thereto, or within one fourth of a mile, and who would be qualified to vote for members of the General Assembly, shall be entitled to vote for Aldermen of said corporation, and no person shall be eligible to the appointment of Alderman, unless he be a citizen and freeholder of the town of Mⁱⁿnnville.

Election of Mayor. Sec. 5. *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 as duly elected, and the sheriff of Warren county shall, within three days thereafter, give to each of the seven Aldermen elect, a certificate of his election; and it shall be the duty of the persons so elected, to meet at the court house on the next Saturday succeeding their election, five of whom shall form and constitute a quorum, and they shall proceed to elect by ballot one of their own body, to be a 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, an election shall be held by the Al-

dermen in the manner aforesaid, for another person, for the term unexpired, until the next general election for Aldermen; and when any Alderman shall die, remove out of the limits of said town, or resign, such vacancy shall be filled by the Mayor and Aldermen of said town, at any regular meeting, and the person or persons appointed by them, shall serve until the next general election.

Oath of Sec. Sec. 6. *Be it enacted*, That the Mayor and Aldermen of said town shall, before entering upon the duties of their appointment, take an oath before some justice of the peace of Warren county, to faithfully, uprightly, and honestly demean themselves as Mayor and Aldermen of said corporation, during their continuance in office.

Town Constable. Sec. 7. *Be it enacted*, That the town constable appointed by said corporation, shall continue in office twelve months from the time of his appointment, and shall, on entering upon the duties of his office, give bond and sufficient security to the Mayor and corporation, for the time being, for the faithful discharge of the duties of his appointment, and accounting for all the moneys by him collected; and the recorder shall continue in office during one year, and his compensation shall be regulated by the Mayor and board of Aldermen.

Collection of taxes. Sec. 8. *Be it enacted*, That when any tax or duty shall be imposed upon any real property, lying within the bounds of said corporation, and not paid by the owner or occupier of the same, and there shall not be any personal property of the owner or occupier of said lot within the bounds of said corporation, upon which the same could be levied, then it shall be the duty of the recorder to certify the same to the county court of Warren, at the term to which the sheriff of said county is required to report lands in his county, on which the State and county tax have not been paid, and upon said report, at said term, it shall be the duty of said county court to enter up judgment for the tax due said corporation, in the same manner that judgments are required to be entered for the non payment of the tax due the state and county, upon land lying within the county, and the same shall be sold at the same time, and in the same manner, and subject to the same rules, regulations and restrictions, that are by law required for the sale of land lying within the said county, on which the county and state tax have not been paid; which tax, when collected by the sheriff, shall be paid by him into the hands of the recorder, for the use of said corporation; which sale, when made in the manner aforesaid, shall vest the same right and title in the purchaser, as if the sale had been made for taxes due the State.

Town property and funds vested in Mayor and Aldermen.

Sec. 9. *Be it enacted*, That the money and any other property, if any, which has been recovered or received for the use of said town, or in the hands of any other person or persons, or in the hands of the Commissioners heretofore appointed by law, for the town of M'Minnville, shall belong to, and be vested in the Mayor and Aldermen of said corporation, for the use of said town, and the said Commissioners are hereby authorized and required to pay the same to the Mayor and Aldermen of said corporation, within fifteen days after they have been elected, whose receipts shall be good to the said Commissioners, from paying the same to any other person, or in any way or manner whatsoever, any law to the contrary notwithstanding; and the Commissioners, the clerk and treasurer to said Commissioners, and every other person or persons having any public documents or papers appertaining to the public concerns of said town, shall deliver the same to the Mayor and Aldermen of said town, and upon their failing or refusing to do so, shall forfeit and pay the sum of twenty dollars, to be recovered before any jurisdiction having cognizance thereof, for the use of said corporation.

Of laying tax on.

Sec. 10. *Be it enacted*, That the Mayor and board of Aldermen of the said town of M'Minnville, shall have the power of laying and collecting a tax on billiard tables, kept within the limits of said corporation, and also of laying and collecting a tax from persons who vend any articles not of the growth, production or manufacture of this state on public days, on the public square or in the streets of said town.

Debts due the town.

Sec. 11. *Be it enacted*, That all debts and demands due and owing, or which may hereafter become due, which by law were required to be paid for the use and benefit of said town of M'Minnville, shall be paid to the Mayor and Aldermen for such use, and they are hereby authorized and required to sue for and recover the same, before any tribunal having jurisdiction thereof.

Judges of election for Aldermen.

Sec. 12. *Be it enacted*, That the sheriff of Warren county shall, previous to holding an election for Aldermen, as provided for in the fourth section, appoint three respectable citizens, freeholders in the town of M'Minnville, who shall act as judges of said election.

Repealing clauses.

Sec. 13. *Be it enacted*, That all laws coming within the purview and meaning of this act, heretofore made for the regulation of said town of M'Minnville, be, and the same are hereby repealed, and this act shall commence and be in force from and after its passage.

Fosterville established.

Sec. 14. *Be it enacted*, That the proprietors, or either of them, of the land lying on both sides of the turnpike road recently laid off from Shelbyville to Murfreesboro',

north of the road from Middleton to Jesse Tatum's, be, and they are hereby authorized and empowered to lay off lots and establish a town thereon, by the name of Fosterville, in honor of R. C. Foster, the President of the Board of Commissioners of said road.

Sec. 15. *Be it enacted*, That the town so laid off, and the inhabitants thereof, be a body politic and corporate, and as such shall have power to sue and be sued, plead and be impleaded in all the courts of this state, use a common seal, and have perpetual succession. And incorporated.

Sec. 16. *Be it enacted*, That the affairs of said corporation shall be managed by a President and two Commissioners, who shall have power to appoint a treasurer and clerk. Town officers.

Sec. 17. *Be it enacted*, That the said President and Commissioners shall be elected annually by the inhabitants of said town, owning real estate therein, and who shall hold their appointments for twelve months, or until successors be appointed. Election of.

Sec. 18. *Be it enacted*, That said President and Commissioners shall be, and they are hereby authorized to lay and collect taxes, make contracts for the opening and clearing out streets, lanes and alleys and procuring water in said town, to issue, if deemed necessary, bonds, bills, or other obligations in writing, for the payment of money, which shall be binding on said corporation, to remove nuisances and regulate the building of houses in said town. Power and authority of.

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

Passed October 11, 1832.

CHAPTER XXXIV.

An Act to establish a turnpike road from the town of Murfreesborough to the top of the ridge in the direction to M'Minnville.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Charles Ready Jun'r. John H. Wood Jun'r., Henry Trott Jun'r., Alexander Shields, George R. Smartt, William M. Robertson, Thomas S. Rucker, Isaac Hill, Henry D. M'Broom, John Black, Archibald Hicks, Edmond Taylor, Leighton Terrill, Look Colville, Jesse Locke, James Berkley, Joseph Yocree, Daniel M. Stewart, David M'Knight, William M. Beard, George Brandon, Christopher Bate, Hiram Tanison, John W. Connelly, Joshua Barton and Absalom Weatherly or

Commissioners to open books for subscription

any five of them, be, and they are hereby appointed to open books of subscription for stock in a turnpike road from Murfreesboro' to the top of the Stones river ridge in Warren county, in the direction to M'Minnville, passing by Danville in Warren county, at such times and places as they may direct, under such rules and provisions as are hereinafter prescribed, and when the said Board shall be organized, they shall elect five out of their number to superintend the construction of the road, who shall receive two dollars per day for their services, while actually employed, in turpike stock.

Subscribers in-
corporated.

Sec. 2. *Be it enacted*, That the subscribers to said turnpike road company shall be, and they are hereby created a body politic and corporate under the title and style of the M'Minnville Turnpike Company, and as such, may contract and be contracted with, may sue and be sued, plead and be impleaded, have a common seal, hold mixed, real and personal estate, and dispose of the same, and shall have power to appoint such agents or officers as they may deem necessary and proper.

President and
Directors.

Sec. 3. *Be it enacted*, That the business of said company shall be managed by said commissioners or a majority of them as directors, and by that name they shall be known and distinguished, for twelve months from and after the time they may at first organize, one of whom shall be elected president, and should any vacancy occur in said board by refusal to act, death or resignation, the vacancy shall be filled by the remaining directors.

Common
school fund of
Warren to be
subscribed.

Sec. 4. *Be it enacted*, That so soon as forty thousand dollars are subscribed, it shall be the duty of the said President and Directors to subscribe the amount of the common school fund belonging to said county of Warren to said road, previous to doing which, however, they shall execute to the chairman and commissioners of common schools for said county, a bond in the sum of ten thousand dollars, that they will pay an interest to said commissioners or their successors in office, of six per cent. per annum semi-annually upon the amount so subscribed for the use of common schools in the said county of Warren.

Laying off and
marking the
road.

Sec. 5. *Be it enacted*, That said commissioners may as soon as they are organized, proceed to lay off and mark said road, and for the purpose of making said road and keeping it in repair, the President and Directors and their agents and contractors, may cut, dig, quarry and take from the lands of any person adjoining said road, such and so much timber, gravel, stone or earth as may be necessary, and if any person or persons from whose lands such timber, gravel, stone or earth shall have been cut, dug, quarried or taken, shall desire compensation

therefor, he, she or they, or his, her or their agents may apply to any Justice of the Peace of the county in which the lands may be—notice of the time and place being given to said president and commissioners or their agent—to appoint three discreet and disinterested freeholders for the purpose of valuing such timber, ground, stone or earth, whose duty it shall be upon their own view, and upon oath, to ascertain the fair and reasonable value of said timber, gravel, stone or earth, and grant a certificate thereof to each party if required; and it shall be lawful for such person to recover the amount of damages before any tribunal having cognizance thereof.

Construction
of the road, toll
gates and toll.

Sec. 6. *Be it enacted*, That said road shall be opened at least thirty feet wide with sufficient ditches on each side to convey off the water and drain the same; shall gradually descend from the middle to said ditches; shall be substantially paved or gravelled; shall have substantial and sufficient bridges where necessary, and in all respects shall be completed in a faithful and substantial turnpike-road-like manner, and when the said road shall be thus finished and completed for the distance of five miles beginning at Murfreesboro', the said President and Company may apply to the Governor of this State for the time being, whose duty it shall be forthwith to appoint three discreet and disinterested freeholders to view and examine said road, and on the report of the said reviewers or any two of them, that the road has been finished and completed for the distance aforesaid, according to the true intent and meaning of this act, it shall be the duty of the Governor to issue his certificate under the seal of the State, authorizing the President and Directors to erect one toll gate and appoint a toll gatherer to demand and receive the toll herein after named, which tolls are hereby declared to be as follows, to wit: for every twenty head of sheep, twenty cents; for every twenty head of hogs, twenty cents; for every twenty horned or neat cattle, fifty cents; for every horse or mule not in a drove, six and one fourth cents, if in a drove, two cents; and so in proportion for any less or smaller number of said animals; for every four wheel pleasure carriage, twenty-five cents; for every two wheel riding carriage, twenty-five cents; for every loaded wagon, twenty-five cents; and for every empty wagon, twelve and a half cents; and for a man and horse, six and a fourth cents; for every cart, twelve and a half cents; for every hoghead of tobacco including the above sum for oxen, mules or horses drawing the said carriage or wagon, cart or tobacco, twelve and a half cents.

Sec. 7. *Be it enacted*, That when the President and Directors aforesaid, shall in like manner have completed

Time allowed for completing road.

and finished five miles more of said road, they shall be entitled to an additional gate, and be entitled to demand and receive the same toll as allowed for the first gate; and so on for every five miles until the whole shall be completed and finished; provided, no gate shall be erected nearer than one mile to Morristown; and provided, also, that five miles of said road shall be made and completed in each and every year commencing on the first day of January 1835, until the whole is furnished.

Penalty for evading toll.

SEC. 8. *Be it enacted*, That if any person shall refuse or neglect to pay the tolls hereby granted at the time of offering to pass, the toll gatherer may lawfully refuse a passage to such person or persons, or things subject to toll aforesaid, or if any article or thing liable to toll, shall by any means pass without payment when demanded by the toll gatherer, the company may by warrant from any Justice of the Peace, recover from the owner or person in possession of such article or subject of toll, five dollars for each offence.

Failure to keep the road in good repair.

SEC. 9. *Be it enacted*, That if said company shall fail to keep the road in good repair for the space of ten days, and information thereof shall be given to any Justice of the Peace in the neighborhood, he shall issue his warrant to a constable commanding him to summon three freeholders to meet at a certain time, and at the place complained of, reasonable previous notice having been given to the President or some one of said Directors, and if on report of said freeholders or any two of them, it shall be found in the presence of said magistrate that said road is out of repair according to the intent and meaning of this act, the toll hereby granted shall cease to be demanded at the nearest gate, until such defective part of said road shall be put in good repair; and the President and Directors shall moreover be subject to a fine of ten dollars to be recovered before any Justice of the Peace, which Justice shall take into view all the circumstances, which fine shall be applied to the use of common schools forever.

No other road to be erected to its injury.

SEC. 10. *Be it enacted*, That it shall not be lawful to open or establish any other road so near as to injure or prejudice the interest of the said turnpike company.

Duty of Common School Commissioners for Warren county.

SEC. 11. *Be it enacted*, That it shall be the duty of the commissioners of common schools in said county of Warren, so soon as the President and Directors of said turnpike company shall execute the bond required of them in the fourth section of this act, to hand over to the President and Directors of said road company all the bonds, judgments and evidences of debt due, coming or in any wise belonging to common schools in said county, and take a receipt therefor; provided, the said President

and Company shall not be entitled to demand or receive such money, bonds, judgments and evidences of debt until the sum of forty thousand dollars of stock shall otherwise be taken or subscribed.

Duty of Directors.

SEC. 12. *Be it enacted*, That it shall be the duty of every board of directors to see that their successors in office execute a similar bond for the payment of interest to the commissioners of common schools, and if they should fail so to do, those previously appointed shall continue to act until said bond is executed.

Stock of the company.

SEC. 13. *Be it enacted*, That the stock of said company shall consist of eighty thousand dollars in shares of one hundred dollars each; and in all elections the holder of each share of stock shall be entitled to one vote for each share owned by him.

Election of Directors.

SEC. 14. *Be it enacted*, That it shall and may be lawful for the subscribers for the stock in said company to meet at such place as the President and Directors of said company may previously designate, giving thirty days notice thereof, in some public newspaper to elect other directors for the ensuing twelve months, after the expiration of the term for which they are herein appointed, and forever after an election shall be similarly opened and held for the like number of directors.

Duty of President and Directors.

SEC. 15. *Be it enacted*, That the said President and Directors shall not collect from the debtors whose bonds are transferred by the commissioners of common schools more than 20 per cent. for every renewal of ninety days, which renewal they are hereby authorized and required to make.

Daniel Walling.

SEC. 16. *Be it enacted*, That Daniel Walling be authorized to build a toll bridge across the Caney Fork at his landing in White county, and that he be entitled to the same toll, privileges and emoluments as are provided by law for the bridge across the aforesaid river at Rock Island; provided the said Walling keeps up the road to the top of the hill upon each side of said river at his own expense.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 13, 1832.

CHAPTER XXXV.

An Act for the relief of Sarah Stacy and Caleb Fly.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sarah Stacy of the county of

Sarah Stacy.

Greene, be, and she is hereby authorized to exhibit her petition for a divorce, to the Judge of the circuit court, at the next or any subsequent term thereof, to be holden in the county of Greene, at the court house in Greenville; and upon proving that her husband, Zachariah Stacy has deserted and lived absent from her for the space of two years, it shall be the duty of said court, at the term at which said petition is exhibited, to sentence and decree a dissolution of the bonds of matrimony now existing between said parties.

Caleb Fly. SEC. 2. *Be it enacted*, That Caleb Fly shall be authorized to file his petition for a divorce in Maury circuit court, at its next or some subsequent term thereof; and if he shall make it appear that his wife Mary has deserted him without just cause, and at this time continues absent and refuses to live with him, to grant a divorce, dissolving the bonds of matrimony now existing between said parties; provided, that it shall appear, that he has given five days personal notice to his said wife Mary, of the time and place of making his said application.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

CHAPTER XXXVI.

An Act concerning Forest Hill Academy in the county of M'Minn.

Fund to be put out at interest. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustees of Forest Hill Academy, shall not expend the principal academy fund for any purpose whatever; but they shall put it out at interest or vest it in any more productive way.

Appropriation of the interest. SEC. 2. *Be it enacted*, That the trustees of Forest Hill Academy shall appropriate the interest of the Academy fund of the county of M'Minn, to the purchasing of an apparatus and library for the use of said institution, and to the erecting and repairing of any buildings that may be needed for the accommodation of the school or teacher.

Five Trustees a quorum. SEC. 3. *Be it enacted*, That five trustees of said Academy, shall be a quorum to do any business concerning said institution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1831.

Speaker of the Senate.

CHAPTER XXXVII.

An Act to incorporate the inhabitants of the Town of Newport.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the town of Newport, in the county of Cocke, and the inhabitants thereof, are hereby constituted a body politic and corporate, by the name of the Mayor and Aldermen of the town of Newport, under the same rules, regulations and restrictions, and with the same powers, privileges and capacities, as are extended to and enjoyed by the inhabitants of the town of Knoxville, in the county of Knox, by an act entitled, "An Act to incorporate the inhabitants of the town of Knoxville, in the county of Knox," passed October 27, 1815, chap. 204, and an act entitled, "An Act to amend an Act entitled an Act to incorporate the town of Knoxville in the county of Knox," passed November the 4th, 1817; and every article, clause and section of the acts aforesaid, incorporating the town of Knoxville, shall have as full force, operation and effect in the government of the town of Newport and the inhabitants thereof, and all other persons concerned therein, as if herein again specially enacted. And the sheriff of Cocke county shall open and hold an election on the first Saturday in January, in each and every year, in the court house in said town, for the election of seven Aldermen, to serve for one year, who, when elected, shall choose by ballot, one of their own body for Mayor, who shall serve for the same length of time for which the Aldermen electing him were chosen; they shall also elect a treasurer, recorder and town Constable, who shall perform all the duties appertaining to their respective offices; and the said constable shall execute all process, which, by the acts of incorporation aforesaid, he is bound and of right should do.

SEC. 2. *Be it enacted*, That the powers and privileges of the corporation contained in this act, shall extend one quarter of a mile from the court house, and not further; provided, nothing herein contained shall give the corporate authority the power of taxing lands or other property not embraced in the plan of said town.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 9, 1832.

Speaker of the Senate.

Town incorporated—powers and authority.

Limits of the corporation.

CHAPTER XXXVIII.

An Act to incorporate a Company to open a Turnpike Road from Sparta in White county, to Liberty in Smith county.

Authority given. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Jesse Lincoln and William Usery, of White county, be authorized to open a turnpike road, from a point on the road leading from Sparta in White county, to Liberty in Smith county, known by the name of the Knotty Oak, in White county, three miles from Allen's Ferry, and between said ferry and Sparta, to cross the Caney Fork at or near Lockhart's, or at the ford in said river, to intersect said road at a convenient point on the south west side of said river, a distance of about twelve miles.

Road—how constructed SEC. 2. *Be it enacted*, That said road shall be formed at least thirty feet wide, except on hills and mountain sides, which shall be sixteen feet wide, cleared from all roots, stumps, rocks or other obstructions, calculated to impede wagons, carriages or passengers; all bridges to be made of wood or stone, at least sixteen feet wide, the hills cut down and the valleys filled up, so that at no place shall the elevation be more than two feet to each rod, and ditches cut along so as to draw off the water from said road, where it may be necessary.

Commissioners appointed. SEC. 3. *Be it enacted*, That William Bruster, Henry Lydy, of White county, and Leonard Lamberton, and William C. Garrison, of Smith county, are hereby appointed Commissioners on said road, and shall view the same, and when they shall find the same in repair, as contemplated by this act, shall license said proprietors to a erect a gate on said road, at or near the Caney Fork, at which said proprietors shall receive the following toll, viz: for each four wheel wagon, fifty cents, for each cart, twenty-five cents, for each four wheel pleasure carriage, seventy-five cents, for each two wheel pleasure carriage, thirty-seven and a half cents, for each carryall, twenty-five cents, and for all other drafts drawn by horses, mules or oxen, twenty-five cents, for each man and horse or mule, twelve and a half cents, for each foot passenger, six and a fourth cents, for each led 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, for each hog or sheep, one cent; provided, that said proprietors shall at all times, when it shall be necessary, from high water or otherwise, keep a ferry boat at the ford of said river, and ferry all persons, and wagons or carriages of every description over said river, free from ferrriage or toll, and shall keep said road in the repair contemplated by

this act; and on failure, it shall be the duty of said Commissioners to open said gate, and no toll shall be received until the proprietors shall comply with the provisions herein stated.

Limitation of charter. SEC. 4. *Be it enacted*, That the said proprietors shall have the privileges and emoluments as prescribed by this act, for the term of thirty years, and shall have two years to complete said road exclusive of said term, provided, nothing herein contained, shall prevent them from completing the same, and carrying the provisions of this act into effect in a shorter time.

Penalty for evading toll. SEC. 4. *Be it enacted*, That if any person shall forcibly or clandestinely pass said gate, for the purpose of evading the payment of toll, such person shall be liable to pay said proprietors twenty-five dollars, to be recovered before any justice of the peace by action of debt.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER XXXIX.

An Act authorizing the County Court of Cocke county to establish certain Turnpike Roads.

Whereas a memorial has been presented to this General Assembly, from William Reynolds, Peter J. Davis and Stephen Huff, citizens of Cocke county, praying that a charter may be granted them to construct a turnpike road, from Holland's Ferry, on French Broad river, to William Faubrian's, on the main road leading from said ferry to Newport, in continuation of their turnpike road commencing at the Paint Rock, and running thence down said French Broad river to said Holland's Ferry; and whereas, a memorial has also been presented to the present General Assembly, from a number of citizens of said county of Cocke, praying that a charter for a turnpike road, leading from the said town of Newport, to Holland's Ferry aforesaid, may be granted to John J. Howell, William P. Gillett and George W. Allen, in order, therefore, that right and justice may be done in the premises:

Authority given. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Cocke county, be, and they are hereby—a majority of the justices of said court being present—fully authorized and em-

powered to grant both or either of the turnpike charters prayed for in the before recited memorials, it, in the opinion of said court, the interest and convenience of the country should require the same to be done.

Privileges and
limitations.

SEC. 2. *Be it enacted*, That said charter or charters, may be granted with such privileges, and under such limitations, as the said county court of Cocke may deem it necessary to grant and impose; provided, that the said William Reynolds, Peter J. Davis and Stephen Huff, shall not be allowed to take any greater toll on their extended turnpike road, than they are now authorized to take under the provisions of their existing charter; and provided further, that the said John J. Howell, William P. Gillett and George W. Allen, shall not be authorized to receive any greater toll on the road by them to be constructed, than is allowed to the said William Reynolds, Peter J. Davis and Stephen Huff, on their turnpike road.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 3, 1832.

Speaker of the Senate.

CHAPTER XL.

An Act for the relief of James Whitsitt.

Whereas there issued from the Register's office of West Tennessee, to James Whitsitt, a grant by the number 16955, upon entry No. 140 in the tenth Surveyor's district, in the name of the said James Whitsitt, for three hundred and ninety-four acres; and whereas, one hundred and thirty-nine acres, part thereof, has been taken by the interference of grant No. 2420, issued by the State of North Carolina to Benjamin Smith, for two thousand acres; and whereas the said grant, No. 16955, issued to said Whitsitt, is lost or mislaid, so that it cannot be found; and whereas also, the said James Whitsitt has caused to be entered, by the number of 2313, in said tenth Surveyor's office for two hundred and fifty five acres, being the remaining part of said grant, No. 16955 not interfered with, and has also caused to be entered by No. 688, in said tenth Surveyor's district, for one hundred and thirty-nine acres, being that part of said grant, No. 16955, so lost or interfered with, upon both which entries plats and certificates have been made out and returned, but upon which no grants can legally issue, until the said grant, No. 16955, shall be legally rendered void; therefore

Be it enacted by the General Assembly of the State of Tennessee, That the Register of West Tennessee shall be, and he is hereby authorized and required to render the said grant, No. 16955, to James Whitsitt upon his records, null and void; and be required to issue grants to said Whitsitt upon the entries, plats and certificates made and returned, in consequence of the interference aforesaid.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER XLI.

An Act to amend an act entitled "an act to amend the laws now in force, incorporating the town of Jackson in the County of Madison," passed, November 27, 1829.

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.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER XLII.

An Act for the relief of Lewis Ross and John Walker Jr.

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 authorized and required to pay to Lewis Ross, the sum of twenty-five dollars and fifty cents, being the amount by him paid the State for the entry of the North East fractional quarter of section twenty, of fractional township four, of range two, West of the Meridian, in the County of McMinn, in the Hiwassee District, he having lost said land in consequence of an error made in surveying the same, and that said Treasurer, also pay the said Ross interest on said sum from the date of said entry, until the payment of the same, and his receipt to said Treasurer shall be a good voucher in settlement.

Lewis Ross.

Jno. Walker
Jun'r.

Sec. 2. *Be it enacted*, That John Walker jr., a native of the Cherokee Nation of Indians, shall hereafter be entitled to all the rights, privileges, emoluments and immunities of a citizen of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832.

Speaker of the Senate.

CHAPTER XLIII.

An Act to incorporate the Town of Kingston, and to provide for the re-survey of said Town.

Commission-
ers appointed.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas N. Clark, Thomas Brown, William S. McEwen, Samuel H. Smith, Robert S. Gilleland, David Patton, Richard Richards and James McCampbell, are hereby appointed Commissioners to run out and re-survey the town of Kingston, agreeably to the plan on which said town was originally laid out.

To call upon
the county Sur-
veyor to re-sur-
vey said town.

Sec. 2. *Be it enacted*, That said Commissioners or any five of them, after having taken an oath before some justice of the peace, faithfully to discharge the duties herein required of them, to call upon and require the county Surveyor for the county of Roane, to run out and survey the said town of Kingston, commencing at the public ground in said town, on which the court house and jail are situated, and after having ascertained the public ground aforesaid, said Commissioners shall proceed to run out and survey the whole of the streets, cross streets and alleys, and cause to be made a fair and accurate map or plan of said town, shewing the exact dimensions of the public ground, streets, cross streets, alleys and lots, and fractional parts of lots in one connected view, with their several positions in numerical order.

Corner stones
to be placed.

Sec. 3. *Be it enacted*, That it is hereby made the duty of said Commissioners, when the survey above directed is completed, to cause conspicuous and permanent corner stones to be placed at each corner of the public ground, and at each corner of the principal streets and cross streets and alleys, as laid down, used or referred to, in connection with the lots or any of them, in said town, at least two feet above ground; and said Commissioners shall further cause the plat of said town to be registered in the Register's office of said county, and also a certified copy of the same to be deposited with the Mayor and Aldermen, to be recorded among the proceedings of their board.

Sec. 4. *Be it enacted*, That all public grounds, streets, lanes and alleys, designated as such on the plat herein required to be made out and registered, shall forever enure to and remain for the use of said town, as well as all streets, lanes or alleys that may hereafter be laid out and opened in said town.

Public streets,
grounds &c.

Sec. 5. *Be it enacted*, That said Commissioners, or any five of them, shall, after giving thirty days notice in five of the most public places in said town of Kingston, of the time and place, open and hold an election for the election of seven Aldermen, five of whom shall be a quorum to do business, and all persons who have been citizens of said town for six months immediately preceding said election, and who is the head of a family, shall be entitled to vote for Aldermen, but no person shall be eligible to the office of Alderman, except he own real estate in said town, and 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, and to perform all the duties herein prescribed; and that may be required of them in 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 to organize and qualified, shall compose a body corporate and politic, and have perpetual succession by the name and style of the Mayor and Aldermen of the town of Kingston, and by that name may sue and be sued, plead and be impleaded, and may have and use a common seal, and are empowered to pass by-laws and regulations for the government of said town, not inconsistent with the laws and constitution of this State, nor of the United States, and to lay and collect taxes; provided, no person shall be taxed not herein authorized to vote for Aldermen.

Election of
Mayor and Al-
dermen.

Sec. 6. *Be it enacted*, That the first Mayor and Aldermen shall be elected on the first day of December next, and shall hold their office for one year, and on the first day of December in each and every year thereafter, an election shall be held as above provided for, for the election of Mayor and Aldermen in said town, except the said first day of December should happen on Sunday, in which case said election shall be held on the first Monday in December.

Days of elect-
ion.

Sec. 7. *Be it enacted*, That said Mayor and Aldermen shall appoint a clerk and treasurer of their own body, and have the power to appoint a Town Constable, who, when appointed and qualified, shall possess the same powers as other Town Constables now have and possess.

Clerk, Treas-
urer and town
Constable.

Sec. 8. *Be it enacted*, That the Mayor and Aldermen

Levying and
collecting taxes

of the town of Kingston, are hereby empowered to lay and collect a tax, for the defraying of the expense of running out and surveying said town, and fixing corner stones as required by this act, which tax shall be assessed in the same manner, and on the same town property as other corporation taxes.

Repealing
clause.

Sec. 9. *Be it enacted*, That all laws and parts of laws heretofore passed concerning the regulation and government of the town of Kingston, be, and the same are hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832. *Speaker of the Senate.*

CHAPTER XLIV.

An Act to authorize Julius Dugger to build a toll bridge across Watauga river.

Authority giv-
en.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Julius Dugger be and he is hereby authorized to build a toll bridge across Watauga river at or near where the stage road crosses the same.

Commission-
ers appointed.

Sec. 2. *Be it enacted*, That John Berry, Johnston Hampton, Valentine Vanhuss Sen'r, Lawson White, Isaac Campbell and John K. Enser, be, and they are hereby appointed commissioners to attend on the south bank of said river, and after being duly sworn, to lay off a sufficient quantity of land on that bank of said river for the purpose of erecting said bridge and shall proceed to lay off the same.

Duty of Com-
missioners.

Sec. 3. *Be it enacted*, That when the land is so laid off as aforesaid the commissioners shall proceed to value said land, and the proprietor of said bridge shall in three months after such valuation pay into the clerk's office of Carter county the amount of the valuation, which shall be paid by said clerk to the owner of said land on his or her application for the same.

To return plat
of land laid off.

Sec. 4. *Be it enacted*, That the commissioners aforesaid, shall return a fair plat of the land so laid off to the county court of said county, which plat shall be recorded by said court, and the land so laid off, shall remain and be for the use of said proprietor so long as said bridge shall be kept in good repair by the proprietor thereof.

Time for com-
pletion.

Sec. 5. *Be it enacted*, That said proprietor shall have said bridge completed and in good repair within two years after such review is made.

Sec. 5. *Be it enacted*, That said bridge shall be so constructed as not in any way to obstruct the road or ford of said river. Not to obstruct
the ford or road

Sec. 7. *Be it enacted*, That all persons going to and returning from musters or church shall pass said bridge toll free. Persons ex-
empted from
paying toll.

Sec. 8. *Be it enacted*, That the said proprietor shall be authorized to receive the following rates of toll, to wit: for each horse and rider, twelve and a half cents; for each led or loose horse, six and a fourth cents; for each wagon, team and driver, one dollar; for each cart, team and driver, twenty-five cents; for each two wheeled carriage of pleasure, fifty cents; for each four wheeled carriage of pleasure, one dollar; for each head of cattle, two cents; for each head of hogs or sheep, one cent; for each foot passenger, six and a fourth cents. Rates of toll.

Sec. 9. *Be it enacted*, That when said bridge shall be completed, it shall be and remain the property of said proprietor, his heirs and assigns so long as he keeps said bridge in good repair. To belong to
proprietor.

Sec. 10. *Be it enacted*, That if said bridge shall be broken by high waters or otherwise, the proprietor thereof shall have a reasonable time to put said bridge in repair. Time for re-
pairing.

Sec. 11. *Be it enacted*, That if at any time said bridge shall be neglected by the proprietor and let go out of use, then and in that case he shall surrender all claims he may have to the south bank of said river. Penalty for suf-
fering bridge to
be out of repair

Sec. 12. *Be it enacted*, That a majority of said commissioners may act, and shall receive one dollar for each day they may serve as aforesaid, which shall be paid by the proprietor. Pay of com-
missioners.

Sec. 13. *Be it enacted*, That Thomas Beatty, Archibald C. Rodgers, Jeremiah Gwinn, Joshua Owen and John B. Rodgers, be, and they are hereby appointed commissioners of the Board of Internal Improvement for Fentress county; the chairman of the county court shall ex-officio be chairman of the Board, and all bonds for the fulfillment of contracts shall be made payable to said chairman; and all suits shall be in his name as chairman of the Board. Board of In-
ternal improve-
ment of Fen-
tress county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER XLV.

An Act for the benefit of Thomas J. Barker, a man of colour.

Benefit extended to. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county court of Davidson county, a majority of the acting Justices of the Peace of said county being present, shall be and is hereby authorized upon the petition of Thos. J. Barker, a free man of colour, a citizen of said county of Davidson, to emancipate the wife and children of said Barker, provided the said Barker shall give bond and security to be approved by said court that the persons so emancipated, shall not become chargeable upon any county of this State, and also for his good behaviour.

Lot Sterling SEC. 2. *Be it enacted,* That the county court of Blount county, a majority of the Justices of said county being present, is hereby authorized upon the petition of Lot Sterling, a free man of colour, a citizen of said county of Blount, to emancipate the wife and children of the said Sterling, under the same rules, regulations and restrictions as provided in the first section of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER XLVI.

An Act authorizing the County Courts of the county of Greene and Washington counties, to appoint each a Surveyor, to run a part of the dividing line between said counties.

Authority given. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the county courts of Greene and Washington are hereby authorized—a majority of the acting justices being present and giving their assent thereto—to appoint each a qualified Surveyor for the purpose of running and marking so much of the dividing line between said counties as lies between Michael Broysale's house on Horse Creek, and the State line of North Carolina, or such portion of it as has never heretofore been run.

Duty of Surveyors. SEC. 2. *Be it enacted,* That it shall be the duty of the Surveyors thus appointed, to run and plainly mark said line, and make report of the same to the county court of each county, and upon the reception of said report, the court shall allow them such compensation out of the county treasury, as they may deem reasonable.

SEC. 3. *Be it enacted,* That the line heretofore run and marked by Benjamin F. Cannon, of Hamilton county, from the mouth of Brush Creek on Sequachee river, to a point opposite the mouth of said creek, on the Hamilton county line, on Walden's Ridge, (which is a straight line) be, and the same is hereby established, as the true dividing line between that part of the counties of Bledsoe and Marion, so as to leave the residence of John Heard, and of John and William Henson, in the county of Bledsoe. *Line between Hamilton and Bledsoe.*

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER XLVII.

An Act to divorce Elisha Gower from his wife Jemima.

Be it enacted by the General Assembly of the State of Tennessee, That Elisha Gower, of the county of Davidson, be, and he is hereby divorced from his wife Jemima, formerly Jemima Patterson.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER XLVIII.

An Act to incorporate the inhabitants of the town of Elizabethton in the county of Carter.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the town of Elizabethton in the county of Carter 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 Elizabethton, 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 said town, and may have and use a town seal. *Town incorporated.*

SEC. 2. *Be it enacted,* That the corporation court aforesaid, shall have and possess the same powers, privileges

Powers and privileges.

and authority which are given and appointed by law to, and for the corporation of the Mayor and Aldermen of the town of Murfreesborough in this State, by an act passed at Knoxville on the 17th day of October, 1817.

Election of
Aldermen.

SEC. 3. *Be it enacted*, That it shall be the duty of the sheriff of Carter county, to hold an election at the court house in Elizabethton on the last Saturday of December next, and on the same day in every succeeding year, for the purpose of electing seven persons to serve as Aldermen of the corporation aforesaid, under the rules prescribed in said act incorporating Murfreesborough.

Repealing
clause.

SEC. 4. *Be it enacted*, That all laws and parts of laws heretofore passed for the regulation of the town of Elizabethton, be, and the same are hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER XLIX.

An Act for the benefit of the Paris Guards.

Name and
number.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the volunteer company in Paris, Henry county, shall be known by the name of the Paris Guards, and that said company shall be composed of not more than one hundred and not less than forty men.

Exemption.

SEC. 2. *Be it enacted*, That the members of said company, shall not be required to perform militia duty in any other company in said county.

Attached to
73d Regiment.

SEC. 3. *Be it enacted*, That the Paris Guards shall be attached to the 73d regiment of Tennessee militia, and be compelled to attend the regimental and one of the battalion musters of said regiment.

May enact by
laws.

SEC. 4. *Be it enacted*, That the Paris Guards shall have the power of making by-laws, regulating the muster and other government of said company; provided, that the laws passed by said company shall be consistent with the laws of this State, and passed by a majority of the members of said company.

Fines and For-
feitures.]

SEC. 5. *Be it enacted*, That all fines and forfeitures collected by said company, shall be disposed of by a majority of said company in purchasing a drum, fife and stand of colours; and after said articles are purchased, then a majority of said company may dispose of any munitaries they may have on hand, for any thing that will go to ornament said company.

SEC. 6. *Be it enacted*, That the "Jackson Guards," a Jackson guards volunteer company in Madison county, be entitled to the privileges herein provided for the Paris Guards, and that they form a part, and be attached to the 75th regiment of Tennessee militia.

CHAPTER XII.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER L.

An Act to incorporate the town of Raleigh in the county of Shelby.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Samuel R. Brown, J. C. Rudisill, Joseph J. Rawlings, Benjamin Hawkins and William P. Reaves or a majority of them, are hereby appointed commissioners to lay off and mark the limits of the town of Raleigh, and shall make out a plan and plat of the same, a certified copy of which they shall deposit in the clerk's office in the county court of Shelby county, and all streets, lanes, alleys and public grounds designated as such upon 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 property in said town, shall be eligible to the office of Alderman and have the privilege of voting, and none others; that said Aldermen when 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 Raleigh, and by that name may sue and be sued, plead and be impleaded, and have and use a common seal, and are empowered 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,

Commission-
ers appointed
to lay off the
town—election
of Mayor and
Aldermen.

and to lay and collect taxes; provided, no person shall be taxed not herein authorized to vote for officers of said town.

Election of
Mayor and Al-
dermen.

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 term as the by-laws of said corporation shall prescribe.

Clerk and Re-
corder.

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.

Town Con-
stable.

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 powers given to the constable for said town of Jackson by said act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER LI.

An Act for the relief of Nancy Marsh and Rachael Vaughn.

Nancy Marsh.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Nancy Marsh, of Franklin county, wife of Daniel Marsh, may contract and be contracted with, sue and be sued, plead and be implicated, in the name of Nancy Marsh, and that all the estate she may hereafter acquire, both real and personal, by descent, purchase, devise or otherwise, shall not be liable or subject to the debts, contracts, furnishings or incumbrances of her husband, Daniel Marsh, but that she may enjoy the same in the same manner, as though she had never intermarried with said Marsh.

Rachael Vaughn

Sec. 2. *Be it enacted*, That Rachael Vaughn, wife of T. Vaughn, of Carter county, be, and she is hereby entitled to all the powers and privileges that Nancy Marsh is entitled to by the first section of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 16, 1832.

Speaker of the Senate.

CHAPTER LII.

An Act for the relief of Laney Moore.

Be it enacted by the General Assembly of the State of Tennessee, That the principal Surveyor of the ninth district is hereby authorized, on application being made, to make void entry No. 1956, for twenty-six acres, made in the ninth district, 3d range, 3d and 4th section, in the name of Laney Moore, and re-enter the same agreeable to the first intention of the said Moore; provided, the land he wishes to enter is yet vacant, and provided, that he makes it appear to the satisfaction of said principal Surveyor, that there was a mistake in the first entry.

F. W. HULING.

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 16, 1832.

Speaker of the Senate.

CHAPTER LIII.

An Act to divorce Mahala Shaw, from her husband Geo. W. Shaw.

Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony which unite Mahala Shaw, of Williamson county, with George W. Shaw, be, and they are hereby dissolved, and that the said Mahala Shaw be henceforth known and designated by her former name, Mahala Bugg.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER LIV.

An Act extending the bounds of the Corporation of the Town of Trenton.

Be it enacted by the General Assembly of the State of Tennessee, That the boundary line of the corporation of the town of Trenton, in the county of Gibson, be, and the same is hereby extended, commencing at the north east corner of said corporation, running thence east two hundred and fifty yards, thence south, so far as to run two hundred and fifty yards south of the south

boundary line of said corporation, thence west, to where a line, drawn from the west boundary of said corporation, running south, would intersect with said south boundary line, thence north two hundred and fifty yards, to the south west boundary of said corporation; and that all citizens now residing or who may hereafter become citizens within said boundary, shall be subject to all the rules and regulations of the said corporation of the town of Trenton, as are now in force, or shall hereafter be adopted, by the Mayor and Aldermen of said corporation.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 11, 1832.

Speaker of the Senate.

CHAPTER LV.

An Act establishing the dividing line between the counties of Robertson and Sumner.

Be it enacted by the General Assembly of the State of Tennessee, That the road as now established and known by the name of the Lexington or Kentucky road, running between the counties of Robertson and Sumner, be, and the same is hereby taken, held and deemed the true dividing line between said counties, said dividing line commencing at a point in said road near Thomas Collin's, where the old line, as heretofore established, intersects said road, running thence with said road to the Kentucky line.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, October 16, 1832.

Speaker of the Senate.

CHAPTER LVI.

An Act for the relief of George W. Shackelford.

Be it enacted by the General Assembly of the State of Tennessee, That George W. Shackelford, of Lawrence county, be, and he is hereby released and forever discharged from the payment of the balance of a judgment recovered against him, in the circuit court of Lawrence county, upon a forfeited recognizance, for the appearance of James M'Millan for petit larceny, and upon the

production of this act, or a copy thereof, to the clerk of the circuit court of Lawrence county to enter on the execution docket of said court, a release of said judgment as remains unpaid.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 16, 1832.

Speaker of the Senate.

CHAPTER LVII.

An Act for the benefit of the Common Schools in the counties of Carter and Humphreys.

Whereas the Commissioners appointed by the county court of Carter, on the second Monday in February 1832, did meet in one of the regiments of said county, and did lay the said regiment off into school districts, as prescribed by the act of Assembly, establishing a system of common Schools in the State of Tennessee, and the good people of the districts so laid off, having elected their trustees agreeably to law, and the whole of the chairmen elected in said regiment, having met at the court house in said county, and elected a board of County Commissioners for said county, according to law; and whereas, doubts have arisen whether the said board thus elected, can, legally act as such in consequence of the failure of the Commissioners of one part of the county to lay off their districts, for remedy whereof

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the said board of County Common School Commissioners, elected for said county of Carter, be, and they are hereby declared to be a body politic, with full powers, and in as full and ample a manner, as though the whole county had been laid off, any thing to the contrary notwithstanding.

SEC. 2. *Be it enacted,* That the Commissioners of common schools, appointed by the county court of Humphreys county, at their July term, 1832, shall have and exercise all the powers and privileges of common school Commissioners of said county, as though they had been appointed at the time required by law, any law, usage or custom to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 8, 1832.

Speaker of the Senate.

CHAPTER LVIII.

An Act to authorize Joseph P. Thomas and James B. Reynolds to build a toll bridge across Red river in Montgomery county.

Authority given.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Joseph P. Thomas and James B. Reynolds, be, and they are hereby authorized to construct and build a permanent bridge across Red river at or near the place where the present bridge is built, where the road leading from Clarksville to Russellville now crosses said river, with all advantages, emoluments, profits and subject to the conditions, liabilities and restrictions hereinafter mentioned, allowed and stipulated.

To get the consent of C. H. P. Marr.
SEC. 2. *Be it enacted,* That before the said Thomas and Reynolds shall have a right to build said bridge, they shall get the consent of Constant H. P. Marr, the builder of the present bridge and the commissioners thereof, to build, and shall become subject to all the liabilities, conditions, benefits or assurances that said Marr is under to the commissioners or directors of said bridge, or to the subscribers or stockholders of the same, and shall in all respects insure to such commissioners or directors and stockholders, any and all benefit they have, hold or are entitled to in the present bridge in such manner as the commissioners or directors may stipulate or require, which assurance shall be in writing and executed by the parties and filed with the clerk of the county court of Montgomery for the inspection and benefit of all interested.

Rates of toll allowed.
SEC. 3. *Be it enacted,* That when said Thomas and Reynolds shall have completed or built said permanent bridge so that the same may be safely crossed by wagons, horses, carriages and persons, upon application to the county court of Montgomery county, it shall be the duty of said court to appoint three freehold citizens thereof, who upon oath shall examine said bridge, and if upon examination the said commissioners shall be of opinion that said bridge is completed in a strong and permanent manner, and safe and convenient for the passage of wagons and persons they may and shall give to the said Reynolds and Thomas a certificate of the same, upon which the said Reynolds and Thomas may charge the following rates as toll, but not higher; for four wheeled carriages or wagons with two or more horses, mules or oxen belonging to citizens of Montgomery and Robertson counties, thirty-seven and a half cents, if belonging to citizens not residents of said counties, fifty cents; for two wheeled carts or carriages, twenty-five cents; for a man and horse, six and a fourth cents; for foot passengers each three cents.

SEC. 4. *Be it enacted,* That it shall be the duty of said Reynolds and Thomas to keep said bridge at all times during the continuance of this charter in good repair, and safe for the crossing of citizens; but should said bridge be out of repair upon information thereof, by any three freehold citizens to the county court of Montgomery it shall be the duty of said court to appoint three commissioners, citizens, who shall examine said bridge and if such commissioners upon examination shall find said bridge out of repair and unsafe, they shall have the power and it shall be their duty to set open the gates of said bridge and give notice thereof, and it shall not be lawful for said proprietors to take or charge toll until they obtain the certificate of said commissioners that said bridge is repaired and safe; that should the proprietors of said bridge let said bridge remain unsafe and out of repair for the space of twelve months at any time, such neglect shall be a forfeiture of this charter, and all right herein vested shall be annulled; that said Reynolds and Thomas shall have the term of five years from the passage of this act to commence and complete said bridge, a failure in which shall also be a forfeiture of this charter; that upon the building of said bridge upon the terms, limitations and restrictions in this act a right shall accrue, inure and be vested in said Reynolds and Thomas or their heirs or assignees to said bridge for sixty-five years.

SEC. 5. *Be it enacted,* That nothing in this act contained shall be so construed as to prohibit the county court from opening or granting the opening of a ford road near said bridge, or the granting of a ferry on said river; but the county court or citizens of said county, shall have a right to keep open a road to pass said river by fording, should they desire the same, either at the place where the present old road crosses or any other place deemed more advisable.

SEC. 6. *Be it enacted,* That in addition to the commissioners appointed by the act passed January 6, 1830, chapter 274, to build a bridge over Red river at or near its mouth, James Wheatley, Reuben Pollard, David Stith, Joseph P. Thomas, H. F. Beaumont of Montgomery county and Samuel Gordon of Kentucky, be appointed commissioners for said bridge, and shall have and possess with the commissioners appointed by said act, all powers that said commissioners by virtue of said act have and possess—said company shall have five years from the passage of this act to complete said bridge with all the powers allowed and granted in said act; that the subscription heretofore made for a Union Bridge Company or to build two bridges over Red river, may by said

Bridge to be kept in repair—penalty in case of failure.

Other ford roads may be opened!

Additional commissioners appointed.

commissioners be applied to the building of the bridge at the mouth of Red river.

Moses Fisk. SEC. 7. *Be it enacted*, That the proviso in the second section of an act passed December 15, 1831, chapter 226, be and the same is hereby repealed, and that the alternative shall remain as the former acts authorizing Moses Fisk to open a turnpike road had provided, leaving it optional with said citizens whether to work thereon two days in each year when duly notified at least five days beforehand or to pay toll.

Allowed for their time. SEC. 8. *Be it enacted*, That said Fisk shall be allowed the further time of one year to complete his road from Hillham to Cumberland river from the passage of this act.

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

BURCHET DOUGLASS,

Passed October 8, 1832. Speaker of the Senate.

CHAPTER LIX.

An Act to authorize the Register of the Western District to issue a Grant on Survey No. 778.

Be it enacted by the General Assembly of the State of Tennessee, That upon the Register of the Western District being satisfied by the affidavit of the Surveyor of the 12th Surveyor's district, that warrant No. 1392, was regularly entered in said office and surveyed, but that the same has been lost or destroyed by fire or other casualty, it shall be lawful for said Register to issue a grant on the survey of the entry made by virtue of said warrant, to the person appearing to be entitled thereto, notwithstanding said warrant is not filed with such survey.

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

BURCHET DOUGLASS,

Passed October 8, 1832. Speaker of the Senate.

CHAPTER LX.

An Act to amend the Corporation Laws of the Town of Liberty, in Smith County, and for other purposes.

Certain lots exempted. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That lots numbers 1, 2, 39, 40, 41, 42, 43, 44, 45, 46, 47, and 48, shall not be taken as belonging to the town or corporation of the town of Liber-

ty, in Smith county, nor shall the owners or claimants of the same be subject to pay tax therefor as lots, but the same shall be given in and paid for as other lands in this State.

SEC. 2. *Be it enacted*, That it shall and may be lawful for the corporate authorities of the town of Liberty in Smith county, to make any alteration in relation to the streets, alleys and other public grounds within the limits of said corporation, as to them may seem right and proper, either by closing up or doing away of any streets or alleys, or by widening any streets or alleys; provided, however, that in all cases where any alterations shall be sought to be made in relation to streets or alleys, it shall be the duty of the authorities of said corporation to first obtain in writing, the consent of all those owning any lot or lots of ground adjoining such street or streets and alleys, as are or may be, proposed to be altered. Corporation may alter streets &c.

SEC. 3. *Be it enacted*, That lot No. 51, shall be deemed and taken as belonging to the corporation of the town of Liberty, in Smith county. Lot No. 51.

SEC. 4. *Be it enacted*, That this act shall take effect and be in force, from and after the first day of January next. When act to take effect.

SEC. 5. *Be it enacted*, That the lots in the town of lower Elkton, in the county of Giles, shall, from and after the first day of January next, be taxed as so much land, and not as town lots as heretofore. Lower Elkton.

SEC. 6. *Be it enacted*, That William Norton, Hugh Jones and Benjamin Craighead, be, and they are hereby appointed Commissioners for the town of Rutledge, in the county of Grainger. Rutledge.

SEC. 7. *Be it enacted*, That so much of an act incorporating the town of Nashville, or any amendments thereto, as requires elections of Mayor and Aldermen for said town, or any meeting of the members or officers of said corporation to meet at the court house, be, and the same are hereby repealed. And hereafter it shall be lawful for said elections, and all other business of said corporation, to be conducted in the town hall of said corporation. Nashville.

SEC. 8. *Be it enacted*, That the election of the President and Commissioners of the town of Fosterville, incorporated by an act of this General Assembly, passed on the 11th day of October, 1832, shall be opened and held by some justices of the peace of Rutherford county, in said town, on the first Monday in January next, or on some subsequent day, ten days notice having been previously given thereof, at two of the most public places in said town. Fosterville.

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

BURCHET DOUGLASS,

Passed October 18, 1832. Speaker of the Senate.

CHAPTER LXL

An Act for the relief of George S. Yerger and George W. Churchwell and for other purposes.

Whereas, it has been represented to this General Assembly, that Miller Francis, treasurer of East Tennessee, in the month of July, 1832, for, and on behalf of the State of Tennessee, employed George S. Yerger, as counsel and attorney for the State, to attend to and argue the reservation case of *West and wife vs. Donoho*, then depending in the Supreme Court at Knoxville; and whereas, it has also been represented, that the present agent of the State, Pryor Lea, Esq. was the attorney who originally commenced and prosecuted said cause, for said reservees, and consequently could not attend to the said suit for the State, and the State was unrepresented by counsel in said cause in said court; and whereas said cause involved in its determination, principles of great importance and interest to the said State of Tennessee, in relation to the construction of the Indian treaties of 1817 and 1819, which principles were settled in said cause, in favor of the State;

And Whereas, it has also been represented that said cause involved in its immediate issue, property of great value and amount, and which, had the supposed reservees succeeded in the amount paid by said defendant, Donoho, to the State, with interest thereon from the land sales in 1820, would have to be refunded to him by the State; and whereas it is also represented, that the principle determined in said cause, will determine a number of other reservation cases similarly situated, in all amounting, as is supposed, to at least 20 or 25,000; and whereas said George S. Yerger, proposes and agrees to deliver 104 copies of his Reports, (the number by him to be delivered to the Judges and other officers of the State) in neat law binding, instead of the paper binding of the Acts of the General Assembly, therefore,

Geo. S. Yerger. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the treasurer of Middle Tennessee, be, and he is hereby authorized to pay to said George S. Yerger, out of any moneys in his hands not otherwise appropriated, the sum of five hundred dollars, and the receipt of the said George S. Yerger, shall be a sufficient voucher for him in the settlement of his accounts;

George W. Churchwell. And whereas, it has also been represented, that the said Miller Francis, also employed Geo. W. Churchwell to attend to and argue said cause also, therefore

George W. Churchwell. SEC. 2. *Be it enacted*, That the Treasurer of East Tennessee be and he is hereby authorized to pay to said George W. Churchwell the sum of one hundred dollars for his services in said suit, and the receipt of the said George W. Churchwell shall be sufficient voucher for said Treasurer in the settlement of his accounts.

Sam. Turney. SEC. 3. *Be it enacted*, That the President and Directors of the Bank pay to Samuel Turney seventy-five dollars for his services as attorney in behalf of the Bank in a suit of John Jett and others, securities of the late Entry Taker of White county, against the said Bank and others in the chancery court at M'Minnville.

Pryor Lea. SEC. 4. *Be it enacted*, That the sum of seven hundred and fifty dollars be allowed Pryor Lea, agent for the State, for his services as attorney for the State in superintending and defending for the State, the reservation cases under the treaties of 1817 and 1819, in which suits have been commenced by reservees against the purchasers and other assignees at the Hiwassee land sales. And the Treasurer of East Tennessee is authorized and required to pay to said Lea the aforesaid sum out of any money in the Treasury not otherwise appropriated. And said Treasurer is further required to pay to the Secretary of State the sum of fifty-three dollars thirty-eight cents, the amount charged by said Secretary for his labour in making out and supplying the above named agent Pryor Lea, with a copy of the documents and reports of Hugh L. White, late agent for the State, up to the time of his resignation.

Hugh L. White. SEC. 5. *Be it enacted*, That the Treasurer of East Tennessee, be authorized and he is hereby required to pay to Hugh L. White, late agent for the State, the sum of five hundred dollars for his services as attorney in attending to reservation cases for the year 1831, out of any money in the Treasury not otherwise appropriated.

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

Passed October 18, 1832. Speaker of the Senate.

CHAPTER LXII.

An Act for the relief of Mary Harris.

Be it enacted by the General Assembly of the State of Tennessee, That Mary Harris, a free woman of color, be permitted to remove into this State, and settle upon the land which she owns in the county of Montgomery, and

that she be exempted from all the pains and penalties therefor inflicted by the act of the last legislature.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER LXIII.

An Act for the benefit of Buffalo Iron Works.

Be it enacted by the General Assembly of the State of Tennessee, That John Catron, the owner of Buffalo iron works, situate in the county of Lawrence, in the eighth Surveyor's district, in range six and section two, be authorized to survey and cause to be entered in his own name, seven occupant claims, not to include more than two hundred acres each, lying in said range and section on Brush Creek, to include the improvements of Wyly Barlow, James Waters, Jacob J. Waters, Daniel Layton, John Briley, Isaac Morris and Shadrach Morris, which improvements may be included in one connected survey, and be entered by said Catron in one entry, to include the whole seven claims, and when so entered shall vest in said Catron all the rights and privileges pertaining to bona fide resident occupants.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832.

Speaker of the Senate.

CHAPTER LXIV.

An Act to provide for running a line dividing the counties of Blount and Sevier.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That John Mullendore, of the county of Sevier, and Robert Wier, of Blount county, be, and they are hereby appointed to run and mark the line dividing the counties of Blount and Sevier, according to the Acts of Assembly in that case made and provided, and that the county courts of Blount and Sevier, respectively, shall make to the said Surveyors, such compensation as the said courts, respectively, may deem proper.

SEC. 2. Be it enacted, That the said Surveyors, re-

spectively, shall make report to the county courts of Blount and Sevier, of their proceedings under the provisions of this act, which reports, when made, shall be respectively recorded in the county court clerks' offices of Blount and Sevier, and the line so run and reported, shall thereafter be the dividing line between said counties. To make report.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 15, 1832.

Speaker of the Senate.

CHAPTER LXV.

An Act for the benefit of Alexander Brown.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Alexander Brown, keeper of the Justices' Records for Greene county, is hereby authorized to appoint a deputy keeper of said office. May appoint Deputy.

SEC. 2. Be it enacted, That the provisions of the third section of an act passed December 21st, 1831, entitled, "An Act regulating the return of writs to the supreme court," shall extend and apply to all special appointments of a keeper of Justices' papers, and such keeper shall have the same powers and jurisdiction, as are conferred on the clerks, by the said third section of said act. Construction of the act of 1831.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXVI.

An Act to extend the limits of the corporation of the town of Shelbyville.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the limits of the corporation of the town of Shelbyville in the county of Bedford, be, and the same are hereby extended to the distance of one half mile from the public square of said town, commencing at the margin of said square on each side thereof, extending in all directions, excepting however, said corporation shall not be extended across Duck river, but the Limits extended.

said river shall be the boundary thereof, so far as it may extend on the south and south west side of said corporation.

Powers of corporation limited.

SEC. 2. *Be it enacted*, That the Mayor and Aldermen of said corporation shall have and exercise the same powers, privileges and immunities, over the territory hereby annexed to said corporation, and over the persons and property of individuals within said bounds, as they can, or could have exercised over and within the limits of the original corporation, except however, they shall not have power to open out new streets or to extend the streets, lanes and alleys of the town aforesaid, through the land of individuals within the territory annexed as aforesaid, in the first section of this act, except it be by and with the consent of the owners thereof, and said corporation shall not have power to impose a tax on the land aforesaid, until the consent of the owners as aforesaid is had, and the streets, lanes and alleys shall be extended; nevertheless, said Mayor and Aldermen aforesaid shall be authorized to impose a tax on the dwelling houses, and the lots on which they are immediately situated, of those persons who now reside in said bounds, or who may hereafter settle therein, equal to the tax which may be imposed on the dwelling houses and lots within the former boundary of said corporation.

Extension of prison rules.

SEC. 3. *Be it enacted*, That the prison rules of the county of Bedford, are hereby extended to the limits of the corporation of the town of Shelbyville, as designated in the first section of this act, any law or usage to the contrary notwithstanding.

Thomas C. Moore.

SEC. 4. *Be it enacted*, That the attorney general of the eighth solicitorial district, be and he is hereby authorized and required to dismiss a prosecution by indictment, now pending in the circuit court of Bedford county, against Thomas C. Moore for maliciously stabbing ——— Stephens.

To pay all costs.

SEC. 5. *Be it enacted*, That the said Moore shall pay all costs which may have accrued in the aforesaid suit, and the said Moore and his securities are hereby released from the payment of a judgment taken against them in the circuit court of the county aforesaid, upon the forfeiture of his recognizance in the aforesaid case.

Huntingdon—certain lots may be sold in.

SEC. 6. *Be it enacted*, That the Mayor and Aldermen of the corporation of the town of Huntingdon, be and they are hereby authorized to sell to the highest bidder upon such credit not less than twelve months, as they may think best, three public lots in said town, known and designated in the plan of said town as lots Nos. 105, 106 and 111.

SEC. 7. *Be it further enacted*, That before the said

Mayor and Aldermen shall proceed to sell as before mentioned, they shall obtain the consent of the majority of the citizens of said town thereto, who are entitled to vote for Mayor and Aldermen for said corporation. Consent of citizens to be had.

SEC. 8. *Be it further enacted*, That said Mayor and Aldermen are hereby authorized to convey title to said lots in the same manner that the commissioners of said town were authorized to convey to original purchasers of lots in said town. Conveyance of title.

SEC. 9. *Be it further enacted*, That the money arising from the sale of the before mentioned lots, shall be applied as other moneys are in said corporation. Appropriation of the proceeds.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXVII.

An act to extend the limits of the Corporation of the Town of Memphis, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the corporate limits of the town of Memphis, shall be, and are hereby established as follows, to wit: beginning at the Willow Point, near the mouth of Wolf river, on the south bank thereof, and nearly opposite the end of Sycamore street, thence due west, to the opposite bank of said river, thence with said bank, to the mouth of said river, thence due west, to the middle of the main channel of the Mississippi river, thence down the middle of said stream, to a point opposite the end of Jefferson street; thence eastwardly, with Jefferson street, to the most eastern alley laid down upon the original engraved plan of Memphis, thence with said alley northwardly, to its intersection with Bayou Gazo, thence down the east bank of said Bayou, to Wolf river, thence on the shortest line, across Wolf river, thence with the north bank thereof, to the beginning. Limits extended.

SEC. 2. *Be it enacted*, That the corporation of the town of Memphis shall have all the powers, privileges and capacities, within the foregoing bounds, as have heretofore been granted to them, by the previous laws relating to said corporation. Powers of corporation extended.

SEC. 3. *Be it enacted*, That the unexpended amount of taxes levied and collected in Shelby county, for the improvement of the navigation of Wolf river, may be appropriated by the county court of said county—a major- Appropriation of certain county funds.

ity of the acting justices being present—to such county purposes, as the said court in their discretion, may deem proper, and that the Commissioners heretofore appointed by the county court to manage the expenditure of said taxes on Wolf river, be, and are hereby required to account to the county court of Shelby, for the taxes so levied and collected, which remains in their hands unexpended; provided always, that the extension of the bounds of said corporation, shall not be construed to extend further than to the conferring of powers for the regulation of the police or well ordering the good behaviour of individuals in conformity therewith, and not so as to impair or affect the rights of the original proprietors in the soil, within the limits of the town, or within the extension of its police limits hereby made, nor shall said by-laws, or any that may hereafter be made by said corporation, be in opposition to the constitution, the laws of the State or the rights and privileges aforesaid, of said proprietors; but said rights of the proprietors, with their incidents or appurtenances thereunto belonging, shall remain the same as if this act had never been passed.

Duty of county court Clerk.

SEC. 4. *Be it enacted*, That it shall be, and it is hereby made the duty of the clerk of the county court of Shelby county, to settle, account and pay over to the order of the trustees of the Memphis hospital, so much of the State tax on merchants' license heretofore appropriated to the benefit of said hospital as may be in his hands at such time, on the first days of January, April, July and October in each and every year.

Hugh G. Crozier.

SEC. 5. *Be it enacted*, That the county court of Fayette county, be, and are hereby authorized to dismiss a suit if judgment has not been given, and to release the judgment if given, against Hugh G. Crozier and others, who were the bail for a certain — Mussleman, who was sued for showing tricks without license; provided, that said securities pay all costs and satisfy the court that the principal has run off or left the country, and that he was without much means to pay, if he had remained.

F. W. HULING,

Speaker of the House of Representatives.
BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

CHAPTER LXVIII.

An Act to authorize Mary Humphreys of Carter county to emancipate certain persons therein named.

Be it enacted by the General Assembly of the State of Tennessee, That it shall be lawful for the county court of Carter county, at the next or any subsequent term thereafter, upon the petition of Mary Humphreys being presented for that purpose, to emancipate the following persons of colour, to wit: Glasgow, Maria, Delph and Lucy; provided, that the said Mary previous to said emancipation give bond and security payable to the chairman of said court, in a sum equal the to value of said persons, to indemnify each and every county in this State against their maintenance, and also for their good behaviour.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXIX.

An Act for the relief of John R. Delaney and William K. Blair.

Whereas, William K. Blair and John R. Delaney were employed ten days in taking Laban B. Williams to Rogersville jail and to the judge of the first circuit on habeas corpus; and whereas, owing to the escape of the said Laban, by breaking jail, the said case has never been disposed of in a way to authorize the payment of said claims in regular course.

SEC. 1. *Be it therefore enacted by the General Assembly of the State of Tennessee*, That the Treasurer of East Tennessee pay to said John R. Delaney and William K. Blair, twenty-five dollars each for said services, and their receipts shall be good vouchers in the settlement of his accounts. John R. Delaney and Wm. K. Blair.

SEC. 2. *Be it enacted*, That the sheriff of White county be authorized to appoint three deputies in said county. Sheriff of White county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXX.

An Act for the relief of the persons therein named.

Be it enacted by the General Assembly of the State of Tennessee, That Malinda Louisa Walker, widow and relict, and James C. Mitchell guardian of the minor heirs, of William L. Walker dec'd. be and they are hereby authorized to re-convey to George Morgan of M'Minn county, a certain piece, parcel or tract of land situate in said county of M'Minn, purchased by the said Walker in his lifetime from the said Morgan, upon the said Morgan releasing to the executors of the last will and testament of the said William L. Walker the amount of the purchase money of said land.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXXI.

An Act to amend an act entitled an act to establish the town of Mount Pleasant in the county of Maury and to incorporate the inhabitants thereof—passed October 13, 1824.

Powers of the corporation.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the corporation of the town of Mount Pleasant in the county aforesaid, shall have full power and authority to enact such laws and ordinances necessary and proper to preserve the health of said town, prevent and remove nuisances, to establish night watches and patrols, to ascertain when necessary the boundary and location of streets, lanes and alleys, to provide for licensing and regulating auctions, to restrain and prohibit gaming, and to provide for licensing, taxing and regulating or restraining theatrical or other amusements or shows within the town—to pave and keep in repair the streets, and to pass all laws necessary for the same—also to repair their public spring and to pass such laws as may be proper and necessary for the regulation and protection of the same, to erect and regulate markets, to appoint a recorder, treasurer and town constable, to provide for the establishment and regulation of a fire company or companies—to erect and regulate pumps on the public square, streets, lanes and alleys, and to convey water from the vicinity to 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 restrain tipping houses and to pass all laws and ordinances necessary and proper to carry the intent and meaning of this act into effect; provided, they are not incompatible with the constitution of this State.

Sec. 2. Be it enacted, That all fines, penalties and forfeitures, imposed by the by-laws and ordinances of said corporation, if not exceeding fifty dollars, (\$50) 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 Maury county, in the name of the Mayor and Aldermen of the town of Mount Pleasant.

Recovery of fines and forfeitures.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXXII.

An Act for the benefit of Benjamin James, a free man of color.

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That Benjamin James, a free man of color, late of the county of Halifax, North Carolina, be, and he is hereby entitled to all the privileges of citizenship, that other free persons of color are entitled to, in the county of Hawkins; and that the said James shall not be at liberty to remove to any other county in this State, without first obtaining leave of the county court of the county to which he intends to move, under the penalties prescribed in an act passed at the last session of the Legislature, prohibiting free people of color from removing to this State.

Benj. James.

Sec. 2. Be it enacted, That Jacob Bradley, of the county of Gibson, be, and he is hereby authorized and empowered to emancipate a certain negro man slave, by the name of Benjamin, the property of said Bradley; provided that the petitioner for the emancipation of said slave, shall give bond and good security to the chairman of the county court, in which the petition for said slave's emancipation shall be presented, in a sum double the value of said slave, conditioned to indemnify each and every county in this State against his maintenance and for his good behaviour, upon the express condition, that the above named Benjamin, shall not, at any time,

Jacob Brad-
ley.

become a charge either to the State or either of the counties in this State.

Blount county court.

SEC. 3. *Be it enacted*, That the county court of Blount county are hereby authorized and empowered, upon the petition of the executor or executors, (as the case may be) of the last will and testament of Joseph Weir, dec'd, formerly of said county of Blount, to emancipate Robert, a slave, the property of said Joseph at the time of his death; provided, the emancipation of said slave shall be authorized by said last will and testament, and provided said executor or executors, shall give bond and security for the good behaviour of said slave, and also to keep said county of Blount, as well as all other counties in this State indemnified from all expenses, that may accrue on account of the said Robert at any time hereafter, becoming a county charge.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXXIII.

An Act to appoint Commissioners to examine into the fund and report upon the propriety and progress of the Board of Internal Improvement, touching the Caney Fork, in the counties of Warren and White.

Commissioners appointed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Archibald Hicks, Isaac Hill and Andrew Robertson, Sen. of the county of Warren; and Samuel A. Moore, Henry Lyda and James Young, be appointed to settle with and examine into the proceedings of the Board of Internal Improvement for the counties of Warren and White.

To examine and make report.

SEC. 2. *Be it enacted*, That it shall be the duty of said Commissioners, so soon as the condition of the river will permit, to examine that part of the Caney Fork in said counties, upon which the said Board has worked or intended to work, and report to the county courts of Warren and White of the progress made, the amount of the money already expended and the practicability of rendering said river navigable, and the various obstructions and impediments to its navigation, and also the amount of funds now on hand.

Their compensation.

SEC. 3. *Be it enacted*, That it shall be the duty of the Board of Internal Improvement, to give all necessary information to enable the Commissioners to report accord-

ing to the provisions of this act, and they shall pay to said Commissioners, each, one dollar a day for the time which they may be engaged in performing the duties of this act, out of the fund in their hands.

SEC. 4. *Be it enacted*, That the sum of thirty thousand dollars, heretofore set apart and appropriated to the purposes of Internal Improvement, in the several counties lying west of the Tennessee river, shall be equally divided among said counties, without regard to population.

Int. Imp. fund for Western District.

SEC. 5. *Be it enacted*, That the counties of Humphreys, Perry and Hardin shall be included in the provisions of the fourth section of this act, and shall receive each a portion of the aforesaid funds, equal to the one half allotted to the other counties respectively, which shall be appropriated in that part of the said counties of Humphreys, Perry and Hardin, lying west of the Tennessee river.

Humphreys, Perry and Hardin.

SEC. 6. *Be it enacted*, That it shall and may be lawful for the county court of Overton, to appoint Commissioners of Internal Improvement for said county in case of the death, removal, resignation or refusing to serve, of those heretofore appointed for said county.

Overton County.

SEC. 7. *Be it enacted*, That it shall and may be lawful for Sugars M'Lemore, to receive the following toll at a bridge by him erected across the Forked Deer river, at the Poplar Corner in Madison county, (viz.) for each head of hogs, cattle or sheep, if in a drove, one cent, for each horse, mule or Jack, if in a drove, three cents, for each foot passenger, six and a fourth cents, for each led horse, mule or jack, six and a fourth cents, for each man and horse, twelve and a half cents, for each two wheel carriage or carryall, twenty-five cents, for each four wheel carriage or wagon fifty cents; provided, that in no case shall said M'Lemore receive or charge for any citizen going to and returning from preaching, going to and returning from muster or mill.

Sugars M'Lemore.

SEC. 8. *Be it enacted*, That whenever it is made appear to the satisfaction of the county court of Madison county, that the said bridge or bridges across the sloughs in the bottom is out of order and impassable, it shall be the duty of said county court to direct the sheriff of Madison county to open the gates of said bridge and continue them open until the said repairs are made, and said bridges rendered passable; provided always, that the navigation of the river is in nowise obstructed, by the erection and keeping up of said bridge.

When bridge is out of repair.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October , 1832.

Speaker of the Senate.

CHAPTER LXXIV.

An Act for the relief Henry Matlock, of M'Minn county.

Whereas, Miller Francis, Treasurer of East Tennessee, was appointed commissioner at the session of the General Assembly in 1829 to purchase in for the State the right and title of Betsey M'Intosh an Indian Reservee, held under the treaties of 1817 and 1819 to a section of land in the Hiwassee District; and whereas, it has been represented to this General Assembly, that said commissioners were unable to purchase said claim from said reservee for the sum provided in said act for that purpose, and that said purchase was effected by the said Henry Matlock advancing of his own funds the sum of one hundred and fifty dollars; and whereas, it is unjust that the said Henry Matlock should be prejudiced by his purchase of said land upon the faith and credit of the State,—for remedy whereof,

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee is hereby directed to pay to Henry Matlock of M'Minn county, the sum of one hundred and fifty dollars, and the receipt of said Matlock shall be to said Treasurer a good voucher in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

CHAPTER LXXV.

An Act for the relief of William C. Mynatt of Knoxville.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee be authorized and directed to pay to William C. Mynatt, one hundred dollars for his services as attorney in behalf of the State in the case of Wiley Tooten's lessee against Samuel Martin, now pending in the circuit court of Knox county, and the receipt of the said Mynatt shall be a good voucher for said Treasurer in the settlement of his accounts.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

CHAPTER LXXVI.

An Act to continue the Bank Agency in Campbell county, the time therein mentioned.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the bank agency of Campbell county shall continue in said county under the same rules and regulations as heretofore prescribed by law, until such time as the agent shall have received, by ten per cent calls, an amount sufficient to pay the amount of money in said county, over and above what said county was entitled to have received. Continuance of Agency.

SEC. 2. *Be it enacted,* That in case the bank agent of said county has deposited in the Branch Bank at Knoxville, the amount in notes, on the people of Campbell county, which said county received over and above what the same was entitled to have received, then and in that case, it shall be lawful for the President of said Bank, to send back said notes to the agent in said county, and require the ten per cent calls as heretofore, and pay the same to the President of the Branch Bank at Knoxville. Duty of the President of Bank.

SEC. 3. *Be it enacted,* That the Bank Agency of the county of Blount, shall continue under the rules and restrictions heretofore prescribed by law, until such agent shall have collected by calls, at the rate of ten per cent upon each renewal, an amount of money in said county of Blount, over and above what said county is entitled to, as its proportion of the common school fund. Blount county agency.

SEC. 4. *Be it enacted,* That if the Bank Agent of the said county of Blount, has deposited at the Branch Bank at Knoxville, the notes on the people of Blount county, due to said Bank, over and above what said county is entitled to, then and in that case, it shall be lawful for said Bank to transmit to said agent of Blount County, said notes, who shall call in at the rate of ten per cent as heretofore, and shall pay the same to the Branch Bank at Knoxville. Duty of Bank.

SEC. 5. *Be it enacted,* That the clerk and treasurer of the Board of Common School Commissioners, for the respective counties of Bledsoe and Marion, Sullivan, Washington, Greene, Cocke and Sevier, are hereby empowered and directed to perform all the duties required of the late agents in said counties, under the same rules, regulations and restrictions, as are provided for the Bank Agency of Campbell county, by the first and second sections of this act, and the whole of the books, notes, papers and monies belonging to the late agencies in said counties, shall be handed over to the respective clerks and treasurers for said counties; provided, said clerks and Bledsoe, Marion, Sullivan, Washington, Cocke and Sevier.

treasurers shall give bond and security to be approved of by said Branch Bank, to account for all monies, which, by this act, they are required to account for to said bank.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

CHAPTER LXXVII.

An Act for the benefit of William M'Coy.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Campbell county, a majority of the Justices of said court being present, are hereby authorized to make an allowance of twenty-three dollars eighty six and a half cents, to William M'Coy, moneys expended by him on behalf of the government, in the prosecution of three suits against three hands which were assigned him, said M'Coy, as an overseer of a public road in said county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1831. *Speaker of the Senate.*

CHAPTER LXXVIII.

An Act for the relief of John C. Haley and his son John Haley.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That Maj. R. P. Baker, civil engineer to the Board of Internal Improvement for East Tennessee, and David A. Deaderick, one of the commissioners of said Board, be authorized, and they are hereby required to call upon John C. Haley and his son John Haley, to point out to them the work done by Haleys in removing obstructions to navigation at the Boiling Pot and Suck in the Tennessee river, and on a view of the said work which they shall find to be of public utility, and on a thorough examination of the books and accounts of the said Haleys, relative to their expenditure in performing said work, that R. P. Baker, civil engineer as aforesaid, and the said David A. Deaderick, are hereby authorized and empowered to make the said Haleys such an allowance for their labor and expenses as shall

Provisions
made for relief
of.

in their discretion seem just and right, which allowance so made, shall be certified by the said Baker and the said Deakerick under their hands and seals to the President of the Board of Internal Improvement for East Tennessee, and a duplicate copy shall also be furnished to said Haleys, and it shall be the duty of the President of said Board to draw on the Cashier of the Branch Bank at Knoxville, whose duty it shall be to pay the amount so certified and allowed to the said Haleys, or either of them, with legal interest on two thirds thereof, from the first day of December 1831, and on the residue from the first day of January 1832, out of the funds appropriated for Internal Improvement in East Tennessee.

SEC. 2. Be it enacted, That the commissioners herein appointed shall be, and they are hereby authorized to issue subpoenas to call before them witnesses and hear testimony, should they think proper to do so, to aid them in ascertaining the value of the improvements made by the said Haleys, and in fixing upon the compensation proper to be allowed them.

Commission-
ers may sum-
mon witnesses.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832. *Speaker of the Senate.*

CHAPTER LXXIX.

An Act for the benefit of John and Barnett Rowark of Henderson county.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That John Rowark and Barnett Rowark have a preference right of entering any quantity of vacant and unappropriated land, not exceeding two hundred acres, lying upon Middleton's creek in the county of Henderson, including any convenient mill site for the purpose of building a mill thereon, and that the said John and Barnett Rowark be entitled to all the rights, privileges and immunities that occupants are by law.

May have
a preference
right.

SEC. 2. Be it enacted, That Duke A. Gwin is hereby authorized to build a mill dam across the middle fork of Obion river in Henry county, upon his own land for the purpose of erecting a saw and grist mill, without being subject to the penalty of an act entitled an act to compel owners of mills west of Tennessee river to cut down and remove the standing or decaying timber in their mill ponds—passed 7th January 1830.

Duke A. Gwin.

SEC. 3. Be it enacted, That Robert Ury of the county

Robert Ury of Weakley and John B. Slemons of the county of Carroll, be and they are hereby authorized and empowered to have entered on the general plan of the 12th Surveyor's District in range first, and section 15, two hundred acres of vacant and unappropriated land in said district, including the mill or mills that Ury and Slemons are at this time erecting on Spring creek in said district; provided, however, they do not interfere with any other occupant and occupants; and provided, further, that said Ury and Slemons complete said mills within one year after the passage of this act.

Lemuel C.
Moore.

SEC. 4. *Be it enacted*, That Lemuel C. Moore be authorized to enter two hundred acres of land in the 10th Surveyor's district and spread the same upon the general plan of said district, for the purpose of building a mill thereon, and the said Moore shall have all the privileges in securing a title to the above land that other occupants are by law entitled to.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER LXXX.

An Act to make further provision for the distribution of Haywood and Cobbs' Revisal.

Be it enacted by the General Assembly of the State of Tennessee, That it is hereby made the duty of the respective county court clerks of the several counties in this State to make out and certify as soon as practicable to the Secretary of State, a list of such Justices of the Peace and other officers in his county as have not received the first volume of Haywood and Cobbs' revisal, and it shall be the duty of the Secretary of State, at the time of distributing the acts of this session of the General Assembly, to forward to each county the number of the first volume of said revisal requisite to supply each Justice with a copy of said revisal, and the said Secretary is farther required to furnish the keeper of the Justices' record of Greene county the first volume of said work.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER LXXXI.

An Act for the benefit of Sterling S. Condray and others.

Be it enacted by the General Assembly of the State of Tennessee, That the clerk of the county court of Hamilton county, be, and he is hereby authorized and directed to issue to Sterling S. Condray, George W. Williams and Elijah Thurman, each, a license to retail goods, wares and merchandise, under the provisions of the act entitled, "An Act to equalize the tax on wholesale and retail merchants, jewelers, grocers and auctioneers," passed the fourteenth day of Dec'r. 1831, dating the said license at the time at which the said Sterling S. Condray, George W. Williams and Elijah Thurman, commenced retailing goods, wares and merchandise in the said county of Hamilton; nor shall the clerk of said court institute suit against the said Sterling S. Condray, George W. Williams and Elijah Thurman, or either of them, for a violation of the revenue laws of this State, in retailing goods, wares and merchandise without license in the said county of Hamilton, previous to the passage of this act; provided, however, such license shall not include a longer period than two months immediately preceding the passage of the aforesaid act of the 14th December, 1831.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832.

Speaker of the Senate.

CHAPTER LXXXII.

An Act to make compensation to Daniel Graham for office rent for the records of the State for the year 1830.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the Treasurer of West Tennessee pay to Daniel Graham, eighty-three dollars and twenty-five cents, office rent for the public records from the first of January to the first of October 1830.

Daniel Gra-
ham.

SEC. 2. *Be it enacted*, That the Treasurer of East Tennessee, pay to John McClatchy of M'Minn county, thirty-one dollars, the amount of a judgment for costs upon a writ of error determined in the supreme court of errors and appeals at Knoxville in an action of ejectment for the recovery of an Indian Reservation in said county of M'Minn, wherein Nelson B. Grubbs' lessee was plain-

Jno. M'Clatchy

tiff in error and the said John M'Clatchy and others defendants.

John M'Clatchy SEC. 3. *Be it enacted*, That the Treasurer of East Tennessee, pay to John M'Clatchy the sum of fifty dollars, the amount of a fee by him paid James C. Mitchell for his services as attorney in defending in an action of ejectment instituted for the recovery of an Indian Reservation in the Hiwassee District.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 18, 1832. *Speaker of the Senate.*

CHAPTER LXXXIII.

An Act to establish the town of Portersville in the county of Tipton.

Be it enacted by the General Assembly of the State of Tennessee, That the town heretofore laid off by James Hodges Sen'r. on his own land in the county of Tipton, be and the same is hereby established on the same plan as it was laid off, by the name of Portersville, and William Neal, Robert Case, Moses T. Martin, John Polk, James Hodges Jr. Ephraim Gray and Henry Whiteman, be and they are hereby appointed commissioners for the said town of Portersville, with power to make such by-laws and regulations for the government of said town, as shall in the opinion of a majority of said commissioners be necessary and proper for the well being of the same, not inconsistent with the constitution and laws of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER LXXXIV.

An Act to cut a canal from the Forked Deer to the Mississippi river at or near the place at which R. H. Dyer built a ware house.

Commissioners appointed. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Lynch of the county of Madison, Thomas W. Pugh of the county of Haywood, Wm. W. Lea of the county of Gibson and John Kernerly of the county of Dyer, be, and are hereby appoin-

ted commissioners to superintend and make a contract for the cutting of a canal from Forked Deer river to the Mississippi river at or near the place where R. H. Dyer built a ware house, under such conditions and restrictions as they shall deem necessary.

SEC. 2. *Be it enacted*, That said commissioners shall after giving twenty days notice of the time and place, at their respective court houses, and in the Western District newspapers, let out to the company, or person or persons, who may agree to cut said canal for the right to charge toll on said canal for the shortest time. *To let out contract.*

SEC. 3. *Be it enacted*, That such company or person or persons, who may agree with said commissioners to cut said canal may charge any rate of tolls for all vessels or water crafts, so as not to exceed twenty per centum per annum nett on the cost of said canal, and the expenditure necessary to keep the same in repair. *Rates of toll.*

SEC. 4. *Be it enacted*, That said canal shall not be less than thirty feet wide, and two feet deep at low water, and said commissioners may, if they deem it proper or useful, extend the width and depth of said canal on or before said contract may be offered to the lowest bidder as before stipulated. And said commissioners shall take bond from the undertakers to complete said canal in two years; which bond shall be made to said commissioners, and in the event of failure said commissioners may advertise and let the same character of contract to others, according to the provisions of this act. *Width and depth of canal.*

SEC. 5. *Be it enacted*, That should any of the commissioners die or fail to act, the county court of the county from which such may be appointed, shall appoint some person to act in his place, but a majority of said commissioners are competent to do all the duties herein designated. *Majority of Commissioners may act.*

SEC. 6. *Be it enacted*, That the contract or agreement which said commissioners may make with the undertakers for the cutting of said canal, shall be signed and sealed by all the parties and registered in Dyer county. And such undertakers shall report to the county court of said county, every two years, the nett proceeds arising from the tolls from said canal, and should the same exceed twenty per cent. on the cost of making the same, and keeping it in repair, such person shall be bound to let all vessels pass toll free for the next year, and be liable to the State for the excess, to be recovered by suit, to be commenced and prosecuted by the attorney general of the district in which said canal may be made. *Undertakers to report proceeds.*

SEC. 7. *Be it enacted*, That such undertaker or undertakers, should any person pass without paying their toll, shall be allowed to sue for three times the amount and *Punalty for evading toll.*

recover the same before any Justice of the Peace in the State.

Sugars M'Lemore.

SEC. 8. *Be it enacted*, That it shall and may be lawful for Sugars M'Lemore, to receive the following toll, at the bridge by him erected at the Poplar Corner, across Forked Deer river in Madison county—for each head of hogs, cattle or sheep, if in a drove, one cent each; for each loose horse, mule or jack, if in a drove three cents; for each foot passenger, six and a fourth cents; for each man and horse, twelve and a half cents; for each two wheel carriage or carryall, twenty-five cents; for each four wheel carriage or wagon, fifty-cents; provided, that in no case shall said M'Lemore receive or charge for any person going to, or returning from preaching, or going to or returning from muster, or from mill.

In case bridge gets out of repair.

SEC. 9. *Be it enacted*, That whenever it is made appear to the satisfaction of the county court of Madison county, that the said bridge or bridges are out of order, and impassable, it shall be the duty of the said county court to direct the sheriff of said county to open the gates of said bridge, and continue them open, until the said repairs are made and said bridges rendered passable; provided always, that the navigation of the river is in no wise obstructed by the erection and keeping up of said bridge.

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

Passed October 11, 1832.

CHAPTER LXXXV.

An Act for the benefit of the Corporation of the town of Murfreesborough.

Certain ordinances made valid.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That all ordinances, resolutions and orders passed by the Board of Mayor and Aldermen of said corporation, since the year 1827, and all assessments of taxes by them made since that time, or which may hereafter be made; and all orders for the collection of the same which are not inconsistent with the acts for their incorporation, and with the constitution and laws of the State, are hereby declared as legal and binding, and they shall have the same power to enforce the same, as if there had been a Board of Aldermen duly elected and qualified according to law every year, since the passage of the act for their incorporation.

SEC. 2. *Be it enacted*, That said corporation is hereby entitled to all the powers, rights, privileges and immunities, and are subject to the same liabilities, to which it was entitled, and to which it was subject before the year 1827.

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

Passed October 20, 1832.

CHAPTER LXXXVI.

An Act establishing Academies in the counties of Shelby and Smith.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That there shall be, and is hereby established for the county of Shelby, an Academy called Raleigh Academy, to be located at the town of Raleigh or within one mile thereof, to have and possess all rights, claims, advantages and immunities, which, by any of the existing laws of this State, are allowed to any of the county academies in this State; and the Trustees hereinafter appointed, to have and possess all the powers to make rules for the government thereof.

Raleigh Academy established.

SEC. 2. *Be it enacted*, That Samuel L. Brown, Fletcher Taylor, John Pope, Adam R. Alexander and Dudley Dunn, be, and are hereby appointed Trustees of said Raleigh Academy, and are hereby constituted a body politic and corporate, may sue and be sued, plead and be impleaded, grant, receive, purchase and hold real, mixed and personal estate, and dispose of the same for the use of said academy.

Trustees appointed.

SEC. 3. *Be it enacted*, That it shall be the duty of the Trustees to appoint a Secretary for said Board, also a Treasurer, of whom they shall require bond and security for the faithful discharge of his duty, said bond to be made payable to said Trustees and their successors in office—five shall constitute a Board to do business.

Secretary and Treasurer.

SEC. 4. *Be it enacted*, That the county court of Shelby county, may appoint any additional number of Trustees, not exceeding ten.

Additional Trustees.

SEC. 5. *Be it enacted*, That Richard Alexander, Henry Brooks, Wm. Dillen, Sen. Frederick N. Mitchell, John Bradley, James M'Murray and Chesley Bridgewater, be, and they are hereby appointed a body politic and corporate, by the name of the Oakland Male Acad-

Oakland Male Academy—trustees appointed.

emy, in Smith county, and by that name shall have succession for 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, their successors, and such as may become stockholders in said academy, lands, tenements, goods and chattels, to the amount of fifty thousand dollars, which may be given, granted or demised to them, or purchased by them for the use 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 before any justice of the peace in this State, who may have jurisdiction thereof.

Five to be a quorum.
 Sec. 6. *Be it enacted*, That any five of said Trustees or their successors, shall constitute a quorum to do or transact any business in relation to said academy.

Duty of Trustees.
 Sec. 7. *Be it enacted*, That the Trustees aforesaid, or any five of them, be, and they are hereby authorized to prepare a subscription paper and receive subscriptions thereto, for the purpose of enabling them and their successors to erect a suitable building for said academy and for the purchase of books, maps, &c. for the use of said academy; and all persons who shall subscribe and pay the sum of twenty dollars or more, for the benefit of said academy, shall be deemed and taken to be stockholders in said academy, and shall be entitled to vote for Trustees for the same.

Trustees to hold office until 1834.
 Sec. 8. *Be it enacted*, That the Trustees herein appointed, shall hold their offices until the first day of January 1834, and until others shall be chosen.

Election of Trustees.
 Sec. 9. *Be it enacted*, That the stockholders of said academy, may meet on the premises on the first Monday in January 1834, and on the first Monday in January in each and every year thereafter, to elect Trustees, who shall hold their offices for one year, or until others shall be elected to supply their places.

President and Secretary.
 Sec. 10. *Be it enacted*, That it shall be the duty of the Trustees herein appointed, or any five of them, to meet at some suitable and convenient place, on the first Saturday after the first day of January next, and on the first Saturday after the first day of January in each and every year thereafter, and choose one of their own body as President; and also a Secretary and Treasurer, who need not be of their own body, who shall hold their offices for one year, and until re-elected, or other persons shall be chosen to supply their places.

Duty of Secretary and Treasurer.
 Sec. 11. *Be it enacted*, That the Secretary shall keep a record of the proceedings of said Board, at all the stated meetings, when present, and when absent, the Trustees may appoint some other person to act as Sec-

retary. The Treasurer, for the time being, shall give bond and security to the satisfaction of the Trustees, for the faithful payment and accounting for all funds which may come into his hands for the use and benefit of said academy; all drafts on the Treasurer shall be signed by the President and countersigned by the Secretary, and it shall be the duty of the Treasurer for the time being, to make out and keep a full and explicit statement of all monies which may come to his hands, and to exhibit the same to the Trustees, or a majority of them, whenever requested.

By-laws.
 Sec. 12. *Be it enacted*, That the Board shall have power to establish, from time to time, such by-laws, as to them may seem best for the government and interest of said institution, which shall not be inconsistent with this act and the constitution and laws of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER LXXXVII.

An Act to make a turnpike road from Lebanon to Nashville.

Commission-
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Thomas Edmondson, Thomas Claiborne, Henry L. Douglass, Jesse Wharton, Andrew Jackson Jr. George Williamson, Pauldin Anderson, Joseph Johnson, Burchet Douglass, Turner Vaughn, Thos. Kirkpatrick and Alfred M'Clain, be and they are hereby appointed commissioners, a majority of whom shall designate and mark out a turnpike road from Lebanon to Nashville so as to intersect the Murfreesboro' and Nashville turnpike, or the termination of any of the streets of Nashville, as they shall deem of most practicable use in said road company.

Books to be opened.
 Sec. 2. *Be it enacted*, That said commissioners shall open books at Lebanon and Nashville, and such other places as they may deem advisable to receive subscriptions for shares in said road stock whenever they choose, the shares of which shall be one hundred dollars, and the capitol stock one hundred thousand dollars.

Subscribers incorporated.
 Sec. 3. *Be it enacted*, That as soon as twenty-five thousand dollars be subscribed the stockholders may appoint a President, Directors, Secretary and Treasurer, and they are hereby constituted a body politic with the rights to sue and be sued, plead and be impleaded by

the name and style of the Lebanon and Nashville turnpike road company, and said President and Directors may commence said turnpike road as soon as they are organized as hereinafter provided, and for every five miles commencing at Nashville, of said road that may be completed, said company may put up and erect one toll gate, and they may as the same is completed set up toll gates.

Plan of said
road and time
of completion.

SEC. 4. *Be it enacted*, That said road company shall make said road on the same plan of the Nashville and Franklin turnpike road, and be governed by the same rules, regulations, restrictions and liabilities, except the said company may charge toll after the first cover of M^d. Adamized stone six inches thick be laid on said road, until the same shall be completed or otherwise forfeited—and said road may be of an elevation of two and three fourth degrees, and the company shall be allowed the same rates of toll at each gate, as are allowed at each of the gates on the said Nashville and Franklin turnpike road; and the said company shall place the second cover of stone as is required in the charter of the Nashville and Franklin turnpike road company, to be placed on said road within twelve months after one years use of said road, and said company may be allowed seven years to complete said road, and if it be not began in two years, and completed within seven years, this charter shall be forever forfeited and of no effect.

Location of
road.

SEC. 5. *Be it enacted*, That should the stockholders not be satisfied with the location of the route of said road, the President and Directors may change and alter the same before or after they have made progress with the work so as not to lose any more work than possible to said company, always keeping in view the best practicable route.

Payment of
stock.

SEC. 6. *Be it enacted*, That any person or company who may subscribe stock in said company, may if they will so designate it at the time of the subscription, be allowed to pay for the same in work on said road; provided, that whatever they may agree to do shall be a certain part of the road given to them by the directors, which they shall complete under the provisions of this act, and provided, that such person or persons shall perform said work at as low a price as others who may offer to do it, and who shall be every way competent to perform such work in the opinion of the directory.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER LXXXVIII.

An Act to compensate Jacob P. Chase.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee pay to Jacob P. Chase the sum of one hundred dollars, out of any money in the treasury not otherwise appropriated, as compensation for making and furnishing, in part, the forms and precedents published in Haywood and Cobbs' Digest of the Statutes of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER LXXXIX.

An Act to appropriate the interest arising upon the Internal Improvement fund for Wilson county, to the purposes of Common Schools.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the interest arising upon the Internal Improvement fund for Wilson, set apart by the act of 1831, for common school purposes, shall be applied and appropriated by the common school Commissioners of Wilson county, for the use of common schools therein, in the same way and manner as that of the interest of the common school fund heretofore set apart for that county.

Appropriation
of the interest

SEC. 2. *Be it enacted*, That the citizens residing within the limits of common school district, No. 24, in Wilson county, shall number and be permitted to send to school all children over the age of five, and under the age of eighteen years; provided, that the common school Commissioners shall not apportion any additional sum out of the interest of the common school fund in Wilson county, for the children of five years old only.

School Dis-
trict No. 24.

SEC. 3. *Be it enacted*, That the common school Commissioners for each and every school tract of land in Lincoln county, be, and they are hereby authorized and empowered to build, in each township in which land is set apart for the benefit of common schools, any number of school houses, not exceeding three, as the convenience and interests of the inhabitants of said township may require; provided, the consent of the person, on

Commission-
ers of Lincoln
county.

whose land said school house is to be built, is first had and obtained by said Commissioners.

May purchase numbered land. SEC. 4. *Be it enacted*, That the common school Commissioners for each tract of school land in the county of Lincoln, be, and they are hereby authorized and empowered, to purchase a sufficient quantity of timbered land adjacent to, or adjoining the school tracts, if they should deem it necessary, to keep up the repairs on said school tracts, and to appropriate the rents of said school lands to that object.

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

Passed October 20, 1832.

CHAPTER XC.

An Act to establish a volunteer company in the town of Trenton.

Trenton Invincibles. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That a company of militia commanded by Captain Benj. B. Herndon, in the county of Gibson, be and they are hereby formed into a volunteer company to be known by the name of the Trenton Invincibles, and that all persons who live within the bounds, or who may hereafter live within the bounds of said company, shall be under the following rules and regulations until otherwise provided for by law.

Election of officers. SEC. 2. *Be it enacted*, That said company shall be entitled to elect (when vacancies occur) one Captain, one first, one second, and one third Lieutenant as other militia officers are elected of the like grade, and the majority of said company officers shall have power to appoint three Sergeants, and three Corporals, who shall serve during the pleasure of said company.

Duties of Judge Advocate. SEC. 3. *Be it enacted*, That the first Sergeant shall act as Judge Advocate for said company, and in his absence the second Sergeant shall act pro tempore in his place; said Sergeant may be required to enter into bond with sufficient security, for his faithful performance as such, and said Judge Advocate shall have power to issue execution on judgments for fines, he shall keep a book and make a true record of the proceedings of all company and court martials, and also the by-laws of said company, and shall be sworn to discharge the duties of his appointment to the best of his ability, and shall be required to exhibit his books and papers, and if called on to deliver up or pay over all moneys in his hands to a majori-

ty of the company officers or their order, on his failing so to do, the company officers may obtain a judgment by motion (by giving said Judge Advocate five days notice of the time and place of said trial,) before any Justice of Gibson county, and execution may issue (without stay) as in other cases; provided, nevertheless, said Judge Advocate may have a right to an appeal as in other cases at law.

Courts Martial. SEC. 4. *Be it enacted*, That 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 under the same rules and regulations that other court martials are conducted in this State.

Rate of fines. SEC. 5. *Be it enacted*, That commissioned officers, non-commissioned officers, musicians and privates shall be subject to the same rate of fines as other militia officers, non-commissioned officers, musicians and privates are fined by the existing laws of this State.

Appropriation of fines. SEC. 6. *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 procuring of music, colours, &c.

Times and places of mustering. SEC. 7. *Be it enacted*, That the Trenton Invincibles shall be required to muster in the town of Trenton or vicinity at least six times in each and every year, at such times as the commissioned officers of said company may direct, and as much oftener as the by-laws of said company require, but said company shall not be compelled to attend regimental or either of the battalion musters or regimental or battalion courts martial.

May choose uniform. SEC. 8. *Be it enacted*, That said company may have and they are herewith invested with authority to choose their own uniform.

Attached to Regiment. SEC. 9. *Be it further enacted*, That the officers, non-commissioned officers, musicians and privates shall be authorized to vote for field officers of the regiment in which they reside, and shall be attached to said regiment and commissioned accordingly.

By-laws. SEC. 10. *Be it enacted*, That the by-laws of said company shall be obligatory in law on all members of said company; provided, said by-laws are not inconsistent with the constitution 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.

Passed October 20, 1832.

CHAPTER XCI.

An Act for the relief of James Nugent and Samuel D. Powell.

Be it enacted by the General Assembly of the State of Tennessee, That James Nugent and Samuel D. Powell of Hawkins county, be released from the payment of a forfeiture of one hundred dollars each, entered against them by the county court of Gibson county, for the personal appearance of William Nall; provided they pay all costs that have accrued upon said prosecution.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER XCII.

An Act to amend an Act entitled, "An Act for the benefit of Common Schools, in this State.

Smith county.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That hereafter it shall be the duty of the Chairman and Board of each common school district in Smith county, when they apply to the Board of Commissioners for that portion of the common school fund, to which they may be entitled under the acts passed for the benefit of common schools, to exhibit to the said Commissioners, a correct list of the number of children from the ages of six to eighteen years old, that may be in said district, at the time of such application.

Dickson county.

SEC. 2. Be it enacted, That until the organization of the Board of Common School Commissioners, for the county of Dickson, that the records, books, notes and monies belonging to the present Bank Agency, for the county of Dickson, which are required by law to be paid over to the use of common schools, together with all other common school funds to which said county may be entitled, are hereby directed and required to be delivered over and paid to William Hightower, on his giving bond and sufficient security, payable to the Chairman of the county court of Dickson and his successors in office, for the use of common schools in said county, in double the amount to which said county is entitled, conditioned for the faithful accounting for and managing of said fund agreeably to law, such bond and security to be approved by the chairman of the county court, and to be by him deposited in the clerk's office of said county.

SEC. 3. Be it enacted, That that part of the Internal Improvement fund, set apart by an act of the last General Assembly, for the benefit of Dickson county, together with the interest that has accrued thereon, shall be paid over by the Cashier of the Bank of the State to said Hightower, to be disposed of for the benefit of said county, under such directions as a majority of the acting justices of the peace for said county, in open court, shall designate; and said court—a majority being present—may either blend said fund with and for the use of common schools, or any other laudable purpose they may think proper.

Int. Imp. fund
for Dickson
county.

SEC. 4. Be it enacted, That the 18th, 19th, 20th, 21st and 22d sections of an act to revise and amend an act entitled, ("An Act to establish a system of Common Schools, and to appropriate the funds of the State," passed January 14th, 1830) passed December 20th, 1831, be, and the same is hereby held and deemed to apply to the said William Hightower, as agent aforesaid, in governing, managing and accounting for said funds, as is enjoined on Charles C. Abernathy, as agent for Giles county in said sections.

William High-
tower.

SEC. 5. Be it enacted, That that part of the Internal Improvement fund, and the interest thereon, which was set apart by an act of the last General Assembly, shall be paid over by the Cashier (or agent, as the case may be,) of the Bank of the State, to the Chairman of the Board of Common School Commissioners for Hickman county, or to his order, which said fund shall be blended with and appropriated for the use of common schools in said county, under the same rules, regulations and restrictions, that the common school fund is disposed of.

Hickman coun-
ty.

SEC. 6. Be it enacted, That the appointment of the following persons, to be common school Commissioners for the county of Humphreys, to wit: Steven C. Pavatt, Lemuel Herrin, James S. Sails, William McCaslin, Urbane Harris, George W. Farmer and Jacob Browning, be confirmed, notwithstanding any informality in making said appointments.

Humphreys
county.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER XCIII.

An Act making provision for the purchase and distribution of Rhea's Map of Tennessee.

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

Number to be purchased. *State of Tennessee*, That the Secretary of State be, and he is hereby directed to purchase of Rhea's Map of Tennessee, a number sufficient to furnish one map to each of the colleges in East Tennessee, one to the Nashville University, and one to each of the incorporated county academies in this State, and one to each State of the United States.

Appropriation for.

SEC. 2. *Be it enacted*, That the sum of six hundred dollars, out of the Bank of the State, is hereby appropriated to defray the disbursements necessarily to be incurred in purchasing and distributing said maps, and the warrant of the Secretary therefor, shall be a good voucher in the hands of either of the Treasurers in this State.

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

Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER XCIV.

An Act prescribing the duties of the Trustees of Bolivar Academy in the county of Monroe.

Duties prescribed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the trustees of Bolivar Academy, in the county of Monroe, shall collect all the moneys by them loaned out to any person in larger sums than one hundred dollars, as soon as the same may come due, and in loaning out the same when collected, it shall not be lawful for them to loan to any one person, more than one hundred dollars.

Penalty for failure.

SEC. 2. *Be it enacted*, That if the said trustees, shall not within two months after any debts may fall due, over the sum of one hundred dollars, collect the same, or bring suit therefor, they shall forfeit and pay one hundred dollars, to any person who will sue for the same, to be recovered by action of debt.

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

Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER XCV.

An Act for the relief of Bradford and Deckard, of Franklin county.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of West Tennessee, refund to Bradford and Deckard, on application, the sum of fifty dollars, it being the sum overpaid by them, for their merchant's license, and their receipt shall be a good voucher for said Treasurer in the settlement of his accounts.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER XCVI.

An Act to establish a Town on the lands of William C. Rogers, in the county of Henry.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William C. Rogers, of the county of Henry, be, and he is hereby authorized to lay off into lots of such size as to him seems most expedient, not to exceed thirty acres of the tract of land, on which he now lives, at the Cross Roads in said county, and that the same be established as a Town, to be known by the name of *Caledonia*.

SEC. 2. *Be it enacted*, That the necessary streets and 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.

SEC. 3. *Be it enacted*, That so soon as the purchasers of lots, receive deeds for the same, they shall then be subject to State and county tax as in other cases.

SEC. 4. *Be it enacted*, That James W. Taylor, David Hogan, Thomas Bowdin, James Brooks, John D. Love, William Brooks and William Alexander, be, and they are hereby authorized to establish and lay off a Town in Henry county, at the place where John D. Love has a store, to be known and distinguished as the Town of *Pleasant Town*, with all the privileges herein provided for the Town of *Caledonia*.

F. W. HULING,
Speaker of the House of Representatives.
BURCHET DOUGLASS,
Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER XCVII.

An Act to dispose of the Internal Improvement fund belonging to the counties therein named.

SEC. 1. Be it enacted by the General Assembly of the State of Tennessee, That the Internal Improvement fund belonging to the counties of Sumner and Williamson, as pointed out in the 6th section of the act of 1831, chapter 43, be paid by the cashier of the Bank of the State to the clerks of the county courts of the above named counties.

SEC. 2. Be it enacted, That the clerks aforesaid shall account for the money received by them as provided for in the first section of this act, as they are by law bound to account for other public moneys, belonging to their respective counties, and the county courts of said counties shall dispose of said funds, as by law they are authorized to dispose of other county funds.

SEC. 3. Be it enacted, That John H. Poston, James Ramsey, John Niblett, James B. Reynolds and James Wheatley, be appointed a Board of Internal Improvement for Montgomery county, and when qualified before the county court to faithfully execute and perform the duties of commissioners of said Board, shall have power to appoint a clerk and of their Board, a Treasurer, and shall have power in the name and style of the commissioners of Internal Improvement for Montgomery county to receive and collect any funds due said Board or Commissioners, to sue and be sued, and to do any act or acts necessary to discharge any of the duties of said Board, or which the interest of said county requires.

SEC. 4. Be it enacted, That when said Board shall be organized as required by this act, and shall by their Treasurer produce to the Bank of the State of Tennessee a certificate of qualification as aforesaid, from the clerk of said county court, it shall be the duty of the President and Directors of said Bank, to pay over all moneys in said Bank, of the Internal Improvement fund belonging to said counties, to said Treasurer, under the same conditions in relation to said Internal Improvement fund, as govern other sections of the State in such cases.

SEC. 5. Be it enacted, That said Board shall have power to vest said fund when received in any bridge or road stock in said county, that in their opinion will produce a reasonable profit, or at their option to loan said money on interest at any rate not exceeding ten per cent. interest, which interest or profits of stock, shall be paid over and appropriated as a majority of the Justices of the said county court for said county, shall order or direct;

that said board shall report to the county court at their first term in each year, the state of said fund, and how they have appropriated the same and the profits thereof; that a majority of said commissioners shall form a board, to transact any business, but a concurrence of them shall be necessary to make any order—should any of the commissioners fail or refuse to qualify or act, or die or resign, the county court aforesaid, a quorum of said Justices being present, shall and may have power to appoint a commissioner or commissioners in his or their stead, and said board shall have power to take bond and security of their clerk and treasurer, to secure the safe and faithful execution of their duty, in a sufficient penalty and payable to the chairman of the county court of said county, to be put in suit by any person aggrieved, and to allow out of the profits such reasonable compensation as they may deem right.

SEC. 6. Be it enacted, That Henry Frey, Robert Green, Matthew Powell, Henry Hart and William Seal, shall be appointed a board of Internal Improvement for the county of Robertson, who upon being qualified as required in this act for the commissioners for Montgomery county, shall have power to receive all funds due said county of Robertson, and said commissioners for said county of Robertson, shall possess all the powers, have all the rights, and be liable to all the restrictions, and shall observe the rules and duties as are required of the commissioners of Montgomery county by this act, and the county court of Robertson shall have all the powers, for the fund of Robertson, as are vested in the county court of Montgomery for their fund.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 21, 1832.

Speaker of the Senate.

CHAPTER XCVIII.

An Act authorizing the Judge of the seventh Judicial Circuit to issue certificates in certain cases.

Be it enacted by the General Assembly of the State of Tennessee, That the Judge of the seventh judicial circuit of this State, is hereby authorized and required to issue a certificate for the balance that may be due any person for improvements that he may heretofore have had valued by said Judge, under the act of Assembly in that case made and provided; and that said certificates, when

so issued, shall be received by the entry taker of the Hiwassee District, for any lands that may be entered in his office; provided, no person shall be entitled to a certificate under the provisions of this act, who shall have received payment in full heretofore, to the amount adjudicated.

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

Passed October 20, 1832.

CHAPTER XCIX.

An Act to change the time of holding the Court Martial of the 48th Regiment.

Regimental Court Martials. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That hereafter, the regimental Court Martial of the 48th regiment of the militia of this State, shall be held on the fourth Monday in September annually.

Regimental Muster. SEC. 2. *Be it enacted*, That the regimental muster of the 122d regiment of Tennessee militia, in Lincoln county, shall be hereafter held on the first Saturday after the second Wednesday in October, in each and every year hereafter.

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

Passed October 20, 1832.

CHAPTER C.

An Act to amend an Act entitled, "An Act to incorporate a Company, called the Franklin Turnpike Company, and for other purposes," passed December 31, 1829.

When gates may be erected. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That whenever said company shall have covered said road the whole distance between Nashville and Franklin, with a sufficient depth of rock, according to the M'Adam plan, to admit of travel thereon, then, in that case, it may be lawful for said company to erect the gates and receive the tolls, which, by the law heretofore passed, the said company would have been authorized to erect and receive, upon the completion of

said road; provided, that said road, be completed according to the provisions of the act, which this is intended to amend, within one year from the passage of this act.

SEC. 2. *Be it enacted*, That the Trustees of the academies in the counties of Bedford, Rutherford and Davidson, be, and they are hereby authorized and empowered, whenever they may think the same advisable, to subscribe such portion of the funds belonging to said academies, as are available, to the Nashville, Murfreesborough, and Shelbyville turnpike road; provided, that the President and Commissioners of said road, will execute an obligation to said Trustees, to pay said academies six per cent per annum, upon the amount so subscribed.

Academy funds may be subscribed to Nashville Murfreesborough and Shelbyville Turnpike.

SEC. 3. *Be it enacted*, That the Trustees of the academy for Montgomery county, shall have power, if to them it shall seem advisable, to vest the academy fund of said county in stock in the Union Bank of the State of Tennessee.

Montgomery Academy fund may be vested in Bank Stock.

Whereas, it is doubtful, agreeably to the sixth section of said act, to what extent the authority of the President and Directors may be exercised in cutting and digging materials to construct and repair said road, for explanation whereof,

SEC. 4. *Be it enacted*, That their authority shall extend to the cutting, digging, quarrying or taking from, the nearest materials, whether of wood, stone or gravel, to repair said road after being finished; and shall not extend to passing over only the nearest materials as aforesaid, if they can be made to answer, and take, that which is farther off, because it will answer somewhat better, without leave of the owner of the soil.

Authority to use materials for road.

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

Passed October 20, 1832.

CHAPTER CI.

An Act for the benefit of the persons therein named.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Benjamin Garrott to file his petition before the Judge of the circuit court at Monroe, in Overton county, praying for a divorce from his wife, Elizabeth Garrott; and if it shall be made to appear to the Judge of said

B. Garrott may file petition for divorce.

court, by affidavit, or the oral evidence of credible witnesses, that the said Elizabeth Garrott, some time since, left the residence of the said Benjamin Garrott, and the county of Overton, and went to some other county or State, in company with Hugh St. Clair, a free man of color, it shall be the duty of the Judge of said court, forthwith by decree, to dissolve the bonds of matrimony heretofore entered into, and now existing between the said Benjamin Garrott and his said wife Elizabeth, without making publication, or giving other notice to the said Elizabeth; provided, her absence from said county, and her former residence therein, be satisfactorily established by affidavit or other proof.

Nancy Close
may file peti-
tion for divorce

SEC. 2. *Be it enacted*, That Nancy Close of the county of Bledsoe, be, and she is hereby authorized to exhibit her petition for a divorce, to the Judge of the circuit court at the next, or any subsequent term thereof, to be holden in the county of Bledsoe, at the court house in Pikeville, and upon proving that her husband Samuel S. Close, has deserted and lived absent from her for the space of two years, it shall be the duty of said court, at the term at which said petition is exhibited, to sentence and decree a dissolution of the bonds of matrimony now existing between said parties.

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

Passed October 20, 1832.

CHAPTER CII.

An Act to repeal the second section of an Act entitled, "An Act for the benefit of Jesse Savage, of Warren county," passed 1st Nov. 1831

Repealing
clause. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the second section of the above recited act, be, and the same is hereby repealed; and it shall not be lawful for the said Savage to stop up or prevent the keeping open the old road leading by Hill's old stand on Cumberland mountain; and it shall be lawful for the proprietor of said stand, or plantation, or his successor, to open and keep up a road that shall lead by said stand, intersecting the said Savage's turnpike road, at such point as he may think proper.

Repealing
clause. SEC. 2. *Be it enacted*, That all laws requiring the said Savage to pay tax on said road, be, and the same are hereby repealed.

SEC. 3. *Be it enacted*, That Charles Cagle, Sen. and Thomas Brown, Jr. be appointed Commissioners on the aforesaid road, and that they shall be governed by the same rules and regulations that are prescribed by the act granting the said charter for the Commissioners therein named. Commission-
ers appointed.

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

Passed October 20, 1832.

CHAPTER CIII.

An Act for the relief of the Surveyor General of the Hiwassee District

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee, be, and he is hereby authorized to pay Joseph Calloway, Surveyor General of the Hiwassee District, the sum of two hundred and twenty dollars, for surveying the Indian reservations in the Hiwassee District, for platting the same, and making a map of each township in which said reservations lie.

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

Passed October 19, 1832.

CHAPTER CIV.

An Act for the relief of Sarah Park of Knox county, and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That Sarah Park of the county of Knox, the wife of Alfred Park, be and she is hereby authorized and empowered to make contracts, to acquire, hold, use and enjoy any kind of property in the name of Sarah Park, and in that name may sue and be sued, and have all the benefits, powers and privileges in law, of a feme sole, and this act shall not be a bar to her procuring a divorce from the said Alfred Park, according to the laws now in force and use in this State. Sarah Park to
have privilege
of feme sole.

SEC. 2. *Be it enacted*, That Margaret Bradley of Dickson county, wife of John Bradley, shall be entitled to all the rights and privileges extended to Sarah Park of Knox county, in the first section of this act. Margaret Brad-
ley to have pri-
vilege of feme
sole.

Polly Billingsly to have privilege of fence sole.

SEC. 3. *Be it enacted*, That Polly Billingsly of Roane county, wife of Elijah Billingsly late of said county, shall be entitled to all the rights and privileges extended to Sarah Park of Knox county, and of Margaret Bradley of Dickson county, in the first and second sections of this act.

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

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER CV.

An Act allowing John Burke further time to complete his Turnpike road, and to appoint Commissioners on said road.

Further time allowed.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That John Burke be allowed the further time of nine months to complete his Turnpike road leading from Sparta to the Crab Orchard, and that Jesse Lincoln, John Kimmer and John Ledder, be and they are hereby appointed Commissioners on said road, who shall have the same powers, take the same oath, and perform the same duties as required by the act—establishing said Turnpike road; and it shall, moreover, be the duty of said Commissioners or any two of them at the expiration of the above named nine months, to pass over and view said road, and it is further made the duty of a majority of said Commissioners, to view said road at least once in every succeeding six months, and at any time if it shall be found out of repair as required by the charter establishing said road, it shall be the duty of said Commissioners to set open the gate, and in all respects to be governed by the provisions of the act above referred to; and the said acting Commissioners shall be entitled to two dollars and fifty cents for each day they may be necessarily engaged in reviewing the aforesaid road, to be paid by the proprietor thereof.

John Rose may open Turnpike.

SEC. 2. *Be it enacted*, That John Rose of White County, be and he is hereby authorized to open a Turnpike road from Arthur Frogg's in Fentress County, to intersect the road leading from Sparta to Kingston, at or near Nathaniel C. Davis's in White County; and that William Simpson and David Snodgrass of White County, be and they are hereby appointed Commissioners to view, designate and mark the location of said road—having regard to the nearest and best road, touching the points designated in this act.

Commissioners appointed.

SEC. 3. *Be it enacted*, That the said Rose shall open said road, within three years from the passage of this act—shall have the same for twenty years—and shall make it twenty-five feet wide on level ground, and twenty feet wide on all hill sides, the whole of which shall be clear of stumps, roots, rocks and runners; and shall receive the same toll that is allowed upon Burke's Turnpike road, leading from Sparta to Kimmer, as prescribed in the act of 1831, entitled "an act to amend an act entitled an act to authorize John Brown to keep up and open a Turnpike road," passed, Jan. 9, 1830.

SEC. 4. *Be it enacted*, That William Simpson and David Snodgrass be, and they are hereby appointed Commissioners on said road, whose duty it shall be to take the same oath, that Commissioners on Burke's Turnpike road, are required to take; and so soon as said road is opened as required by this act, they shall license the proprietor, to set up a gate on the same, and shall in every six months thereafter, view said road, and should they at any time, find the same out of repair, it shall be the duty of said commissioners to open said gate, and no toll shall be received by the proprietor thereafter until he puts it in the repair required by this act.

SEC. 5. *Be it enacted*, That the commissioners appointed by this act shall receive two dollars for each day which they may be engaged in viewing said road, to be paid by the proprietor thereof.

SEC. 6. *Be it enacted*, That Jesse Allen of Warren county shall have authority to open a turnpike road commencing where a road authorized to be established by Jesse Lincoln and William Usery of White county, under an act of the present General Assembly, leaves the road from Sparta to Liberty in Smith county, crossing the Caney Fork at said Allen's ferry and extending with the present road to the point where the said Lincoln's and Usery's turnpike road proposes to intersect the same.

SEC. 7. *Be it enacted*, That the said Allen shall be bound to open and keep up the said road in the same manner, and be governed by the same rules and regulations as prescribed in the act before alluded to for the government of the road to be opened by the said Jesse Lincoln, and William Usery.

SEC. 8. *Be it enacted*, That Thomas Durham and Solomon Redman of Warren county, are appointed commissioners on said road; and when they shall find it in repair as contemplated by this act, shall license the said Jesse Allen to erect a gate on said road at or near Caney Fork; and the said Allen shall receive the same tolls, and be entitled to the same benefits, privileges and emoluments, and be subject to the same conditions that the

Description of road.

Toll.

Commissioners to Burke's Turnpike.

Pay of Commissioners.

Jesse Allen may open turnpike.

Regulations.

Commissioners appointed.

Tolls.

said Jesse Lincoln and Wm. Usery are entitled to, and subject to by virtue of the act before mentioned and for the same term of years.

Hale's Turnpike. SEC. 9. *Be it enacted*, That all laws appointing any other persons than David Hasting and Jonathan White-side commissioners on Hale's turnpike road be repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 19, 1832.

Speaker of the Senate.

CHAPTER CVI.

An Act for the relief of Isaac and Melchisedeck Hill of Warren county.

Whereas, Isaac and Melchisedeck Hill of Warren county county have proceeded to great expense to get timbers and have partly erected a dam in Collins' river in said county, in building a merchant mill, which would be of great public utility; and whereas, the same is now liable to be washed away by freshets in said river, and they being enjoined by the chancellor of M'Minnville chancery court, the next term of which will probably be too late to save said works by dissolution of said injunction—therefore, for remedy.

To execute bond. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That it shall be lawful for Isaac and Melchisedeck Hill of Warren county, to execute a bond with good and sufficient security to Jesse Savage in the sum of two thousand dollars, to be void on condition that the said Isaac and Melchisedeck Hill will well and truly pay all damage, and satisfy and perform such decree as may be made in the chancery court at M'Minnville in a suit pending where said Savage is complainant against said Hills, enjoining the erection of a mill on Collins' river in said county.

May proceed to erect mill. SEC. 2. *Be it enacted*, That the clerk and master of said court is hereby directed to take said bond which when executed, the said Hills may proceed in the building the mill which they had commenced on Collins' river in said county, from which they are enjoined without being guilty of any contempt to said court therefor, subject to such decree as may be made in said cause hereafter.

Subject to a future removal. SEC. 9. *Be it enacted*, That the chancellor shall have power at the next term of the chancery court to renew the injunction and prevent the erection of said dam;

provided, he is satisfied from proof, then to be adduced, that the erection of said dam will be productive of irreparable injury, or if the same should have been built, to order it to be removed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER CVII.

An Act for the relief of Thomas White and others.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That David Caldwell, William Up-ton and Christopher H. McGinnis, be appointed commissioners to sit at the court house in the county of Monroe, at such time as they shall appoint, and they are hereby authorized to issue subpoenas for witnesses, to hear testimony, to adjudicate and determine the value of the improvements made by Thomas White, Miller Isbell and William Kanard on lands by them held under the State in the said county of Monroe, and which were recovered in an action of ejectment by Willough Maw, an Indian Reserve under the treaties of 1817 and 1819; and it shall be the duty of said commissioners, after deducting the value of the rents and profits of said lands, during the time said White, Isbell and Kanard had the same in possession under the State, from the value of said improvements, to issue certificates to the persons respectively entitled to the same, for the balance of the value of their respective improvements, which certificates shall be paid by the Treasurer of East Tennessee and shall be to him good vouchers in settlement.

Commissioners appointed to adjudicate.

SEC. 2. *Be it enacted*, That the commissioners herein appointed shall each receive the sum of three dollars per day for their services under this act, to be paid by the persons herein provided for.

Commissioners' compensation.

SEC. 3. *Be it enacted*, That before the commissioners herein appointed shall enter upon the duties of their appointment, they shall take an oath before some Justice of the Peace, impartially and honestly to discharge the duty required of them in this act.

To take oath.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER CVIII.

An Act for the relief of John Crozier and son.

Relief granted.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the Treasurer of East Tennessee, be directed to pay to John Crozier and Son, merchants of Knoxville, trading under the firm of Crozier and Son, the amount which they have paid over what was due for a merchant's license for an amount of goods, over seven thousand five hundred dollars, and under ten thousand dollars; said Crozier and Son having paid the clerk of the county court of Knox county, for a wholesale and retail license under a misconception of the late law.

Alfred Hutchison.
 Sec. 2. *Be it enacted,* That Alfred Hutchison may render to the clerk of Rhea county court, an inventory of the goods at cost where purchased, which the said Hutchison had on hand at his store in said county on the second day of December 1831, at which time a license was obtained under the former law, for which said Hutchison paid fifty dollars, and it shall be the duty of said clerk to certify the amount of tax to which the said Hutchison would be liable on the inventory so furnished, under the provisions of the act equalizing the tax on merchants, passed the 14th day of December 1831, and on the clerk's certificate being presented to the Treasurer of East Tennessee, it shall be his duty to refund to the said Hutchison the balance if any of the fifty dollars by him paid for a retail license.

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

Passed October 19, 1832.

CHAPTER CIX.

An Act to establish a Board of Internal Improvement for the county of Lawrence.

Board appointed.
 Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Augustin W. Bumpass, John M. Cracken, George Lucas, John B. Stribling, Robert Bra-shers and John Wasson, be and they are hereby appointed a Board of Internal Improvement for the county of Lawrence, any five of whom shall be a quorum to do business, and said Board shall give bond and security payable to the chairman of the county court of Law-

rence, in the sum of three thousand dollars for the faithful performance of their duties as a Board of Internal Improvement for said county, and the said Board shall be authorized to elect a President, Treasurer and such other officers as they may deem necessary to carry into execution the objects of their appointment, and shall take such bonds and security for the faithful discharge of their trusts as they may think proper and necessary.

Sec. 2. *Be it enacted,* That it shall be the duty of the President and Treasurer of the Bank of the State of Tennessee, to pay over to said Board upon the order of the President thereof, that part of the fund for Internal Improvement belonging to the county of Lawrence.

Sec. 3. *Be it enacted,* That it shall be the duty of said Board to loan said moneys according to the rules and regulations prescribed for loaning the common school fund in the several counties, and may apply the interest to purposes of Internal Improvement, but shall not apply any part of the principle, but shall loan the same and only appropriate the interest.

Sec. 4. *Be it enacted,* That when any vacancy may happen in said Board by declining to act or otherwise, a majority of said Board shall be authorized to supply the same, and from time to time such majority may make all necessary orders for the preservation of the funds of said Board, and the said funds shall be subject to future legislation and may be applied either to purposes of education or vested in some profitable stock according to the future wishes of the citizens of said county of Lawrence.

Sec. 5. *Be it enacted,* That David Gollihan, David K. Jamison, Reese W. Porter, Andrew Brown, Joseph H. Mahon and Benjamin Hardin, of the county of Wayne, and their successors in office, be and they are hereby appointed a Board of Internal Improvement for said county of Wayne, and that Lewis H. Broyles, Robert Watt, David Robertson, John Houston and James Irwin of the county of Hardin, and their successors in office, are hereby appointed a Board of Internal Improvement for said county of Hardin.

Sec. 6. *Be it enacted,* That said Boards respectively, shall possess and enjoy all the rights, powers and privileges, and in their organization and subsequent management of the fund hereby entrusted to them, shall be subject to all the directions and restrictions herein before pointed out for the government and control of the Board of Internal Improvement for said county of Lawrence; provided, nevertheless, that a majority of either of the said Boards shall constitute a quorum for the transaction of any or all the business therein, and pro-

F. W. HULING.

BURCHET DOUGLASS.

Speaker of the Senate.

CHAPTER CX.

county.

F. W. HULING

BURCHET DOUGLASS.

Speaker of the Senate.

CHAPTER CXI.

Stafford and Lincoln counties.

Reorganization
of School
districts.

Sec. 2. Be it enacted, That the Board of Commissioners for each respective school district, shall have the power, and it is hereby made their duty, when the in-

F. K. FULING.

HURCHET DOUGLASS

Speaker of the Senate.

CHAPTER CXII.

State.

Regiment est-
ablished.

Thirtieth and Thirty-fourth
and Fifty-first Regiments.

Ninety-ninth
Regiment.

F. W. HULING.

BURCHET DOUGLASS.

Speaker of the Senate.

CHAPTER CXIII.

A Shells in 31" Section Core

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Madison—a majority of the sitting justices sitting present—at least two, or any subsequent term of said county court, shall be, and hereby is authorized to agree with some individual

person or persons, to erect suitable buildings at, and upon some corner of the public square in said town; Clerk's and Register's offices, which buildings, when erected, shall be at the disposition of said county court, to rent out to the best advantage; the proceeds of which, after defraying all necessary expenses, shall be by said court applied to the use of repairing and keeping in repair, the court house in said town; and said court may, at their discretion, remove the stocks from the public square, to any suitable place in said town.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832.

Speaker of the Senate.

CHAPTER CXIV.

An Act to extend certain powers to the school commissioners therein named.

Be it enacted by the General Assembly of the State of Tennessee, That the school commissioners and trustees of the second township in the second range East of the Meridian in the Hiwassee District, in the county of Monroe and their successors in office, shall hereafter apply one half of the proceeds of the school section of said township, in equal portions to the support of two schools now organized by said commissioners or trustees in the north east quarter of said township.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1831.

Speaker of the Senate.

CHAPTER CXV.

An Act for the relief of Christopher Strong.

Be it enacted by the General Assembly of the State of Tennessee, That the Surveyor of the 11th district in the State of Tennessee, be authorized and required to resurvey for Christopher Strong, entry No. 574, for 640 acres, made in his office on the 18th May 1821, which adjoins Hays and Green's west boundary line, and which by mistake calls to begin at the north east corner of entry No. 581 for 5000 acres in the name of Jesse Leach,

and that in making such resurvey, he begin on the north boundary line of said Leach where Hays and Green's west boundary touches the same, and then run according to the calls of said entry, and that upon a plat and certificate thereof, being returned to the office of the Register of land claims for the Western District, it shall be his duty to correct and amend the grant of said Christopher Strong, which issued to him on the 22d July 1820, No. 24066 for 640 acres upon a survey made by virtue of the aforesaid entry, which grant shall be so corrected as to correspond with such resurvey, and which when so corrected and amended, shall vest the title in said Strong his heirs &c. accordingly; provided, such resurvey and amendment shall not cause the same to interfere with any other previous claim to said land by occupancy, entry or grant, if any there be; and provided, such fees shall be paid for such re-survey and amendment, as were originally paid for the survey and grant.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXVI.

An Act for the benefit of Joseph Daniel, of Hardin county.

Whereas, Pompey Daniel, a free man of color, of Hardin county, has purchased his son Joseph, and being desirous that his said son Joseph may be emancipated, at the death of him, the said Pompey, therefore,

Be it enacted by the General Assembly of the State of Tennessee, That the aforesaid Joseph, shall, at the death of said Pompey, enjoy all the liberties of other free people of color in this State, and shall be known by the name of Joseph Daniel; provided, however, that the said Joseph shall give bond and security for his good behaviour, and that he shall not become a county charge to any county in this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXVII.

An Act for the benefit of Wilson Coats.

Be it enacted by the General Assembly of the State of Tennessee, That the said Wilson Coats, on the sentence pronounced against him in Haywood circuit court, for murder, being affirmed in the supreme court, shall be entitled to all the benefits of an act passed Dec. 20th, 1831, amending an act, entitled an act to amend the penal laws of the State of Tennessee, in as full and ample a manner as if the record had shown that said Coats was guilty of murder in the second degree, only, as defined and specified in the Penitentiary Code of this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832,

Speaker of the Senate.

CHAPTER CXVIII.

An Act for the relief of James Overton.

Be it enacted by the General Assembly of the State of Tennessee, That it shall and may be lawful for the Secretary of State to receive on file for adjudication a grant No. 2592 issued to Tilmon Dixon assignee of the heirs of Isham Corvin for 640 acres of land in Sumner county, dated 4th July 1796, and if it shall appear that said grant regularly issued, and that a part of said land has been legally recovered from the assignee or assignees or distributees of said Dixon, and that said Dixon and his assignee or assignees or distributees have been long in possession and enjoyment of said land, then said Secretary of State shall be, and he is hereby authorized to issue to the person or persons, who may be entitled to a duplicate warrant for so much of said grant as may have been recovered by virtue of the older and better claim, notwithstanding it may appear that a warrant by the same number may have issued to the heirs of Isham Corvin, provided, however, that it shall also appear that no grant has ever issued upon the last mentioned warrant to said Isham Corvin's heirs or their assignee or assignees.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXIX.

An Act to divorce Martha A. S. Clay from her husband Sam'l. Clay

Sec. 1. Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony which have united Martha A. S. Clay to Samuel Clay of Rutherford county, be and the same are hereby dissolved. Divorce granted.

Sec. 2. Be it enacted, That Martha A. S. Clay shall hereafter be known by her maiden name of Martha A. S. Edwards, and be entitled to all the rights and privileges of a feme sole. Name changed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXX.

An Act for the benefit of John and Linsey Pinchem, persons of color.

Be it enacted by the General Assembly of the State of Tennessee, That the county court of Smith county, be and is hereby authorized to emancipate John and Linsey Pinchem, formerly the slaves of Elley Rison, under the rules and regulations of the law as it existed, prior to the passage of the act of 1831, any law to the contrary notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed, Oct. 22, 1832.

Speaker of the Senate.

CHAPTER CXXI.

An Act for the relief of Thomas Hoard, guardian of the heirs of Stanis Hoard dec'd.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee pay out of any moneys in the Treasury not otherwise appropriated, to Thomas Hoard, guardian of the heirs of Stanis Hoard, dec'd, upon his producing a certified copy of the same, the cost of suit in a cause lately determined in the Supreme Court of the State of Tennessee

at Knoxville, wherein the guardian of said heirs and others were plaintiffs in error, and Mose Payne's lessor to as defendant, upon his producing the clerk's receipt for the amount of said costs.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed Oct. 19, 1832.

Speaker of the Senate.

CHAPTER CXXII.

An Act for the benefit of John Travis and William Harper.

May enter 200 acres of vacant land.
SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That it shall be lawful for John Travis of the county of Carroll, to have surveyed and laid down on the general plan of the twelfth Surveyor's district, two hundred acres of vacant and unappropriated land, unfit for cultivation, including a mill by him erected on Big Sandy River, near the mouth of Martin's creek, and shall enjoy all the privileges and immunities of an occupant in securing the same; *Provided,* he shall in no wise interfere with any bona fide resident occupant, without his, her or their consent in writing—and provided further, that the said Travis shall make it appear to the satisfaction of the said Surveyor that he has erected a mill on the land thus set apart for his benefit.

Further privilege
SEC. 2. *Be it enacted,* That it shall and may be lawful for the said John Travis, to have surveyed and laid down on the said general plan, any quantity of land not exceeding two thousand acres, including Iron ore, and unfit for cultivation, for the purpose of erecting thereon Iron works—*Provided,* he does not in any way, interfere with any bona fide resident occupant, without his, her or their consent in writing, and provided further, that he shall commence said Iron works within two years and complete the same within five years, from and after the passage of this act.

Restriction.
SEC. 3. *Be it enacted,* That it shall not be lawful for said Travis, to run his lines or make his entry or entries so as to interfere with any preference heretofore granted for Iron works or mills.

William Harper.
SEC. 4. *Be it enacted,* That William Harper shall have permission to have surveyed and laid down on the general plan of the 7th, 8th or 9th districts, two thousand acres of vacant and unappropriated land, unfit for cultivation,

vation, in one or more entries, for the purpose of erecting Iron works, under the same rules, regulations and restrictions as provided in the second and third sections of this act—*Provided,* said works be ended in three years from the passage of this act.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed Oct. 22d, 1832.

Speaker of the Senate.

CHAPTER CXXIII.

An Act appointing a Common School Agent for Stewart County.

Be it enacted by the General Assembly of the State of Tennessee, That it may be lawful for the county court of Stewart county at any term thereof, to proceed to organize common schools in said county, in the manner directed by the act of 1829, chap. 107; and the Commissioners, Trustees and all other officers required by the said act, and all necessary proceedings for the organization of common schools in said county, may be completed and performed at any time, any thing to the contrary in said act notwithstanding.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXIV.

An Act for the benefit of Benjamin Drane.

May make void of Tennessee, That Benjamin Drane of the county of Washington, shall have the privilege of making void an entry for twenty-four acres, in the sixth Surveyor's district, founded on part of warrant No. 1,442, originally issued to John Warren for two hundred acres, and a duplicate of which was issued by Commissioner Reane, the 27th August, 1807.

To lay warrant before the Secretary.
SEC. 2. *Be it enacted,* That it shall be the duty of said Drane, to lay said warrant for twenty-four acres before the Secretary of State for adjudication, and if the same is valid, and has never been elsewhere satisfied, upon the certificate of the Secretary of State, as Commis-

sioner, the said Drane shall have leave to enter the same on any vacant and unappropriated land lying south and west of the Congressional reservation line, and obtain a grant therefor.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXV.

An Act for the relief of Samuel M'Connell.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of East Tennessee suspend the collection of the balance of a judgment that he recovered against Samuel M'Connell, and the securities of said Samuel, until the rise of the next session of the General Assembly of this State; provided, the securities of the said Samuel M'Connell shall agree thereto in writing, executed to the said Treasurer; and provided further, that this act shall not be so considered as to release the securities from any liability to pay the same, either of principal or interest.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXVI.

An Act for the benefit of John Cooney.

Be it enacted by the General Assembly of the State of Tennessee, That the Treasurer of the Western District for this State shall pay to John Cooney thirty-three dollars and thirty cents, and the receipt of said John Cooney shall be a good voucher for said Treasurer in his settlement.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXVII.

An Act to alter the time of holding Regimental Musters in the Eighth Brigade of Tennessee Militia.

Be it enacted by the General Assembly of the State of Tennessee, That the regimental musters in the eighth brigade of Tennessee militia, shall hereafter be held at the times hereinafter named, to wit: the twenty-ninth regiment on the second Thursday in October; and the fifty-fifth regiment on the Friday following. The thirty-second regiment shall muster on the third Thursday in October; and the one hundred and thirteenth regiment on the Friday following; and the fifty-sixth regiment on Saturday the next day in each and every year.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXVIII.

An Act to repeal an Act passed Nov. 2, 1827, to authorize James W. Wyly to sell certain real estate.

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,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXIX.

An Act directory to the Register of the Western District.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of the Western District issue to the President and Trustees of the University of North Carolina a grant for nine hundred and forty acres, founded on entry No. 58, by virtue of military warrant No. 431, for 1000 acres; also a grant for sixty acres founded on entry 1070, by virtue of said warrant; both said entries were made in the thirteenth surveyor's district; provided, it is made to appear to said Register that said

warrant is lost or mislaid, and that it has endorsed on the face thereof, appropriated in my office and signed by the principal surveyor of said district.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXX.

An Act to extend the chartered limits of the corporation of the town of Gallatin in the county of Sumner.

Limits extended. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That the chartered limits of the town, of Gallatin be and they hereby are enlarged and extended so as to include all of the original plat of said town the plat of east Gallatin and the plat of south Gallatin, and so much of the commons of said town on the west as lie between the town plat and the creek.

Lots in the extended limits. SEC. 2. *Be it enacted,* That all the lots of ground lying within the extended limits of said town of Gallatin, and all persons residing thereon; be and they hereby are declared to be included within the boundaries of said town with all the privileges and capacities, and subject to the same rules, regulations and restrictions as other lots, and holders of lots in said town enjoy, and are subject to in all respects whatever.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXXI.

An Act for the benefit of Ellen Hilyer.

Be it enacted by the General Assembly of the State of Tennessee, That Ellen Hilyer a free woman of color of the county of Dyer, be, and she is hereby authorized to purchase her husband Jacob, a slave, and receive title therefor, and that after such purchase as aforesaid, she is hereby authorized and empowered to emancipate said slave, and after such emancipation, he shall be under the same rules and restrictions of other free persons of color

now in this State; provided, however, said Ellen Hilyer shall before or at the time of such emancipation, enter into bond and sufficient security to the chairman of the county court of Dyer county, that said Jacob demean himself peaceably, and that he does not become a charge or expense to the State or county during his continuance therein, or to any other county in this State.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 22, 1832.

Speaker of the Senate.

CHAPTER CXXXII.

An Act to amend the acts heretofore passed in relation to the Gallatin and White's creek turnpike roads.

Commissioners appointed for the White's Creek road. SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee,* That Samuel Wright, Andrew Hynes, Wm. B. Ewing, Wm. F. White, Isaac Earlhman, Samuel Shannon, Thomas Crutcher, James McGavock and John Shelby, or a majority of them, be and they are hereby appointed commissioners to survey, locate and establish permanently the route of the White's creek turnpike road, commencing at the Nashville bridge and extending thereon the distance of ten miles, or to the top of the hill at Shannon's; that the said commissioners before named, be authorized to receive subscriptions to the capital stock of said company, and that they also act as directors, until the regular election appointed by this act.

Letting out the road. SEC. 2. *Be it enacted,* That whenever the sum of ten thousand dollars is subscribed, the commissioners aforesaid are authorized to commence and let out on contract, any portion of the first five miles, or to the point where the turnpike road will intersect the old road near Yarbrough's, which they may think proper, which first five miles are to be commenced on or before the first day of April next, and completed in five years thereafter; and the next five miles, or so far as to reach the top of the ridge at or near Shannon's, are to be commenced on or before five years, and to be completed in ten years, or sooner if practicable.

Election of Directors. SEC. 3. *Be it enacted,* That the White's creek turnpike company shall have existence for ninety-nine years, and succession; and that there shall be an election for seven directors on the first Monday in April in each and every year, or as soon thereafter as practicable to serve

for one year, and that said directors shall choose one of their own body for president.

Sec. 4. Be it enacted, That so soon as the first five miles are done and completed according to the act of incorporation, then the said company may erect and establish a gate and collect tolls thereat, at any point or place not within one mile of the Nashville bridge, and not exceeding five miles, but nothing in this act or in the act which this intended to amend, shall be so construed as to authorize the erection of more than one gate within five miles of the Nashville bridge, and if it shall be more than five miles from said bridge to the point where said turnpike shall intersect the old road, at or near Yarbrough's, then said company may collect a toll in proportion to the distance, less than five miles, provided that nothing in this act shall be so construed as to authorize the county court of Davidson county, to discontinue any part of the old road, called the White's creek road.

Subscription
of stock by cor-
porations.

Sec. 5. Be it enacted, That authority is given to the corporation of the town of Nashville, to the county court of Davidson county, and to the Nashville Bridge Company, to subscribe respectively any amount of stock they may think proper, not exceeding the sum of five thousand dollars, to each of the following turnpike companies, to wit: to the Western turnpike company commencing at Nashville, and extending on the Western District road; to the road commencing at the Nashville Bridge, leading to White's creek, called the White's creek turnpike road, and to the Nashville and Gallatin turnpike road, agreeable to the same rules as are prescribed in the act creating and amending the Murfreesboro' turnpike road, for which subscriptions they may be entitled to receive and enjoy all the rights, profits and privileges as other subscribers to the stock in said companies.

Commission-
ers for the Gal-
latin road.

Sec. 6. Be it enacted, That Robert Weakley, John M'Gavock, Nicholas Hobson, George Stull, Thomas Martin, William Williams, Josiah F. Williams, James Love and Edmund Goodrich, or a majority of them, be and they are hereby appointed commissioners to survey, locate and establish permanently the route for the Nashville and Gallatin turnpike road, in pursuance of an act entitled an act to amend an act to incorporate the Gallatin turnpike company, passed Nov. 23, 1831, commencing the location at the Nashville bridge, and extending thereon, towards Lexington and Gallatin as far as the forks of the road beyond Morgan's, and the said commissioners are authorized to receive and obtain subscriptions to the capital stock of said company; and also to act as directors until the first Monday in April next, when an elec-

tion shall be holden for nine directors in said company, and in every subsequent year, an election shall take place on that day for directors aforesaid.

Sec. 7. Be it enacted, That every clause and section of the acts of which this is amendatory, shall remain in full force and virtue, except the same shall conflict with or is inconsistent with these amendments.

Former acts.

Sec. 8. Be it enacted, That a turnpike road and bridges are hereby established on the most direct and eligible route from Covington and Randolph to Memphis, over Big creek, Loosahutchee and Wolf rivers, crossing Big creek at the most suitable place at or near the intersection of the present roads leading from Randolph and Covington to Memphis, Loosahutchee at the most suitable place at or near the crossing of the old road from Memphis to Big creek settlement, and Wolf river at or near the place long known as the Horsford; which road and bridges shall be constructed in such a way and manner, that the road through the low grounds of the several streams aforesaid, shall be at least thirty feet wide, and elevated above the level of high water mark, and the bridges sufficiently high not to interfere with the free and ordinary navigation of the said streams.

Turnpike from
Covington to
Memphis.

Sec. 9. Be it enacted, That Andrew Rembert, John Ralston, John D. Graham, James Rembert and Joseph Brooks, are hereby appointed commissioners, a majority of whom shall have authority to survey and locate the said turnpike road and bridges according to the intention and design set forth in the 8th section of this act, to determine upon the materials and the particular construction of the embankments upon which the said turnpike road shall run through the low grounds of the streams aforesaid, and over the whole intermediate space and between the bridges aforesaid.

Commissioners
appointed.

Sec. 10. Be it further enacted, That when the said commissioners have located and surveyed the said road and bridges and determined the plan of construction, they shall after publication thereof, at least thirty days in some paper published in the town of Memphis, proceed to let the same out to any proprietor or proprietors who will undertake the same for the least number of years, and for the rate of tolls hereinafter specified, and they shall take bond and good security in a sum not less than five thousand dollars, that the said bridges and embankments shall be completed, according to the plan furnished by said commissioners in a term not exceeding two years from the period of letting out the said work, which bond shall be made payable to said commissioners or their successors in office, and lodged in the county court clerk's office for safe keeping; and if said under-

Letting out the
contract &c.

takers should fail to complete the bridges and embankments according to contract, the said bond shall be put in suit at the discretion of said commissioners.

Rate of toll.

SEC. 11. *Be it further enacted*, That whenever either of the said bridges and embankments shall be completed and received by the commissioners, said proprietor or proprietors shall be allowed to collect and receive at such bridge half the amount of tolls allowed to be collected and received at the bridge at Jackson on the Forked Deer river.

Penalty for suffering bridge to get out of repair.

SEC. 12. *Be it further enacted*, That if said proprietor or proprietors fail at any time for one month together to keep said bridges and embankments in order, that said commissioners shall have full power and authority to throw open all or any of the gates and prohibit the collection of tolls, until such repairs are made.

Citizens of Shelby exempted from paying toll in certain cases.

SEC. 13. *Be it further enacted*, That the citizens of Shelby county shall not be subject to the payment of tolls prescribed by this act on muster, court or election days.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed October 22, 1832.

CHAPTER CXXXIV.

An Act to change the name of Harrisburgh, in the county of Haywood.

Be it enacted by the General Assembly of the State of Tennessee, That the town of Harrisburgh heretofore established on the lands of Daniel Cherry, in Haywood county, be hereafter known and distinguished as the town of Cherryville.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed Oct. 22, 1832.

CHAPTER CXXXV.

An Act for the relief of John Rymall.

Be it enacted by the General Assembly of the State of Tennessee, That the Register of East Tennessee at Knoxville, shall be and he is hereby authorized and required to issue a grant to John Rymall of Greene county, for

sixteen and three fourth acres of land, situate in the county aforesaid, on the south side of Nolichucky river on the waters of Horse creek, as surveyed by John Nelson, Jr. D. S. July 23, 1814, for said John Rymall by virtue of an entry in the Surveyor's office of the sixth district No. 1833 for eighteen acres of land, bearing date February 1st 1814, which entry was founded on a certificate issued by Archibald Roane commissioner for East Tennessee of No. 80, dated November 20th 1810; *Provided*, the said John Rymall shall by his own affidavit or the deposition or depositions of a witness or witnesses taken before any magistrate in this state, accompanied with the certificate of the clerk of the county court of the county in which the same may be taken that the person taking the same is a justice of the peace, prove satisfactorily to the said Register, that the said John Rymall purchased the said certificate warrant of Joseph Bird, and that the assignment of the same, either was not given to him, or if so, that it has been lost or mislaid.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed Oct. 22, 1832.

CHAPTER CXXXVI.

An Act authorizing Arthur Hays to emancipate a certain slave and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the county court of Davidson county, nine of the acting justices of the peace being present, shall be and they are hereby authorized to emancipate a certain negro woman slave named Mender, late the property of Sarah Hays. *Provided*, that the said justices shall approve the same, and provided that the said Arthur Hays shall give sufficient security for the good behaviour of said slave Mender, and further, that she shall not become chargeable to the said county, or any other county in this state.

Authority granted.

SEC. 2. *Be it enacted*, That Thomas Rockhold of Sullivan county, be permitted to emancipate his negro slave Emily, and her two children, Thomas and William, under the same rules and regulations as if the act of 1831, ch. 102, had never been passed.

Thomas Rockhold.

SEC. 3. *Be it enacted*, That Thomas Rockhold be permitted to emancipate all the other slaves he now owns

Further authority.

and possesses, under the regulations prescribed in the foregoing section.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Speaker of the Senate.

Passed Oct. 22, 1832.

CHAPTER CXXXVII.

An Act to amend an Act, entitled an Act to provide for the permanent establishment of the seat of justice in Overton county, passed the 5th Dec. 1831.

Sec. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the sheriff and his deputies of the county of Overton, be, and they are hereby authorized and required to open and hold an election at the court house in the town of Monroe, at Livingston, at William Holman's, who lives on Obed's river, and at the widow Holdford's on Spring Creek, on the first Thursday and Friday in July 1833, under the same rules, regulations and restrictions, as he is bound by law to hold other elections, for Members of the General Assembly and Governor, &c.; and all persons authorized by law to vote for the above officers, shall be entitled to vote at said election; provided, that no person shall be allowed to vote at said election, who has not been a citizen of said county for six months next preceding the election. And the said sheriff and his deputies, as the case may be, shall put Monroe and Livingston in nomination on the day of the election, and the free electors of Overton county shall vote for the places so nominated; and at four o'clock P. M. on the second day of the election, it shall be the duty of the sheriff or his deputies, as the case may be, to close the polls and proceed to count out the votes given in at each precinct, which votes, when so counted out, shall be certified under seal by the officer holding the election, and countersigned by the judges of the election; and the officers holding the election under this act, shall meet at the court house in the town of Monroe, on the Saturday immediately following the two days of election, and there compare the votes given in at Monroe, at Livingston, Holman's, and at the widow Holdford's, in the same manner as provided for in other elections, and if a majority should be in favor of moving the seat of justice to Livingston, 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,

Sheriff to hold an election—provisions for establishing the seat of justice.

the county court of Overton county, at their first session after said election—a majority of the justices of the peace being present—to appoint seven Commissioners of said county, which Commissioners when so appointed, shall take the same oath, give the same bond, perform the same duties in all respects, and be subject to the same liabilities, and receive the same pay as prescribed for Commissioners in the 8th, 10th, 11th, 12th, 13th, 14th, 15th and 20th sections of the act which this is intended to amend.

Sec. 2. *Be it enacted*, That the 16th, 17th and 21st sections of the before recited act, be, and the same are hereby considered, deemed and made a part of this act, and that so much of said act as requires the county court of Overton county to appoint Commissioners at their first court after the election held in August 1832, be, and the same is hereby repealed; and that said election held in August as aforesaid, is hereby deemed and considered as of no effect.

Former election null and void.

Sec. 3. *Be it enacted*, That Jonathan Douglass, Enoch Murphree, Adam Gardenhire, John Mongold and Alfred C. Robertson, be, and they are hereby appointed judges of the election at Monroe; and that Allen McDonald, Joel T. Coffee, James Dennis, Patrick Pool and Thomas Fancher, be judges of the election at Livingston; and William Turner, William Spodgrass, William Hayter, Thomas Simpson and Samuel C. Mitchell, be judges of the election at Holdford's; and William Donaldson, James McMillan, James Peak, John Goodpasture and Joseph Goodbar, be judges of the election at Holman's.

Judges of election appointed!

Sec. 4. *Be it enacted*, That the sheriff or deputy holding the election at each precinct, shall appoint three competent persons at each place for clerks of said election; the judges and clerks appointed by this act, shall take the same oath that clerks and judges of elections for members of the General Assembly are required by law to take, and the officers holding the election shall administer the oath accordingly, and should any of the judges of said election, who are appointed by this act, die, or from sickness or any other cause, fail or refuse to act as judges at said election, then and in that case, it shall be the duty of the officer holding the election where such vacancy may have occurred, to appoint any person present to fill such vacancy, and the person or persons so appointed, shall take the same oath as required by this act for the other judges of the election to take.

be the respective officers

Sec. 5. *Be it enacted*, That should any deputy sheriff or any person appointed by the sheriff to hold said election at any of the precincts, fail or refuse to hold said

Penalty on officer refusing to hold said election

election as required by this act, then and in that case, the sheriff shall be subject to the same penalty as prescribed in the 21st section of the act which this is intended to amend.

Jeremiah
Whitson.

SEC. 6. *Be it enacted*, That Jeremiah Whitson, of the county of Jackson, be, and he is hereby made a citizen of the county of White, to perform the same duties, and be entitled to the same privileges as other citizens of the said county of White; provided, he continues to reside any where on the tract of land whereon he now lives.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed October 20, 1832. *Speaker of the Senate.*

CHAPTER CXXXVIII.

An Act to divorce John Clendennen from his wife Elizabeth.

Be it enacted by the General Assembly of the State of Tennessee, That the bonds of matrimony now existing between John Clendennen and his wife Elizabeth, be and the same are hereby repealed.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed Oct. 22, 1832. *Speaker of the Senate.*

CHAPTER CXXXIX.

An act to establish and incorporate the Boiling Spring Academy, in Williamson county.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That William Hadley, Ferdinand Stith, James H. Wilson, Joseph Crockett, Andrew Crockett, be and they are hereby constituted a body politic and corporate by the name of the trustees of the Williamson Boiling Spring Academy, with all the powers, immunities and liabilities, prescribed in an act to establish Academies in the several counties in this state and for the appointment of trustees thereof, passed September 13, 1806; *Provided*, that nothing in this act shall

be so construed as to entitle more than one Academy in said county to receive any portion of the Academy fund.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed Oct. 22, 1832. *Speaker of the Senate.*

CHAPTER CXL.

An Act for the relief of Mark M. Andrews and others.

Whereas on the 26th of December 1831, Mark M. Andrews and the firm of Andrews, Horton & Co. merchants, paid to the clerk of the county court of Williamson county, the sum of fifty dollars each, for two licenses to retail goods in said county, and whereas said payments were made after the passage of the act of 1831, entitled an act to equalize the tax on wholesale and retail merchants, jewelers, grocers, and auctioneers.

Be it therefore enacted by the General Assembly of the State of Tennessee, That the clerk of the county aforesaid, be and he is hereby authorized and directed to settle with the said M. M. Andrews, and the said Andrews Horton & Co. according to the provisions of the above recited act, and to refund to the said M. M. Andrews and the said Andrews, Horton & Co. the excess of the money by them paid, if any there be, which may remain in his hands upon said settlement.

F. W. HULING,

Speaker of the House of Representatives.

BURCHET DOUGLASS,

Passed Oct. 22, 1832. *Speaker of the Senate.*

CHAPTER CXL.

An Act to authorize David M'Kinney to build a bridge across Hatchie river.

SEC. 1. *Be it enacted by the General Assembly of the State of Tennessee*, That the court of pleas and quarter sessions for Hardeman county, be, and they are hereby authorized to allow by the order of court, David M'Kinney to build a bridge and cause-way across the Hatchie river, at or near where the Purdy road crosses the same; provided, said court may believe it to

Provisions made.